



Hawkesbury City Council

special meeting business paper

date of meeting: 07 December 2004

location: council chambers

time: 7.00 p.m.



mission statement

“To protect and enhance the unique, historical and environmental features of the Hawkesbury Region whilst encouraging planned development and providing services appropriate to the needs of the wider community.”

How Council Operates ...

Hawkesbury City Council fully supports and encourages the involvement and participation of local residents in issues which affect the City.

The twelve Councillors who represent Hawkesbury City Council are elected at local government elections held every four years. Voting at these elections is compulsory for residents who are aged eighteen years and over and who reside permanently in the City.

The Ordinary Meeting of Council is held on the second Tuesday of each month at 7:00pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets to consider issues in the areas of Environment, Infrastructure, Organisation & Resources and Commercial Strategy. The time of the General Purpose Committee will be advised by public notice. Both of these meetings are open to the public.

Meeting Procedure ...

The role of the General Purpose Committee Meeting is to make recommendations about issues put forward in the areas of Environment, Infrastructure, Organisation & Resources and Commercial Strategy. These recommendations are then forwarded to the Ordinary Meeting of Council, two weeks later, for adoption or final decision. The Ordinary Meeting also considers other matters of general business as appropriate.

The Mayor is Chairperson of both the Ordinary and General Purpose Committee.

Public Participation ...

Members of the public can request to speak about a matter that is before the Council for consideration at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered and speakers have a maximum five (5) minutes to present their views.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There will be a provision prior to the break in the meeting at around 9.15/9.30pm for members of the public to ask questions of Council.

A Point of Interest ...

Voting on matters for consideration is operated electronically. Councillors have in front of them both a 'Yes' and a 'No' button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian local government pioneered by Hawkesbury City Council.

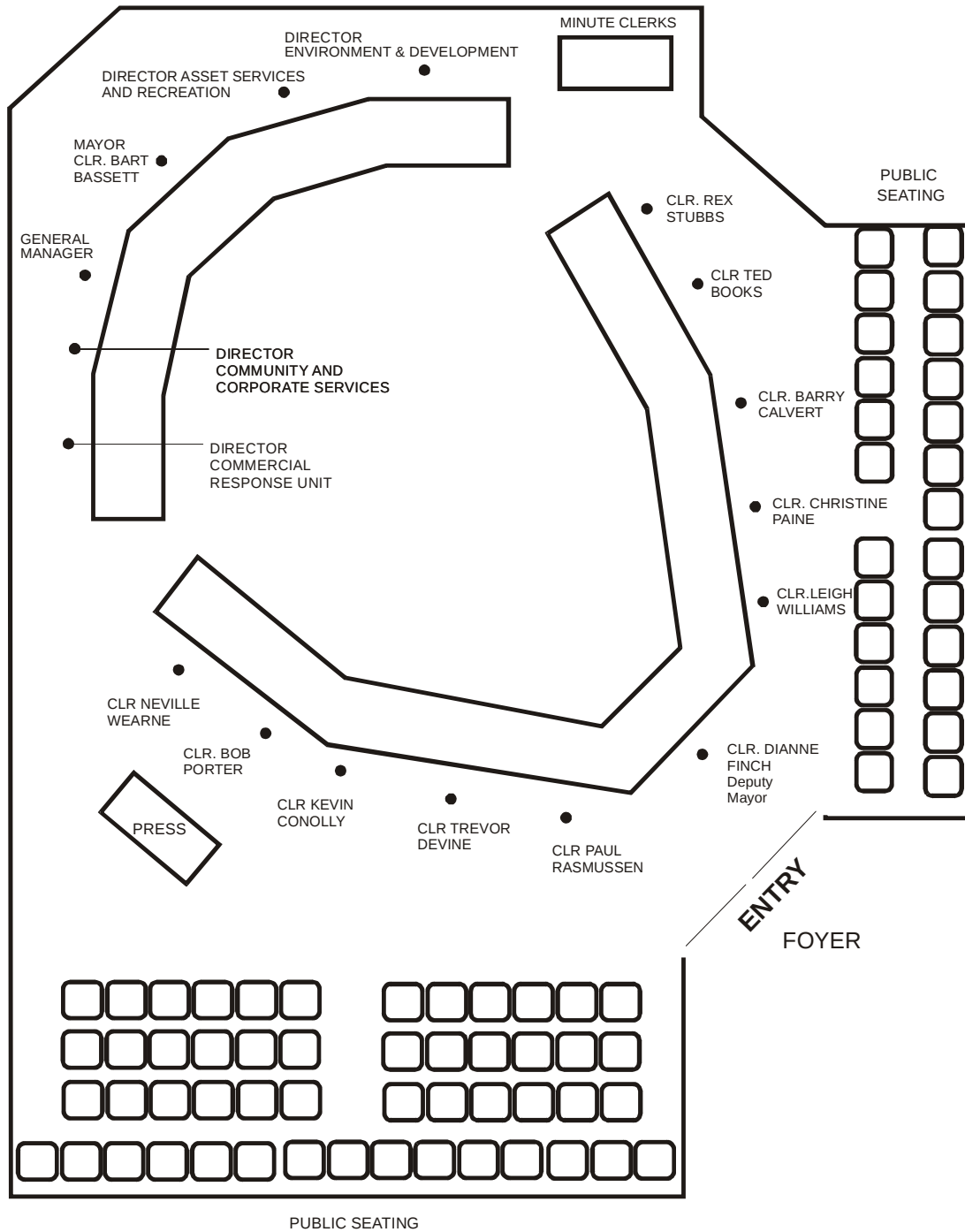
Website ...

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information ...

A guide to Council Meetings brochure is available. If you require further information about meetings of Council, please contact the Administration Manager on telephone 02 4560 4426.

council chambers



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SECTION 4 - Reports for Determination

Item: 169 **ENV B - Determination of Submissions, Pitt Town Draft Local Environmental Plan - Amendment 145 - (79347, LEP 3/03)**

Previous Item: 102, Special (13 September 2004)

REPORT:

Introduction

Council at its meeting of 13 September 2004 considered a report concerning the amendments to the draft Local Environmental Plan for Pitt Town required as a result of the Section 62 consultation with Government agencies. The report outlined the need to list additional heritage items; buffer zones around the "Bona Vista" property; deferment of the Bligh's Farm area; conservation zones and archaeological provisions.

The report also recommended that the draft Local Environmental Plan - Amendment 145 be placed on public exhibition. At this meeting Council resolved as follows:

1. *The attached map of amendment 145 to the Hawkesbury LEP 1989 be adopted for the purposes of exhibition of this draft LEP, with the minimum lot size in the Rural Housing areas set at 75% (seventy five percent) of the average lot attainable at the specified density.*
2. *Council proceed with the exhibition of the draft LEP for 60 (sixty) days commencing on 17 September 2004, with a consultation strategy based on that adopted by Council in December 2003.*
3. *The Development Control Plan and Section 94 Plan be exhibited for 35 (thirty five) days, commencing no later than 12 October 2004, or until the expiration of the period of exhibition for the draft LEP, whichever is the greater.*
4. *At the conclusion of the exhibition period a report taking into account all submissions be provided to a special meeting of Council to be held no later than 7 December 2004.*

The purpose of this report is to identify and discuss submissions received as a result of the notification and public exhibition of draft Hawkesbury Local Environmental Plan 1989-Amendment 145. The report also recommends how to proceed with the draft Local Environmental Plan.

It is noted that the draft Development Control Plan (DCP) for Pitt Town is currently on public exhibition until Monday, 13 December 2004.

Government Agency Consultation

The Pitt Town Local Environmental Study (LES) was referred to the relevant Government agencies in accordance with Section 62 of the Environmental Planning and Assessment Act 1979. The agencies provided comment on the LES as well as issues that needed to be addressed in the preparation the draft plan. The outcome of this consultation was reported to Council at its Special Meeting of 2 December 2003.

Draft Amendment 145 was subsequently prepared and again referred to the relevant Government agencies for comment. The list of agencies consulted is listed below, indicating whether a response was received and if changes are required to the draft Amendment 145 as a result.

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Authority	Response	Changes required to Amendment 145
AGL Gas Company (NSW) Ltd	No	No
Ambulance Service of NSW Sydney Division Wentworth & Western Sydney	No	No
Baulkham Hills Shire Council	No	No
Blacktown City Council	Yes	No
Blue Mountains City Council	No	No
Catholic Education Commission	No	No
Cessnock City Council	Yes	No
Deerubbin Local Aboriginal Land Council	No	No
Department of Environment and Conservation (NSW)	Yes	See comments
Department of Housing	No	No
Department of Infrastructure Planning and Natural Resources	No	No
Department of Tourism Sport and Recreation	No	No
Gosford City Council	Acknowledgement letter	No
Hawkesbury Valley Bus and Coach Service	Yes	See comments
Hornsby Shire Council	Yes	See comments
Integral Energy	No	No
Lithgow City Council	Yes	No
NSW Department of Aboriginal Affairs	No	No
NSW Department of Community Services	No	No
NSW Department of Education and Training	No	No
NSW Department of Primary Industries - Agriculture	Yes	See comments
NSW Department of Primary Industries - Fisheries	No	No
NSW Department of Primary Industries - Minerals	Yes	No
NSW Fire Brigade	No	No
NSW Heritage Office	No	No
NSW Police	No	No
NSW Rural Fire Service	No	No
NSW State Emergency Service	No	No
Penrith City Council	No	No
Rail Estate (RailCorp)	Yes	See comments
Roads and Traffic Authority	Yes	See comments
Rylstone Shire Council	No	No
Singleton Shire Council	No	No
Sydney Water	No	No
Telstra	Yes	No, DCP requirements
The Outdoor Advertising Association of Australia	No	
Transport NSW	No	No
Wentworth Area Health Service	No	No

A summary of the recommendations and requirements of the agencies that responded are listed below:

1. Department of Environment and Conservation (NSW)

The NSW Department of Environment and Conservation (DEC) notes that their submission "*does not constitute a formal objection to the draft LEP*" but provides comments to assist Council in its deliberations on the draft plan. The submission incorporates comments from the former National Parks and Wildlife

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Service and the former Environmental Protection Authority and provides matters for consideration for the draft Local Environmental Plan, DCP, Water Management Plan and development applications.

