



Hawkesbury City Council

attachment  
to  
item 139

**Attachment 1**  
Pitt Town LEP Review  
Prepared by Neil Selmon  
Consulting Services  
July 2007

date of meeting: 31 July 2007  
location: council chambers  
time: 5:00 p.m.



# **PITT TOWN LOCAL ENVIRONMENTAL PLAN REVIEW**

**REVIEW OF PITT TOWN LEP AMENDMENT 145  
AMENDED JOHNSON PROPERTY GROUP  
REZONING REQUEST**

**ADDENDUM TO SECTION 54 REPORT TO HAWKESBURY COUNCIL  
PREPARED BY  
NEIL SELMON CONSULTING SERVICES PTY LTD  
July 2007**

**REVIEW OF PITT TOWN LEP AMENDMENT 145  
AMENDED JOHNSON PROPERTY GROUP REZONING REQUEST  
ADDENDUM TO SECTION 54 REPORT**

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## EXECUTIVE SUMMARY

In August 2006 Council received a rezoning request prepared by Don Fox Planning Pty Ltd on behalf of the Johnson Property Group for certain lands at Pitt Town. The land included part of the land affected by Hawkesbury Local Environmental Plan (LEP) 1989 (Amendment No 145), land deferred from Amendment 145 and a small amount of land falling outside the investigation area of the 2003 Connell Wagner Local Environmental Study that preceded Amendment 145.

The purpose of the rezoning request was to include the deferred area and additional lands, following further archaeological and heritage studies over the land, and to substantially increase the residential densities permitted by LEP Amendment 145.

The rezoning request was independently reviewed by Neil Selmon Consulting Services and a report considered by Hawkesbury Council at its meeting held 13 March 2007. It was resolved:

*"That Council:*

- 1. Conduct a site inspection at Pitt Town.*
- 2. Request further advice from the Department of Planning after the State Election on 24 March 2007 and the subsequent appointment of the Minister for Planning."*

A site inspection has been undertaken and Council has written to the Department in fulfilment of part 2 of the resolution. No response has been received from the Department at the time of writing of this report.

On 29 May 2007 the Johnson Property Group submitted an amendment to the August 2006 rezoning request, reducing the total number of additional lots to be created in the study area from 1265 to 1107. The potential yield from the controls introduced through Amendment 145 is approximately 634 lots.

The amended proposal has also been independently reviewed by Neil Selmon Consulting Services and this report should be read as an addendum to the Section 54 Report to Council dated February 2007.

Consultation undertaken with relevant agencies as part of this current review has established that there has been no substantive change in policy position regarding any rezoning proposal for the Pitt Town Investigation Area.

This consultancy's review of the August 2006 proposal identified key issues to be taken into account when considering any zoning amendment at Pitt Town. They are:

- demonstration of compelling need for any amendment;
- flooding and emergency evacuation;
- heritage considerations; and
- infrastructure provision.

They remain the relevant key issues for any amended rezoning proposal.

On 23 November 2006 the Department of Planning wrote to Council indicating that in any reconsideration of the outcomes of Amendment 145 "the total lots for the area should not exceed 870". In the absence of any change to the Department's suggested 'cap', and without knowledge of any imperative for maximising lot yields that may eventuate from the outcomes of the Sydney North West Subregional Strategy, it remains the opinion of this consultancy that the limited benefits to Council and the community that a relatively small increase in lot yield would bring means that revisiting the planning controls introduced by Amendment 145 is not warranted at this time.

However, should Council be of a mind to increase lot yields at Pitt Town to maximise infrastructure funding and provision, the most logical and acceptable planning approach would be to review the capability of all of the land in the extended Pitt Town Investigation Area to accept higher densities than permitted by current planning controls. Any such review should not be driven by an arbitrary lot yield cap, but should aim to achieve a development outcome that is acceptable because it:

- respects the very significant heritage values of the area;
- provides adequate funding for appropriate and necessary infrastructure to support existing and future residents; and
- is within the currently accepted thresholds for timely evacuation of existing and future residents should this be required during a flood event.

In its letter to Council of 16 January 2007 the SES advised that a maximum of 1100 additional lots could be added to the existing residential capacity at Pitt Town, noting however that this would reduce the existing Evacuation Factor of Safety (EFOS) for the Pitt Town Central Sector to zero. In any decision to increase existing densities at Pitt Town beyond those available under existing planning controls Council must be cognisant that it will be reducing the EFOS for both existing and future residents in the area.

