



Hawkesbury City Council

Attachment 1  
to  
item 14

Wilberforce Subdivision and  
Development Policy

date of meeting: 14 February 2012  
location: council chambers  
time: 6:30 p.m.





Hawkesbury City Council  
Policy

Hawkesbury City Council

DRAFT

Wilberforce  
Subdivision and  
Development  
(Version 1)

Adopted by Council at the  
Ordinary Meeting Held on  
<<insert date when adopted>>





### Table of Contents

1.0	PURPOSE .....	2
2.0	BACKGROUND.....	2
3.0	SCOPE .....	2
4.0	DEFINITIONS.....	2
5.0	ROLES AND RESPONSIBILITIES.....	3
6.0	PRIORITY SEWERAGE PROGRAM .....	3
7.0	DEVELOPMENT IN WILBERFORCE .....	3
8.0	FUTURE PLANNING FOR WILBERFORCE .....	4
9.0	ALLOCATION OF CAPACITY.....	4
10.0	Review of Policy.....	5
	Appendix A - Residential Zoned Land and Lot Size Map for Land within the Wilberforce Village .....	6

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## **1.0 PURPOSE**

The purpose of this policy is to guide decision making on applications for subdivision and development in the residential zoned area of Wilberforce village as covered by the Priority Sewerage Program.

This policy should be read in conjunction with:

- Glossodia, Freemans Reach and Wilberforce Sewerage Scheme Connection Policy
- Hawkesbury Local Environmental Plan 1989 (HLEP)
- Draft Hawkesbury Local Environmental Plan 2011 (LEP)
- Community Strategic Plan (CSP)

## **2.0 BACKGROUND**

Wilberforce is part of the Priority Sewerage Program (the PSP). With the availability of sewer to properties there is an expectation that development (including subdivision), which was previously restricted through lack of sewer services, to proceed without further delay. Development applications (DAs) have been lodged for subdivision and other development in the expectation that approval can now be granted as Sydney Water has advised that services are, or will soon be, made available.

However, the PSP is a limited coverage scheme and does not provide for unlimited connections. It provides for a limited infill growth (approximately 100 Equivalent Tenements (ET)) but does not provide guidance on the location of that growth area. This policy seeks to provide guidance until such time as master plans are prepared for the villages under the CSP or until the actual capacity, as opposed to the design capacity, of the PSP system is fully understood. This is expected to be approximately the end of 2013.

Council has a responsibility to provide for the orderly use of scarce resources and to enable development to occur without unduly burdening the demand for public utilities. Equally it is important that the character of Wilberforce is managed carefully over time as intended by the Community Strategic Plan.

On 15 February 2011 Council resolved to prepare an interim policy that seeks to provide for a fair and equitable allocation of the Sydney Water service. This Policy seeks to provide an allocation approach based on impartial criteria.

## **3.0 SCOPE**

This Policy applies to all residentially zoned land, serviced by the Priority Sewerage Program within the Wilberforce village as shown on Appendix A.

The objectives of this Policy are to:

- Ensure development decisions do not prejudice the orderly and economic use of scarce resources.
- Seek to avoid a "first-in-first served" allocation and instead enable development (including subdivision) to occur in a fair and equitable way.
- Provide efficient subdivision layouts that do not substantially alter the established character of Wilberforce.
- Establish criteria to enable the systematic approval of suitable development (including subdivision).

## **4.0 DEFINITIONS**

- "Council" means the Hawkesbury City Council.
- "PSP" means the Priority Sewerage Program, provided by Sydney Water.
- "Development" has the meaning ascribed under the Environment Planning and Assessment Act 1979



## 5.0 ROLES AND RESPONSIBILITIES

Director City Planning	Provide a review of this policy on an annual basis
Manager Planning	Monitor development and subdivision approvals and implementation of the policy against PSP

## 6.0 PRIORITY SEWERAGE PROGRAM

*“Sydney Water started construction of the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme in March 2009. The scheme will provide improved wastewater services to about 1,660 properties in the three towns.” Source:*

<http://www.sydneywater.com.au/majorprojects/NorthWest/Glossodia/>

The available capacity of the PSP is limited. Each development application that Council endorses enables an applicant (subject to services being made available) to subdivide their land or develop it to a higher intensity than one dwelling. However, the PSP has a limited capacity for additional infill development as the primary purpose of the program is to provide improved wastewater services to existing properties.

## 7.0 DEVELOPMENT IN WILBERFORCE

### ***Existing development***

Council is the regulatory authority for on-site septic systems and are encouraging property owners to connect to the PSP. On 13 April 2010, Council adopted the “Glossodia, Freemans Reach and Wilberforce Sewerage Scheme Connection Policy” to encourage and guide the connection of existing premises to the PSP. However if a property owner wishes to retain an onsite sewage management system it will be required to meet ‘best practice’ onsite sewage management, under the *Local Government Act 1993*.