In relation to the draft plan, DEC make observations about the zoning of the vegetation conservation for residential development and the clauses for Aboriginal and non-Aboriginal heritage which conflict with the NSW Heritage Office model provisions. Other comments relate to amendments that may be required to Hawkesbury Local Environmental Plan 1989, including a change to the definition of junkyards and air, water, energy and environmental amenity objectives.

The submission suggests requirements for the DCP including landscaping (appropriate and inappropriate species), stormwater, water quality and air quality. It includes the requirements for the Water Management Plan.

At the development application stage the submission reminds Council of its responsibilities pursuant to section 5A of the Environmental Planning and Assessment Act 1979, including the direct impacts as a result of clearing natural vegetation and the indirect impacts. Further comments are made about Aboriginal heritage and contaminated land.

Comment:

There are no changes required to the draft plan as a result of this submission. The conflict between the NSW Heritage Office clauses and DEC's clauses for Aboriginal heritage are noted, this is however is a matter for these government departments to resolve. The other matters can be dealt with in the DCP and at the development application stage.

The requirements for the Water Management Plan should be referred to Connell Wagner to add to the work already undertaken. To ensure that the water management provisions are implemented it is recommended that a section be included in the DCP.

Recommendation:

That the requirements for the Water Management Plan be referred to Connell Wagner for inclusion in the DCP.

2. Hawkesbury Valley Bus and Coach Service

The Company provided the following comments:

- *The Company disagrees with the Preliminary Transportation Assessment in that poor patronage is not the result of infrequent service but rather the population is currently insufficient for high frequency bus services.*
- *The Company does not currently service Mulgrave Station due to lack of employment or services and no bus access facilities. It would consider servicing Mulgrave subject to the provision of bus turning facilities, provision for shelters and appropriate lighting, and a small shop.*
- *The Flood Evacuation Route will alleviate traffic problems currently experienced by buses along Windsor Road and will allow services to through route to Windsor Station via Mulgrave.*
- *The Company also provided a more efficient bus route through the proposed subdivision layout.*
- *Bus services do not receive any form of government subsidy and their existence is dependant on patronage. Although the proposed development boosts patronage potential, in the early stages new bus services may struggle to be viable. Consideration should be given to obtaining a form of subsidy to get services off the ground.*
- *The Company is committed to review its bus operations to cater for future residential development. It is vital that liaison is maintained between the relevant authorities and this Company to ensure the delivery of efficient transport network.*

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Comment:

Council was invited to a meeting earlier this year convened by the Roads and Traffic Authority (RTA) in relation to the upgrading of facilities at Mulgrave Station. Officers from Railcorp also attended and discussions were held about the upgrading of facilities associated with the Flood Evacuation Route. These discussions included the requirements for bus turning areas and shelters, parking areas and some commercial space. The RTA have advised that this work is still being finalised.

The comments made by Hawkesbury Valley Bus and Coach Service are noted and it is recommended that further consultation be undertaken with this Company, particularly in the preparation of the Transport Management and Accessibility Plan (TMAP).

Recommendation:

That further consultation be undertaken with the Hawkesbury Valley Bus and Coach Service through the TMAP to ensure that future development is planned to allow for bus services.

3. Hornsby Shire Council

Hornsby Shire Council raises preliminary concerns about the impact of the proposal upon the Water Quality of the Hawkesbury Nepean River including:

- *Groundwater – studies in the LES are insufficient and groundwater studies should be undertaken prior to the establishment of any new land use zonings.*
- *Water Quality – Water quality indicators for urbanisation should include biological and sediment monitoring.*
- *Water Sensitive Urban Design – concepts should be incorporated within the LEP to minimise the detrimental effects of stormwater flows generated by the impervious surfaces associated with an urban land use and to promote the benefits of stormwater as a reusable resource. Design initiatives are recommended:*
 - *Hydrological balance using natural processes of storage, infiltration and evaporation.*
 - *Environmental protection and conservation of the Hawkesbury Nepean River Riparian zones from urbanisation.*
 - *Restoration and enhancement of urban streams and riparian zone of the Hawkesbury River.*
 - *Increase the diversity of natural habitats with the suburban landscape and environment.*
- *Concern was also raised with regard to the consistency of the proposal with regional strategies, including the Hawkesbury Nepean Catchment Blueprint and the Healthy River Commission findings.*

Comment:

Hornsby Shire Council has been consulted now on 3 (three) occasions in the process of investigating land at Pitt Town, including at the LES and Section 62 consultation stage. This has been the only comprehensive response and questions the water quality matters in the Local Environmental Study. The issues raised should be addressed in the Water Management Plan.

Recommendation:

That the matters raised by Hornsby Shire Council be addressed in the Water Management Plan.

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4. NSW Department of Primary Industries – NSW Agriculture

NSW Agriculture is now a Branch of the NSW Department of Primary Industries and have provided the following comments.

"I appreciate the need to provide residential housing in the Sydney Basin. The NSW Department of Primary Industries (NSW DPI) is providing advice to DIPNR through the Metropolitan Strategy planning process. NSW DPI aims, through this advice, to facilitate urban development solutions while at the same time providing certainty for future agricultural, mineral and fisheries investors.

The Hawkesbury City Council proposal, although deemed local development by DIPNR, will have implications for the sound planning and servicing of urban releases in the North West Sector. The Pitt Town location, in particular the Pitt Town Bottoms, has a predominantly agricultural focus. The proposed design for residential zones will remove an agricultural and sand resource and will increase settlement within one kilometre of intensive agricultural operations.

Although the draft LEP 3/03 has attempted to provide a settlement pattern that maintains the rural character, the plan proposed is not a sensible use of scarce agricultural and sand resources; nor is it consistent with the Metropolitan Strategy Discussion Paper, which focuses 'greenfield development on specific growth centres.

I do not support the current zoning in draft LEP 3/03. The proposed residential zones should maximise lot yields on the premise that housing development pressure on other agricultural land in the Hawkesbury is minimised by providing future residential capacity. Retaining some large allotments with access to water resources for agriculture through clustering housing may provide a more balanced outcome, one that would enable appropriate buffers to be maintained between residential dwellings and agricultural land."

Comment:

The comments are noted. Whilst this submission refers to sand resources, it is at odds with the Mineral Resources submission that makes no mention of sand resources.

The recently exhibited Metropolitan Strategy Discussion Paper does not address development outside the proposed growth centres. It is unclear if the completed Metropolitan Strategy will only allow for any further residential development in Sydney to be contained to just seven growth centres.

Recommendation:

No amendments to the draft plan as result of this submission.

5. NSW Department of Primary Industries – Mineral Resources

Mineral Resources raised no objection to the draft plan.

Comment:

Nil

Recommendation:

No amendments to the draft plan as result of this submission.

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6. RailCorp

RailCorp incorporates the former Rail Estate and the following comments have been provided:

- *accessibility of the Pitt Town area by public transport. It is however noted that the LES recommends that there be an improvement in local infrastructure, both at Pitt Town and Mulgrave Station, in order to accommodate the increase in commuter traffic. RailCorp requests that this recommendation be followed at all stages of the planning of the Pitt Town release area.*
- *potential costs associated with any improvement in infrastructure around Mulgrave Station. RailCorp recommends that Council investigate potential developer contributions to help meet the costs of sustaining an adequate level of public transport service provision at Pitt Town.*

Comment:

Comments have been made above in relation to the public transport facilities at Mulgrave Railway Station. Ultimately the responsibility, including the timing of the construction of these facilities is with the State Government (RTA and RailCorp). Council can only ensure in the draft LEP that satisfactory provisions have been made.

Clause 18 of Hawkesbury Local Environmental Plan 1989 currently requires that adequate provision has been made for water, sewerage, drainage and electricity services. This clause would apply to any future development in Pitt Town and could be expanded to cover the satisfactory arrangements for public transport facilities at Mulgrave.

Recommendation:

That draft Amendment 145 be altered to change Clause 18 of Hawkesbury Local Environmental Plan 1989 to ensure that satisfactory arrangements are made for public transport facilities at Mulgrave Railway Station.

7. Roads and Traffic Authority

"The RTA has reviewed the draft LEP and supporting documents, and objects to the draft LEP in its current format, as detailed transport and traffic impact assessment has not been carried out.

It is noted that the Preliminary Transport Assessment (PTA) carried out in 2003 as part of the Local Environmental Study (LES) was not detailed enough to show the traffic impacts of the proposed development on the individual state road network and key intersections in the local area.

In addition, the PTA has recommended that a detailed Transport and Traffic Study should be carried out and in this regard RTA requests that, prior to adopting the LEP, Council should require such a study to be carried out. The study should assess the specific traffic impacts of the proposed development and identify required improvements and associated funding in the form of a Traffic Management and Accessibility Plan (TMAP).

The issues to be addressed in the TMAP includes the following:

Pitt Town Bypass

Eldon Road, Chatham Street and Bathurst Street together form a "hair-pin" bend in their current alignment. With the estimated additional daily traffic volume of about 6,700 due to the proposed development, the current alignment is likely to raise serious road safety concerns.

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The RTA would like the study to assess the road safety implications of this alignment and make recommendations on required improvements including the town bypass option.

Shoulders, alignment, pavement condition, street lighting etc

The study should assess the shoulders, alignment, pavement and street lighting conditions of the State and Regional roads in the study area including Cattai Road, Eldon Street, Chatham Street, Bathurst Street and Pitt Town Road with the view to upgrading them to RTA standards for urban conditions.

Localised widening at key intersections

As acknowledged in the Preliminary Transportation Assessment, the RTA believes that a detailed analysis of key intersections in the area is required.

The study will need to assess in detail the required improvements including localised widening at key intersections in the area including Pitt Town Road / Windsor Road, Bathurst Street / Chatham Street, Cattai Road / Mitchell Road, Pitt Town Road / Saunders Road and Windsor Road / Mulgrave Road and recommend any improvements required. It should also identify funding sources for implementing the required improvements.

Road safety issues

Cattai / Pitt Town Road is a principal haulage route for the Maroota Sand Quarries, an important building product source with strategic significance. The RTA is concerned that there could be a potential conflict between the heavy trucks movement on the road and the residential traffic to be generated by the proposed development. This could make it imperative that direct vehicular access from the development onto Cattai Road be minimised, or even be prohibited. In this regard, the RTA is opposed to the proposed new access road to Cattai Road north of Mitchell Road.

The study needs to assess this potential conflict and recommend mitigating measures.