Should Council resolve to investigate higher lot yields for the Pitt Town Investigation Area, the content of the 2003 Pitt Town Local Environmental Study, prepared for Council by Connell Wagner, is still largely relevant and would provide a sound basis for any review.

## 1.0 INTRODUCTION

In August 2006 Council received a rezoning request prepared by Don Fox Planning Pty Ltd on behalf of the Johnson Property Group (JPG) for certain lands at Pitt Town. The land included part of the land affected by Hawkesbury Local Environmental Plan (LEP) 1989 (Amendment No 145), land deferred from Amendment 145 and a small amount of land falling outside the investigation area of the 2003 Connell Wagner Local Environmental Study that preceded Amendment 145.

The purpose of the rezoning request was to include the deferred area and additional lands, following further archaeological and heritage studies over the land, and to substantially increase the residential densities permitted by LEP Amendment 145.

The rezoning request was independently reviewed by Neil Selmon Consulting Services and a report considered by Hawkesbury Council at its meeting held 13 March 2007. It was resolved:

*"That Council:*

- 3. Conduct a site inspection at Pitt Town.*
- 4. Request further advice from the Department of Planning after the State Election on 24 March 2007 and the subsequent appointment of the Minister for Planning."*

A site inspection has been undertaken and Council has written to the Department in fulfilment of part 2 of the resolution. No response has been received from the Department at the time of writing of this report.

On 29 May 2007 JPG submitted an amendment to the August 2006 rezoning request, reducing the total number of proposed additional lots to be created in the study area from 1265 to 1107. The potential yield from the controls introduced through Amendment 145 is approximately 634 lots.

The submission provides an amended Lot Yield Table and amended precinct plans, to replace plans in the August 2006 proposal, reflecting the amended minimum lot sizes. A copy of the submission is attached at **Appendix 1**.

Neil Selmon Consulting Services has again been engaged to provide an independent review of the amended rezoning proposal. This report has been prepared as an addendum to the February 2007 Section 54 Report to Council and should be read in conjunction with that report. This report does not reproduce the background to Amendment 145 or the relevant statutory considerations affecting any rezoning application at Pitt Town, focussing only on the differences between the August 2006 and May 2007 submissions, and making recommendations for Council's consideration.

## 2.0 THE AMENDED REZONING PROPOSAL

The amended proposal reduces the total number of additional lots to be created in the Investigation Area (on land controlled by JPG and by others) from 1265 to 1107. This is a net increase of 473 lots above the potential yield of approximately 634 lots under the controls introduced through Amendment 145.

The proposed lot sizes and lot yields for the various precincts in the Investigation Area, under Amendment 145 controls, the August 2006 proposal and the May 2007 proposal are compared in **Table 1 – Lot Yield** on the following page.

The submission at **Appendix 1** contains a map showing the proposed lot sizes in the various precincts for the current, amended proposal. For comparison purposes **Appendix 2** indicates the lot sizes proposed for the various precincts under Amendment 145 and the August 2006 submission.

### 2.1 Summary of Proposed Amendments

The differences between the JPG August 2006 and 29 May 2007 submissions are:

- The minimum lot size is increased from 450 to 750m<sup>2</sup> for all areas. This is consistent with Council's December 2003 resolution and means that the 'Housing' components of the Fernadell and Bona Vista precincts remain effectively unchanged from Amendment 145.
- Minimum lot sizes for the 'Rural Housing' areas north of the Pitt Town Conservation Area (Hall Street and Hall Street East precincts) are reduced from 2000m<sup>2</sup> to 1500m<sup>2</sup>.
- The August 2006 proposal provided an additional 631 lots for JPG controlled land over the Amendment 145 yield. The May 2007 proposal provides an additional 487 lots for the JPG controlled land over the Amendment 145 yield.
- The total lot increase over Amendment 145 is identified as 473 lots – this is because in Table 1 of the May 2007 submission the yield for other land owners is reduced by a total of 14 lots – no explanation for this is provided in the submission.
- Accepting the above mentioned 14 lot reduction for other land owners, the total additional lot yield for all owners is 1107 lots, or 158 less than that proposed in the August 2006 proposal.

The similarities between the 2006 and 2007 submissions are:

- Increased yields are proposed only for land controlled by JPG.
- The 2007 submission still includes significant additional areas between Hall Street and the Hawkesbury River, including the former "Blighton", outside the current boundary of Amendment 145.
- A large area is proposed for playing fields and open space between the escarpment and the river, to be zoned 6(a) Open Space.