Ultimately all other existing premises will be required to connect and that policy includes the following information:

*“If a property owner fails to make a commitment to connect to Sydney Water’s sewerage system and does not upgrade their onsite sewage management system in accordance with ‘best practice’ the following forms of action may be taken by Council:*

*A Prevention Notice can be issued under the Protection of the Environment Operations Act 1997. This Prevention Notice will require the owner of the property to connect to the sewer or to upgrade the existing onsite sewage management system so it meets the requirements of ‘best practice’ onsite sewage management. The Prevention Notice carries an administration fee of \$320 as at the date of this policy.*

*An Order can be issued under the Local Government Act 1993, requiring the property owner to connect to the sewer or to upgrade the existing onsite sewage management system to meet the requirements of ‘best practice’ onsite sewage management.”*

### ***Proposed Development***

The PSP provides limited capacity for connections in excess of existing development for Wilberforce, Glossodia and Freemans Reach. In Wilberforce the minimum lot size in the residentially zoned land is currently 450m<sup>2</sup> and many of the existing lots are well in excess of 1000m<sup>2</sup>. As such, there is widespread potential for subdivision and intensification of development. The PSP will not be able to cater for the full potential of that latent demand.

Council has taken the view that it is prudent to ensure that the allocation of that limited capacity occurs in a way that best serves the public interest. It is also important to not raise a false expectation that a DA approval guarantees that the service will be available when the development proceeds.



A development consent notice is valid for 5 years. As such, it is possible that one subdivision could be approved that does not commence until the 4<sup>th</sup> year. In the meantime other applications may be approved and connect to the system, thereby using the available capacity. When that original applicant is then ready to proceed they may be refused a Section 73 certificate from Sydney Water as the service capacity is no longer available as the supply has, by then, been exhausted.

## **8.0 FUTURE PLANNING FOR WILBERFORCE**

As part of the Community Strategic Plan (CSP), the Hawkesbury residential Land Strategy and, hence, Council's Local Environmental Plan it is important to establish future character directions partly based on the availability of services and facilities. The allocation of the limited servicing has implications for the availability of sewer for future development (including subdivision).

For example if a school, community or emergency services facility was proposed then arguably these should be given priority access to the limited sewer capacity available ahead of subdivision of land for residential purposes. Similarly it is best practice to locate new development outside areas affected by the 1 in 100 year flood and close to existing services. However, Sydney Water's has no obligation to allocate the capacity on this basis. That responsibility is applied to the Consent Authority, in this case, Council

The character of Wilberforce has, in part, been established by the previous subdivision pattern. Overall the predominant lot size is about 1000m<sup>2</sup> with a few isolated pockets of lots at about 600m<sup>2</sup>. The Housing Zone provisions in the LEP apply to residential land not just in Wilberforce but also to areas including Bligh Park, Windsor and Richmond. The provisions assume a standard residential layout and a range of services with a typical residential area.

The LEP assumes that in a Housing Zone there would be (over time) widespread development at the minimum lot size of 450m<sup>2</sup>. However due to the absence of services until recently this has not been the actual situation. Instead for subdivision the minimum lot size has been the 4000m<sup>2</sup> minimum.

Regardless of services being available, the change from 4000m<sup>2</sup> to 450m<sup>2</sup> lot sizes would be significant, particularly when considered amongst mainly 1000m<sup>2</sup> lots. Also, given that lodgement of a subdivision proposal is a choice made by individual owners there is no guarantee that the remaining large parcels would be the ones to subdivide first. It may be that owners of existing lots of 900m<sup>2</sup> in size may seek to subdivide as well. Owners of any lot size could also seek to develop as outlined above for a range of purposes.

## **9.0 ALLOCATION OF CAPACITY**

Until such time as additional sewer services are made available to all lots in the Housing, or R2 Low Density Residential, Zone of Wilberforce the following criteria is proposed to be used to assess development applications for subdivision and other development proposals submitted to Council:

- (a) Available capacity, based on the number of subdivision approvals that have proceeded to linen release stage, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET in the area covered by the PSP.
- (b) Lot size - new lots to be created are to have a minimum area of 750 m<sup>2</sup>, in zoned areas not affected by the 1 in 100 year flood, or 1000m<sup>2</sup>, in areas affected by the 1 in 100 year flood, as shown in Appendix A. Allotments in areas affected by the 1 in 100 year flood must have a building platform, suitable for the construction of a dwelling, at a level equal to or greater than the 1 in 100 year flood. This building platform must be either naturally occurring or may be obtained by filling, via a separate development approval, with a maximum fill depth of 1.0 metres.
- (c) Proximity - new lots to be created, and development of community or emergency facilities, within 800m from existing community facilities, i.e. shops, are to be given priority.





- (d) Priority will be given to residential development in excess of a single dwelling house, for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes (if permitted by the relevant zoning or Legislation) within the 800m radius from existing community facilities.
- (e) Development applications lodged with Council prior to 15 February 2011 (as listed in the Council report dated 15 February 2011 and any subsequent related motions of Council) will not be subjected to this Policy.

#### **10.0 Review of Policy**

The Policy is to be reviewed within two years of adoption.

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# Appendix A - Residential Zoned Land and Lot Size Map for Land within the Wilberforce Village