Provision of Public Transport Services

As Pitt Town is in a rural type environment the TMAP should also consider innovative ways to encourage the use of alternatives transport such as car-pooling, demand responsive bus services (as discussed in the Unsworth Report).

Mulgrave Station is the nearest rail station to Pitt Town (approximately 6km) but buses currently do not serve the station in part due to lack of interchange facilities. The TMAP should review the passenger demand for access to Mulgrave and the benefits of providing bus services and bus interchange and/or a park and ride facilities at Mulgrave Station.

In addition, the provision of walking and cycling facilities should be considered.

Consideration of the need for noise attenuation measures

Council needs to assess the likely noise impact on and from developments and ensure that future developments are provided with appropriate noise attenuation measures. In this regards it is recommended that the following clause is included in the LEP

Noise Attenuation Clause-

- a) *A noise and vibration assessment must be undertaken for any proposed residential development located within 100m of a classified State Highway or Main Road, transitway or rail corridor and in areas that are significantly affected by road and rail noise and vibration. Council shall not consent to development in areas that are significantly effected by noise and vibration unless it is satisfied that appropriate measures to minimise this impact have been included.*

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b) *Development that is located adjacent to a classified State Highway or Main Road or other uses that emit high levels of noise should, in accordance with the EPA criteria (The Environmental Criteria for Road Traffic Noise, (May 1999):*

- *locate noise sensitive uses (i.e. bedrooms) away from the noise source; and*
- *be protected by appropriate noise shielding or attenuation techniques as part of the design and construction of the building"*

Comment:

Preparation of a Transport Management Accessibility Plan

There is no consistency in the advice given as to what a TMAP should address and it is recommended that prior to the completion of the TMAP, further consultation be undertaken with the RTA to determine the precise requirements.

Pitt Town Bypass

This issue was discussed in detail with the Roads and Traffic Authority in the preparation of the Preliminary Transport Assessment undertaken by Christopher Stapleton Consulting in November 2003. The RTA advised previously that the by-pass is not on the current 5 (five) year program and there have been no requests to investigate this route. Further, there is no existing demand and the additional traffic generated at Pitt Town would not require this by-pass.

Shoulders, alignment, pavement condition, street lighting etc.

These comments are noted and this work should be undertaken by Connell Wagner as part of the DCP finalisation.

Localised widening at key intersections

This work has now been carried out by Connell Wagner as part of the Development Control Plan and should be referred to the RTA for comment.

Road safety issues

This matter is addressed with the proposed intersection improvements prepared by Connell Wagner and should be referred to the RTA for comment. The comments to minimise or prohibit access to Cattai Road are noted. Stapleton Consulting have noted that traffic flows are low and site distances adequate in this locality and this may not be a significant issue. However, the Development Control Plan contains provisions for the prohibition and these could be included in the draft LEP.

Provision of Public Transport Services

There is currently no fixed agreement between the RTA and RailCorp about the provision of services at Mulgrave. Design work has commenced for the provision of bus and parking facilities but has not been finalised by the RTA.

The Preliminary Transport Assessment notes that all possible steps should be taken to reduce car dependency, but it is obvious that a majority of trips will continue to be made by private vehicles. The regional changes that will provide much of the impetus for improving public transport – and specifically the upgrades to Windsor Road and the implementation of the Flood Evacuation Route – will simultaneously improve travel times for motorists. These trips can also be provided for in a neat and efficient manner with very few additional changes likely to be required in the local network.

Consideration of the need for noise attenuation measures

Development Applications are currently required to address this criteria regardless of its inclusion in Hawkesbury Local Environmental Plan 1989. However, a clause could be included in draft Amendment 145.

The RTA requires the completion of a TMAP prior to the Section 68 stage of the draft plan. Christopher Stapleton Consulting recommended that pursuant to the Draft Interim Guidelines on Transport & Accessibility Management Plans provided by the Department of Transport, the TMAP should examine the issues outlined below:

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- Traffic, including traffic impacts at key intersections and determination of existing and future traffic flows along all key internal and external routes
- Parking demands for key local facilities and the Town Centre
- Public transport services and routes
- Walking and cycling routes and links to the regional network

Recommendation:

1. Christopher Stapleton Consulting be requested to prepare the TMAP following consultation and agreement by the RTA as to its precise contents.
2. Draft Amendment 145 be amended to prohibit vehicular access to Cattai Road and to include the assessment of noise attenuation measures with any development application for the area.

8. Telstra (CountryWide)

A review of the local exchange concluded that access will be required to the proposed water or sewerage supply trench to provide additional optical fibre capacity to satisfy the increased demand generated by the new development. Telstra would also like to reserve approximately 6 (six) square metres of land preferably situated away from the main road to house "CMUX" equipment should it be required in the near future. An ideal location would be close to the centre of the development perhaps within a local park or public grounds.

Comment:

The comments are noted and an appropriate location may be at the proposed site of the community centre or the park adjacent to "Bona Vista".

Recommendation:

1. No amendments to the draft plan as result of this submission.
2. Provision be made for the Telstra equipment at the proposed community centre site or the park adjacent to "Bona Vista" within the DCP.

Groups and Organisations

Several groups and organisations were also notified as identified in the Consultation Strategy and their responses are listed below:

Group/Organisation	Response
Hawkesbury Sports Council Inc.	Yes
Pitt Town Progress Association Inc	Yes
Pitt Town Landowners Group	Yes
Pitt Town Residents Group	Yes
National Trust of Australia - Hawkesbury Branch	Yes
Hawkesbury Family History Group	No
Hawkesbury Historical Society	No

A summary these submissions is provided below.

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1. Hawkesbury Sports Council

The Hawkesbury Sports Council resolved at its meeting of 12 November 2004 that "*the proposed sporting fields are unsuitable for organised active recreation purposes*". The comments on the proposal were listed as follows:

Negative:

- *Odd shape*
- *Site too small*
- *Wetlands (safety issues and takes up 245000sqm of the site)*
- *Runs downhill*
- *Stormwater basin*
- *Two mini fields only*
- *A full size soccer field should be 110 by 130 or 14300sqm*
- *A full size cricket field is 120m in diameter*
- *Adjoining neighbours (could be problems with floodlights)*
- *No apparent room for parking*
- *No apparent room for amenities*
- *No mention of irrigation*
- *Restrictions on the type of vegetation*
- *Restrictions on type of fencing permitted*
- *Restrictions on building materials/design*
- *Significant/historical windbreaks to be retained*

Positive:

The proposal with wetlands will make a nice passive recreation area especially with the community centre, residents and school adjoining.

The Sports Council also made the following general comments:

- *The DCP fails to meet its objectives.*
- *The draft Section 94 Concept Plan does not mention irrigation or floodlighting for the playing fields nor suitable amenities.*
- *It has been proven over the years that the provision by developers of separate parcels of land unsuitable for building or retention basins have been used for sport. This is no longer acceptable, as with the growth of the community comes the growth of sporting club/associations and for them to be successful and gain community support, they need to have the potential to cater for this growth by expanding in a centralised area.*
- *The benefits of complexing, are savings on infrastructure costs, ability to have multi use grounds, reduced maintenance costs, reduced vandalism costs, ability to re-arrange grounds in line with increase/decline of particular sports, reduced amounts of amenities required by providing dual access to facilities and reduced travelling costs for families.*
- *Irrespective of our personal opinion on the Pitt Town LEP, this assessment was carried out in line with our charter and regretfully cannot be supported.*

Comment:

Many of the issues raised in the submission are matters for the Pitt Town DCP and can be resolved with further consultation with the Sports Council. Further, should development proceed, the level of detailed requested would be contained within a Plan of Management developed for the park.

It is important to note that the Section 94 Contributions Plan can only supply the same level of services currently supplied elsewhere in the City and therefore can only supply 2 (two) playing field and 2 (two) local

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parks open must be available to all sections of the community not just those involved in organised sport and therefore land must be set aside in Pitt Town for the new community.

Recommendation:

Further consultation be undertaken with the Sports Council to resolve the relevant issues, including the preparation of a plan of management and Section 94 Contributions Plan.

2. National Trust of Australia - Hawkesbury Branch

- *Objects to the Pitt Town LEP.*
- *We regard the Pitt Town and the associated lowlands as an area of outstanding national significance to all Australians.*
- *Full archaeological and aboriginal assessments of the proposed development areas have not been undertaken.*
- *Councillors have a duty of care to ensure on the behalf of ratepayers, present and future that all decisions are based on informed and adequate information.*

3. Pitt Town Landowners Group

- *Plan supported.*
- *Support re-affirmed for a mix of lot sizes, upgrades and improvements to all services for existing and new residents; multi faceted hall; and all section 94 contributions be spent in Pitt Town.*
- *Studies and reports commissioned by Council have answered all rational objections to the proposed development.*

4. Pitt Town Progress Association

Supports the proposed urban development in the Pitt Town Investigation Area.

5. Pitt Town Residents Group

- *Does not support the draft plan.*
- *Does not agree to the loss of the three hour safety margin in flood time.*
- *Requests a public hearing.*
- *No alternatives investigated apart from suburban subdivision.*
- *Destruction of Cumberland Plain Woodland, wildlife corridors, heritage (colonial and indigenous).*
- *Loss of rural amenity.*
- *Acceptance of risk of flooding not been addressed according to procedures set out in the Risk Management Standard 1999.*
- *Traffic - lack of local and regional transport infrastructure including North West Rail Link; increase in traffic.*
- *TMAP not completed.*
- *Contaminated Lands not being investigated prior to development application stage.*
- *Principles of sustainability as set out in the LES are not addressed by the draft LEP.*
- *Ongoing question of local demand has never been addressed by Council.*
- *Pitt Town Advisory Committee flawed and the Masterplan and draft LEP was a product of advice given by Committee and is therefore flawed.*

Comment:

The issues raised by the groups and organisations are dealt with in the comments under the relevant headings below, for example, flooding, heritage or facilities.

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Public Exhibition of Draft Amendment 145

In accordance with the provisions of Section 66 of the Environmental Planning and Assessment Act 1979 the draft plan was placed on public exhibition from 17 September 2004 to 15 November 2004 (60 days).

Notices were placed in the following newspapers:

- Sydney Morning Herald
- Hawkesbury Gazette
- Hawkesbury Independent

Press releases were sent to several news outlets and articles have appeared in the local media throughout the exhibition period.

Consultation Strategy

The Consultation Strategy was prepared by the Pitt Town Advisory Committee and adopted by Council on 2 December 2004. The Strategy was based on the "Consult" level in the IAP2 Spectrum with the objectives being to:

- a) To satisfy the statutory requirements for public consultation.
- b) To inform the community (Pitt Town & the wider community) about the provisions of the draft plans.
- c) To provide members of the community with an opportunity to express their views in response to the draft plans.

The Consultation Strategy and the requirements of the Environmental Planning and Assessment Act formed the basis consultation during the exhibition period.

Information Displayed

The following information was exhibited during the exhibition:

- Exhibition and Public meeting details
- Draft Local Environmental Plan 3/03-Amendment 145 Map
- Draft Local Environmental Plan 3/03-Amendment 145 Written Instrument
- Draft Local Environmental Plan 3/03-Amendment 145 Plan English Version
- Composite Hawkesbury Local Environmental Plan 1989 containing draft Amendments including Amendments 108, 126, 130 and 145.
- Information Sheet
- Pitt Town Local Environmental Study
- Pitt Town Local Environmental Study Addendum Report (additional land (Mitchell Road))
- State Emergency Services Report
- SES Flood Management Review-Molino Stewart
- Preliminary Transport Assessment
- Management of Heritage Values Report
- Social Impact Assessment
- Background Council Reports and Minutes, including Pitt Town Advisory Committee.
- Section 65 Certificate and associated documents
- Section 117 Ministerial Directions
- Assessment of Policy Actions in Shaping Western Sydney
- Sydney Regional Environmental Plans, Regional Environmental Plan and Hawkesbury Local Environmental Plan 1989

Static Displays

Draft Amendment 145 was exhibited at the Council offices and Windsor Central Library. Static displays were erected in the Council office foyer area and each Thursday morning at St James Anglican Church

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Hall at Pitt Town. Approximately 125 (one hundred and twenty five) people visited the Pitt Town venue during the exhibition period.

Letters to residents

Approximately 820 (eight hundred and twenty) letters were sent out to residents advising of the exhibition of draft Amendment 145. This contained an Information Sheet on the draft Amendment, a map, exhibition and public meeting details, a feedback form and Reply Paid envelope. The area notified consisted of all landowner whose land the draft plan seeks to rezone, those directly adjoining the area and those surrounding the area, including landowners in Wilberforce. A map of the area is displayed at this meeting.

Public Information Sessions

A public information session was held on 5 October 2004 at the Windsor Function Centre. This was attended by approximately 65 (sixty five) people.

Submissions

Approximately 580 (five hundred and eighty) submissions were received during the exhibition period. The majority of submissions were proformas and Council Feedback Forms.

Approximately 280 (two hundred and eighty) Council Feedback Forms were returned and incorporated comments either supporting the draft plan or against the draft plan. Reasons for either option were also listed. Approximately 30 (thirty) submissions were unclear due the handwriting, language used or contained neutral views.

Another type of proforma was also received mostly indicating support for the development for a variety of reasons and approximately 136 (one hundred and thirty six) of these forms were received.

The impact on the historical significance of the locality, the loss of agricultural land; loss of safety margins for flood evacuation, impact on traffic and loss of character were mentioned the most in the submissions 'against' the proposal.

Benefits to the local economy and the additional services and facilities that will be provided as a result of the development were most mentioned in the submissions made in support of the draft LEP.

Several comprehensive submissions were also received and these are summarised below. Comments are made on each issue later in this report.

The 6 (six) volumes of submissions, received between 17 September 2004 and 17 November 2004, were distributed to all Councillors prior to this meeting.

Summary of Submissions - Comprehensive

1. F Braybooks – 239 Pebbly Hill Road Cattai

- *Aims of the plan inadequate.*
- *Aims of the plan should be amended to include those set out in the DC.P*
- *LEP is deficient in many areas and therefore should be rejected.*
- *Flooding – uncertainty has not been taken into account in the draft LEP.*
- *Traffic – no provision made for a bypass, improving flow south to Windsor Road, upgrade of Windsor Road does not account for Pitt Town development.*
- *No provision for increase in parking in the vicinity of the shopping centre.*
- *LEP does not mention the supply of water, power or disposal of stormwater or sewage.*
- *Many features in the draft DCP such as single storey dwellings, setbacks alignments are not included in the standard DCP. These could be challenged by the developer or state government and*

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standard provisions allowed. This would then allow multi storey dwellings, multiple occupancy. Pitt Town would then become a dormitory blob on the landscape. Council does not have the final say in the DCP and must create an LEP that ensures that the DCP can be guaranteed.

- *The LEP should be reviewed to determine the most cost effective class of rezoning consistent with the rural nature of the area.*
- *Complete prohibition of compulsory purchases of land simply in order to meet the needs of the development.*
- *Proposal is neither a community necessity nor in the national interest and not land should be acquired compulsorily for the benefit of the developer.*

2. **P Dunesky, Cattai Road Pitt Town**

- *Concerned with the process that resulted in the formulation of the plan*
- *Committees formed to advise and inform the plan comprised of people with undeclared pecuniary interests and biased in favour of suburban subdivision.*
- *No survey has ever been held by Council to accurately judge the community acceptance or rejection.*
- *Pitt Town Residents Group has consistently been ignored or down played.*
- *Refuse to accept family safety in times of flood; the loss of high quality class 2 agricultural land; environmental vandalism proposed by LEP; loss of Pitt Town's rural amenity, relatively untouched Macquarie Town with it rare Colonial and indigenous heritage values.*
- *Opposed to the resumption of lands outside the investigation area for stormwater and infrastructure purposes.*
- *Concerned about the impact of a car based development.*
- *Objects to the creation of roundabouts and major intersections necessary to cater for the massive increase in traffic volume.*
- *Lack of comprehensive contamination study.*
- *Loss of rural outlook.*
- *Requests public hearing under the EP & Act to independently review the process, submissions and issues raised by this proposal.*

3. **J Hagar, Schofield Road, Pitt Town**

- *Does not agree with the making of Amendment 145 as an addition to Hawkesbury Local Environmental Plan 1989.*
- *Amendment the unsupported rezoning of land adjacent to the heritage village of Pitt Town that would result inappropriate development.*
- *Contrary to the recommended principles of the Local Environmental Study*
- *Formal request for a Public Hearing.*
- *Council has contravened the conditions of delegation due to the following:*
 - *Matters relating to exempt and complying - draft Amendment 139 and Council has not exhibited the version that it indicated to the Heritage Office it said it would.*
 - *The exhibition of all the documents associated with proposed rezoning of land adjacent to Pitt Town has not been carried out relevant to the EP& A Act.*
- *The LEP is contrary to its aims, ie to ensure that environmentally sensitive lands are preserved, including the vegetation management.*
- *The LEP contradicts Council's Wildlife Corridor Plan.*
- *The LEP does not reflect the recommendations of the Local Environmental Study.*
- *The draft plans is contrary to Planning for Bushfire Protection document and the recommendations of the Rural Fire Service.*
- *Hazard assessment map displayed in draft LES but not in the final LES.*
- *LEP is missing elements from Rural Fire Service submission and Planning for Bushfire Protection.*
- *Flooding-the issue of increased risk has not been dealt with in accordance with the Australian Standard for Risk Management or the NSW Government Floodplain Management Manual.*
- *Land Contamination has not been dealt with according to SEPP 55 and the associated Guidelines.*

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- *Traffic-further studies need to be carried out as required by the Roads and Traffic Authority and Department of Transport.*
- *Rezoning proposal is contrary to draft SEPP 66.*
- *Advice of the Heritage Office have been ignored or contradicted in so far as the layout of the proposed subdivision.*
- *Heritage conservation areas to the north do not correspond with the Hawkesbury Nepean Scenic Quality Study associated with Sydney Regional Environmental Plan No. 20 and should be modified and moved further south to agree with this plan.*
- *The explanations raised to justify this proposed rezoning are refuted as:*
 - *Plan does nothing to promote industries that are critical to future development and sustainable jobs in Western Sydney*
 - *The plan is inconsistent with protecting the sustainability of agriculture*
 - *Heritage values threatened*
 - *Traffic studies indicates further contradictions*
 - *Rezonings are required to conserve biodiversity*
 - *Stormwater*
- *Proposal contradicts Council's current Residential Strategy.*
- *Costs associated with providing services is excessive, land neither available nor affordable.*
- *Zoning changes indicated represent an unacceptable changes that the community is not prepared to accept.*

4. A Hannah, Pitt Town Dural Road, Pitt Town

- *Does not support the plan and requests a Public Hearing to assess and review all submissions made during the exhibition period and that an independent report be presented to Council before a decision is made about progressing the plan.*
- *The draft LEP does not comply with Council's own strategies and policies used to justify the investigation process, including the Draft Hawkesbury City Residential Strategy 1997. Further the plan compromises the integrity of Council's strategic decision to support and enhance agriculture across the Hawkesbury given that the proposal will rezone 225 hectares of mostly farmland.*
- *This is an inappropriate development for Pitt Town given the numerous constraints on the site.*
- *Too much uncertainty as it relies on other amendments to Hawkesbury Local Environmental Plan; the lot averaging areas do not the community enough information about the scale, size and substance of this part of the subdivision and the things promised to the community are not referred to in the LEP.*
- *The LEP is not supported with rigorous and independent research which should have been done before this stage in the process so that Councillors make a fully informed decision to rezone or not.*
- *Processes as recommended in the LES and State Government Legislation have not been followed for example, contaminated land and flooding.*

5. Hannah, Pitt Town

- *Objects to the plan.*
- *Traffic -the traffic plan and projected vehicle movements will have an adverse effect on pedestrian safety and air quality; lack of public transport will ensure that this would be a vehicle based community; and the proposal does not take due consideration of the governments Clean Air Policy, Action for Air.*
- *The proposal will have a negative impact on current commercial precinct due to lack of parking and population increase if this size will leave business owners vulnerable to crime.*
- *Lack of infrastructure.*
- *Flooding*
- *Contamination*
- *Environment*

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6. **Econeco Pty Ltd (P & Kate Hughes), Bathurst Street Pitt Town**

This is a comprehensive submission that challenges Council to ensure the protection of this Macquarie Town's cultural and environmental heritage by rejecting the draft LEP. The following matters were raised:

- *Financial costs to Council – Councillors are urged to carefully explore the social, environmental and economic implications of the current proposal, particularly the financial burden that will be borne by Council.*
- *Council funds are insufficient to manage existing infrastructure requirements, including waste water, stormwater and transport.*
- *Strong perception of excessive influence over the planning process by on the Pitt Town landowners.*
- *Perception that deals are being done and there is a conflict of interest of many Councillors and to ensure the integrity of the process, this issue must be dealt with in an open and transparent manner to ensure probity, fairness and a positive future for Pitt Town.*
- *A Public Hearing is requested.*
- *Amendments to LEP requested only after a Public Hearing to review all the matter raised in the submissions is held. Three main issues should be form the framework of the review:*
 - *Cost of infrastructure necessary for the development*
 - *Bulk Scale and density of the development*
 - *Protection of the community's Macquarie Town heritage*
- *Land contamination and Pesticides – Councillors are urged to take the asbestos and pesticide contamination seriously. Failure to do so may represent a breach of their duty of care and place Council in an undesirable legal situation in future years.*
- *The development proposal provides a great opportunity to undertake land development in manner that adds, not detracts from existing community and economic values.*

7. **M Kowlczyk, Redfern Place Pitt Town**

- *Nothing in the LEP on how the zoning will affect adjoining properties.*
- *Concerned that the retention pond will threaten property and will be flooded when the stormwater pit fails.*
- *The raising of Redfern Place and Bootles Lane to 17m will create a dam like situation flooding our property and residence.*
- *Property devalued with unsightly raised roads conveying larger amounts of traffic on two sides and a raised dam wall on the other.*

8. **M Ripper, Amelia Grove**

- *Requests Public Hearing.*
- *Amendment 145 substantially relies on three other significant amendments – 126, 108 and 130, none of which have been gazetted. These have not been publicly exhibited as per the requirements of the Act (section 66), nor has SEPP 53, therefore making it impossible to fully understand the implications of Draft Amendment 145.*
- *There is no reasonable justification by the Pitt Town LES. The study only looks at urban subdivision and has not addressed previously raised concerns.*
- *This amendment is not an alteration of zones but a complete rezoning of these areas including the introduction of new zones. This is a ploy to circumvent the 117(2) Directions (G8 and G12).*
- *Land use matrix allow clearing of native vegetation without consent.*
- *The Rural Housing zone objectives will not minimise but increase conflict with existing rural land uses within the Hawkesbury LGA.*
- *The amendment is in direct conflict with SEPP 53. Council has previously requested exemption from SEPP 53 but advised by DIPNR to adhere to the policy.*
- *The draft plan does not comply with the following 117(2) Ministerial Directions:*

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- G8 Rural zones
- G9 Residential zones
- G12 Environmental Protection
- G26 Residential allotment sizes
- *The draft plan is inconsistent with Shaping Western Sydney including the following initiatives:*
 - Sustainable jobs
 - Agriculture
 - Air quality
 - Water quality
 - Biodiversity
 - Sustainable housing supply
 - Fringe areas
 - Human and community services
- *Current services at or near capacity, including water and sewer.*
- *Flooding – further investigation is needed to understand the consequences of evacuation failure for new and existing residents of Pitt Town.*
- *Land contamination issues have not been resolved.*
- *Steering Committee was weighed towards urban development from the outset.*
- *Any views, reports etc should be declared invalid and share no weight.*
- *LES not supported in draft Amendment 145.*

This submission also contained a lengthy submission lodged at time the draft LES was exhibited.

9. F Scharfe, Level Crossing Road, Vineyard

- *There is a better way than Pitt Town.*
- *Pitt Town being isolated from the community's centre in Windsor by the floodplain is a poor choice for concentrated rural development of a suburb.*
- *It is banished from two major transport corridors.*
- *It is not part of Rouse Hill Development but Vineyard is.*
- *Vineyard is a more desirable increase in the Hawkesbury's population than the consumption of prize farmland for a development that is neither urban or rural in nature.*
- *More development in Pitt Town courts an ecological disaster.*
- *Pitt Town is now more flood vulnerable than in the past as the settlements were not designed to grow but they did.*
- *It is an adhoc development and does not distribute population equally among the Hawkesbury's town and villages.*
- *Flooding – Development premature until houses on the floodplain are purchased in accordance with the Floodplain Management Manual.*

10. Vineyard, Riverstone, Marsden Park Development Inc.

- *Proposed lot sizes, street layout and lack of community centres all indicate that energy use will be high and greenhouse emissions will be excessive.*
- *Concerned about water usage and servicing for the proposed development. More information is required on to make an informed comment on the appropriateness of the development and its impact on water resources.*
- *Financial assistance from Council to ensure that rural amenity of the area remains.*

11. P Wilbow, Mitchell Road, Pitt Town

- *Plan opposed as land not included in the development plan but land expected to be resumed for stormwater retention basin.*

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- Groundwater and surface water in properties north of Wells Street drains north east and should continue in that direction.
- Land was excavated and sand mined in the early seventies and for this reason was excluded from the plan. Now reclaimed and has been included in the plan. The stormwater management plan shows stormwater and pollutants have been directed from east then south and finally west in the direction in originally came from.
- Questions:
 - How much land is required?
 - Other easements on my property?
 - Where will the overflow go?
 - What type of water will be going into dam, possibility stagnation, mosquito breeding, water pollution?
 - Site plan figure E4.2 doesn't show other property boundaries west of Redfern Place, are these property owners of no importance when there will be a large amount of stormwater and contaminants directed through their properties.

12. R Wilbow, Redfern Place, Pitt Town

- Draft Amendment 145 has not addressed as per draft SEPP 66-Integration of Land Use and Transport
- No Transport Management and Accessibility Plan has been instigated, established or finalised.
- Flooding factor has not been considered in the Preliminary Transport Assessment.
- Roads are low lying and can be inundated up to six times per year.
- Pitt Town is service by a low lying flood prone road network that allows little access during times of flooding but even at times of nuisance flooding renders itself incapable of only rudimentary access to the village.
- Pitt Town is an uncoordinated and ill conceived urban sprawl development
- Highly unlikely that the draft Amendment 145 can find committed, funded or proper transport service solutions that a TMAP must provide for the real needs of this tripling of the population from rural to quasi urban.

Comment:

The submissions raise a number of issues that have been grouped where appropriate and addressed in the commentary below.

Summary of submissions - General submissions/proformas

The table below gives some indication of key issues and how many times they were raised in the submissions

Issue	No. of times raised submissions
Agriculture	33
Biodiversity	8
Character	31
Contaminated Land	9
Economic	60
Facilities	70
Flooding	37
Heritage	22
Other	17
Policy Statutory	3
Public Transport	10
Services	42

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Issue	No. of times raised submissions
Stormwater	12
Traffic	30
Water Quality	8

Comments on Submissions

The submissions are summarised both for support for the case for development at Pitt Town and against the case for development. "Other" comments are also included. The submissions are also separated into the major headings as indicated in the table above and are summarised. Comments and recommendations are made below each issue.

1. **Agriculture**

Against:

- *School no longer subject to pesticide spraying and associated agricultural noise.*
- *Farmland is a waste if it just sits there.*
- *Agriculture causes pollution.*
- *Land is question will never be used for agriculture and Council has a responsibility in determining its viability for some other use such as sympathetic housing development.*
- *If more agriculture is needed, use more land down on Pitt Town Bottoms as soils are far better.*
- *Cannot compete on open market.*

Support:

- *Destruction of remaining viable farmland in the Hawkesbury.*
- *Loss of good agricultural land forever.*
- *Alternative crops should be investigated.*
- *Refuse to accept the loss of class 2 agricultural land for housing.*
- *Future needs to agriculture need to be carefully assessed and considered.*
- *New farming methods and demands for other types of agriculture as proven highly successful and lucrative when adapted in other areas.*

Comment:

The selection of the Pitt Town area as one of five areas to be investigated for urban development to avoid ad hoc subdivision of rural lands arose from the "Our City Our Future" strategy. This strategy sought to protect agricultural lands from subdivision whilst at the same time allowing some lands to be used for urban purposes. Therefore it is a direct result of these decisions that some agriculturally useful land will be used for urban uses.

Recommendation:

No amendments to the draft plan required.

2. **Biodiversity/Bushland**

Against:

- *Do not agree with the removal of endangered species eg wattle from the dry detention basin on Bootles Lane.*

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Support:

No comments

Comment:

The analysis of the impact on vegetation was carried out in the LES. Council in adopting the LES made specific resolutions concerning the preservation of vegetation. The issue of the impact of the stormwater detention basin is matter for the DCP. However the appropriate zoning of this land and the other open space lands will need to be dealt with by a subsequent amendment to Hawkesbury Local Environmental Plan 1989 to ensure that the owners rights are fully protected if acquisition is to proceed.

Recommendation:

No amendments to the draft plan required.

3. Character

Against:

- *Lot sizes too small, that is, 750sqm, one acre lots better.*
- *Unfair to turn quiet streets into thoroughfare for new estate.*
- *No provision for mix of housing types.*
- *Proposed subdivision will destroy unique rural amenity.*
- *Increase in crime rates.*
- *Existing character cannot be maintained.*

Support:

- *Well planned and mix of good sized blocks.*
- *Pitt Town accurately describes the condition of the local community.*
- *The development is well planned and laid out development and it would make an ideal place to live and bring up children.*
- *Good development if blocks are not too small.*

Comment:

Lot sizes were a direct result of the adoption of the LES and advice from the NSW Heritage Office and are integral part of how the draft plan seeks to preserve the character of the locality whilst undergoing this significant change.

Recommendation:

No amendments to the draft plan required.

4. Contaminated Land

Against:

- *This issue has never been adequately addressed.*
- *Contaminated Lands not being investigated prior to development application stage.*
- *Land Contamination has not been dealt with according to SEPP 55 and the associated Guidelines.*

Support:

No comment.

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Comment:

This matter is dealt with by the submission of development applications as required by State Environmental Planning Policy No. 55 Remediation of Land.

Recommendation:

No amendments to the draft plan required.

5. Economic

Against:

- *Will not create any significant amounts of jobs.*
- *Negative affect on property values.*

Support:

- *Increase in quality staff from the local area.*
- *Additional population will fill shortfall of middle management.*
- *Need support for local business.*
- *New residents will expand customer base.*
- *Will bring work to the area.*

Comment:

These matters were canvassed as required by the LES and the Social Impact Assessment.

Recommendation:

No amendments to the draft plan required.

6. Facilities

Against:

- *Promise of facilities unfair for residents who have paid rates and requested these facilities in the past.*
- *Developers want to achieve maximum return in investment and promised facilities will never eventuate.*

Support:

- *Opportunity for new facilities including roads and schools.*
- *Boost numbers at school and composite classes may not be needed.*
- *Improved public facilities, including community hall, sports fields, boat ramps, tourism along river, bike tracks, BBQ's and parking facilities.*
- *Opportunity for community to contain much needed services and facilities that Council is unable to provide.*
- *Support because the plan to have an alternative quality boat ramp in the Hawkesbury accessible from the Sydney side of the river.*
- *Free public boat ramp.*
- *People want sporting facilities, access to river, area to walk or ride bikes.*

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Other:

- *Would like to see shopping centre in Pitt Town.*
- *Pitt Town needs to grow and have more amenities.*

Comment:

It would appear from many of the comments that many submissions were based on plans that were not part of the exhibition and showed facilities proposed by the proponent developer that have not been accepted nor examined by Council.

Facilities necessary to fulfill Council obligations under the Section 94 of the Environmental Planning and Assessment Act 1979 have been provided for in the DCP.

Recommendation:

No amendments to the draft plan required.

7. Flooding

Against:

- *SES cannot cope with the amount of people who need help in the short term.*
- *McKenzies Creek Bridge should have been raised and widened when it was repaired.*
- *Erosion of three hour safety margin is not acceptable.*
- *Reliance on SES is fraught with danger.*
- *Modern planning should only allow areas that are flood free of the dangers of flood to be developed for residential purposes.*

Support:

- *Opportunity to develop flood free land.*
- *Upgrade to flood evacuation route.*

Comment:

The State Emergency Service have clearly indicated to Council their recommendations. They have chosen not to make any further submissions and therefore it must be concluded they wish to make no further comment and therefore satisfied with the draft plan. It should be noted however that there are caveats on their acceptance including an upper limit on the number of new houses and therefore no amendments to the draft plan should be made that go beyond these limits.

Recommendation:

No amendments to the draft plan required.

8. Heritage

Against:

- *Draft LEP inadequate to the task of protecting the Macquarie Town.*
- *Detrimental to heritage sites.*
- *Significant increase in traffic in Bathurst and Buckingham Street would be a key contributor to deteriorating the heritage and aesthetic value of the precinct.*

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Support:

- *Bona Vista has been adequately protected in terms of the buffer and proposed street plantings.*

Other:

- *Heritage society have been given a free hand to stop development.*

Comment:

The NSW Heritage Office was consulted extensively during the preparation of draft Amendment 145 and initially had several concerns with the draft plan. Following several iterations of the plan, including the deferment of the Hall Street area, the Heritage Office withdrew their objection to the plan on 17 August 2004. The Office advised that *"as the draft plan will result in the conservation of items that have been assessed as having heritage significance, no objection is raised to the content and intent of the draft LEP providing that the matters identified in my letter of 11 August 2004 relating to the preparation and content of the accompanying development control plan are satisfied"*.

The Development Control Plan has now been referred to NSW Heritage for comment.

Recommendation:

No amendments to the draft plan required.

9. Public Transport

Against:

- *No rail or bus service*
- *Public transport infrastructure is inadequate to support the development (no trains, few buses)*

Support:

- *Increase in population will lead to better public transport*

Comment:

This matter was canvassed in discussion previously and recommendations made.

10. Services

Against:

- *Water supply inadequate for 700 more houses.*
- *Current residents have had nothing done about water supply.*
- *Object to the vast cost to be spent by Sydney Water, sewer, electricity required to new lots.*
- *School and pre-school unable to cope with increase population.*
- *Upgrading of water infrastructure is expensive.*
- *Existing problems with water pressure.*

Support:

- *Improved services.*
- *The sewerage connection to be expanded for the remainder is beneficial and overdue.*

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Other:

- *Current residents have had nothing to do about water supply*

Comment:

Sydney Water and Integral Energy have not provided comments and therefore it must be concluded that their previous advice stands and subject to developer contribution an adequate water and electricity supply can be provided.

Recommendation:

No amendments to the draft plan required.

11. Traffic and Transport

Against:

- *Small rural roads are dangerous and used as short cuts to avoid Windsor Road.*
- *Not development should proceed until Windsor By-pass is constructed or Windsor Road has 2 lanes to Macquarie Street.*
- *Concerns about proposed new streets being opposite eg Buckingham Street.*
- *Concerned about right hand turn into Glebe Road as more traffic on Pitt Town Road will make the turn more dangerous.*
- *No safe paths for pedestrians along Pitt Town Road.*
- *School situation will be impossible as the roads around the school will never cope with all the additional traffic.*

Support:

- *Improved roads.*

Other:

- *34 Buckingham Street – new road opposite my front door-requested to move down the street directly across from existing laneway.*

Comment:

These matters were previously discussed and will be dealt with in the TMAP.
The request to move the new road opposite 34 Buckingham Street is a matter for the DCP.

12. Stormwater

Against:

- *Unfair that landowners will have to put up with mosquito infested swamps which is what the retentions basins will be.*
- *Unfair land resumption.*
- *All infrastructure to support the development should be within the investigation area.*
- *Do not agree with the proposed dry basin off Bootles Lane.*

Support:

No comments

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Comment:

Adequate land must be set aside for the treatment of stormwater. If the current landowner is unwilling to sell their land then Council must consider alternatives solutions which include compulsory acquisition. This will require further amendments to HLEP 1989 as discussed above. The issue of the location of the zone boundary will be investigated concurrently with this work.

These issues are being investigated as part of the DCP as previously resolved by Council. If no solution can be found then the draft plan cannot proceed.

Recommendation:

This matter be subject to a further report to Council once these investigations are complete.

13. Water Quality

Against:

- *Water quality is already affected by upstream development.*
- *Urban runoff and sewerage seepage will further affect the river and down hill farming lands.*

Support:

No comments

Comment:

The requirements for the treatment of stormwater are contained in the DCP. All development applications will require the submission of a Stormwater Management Plan that must demonstrate how these standards will be achieved. It will be incumbent on Council to operate these new facilities to meet the requirements of the standards outlined in the DCP.

Recommendation:

No amendments to the draft plan required.

14. Other comments

Against:

- *Connell Wagner report one sided.*
- *Fact and problems being swept under the carpet.*
- *Deeds state that no dual occupancy but with a simple rezoning medium density is OK.*
- *Council should abandon development of the Pitt Town area.*
- *Unclear maximum lot yield.*
- *Too many loose ends to tie up.*
- *A lot more planning needs to be done.*
- *Fragmented ownership makes it difficult to develop.*
- *Council is greedy and just wants more rates.*
- *Council is not representing its constituents by supporting the LEP.*
- *Should be looking at alternatives other than suburban subdivision.*
- *No intrinsic need for Pitt Town to be developed in this way.*

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Support:

- Gives younger generation a chance to purchase bigger building blocks.
- They will look tidier and attract a better class of people to the area.
- Without development nobody would be living in Pitt Town or the Hawkesbury area.
- Need growth in the area.
- Pitt Town is no different from residential subdivisions in the past including Hobartville (agricultural land), North Richmond (heritage and agricultural land) and Bligh Park (bushland).
- Many young people move away through the shortage of land.
- Development is inevitable.

Other:

- The area requires the release of decent sized allotments that is a stepping stone from smaller residential lots to acreage.
- Shortage of zoned residential land which has dramatically increased the price.
- Good opportunity for Council to direct and supervise, direct and get it right.
- Formally request a public hearing to independently review all submissions.
- Bathurst Street properties (western side) have not been incorporated.
- Fear that sand mining issues may arise if this process takes any longer
- 750sqm blocks could accommodate some townhouses to allow for young couples.
- Working couples need smaller lots due to maintenance issues on big blocks.
- Insufficient information to make an informed decision.
- There is a shortage of land in the City – an oversupply would make it more affordable to buy land in the Hawkesbury.
- Current zoning should remain unchanged.
- Need to move forward for the sake of our families.
- Lots not shown on northern side of Redfern Place on Development Plan but shown on Amendment 145.
- Delays in completing work.
- What happens if you don't want to subdivide – do rates go up or are you forced to subdivide or sell?
- Population growth in the Sydney area is inevitable that sooner or later this area would be considered for development.
- Change is difficult for some is difficult however the location of Pitt Town suggests it is inevitable in some form.
- Managed and controlled development is preferable to random development that results in few benefits for the township.

Comments:

There are many varied opinions both for and against the proposal which each individual is entitled to have. It is up to Council ultimately to decide whether to proceed with the draft plan or not after it has considered the issues raised.

Recommendation:

No amendments to the draft plan required.

15. Requests for a Public Hearing

- Requests a Public Hearing to assess and review all submissions made during the exhibition period and that an independent report be presented to Council before a decision is made about progressing the plan.
- Public Hearing request.

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Comment:

There is a strong perception within some sections of the community that the process has been flawed, biased and developer driven. Whether this true or not, the perception remains and it would appear prudent for Council to resolve to conduct a Public Hearing, with an independent chairperson. Should Council resolve this way, it is anticipated that the Public Hearing be held towards the end of February 2005.

Recommendation:

That pursuant to the provisions of the Environmental Planning and Assessment Act 1979 a Public Hearing be held to consider the submissions to the exhibition of the draft plan.

16. Policy Issues

- *Inconsistent with Sydney Regional Environmental Plan No. 20.*
- *Inconsistent with SEPP 1.*
- *Inconsistent with Shaping Western Sydney.*
- *Contrary to objectives of Action for Air.*
- *SEPP 53 not exhibited or addressed in the exhibit material.*
- *Council's Draft Residential Housing Strategy.*
- *The draft plans is contrary to Planning for Bushfire Protection document and the recommendations of the Rural Fire Service.*
- *Hazard assessment map displayed in draft LES but not in the final LES.*
- *LEP is missing elements from Rural Fire Service submission and Planning for Bushfire Protection.*
- *The draft LEP does not comply with Council's own strategies and policies used to justify the investigation process, including the Draft Hawkesbury City Residential Strategy 1997.*
- *Draft plan compromises the integrity of Council's strategic decision to support and enhance agriculture across the Hawkesbury given that the proposal will rezone 225 hectares of mostly farmland.*

Comments:

Action for Air

This matter was canvassed in the LES which has been adopted by Council.

Planning for Bushfire Protection

Appropriate Asset Protection Zones have been provided for in the DCP and compliance with Planning for Bushfire Protection will be required for all development applications.

Hawkesbury Local Environmental Plan 1989 and draft amendments

Several submissions were critical of elements of draft Amendment 145 that rely on other amendments to Hawkesbury Local Environmental Plan 1989, including Amendments 108, 126, 130 and 139.

Amendment 126, 108 and 130 have all been publicly exhibited during following periods:

Amendment 108 - 10 July 2002 to 19 September 2002

Amendment 126 - 10 July 2002 to 19 September 2002

Amendment 130 - 27 August 2003 - 24 October 2003

Amendment 139 - currently on exhibition until 17 December 2004

The amendments are currently with the Department of Infrastructure Planning and Natural Resources (DIPNR) for finalisation and gazettal.

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It should be noted that the Pitt Town draft plan does rely on the other draft amendments but could have been prepared in isolation. The accusations and comments made in the submissions are unfounded and incorrect.

The comments raised about Amendment 139 are also incorrect and a detailed letter, addressing the allegations made as been forwarded to the Mr Hagar.

It should be known that Clause 68 of the Environmental Planning and Assessment Act, gives Council quite a wide range in powers to amend a draft LEP following its exhibition, either based on the receipt of a submission or not. The courts have held that Council's discretion in this matter is quite large; provided the affect of the LEP is not altered Council can make quite substantial alterations to an exhibited plan prior to it being sent for gazettal.

It is also highly likely that once the Attorney General's Department sees Amendment 139 they may make other further changes to it's drafting which will affect Amendment 145. This is quite normal provided, however, the form and extent of the LEP is not altered, these alterations go through as a matter of course. Given the fact the distribution of land uses; the extent of the zone; or the land uses that are exempt or comply are not changing, it cannot be argued that the LEP needs to be re-exhibited to make this change.

It was stated that Council has allegedly misled the Heritage Office by sending to them a version of Amendment 139 that is different from the current version. It should be noted there are at least 7 (seven) numbered versions of Amendment 139, and 2 (two) unnumbered versions, which is quite normal process for the preparation of a Draft LEP, as they go through a number of iterations before they are finalised.

Therefore, it is not the content of Amendment 139 that is important, it is its application by the use of Conservation Areas that is most significant. The Pitt Town LEP clearly shows the extent of the conservation areas, meaning, that the exempt and complying development provisions of the LEP do not apply to those lands.

Amendment 139 has now proceeded to exhibition and also includes in it provisions the new Clauses proposed by the Heritage Office to ensure that the blanket exemption from exempt and complying can be overcome if the development is of a minor nature and does not adversely affect the heritage significance of the property or adjacent properties. The Amendments to Clauses 9B and 9C have arisen from discussion with the Attorney General's Department and concern the ambiguity in the current Local Environmental Plan surrounding the current exempt and complying provisions and the request from the Attorney General's Department that Council reduce the number of symbols from 4 (four) to 3 (three). In order to do this, those changes are required.

If Council does not accept Amendment 139 then the current Schedules 6 and 7 will stay in place, however, to remove any ambiguity the reference should be changed.

Recommendation:

That the draft plan be altered to refer to Clause 9B and 9C as shown in the draft Amendment 139.

Hawkesbury Sustainable Agriculture Development Strategy

The draft plan is consistent with the adopted Urban Land Strategy and protecting the City's rural land and allowing residential development are inextricably linked. Since the adoption of Our City Our Future in 1995 Council has been working on these two issues, the Urban Land Strategy arose from the Hawkesbury Sustainable Agricultural Land Strategy and the need to protect agricultural resources.

Shaping Western Sydney

An assessment of Shaping Western Sydney has been carried out and the plan is justifiably inconsistent when supported by the LES. Otherwise the draft plan is consistent with the Strategy.

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Pitt Town Local Environment Study

The LES provided for several alternatives for development, including a do nothing option. Council resolved on 6 May 2003 to adopt the LES and prepare the draft LEP based on the medium growth scenario.

Requests for Changes to Draft Amendment 145

Several submissions requested the draft be reviewed or amended in some form and matters are addressed in this section of the report.

General requests for review:

- *Questions why the Housing Zone is confined to just Bona Vista, Johnston Street is suitable for smaller housing*
- *Proposed minimum allotments size of 750sqm on land east of Bona Vista is not sympathetic to development already occurred on lands bounded by Amelia Grove, Johnston Street and Bathurst Street – a review is suggested*
- *Inclusion of the western side of Bathurst Street*
- *If subdivision has to happen why could it not be 1, 2 or 5 acres lots*

Specific requests for review/amendment:

These requests deal with specific properties or clauses of the draft plan. A recommendation is made for each request.

1. D Benson – Bathurst Street Pitt Town

This submission supports draft plan but requests inclusion of western side of Bathurst Street as the land is flood free, unsuitable for farming, would provide small affordable lots blocks of land, allowing a diverse range of families the opportunity to reside.

Comment:

The development of the western side of Bathurst Street was addressed in the LES and no additional residential development was recommended. The request is therefore inconsistent with LES.

Recommendation:

No amendments to the draft plan required.

2. M Carty Beasley Place South Windsor

This submissions requests reconsideration of 28 Mitchell Road within 4000sqm density or 5 lots per hectare control due to same distance from shopping centre and school as other areas that propose this density.

Comment:

The densities were amended via the adoption of the Masterplan in December 2003 and are inconsistent with the LES. Additional comments are made later in this report under "*Amendments to lot densities*".

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3. *Johnson Property Group*

- *The provisions of State Environmental Planning Policy No.1 should not be blocked as this could lead to an uneconomic use of the land if the proposed prohibition prevents the orderly use and economic use of land and an inability to achieved the desired densities.*
- *Land use matrix for the Rural Housing zone should be expanded to include Dual Occupancy Attached, Exhibition Homes, General Stores, Motels, Refreshment Rooms and Utility Installations.*
- *Objective (f) in clause 9 is ambiguous in its terms – the parameters against which this objective is to be measured are not apparent and assessment as to the satisfaction with its requirements would be wholly a subjective exercise. It should be deleted.*
- *The definition of lot averaging should be deleted and a single density control in the Rural Housing zone should be allowed. A minimum allotment size and an average allotment size is suggested.*
- *Clause 13 subclause (f) should be deleted as it is restrictive in its terms and contrary to the objectives of the EP & A Act 1979 as it would prevent the orderly and economic development of land*
- *Clause 56 (archaeological provisions) is supported and should apply across the whole of the City so as to provide a consistent approach to the protection of items of archaeological significance.*

Comment:

Provisions of SEPP 1 - The draft plan was constructed to ensure that the stated minimum allotment sizes are maintained and it is recommended that no change occur to the draft plan in this regard.

Land use Matrix

The request to provide for attached dual occupancy is inconsistent with draft Amendment 130 that introduces new residential zones and restricts Multi Unit Housing (including dual occupancy development). This change would also substantially increase the number of houses and, therefore, the capacity for evacuation by the SES.

The inclusion of Exhibition Homes, General Stores, Motels, Refreshment Rooms and Utility Installations are not considered appropriate in the Rural Housing zone.

Clause 9A (f)

This is a standard objective and is consistent with the housing zones contained in draft Amendment 130. It seeks to ensure that development does not create unreasonable or economic demands, or both, for provision of extension of public amenities or services. The Rural Housing zone is being introduced into HLEP 1989 and will be available for use in other areas in the future and the objectives are a tool used in determining whether consent should be granted or not.

Clause 11 definition of lot averaging

This definition is introduced into HLEP 1989 by way of draft Amendment 126 and needs to be retained. The application however, to the Pitt Town draft plan can be reviewed and it is noted that a re-exhibition would be required as a result of any changes. Given that several submissions have questioned or sought a review of density controls this issue is addressed in a separate section of report.

Clause 13 subclause (f)

The amendment to clause 13 is to ensure that subsequent applications to carry out boundary adjustments to land that has already been subdivided will not undermine the minimum allotment size set in the original applications. The new subclause (f) is inserted to ensure that clause 13 does not apply to land affected by the Pitt Town draft plan. This is a similar situation with the existing Environmental Protection 7(e) zone.

Clause 56 (archaeological provisions)

This clause will be applied across the City as part of the amendments to the heritage schedules and clauses in HLEP 1989. As this LEP has not been prepared, the Pitt Town draft plan must contain these provisions separately.

Recommendation:

No changes to the draft plan.

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9. **McKinlay Morgan and Associates**

This submission was made on behalf of H Weller – 125 Cattai Road, Pitt Town.

- *Earlier exhibition of draft plans indicated a proposed development density of 2.5 dwellings per hectare. Current plan provides a density of 2 dwellings per hectare and yet lands further away from the town centre are proposed to be 3 dwellings per hectare.*
- *This land is located south of Hall Street and whilst the escarpment is defined as conservation zone it is considered appropriate that no dwellings should occur in the escarpment area. It would therefore seem more appropriate the land generally to the north of Hall Street be zoned to allow 2 hectare development ie 0.25 dwellings per hectare to provide the transition in density to the outlying rural acreage.*
- *Further submit that the development potential in the Hall Street-Wells Street are with a proposed density of 5 dwellings per hectare is unlikely to be achieved due to the existing parcel boundaries and the location of the existing dwellings.*

Comment:

Whilst not specifically requesting a change to the plan, the submission questions the rationale of the lot densities in the northern area. The LES recommended a lot density of 2.5 (two point five) dwellings per hectare and subsequent resolutions of the Pitt Town Advisory Committee and Council altered the controls in this locality. As indicated this issue is addressed under lot densities.

Recommendation:

No changes to the draft plan.

4. **D Thorton**

Concerned with the lowering of densities in area E & F (as shown in the Draft DCP), changed with no explanation. For reasons of uniformity, consideration could be given to have these areas similar to that of area D provided that the overall lot density is maintained.

Comment:

The densities were amended via the adoption of the Masterplan in December 2003 and are inconsistent with the LES. Additional comments are made later in this report under "*Amendments to lot densities*".

Recommendation:

No changes to the draft plan.

5. **A & S Wilbow, Wells Street, Pitt Town**

Area of land not within 20 (twenty) metre level, may be possible to fill or have two storey dwellings where land might be lower.

Comment:

This request relates specifically to 66 Wells Street and the land currently excluded from the draft plan. The land stretches on a north south alignment from Johnston Street to Wells Street and the middle section, that is, the land above the 20 (twenty) metre contour was included in the Investigation Area and draft plan. The areas outside were excluded from the draft plan, consistent with the LES. The land has the potential for

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approximately 4 (four) lots under the current draft plan. Should the additional land below the 20 (twenty) metre contour be included a new Section 54 resolution would be required.

Recommendation:

No changes to the draft plan.

6. G Power, Bathurst Street Pitt Town

Requests consideration of half acre lots along Bathurst Street.

Comment:

This request is not consistent with the LES and is not supported.

Recommendation:

No amendments to the draft plan required.

Amendments to Lot Densities

Any amendments to the lot densities will require a re-exhibition of the draft plan.

There are 4 (four) requests:

1. *D Carty* - 5 (five) lots per hectare at 28 Mitchell Road
2. *Johnson Property Group* - single density control for the Rural Housing Zone
3. *McKinlay Morgan and Associates* - 0.25 (point two five) dwellings per hectare to provide the transition in density to the outlying rural acreage.
4. *D Thornton* - Precincts E & F should be similar to Area D.

In adopting the Pitt Town Advisory Committee version of the Masterplan, the density controls became inconsistent with the recommendations of the LES. Concern has been expressed that there seemed to be no reason or explanation for this change.

DIPNR will require justification of this decision when the draft is sent to them. To be consistent with the LES the densities should be set a 2.5 lots per hectare. This will result in an alteration to the number of lots from 124 to 141 for this area.

This alteration would require re-exhibition of the draft plan.

Recommendation:

That the draft plan be amended to alter the lot densities from "2" and "3" per hectare to 2.5 per hectare.

Assessment of Section 117(2) Ministerial Directions

The Section 117 Directions are the directions issued to Council when preparing draft Local Environmental Plans. The comments made in the submissions related to an outdated set of Ministerial Directions, however, each current Direction raised in the submissions is addressed below.

1. G8 Rural zones

Draft Amendment is not inconsistent with Direction G8.

2. G9 Residential zones

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The draft plan is inconsistent with G9 in that it increases the minimum allotments size for a dwelling house. The current minimum allotment size in the Residential 2(a) zone is 450sqm. The minimum allotment size in the proposed Housing zone at Pitt Town is 750sqm. It is also inconsistent in that the draft Amendment does not provide for dual occupancy development. This change is also consistent with Amendment 130 which restricts Multi Unit Housing, including dual occupancy. Draft Amendment 130 has been accepted by the Residential Development Strategy Committee of DIPNR. The change proposed in the draft amendment will need to be justified to DIPNR.

3. G12 Environmental Protection zones

Draft Amendment 145 is not inconsistent with G12. The alterations proposed in the Environmental Protection 7(d1) zone is justified by the LES as required by Direction G12.

4. G26 Residential allotment sizes

Draft Amendment 145 is inconsistent with G26 as it proposes lot sizes larger than 450sqm. Council must satisfy the Director that the provision can be varied or excluded.

State Environmental Planning Policies and Sydney Regional Environmental Plans

State Environmental Planning Policy No.53 - Metropolitan Residential Development

The statements made in the submission about SEPP 53 are clearly incorrect. In September 1997, the Minister for Planning gazetted State Environmental Planning Policy No.53 - Metropolitan Residential Development (SEPP 53). This Policy aimed to ensure that Council was providing housing choice within the Metropolitan Sydney and encouraged the principles of a "compact city".

A submission was prepared by Council in November 1996 and forwarded to the Minister seeking exemption from SEPP 53. To gain exemption from this SEPP Council's were required to prepare housing strategies indicating how the objectives of the SEPP were being met. Council's submission was based on the premise that Multi Unit Housing was allowable in all Residential (2a) zones which were serviced by reticulated water and sewer.

Council's Housing Submission and subsequent exemption to SEPP 53 was approved by the Minister on 25 September 1997. Therefore SEPP 53 does not apply to the Hawkesbury and, appropriately, not exhibited with draft Amendment 145

Draft State Environmental Planning Policy No.66 - Integrating land use and transport

This draft plan has not been gazetted.

Sydney Regional Environmental Plan No.20 –Hawkesbury Nepean River (1997)

The draft plan is not inconsistent with the SREP 20.

Amendments generated by the DCP

There are 2 (two) sections of the draft plan that require alterations as a result of the preparation of the DCP and advice from the NSW Heritage Office.

Firstly, the alteration of the zone boundary on the Bona Vista property between the Rural Housing and the Housing Zone. This will result in a small reduction in the Housing Zone.

Secondly, the proposed extension of Hall Street to Redfern Place/Mitchell Road has been relocated further west to account for existing property boundaries and the preservation of the windbreak. This has left one section of a property (a small triangular shaped parcel of land) straddling 2 (two) density control areas. It considered necessary to amend the draft plan so that the parcel of land is contained wholly within one density control area.

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The amended draft plan is displayed at this meeting and distributed separately to the Business Paper.

Recommendation:

That Draft Local Environmental Plan - Amendment 145 be amended to alter the zone boundaries as indicated on the attached revised draft plan.

Amendments to Draft Amendment 145

As a result of the public exhibition and the submissions received, the following changes are required to the draft plan as recommended throughout this report. These amendments will require the draft plan to be re-exhibited. The changes are:

1. Draft Local Environmental Plan - Amendment 145 be altered to change Clause 18 of Hawkesbury Local Environmental Plan 1989 to ensure that satisfactory arrangements are made for public transport facilities at Mulgrave Railway.
2. Draft Local Environmental Plan - Amendment 145 be amended to prohibit vehicular access to Cattai Road and the inclusion of the assessment of noise attenuation measures with any development application for the area.
3. Draft Local Environmental Plan - Amendment 145 be amended to alter the lot densities from 2 (two) and 3 (three) per hectare to 2.5 (two point five) per hectare.
4. Draft Local Environmental Plan - Amendment 145 be amended to alter the zone boundary as indicated on the displayed revised draft plan.
5. Draft Local Environmental Plan - Amendment 145 be amended to alter the reference in the land use matrix notes to refer to '9B' and '9C'.

Summary of Recommendations:

The following is a summary of the recommendations made in this report:

1. Draft Local Environmental Plan - Amendment 145 be amended:
 - a) to change Clause 18 of Hawkesbury Local Environmental Plan 1989 to ensure that satisfactory arrangements are made for public transport facilities at Mulgrave Railway Station.
 - b) to prohibit vehicular access to Cattai Road and the inclusion of the assessment of noise attenuation measures with any development application for the area.
 - c) to alter the lot densities from 2 and 3 per hectare to 2.5 per hectare.
 - d) to alter the zone boundaries as indicated on the displayed revised draft plan.
 - e) to alter the reference in the land use matrix notes to refer to '9B' and '9C'.
2. The listed amendments be incorporated into Draft Local Environmental Plan - Amendment 145 and the draft plan be re-exhibited for a period of 28 days.
3. That the requirements for the Water Management Plan be referred to Connell Wagner for inclusion in the DCP.
4. Stormwater Management issues be subject to a further report to Council once these additional investigations are complete.

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5. Christopher Stapleton Consulting be requested to prepare the TMAP following consultation and agreement by the RTA as to its precise contents.
6. Further consultation be undertaken with Hawkesbury Valley Bus and Coach Service through the TMAP to ensure any future development is planned to allow for bus services.
7. Provision be made for the Telstra equipment at the proposed community centre site or the park adjacent to "Bona Vista" within the DCP.
8. A Public Hearing be held pursuant to the provisions of the EP&A Act and an independent planning consultant be engaged to conduct the Public Hearing.
9. The matters raised by Hornsby Shire Council be addressed in the Water Management Plan.

Options

There are several options available to Council and these are discussed below.

Option 1 - Abandon the draft plan

Council may resolve to end this process, that is, cease the preparation of a draft local environmental plan. This would require a resolution to abandon the draft plan and the DIPNR would be notified accordingly.

Option 2 - Proceed with the current draft plan

Council may resolve to proceed with the preparation of a draft local environmental plan as exhibited to allow residential development at Pitt Town. This would require the Section 68 submission to be forwarded following the preparation of the TMAP and Local Demand report as required by DIPNR.

Option 3 - Amend the draft plan

Council may resolve to amend the draft plan as recommended above and place the amended plan on public exhibition for 28 (twenty eight) days as required by the EP&A Act 1979.

Option 4 - Conduct a Public Hearing

Should Council resolve this way, it is anticipated that the Public Hearing be held towards the end of February 2005 and an independent town planning consultant will need to be appointed to conduct the Public Hearing.

Conclusions

It is recommended that draft Amendment 145 be re-exhibited as a result of the amendments required. Following the exhibition it is recommended that a Public Hearing be held in accordance with Section 68 of the Environmental Planning and Assessment Act 1979 to assess the submissions received during the recent exhibition and the proposed re-exhibition. Should any amendments be made to the draft DCP, it would be appropriate to re-exhibit the plans concurrently.

RECOMMENDATION:

That:

1. Draft Local Environmental Plan - Amendment 145 be amended:
 - a. to change Clause 18 of Hawkesbury Local Environmental Plan 1989 to ensure that satisfactory arrangements are made for public transport facilities at Mulgrave Railway Station.

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- b. to prohibit vehicular access to Cattai Road and the inclusion of the assessment of noise attenuation measures with any development application for the area.
 - c. to alter the lot densities from "2" and "3" per hectare to "2.5" per hectare.
 - d. to alter the zone boundaries as indicated on the displayed revised draft plan.
 - e. to alter the reference in the land use matrix notes to refer to '9B' and '9C'.
- 2. The listed amendments be incorporated into Draft Local Environmental Plan - Amendment 145 and the draft plan be re-exhibited for a period of 28 days.
 - 3. That the requirements for the Water Management Plan be referred to Connell Wagner for inclusion in the DCP.
 - 4. Stormwater Management issues be subject to a further report to Council once these additional investigations are complete.
 - 5. Christopher Stapleton Consulting be requested to the prepare the TMAP following consultation and agreement by the RTA as to its precise contents.
 - 6. Further consultation be undertaken with Hawkesbury Valley Bus and Coach Service through the TMAP to ensure the any future development is planned to allow for bus services.
 - 7. Provision be made for the Telstra equipment at the proposed community centre site or the park adjacent to "Bona Vista" within the DCP.
 - 8. A Public Hearing be held pursuant to the provisions of the EP&AAct and an independent planning consultant be engaged to conduct the Public Hearing.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



special
meeting

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