**TABLE 1 – LOT YIELD COMPARISON**

Land Holding	LEP 145		August 2006 Proposal		May 2007 Proposal	
	Lot Sizes	Yields	Lot Sizes	Yields	Lot Sizes	Yields
Fernadell	750m <sup>2</sup> and 4000m <sup>2</sup>	154	450m <sup>2</sup> to 1000m <sup>2</sup>	231	750m <sup>2</sup> to 1500m <sup>2</sup>	178
Bona Vista	750m <sup>2</sup> and 1500m <sup>2</sup>	195	450m <sup>2</sup> to 1500m <sup>2</sup>	285	750m <sup>2</sup> to 1500m <sup>2</sup>	224
Hall Street	3 lots per hectare	22	600m <sup>2</sup> to 2000m <sup>2</sup>	307	750m <sup>2</sup> to 1 hectare	292
Hall Street East	2 lots per hectare 3 lots per hectare 5 lots per hectare	30	600m <sup>2</sup> to 2000m <sup>2</sup>	209	750m <sup>2</sup> to 1500m <sup>2</sup>	194
<b>Sub-total lots controlled by JPG</b>		<b>401</b>		<b>1032</b>		<b>888</b>
Area (Nth) Wells DCP Others	5 lots per hectare	134	5 lots per hectare	134	5 lots per hectare	122 (Note 1)
Area (Nth Johnston) DCP Others	2000m <sup>2</sup>	54	2000m <sup>2</sup>	54	2000m <sup>2</sup>	54
Area (East) Hall St DCP Others	2 lots per hectare	45	2 lots per hectare	45	2 lots per hectare	43 (Note 1)
<b>Sub-total lots controlled by others</b>		<b>233</b>		<b>233</b>		<b>219</b>
<b>Total Proposed Lots for Study Area</b>		<b>634</b>		<b>1265</b>		<b>1107</b>
Existing developed lots (Village area)		430 (Note 2)		430		430
Existing vacant lots (under 4000m <sup>2</sup> )		75 (Note 3)		75		75
<b>Total Lots</b>		<b>1139</b>		<b>1770</b>		<b>1612</b>
<b>Increase over LEP 145</b>		<b>-</b>		<b>+631</b>		<b>+473</b>

Note 1: These yields for land in other ownership have been reduced in the May 2007 JPG submission. No explanation is provided.

Note 2: Previous reviews have referred to 358 existing lots in the Pitt Town Village. The December 2006/January 2007 SES review of evacuation procedures in Pitt Town identified a total of 589 dwellings (430 in Central Pitt Town and 159 in other sectors) to be evacuated.

Note 3: This figure provided in the May 2007 JPG submission. In its December 2006/January 2007 review of evacuation procedures in Pitt Town the SES noted 78 vacant lots in total.

### 3.0 CURRENT AGENCY POSITION

The currently understood position of key agencies is discussed below, with a planning comment on each point as it relates to the May 2007 amended rezoning proposal. While the Heritage Office is now part of the Department of Planning, its most recent comments are considered separately given the importance of heritage issues in any decisions regarding Pitt Town.

#### 3.1 Department of Planning

As discussed in the February 2007 Section 54 Report to Council the Department of Planning has a stated position on the parameters for any reconsideration of planning controls at Pitt Town, as set out in its letter to Council of 23 November 2006. In summary the key points affecting this current, amended proposal are:

1. Proposals will only be considered in relation to land included in the (urban) footprint of Amendment 145.
2. Total dwelling numbers for the area should not exceed 870.
3. For a maximum of 870 lots the Department would not seek any further contributions for State Infrastructure beyond its existing Planning Agreement with JPG.

#### *Planning Comment:*

1. The amended rezoning proposal continues to include significant areas of land outside the boundary of Amendment 145. Given the Heritage Office comments discussed below, it is considered unlikely that the Department will alter its position on this point.
2. The amended rezoning proposal seeks a total of 1107 additional lots for the Investigation Area, 237 more than the 870 'cap' suggested by the Department.

The Department's letter of 23 November 2006 does not provide any clear justification for the proposed cap of 870 additional lots. It does however suggest that additional lot yield may be achieved by increasing densities in the southern parts of the Investigation Area, through a minimum lots size of 550m<sup>2</sup> in the Bona Vista and Fernadell precincts. The letter suggests while some increase in lot yield may be possible north of Johnston Street, the overall lot densities introduced by Amendment 145 for the northern precincts should not be exceeded.

The Neil Selmon Consulting Services February 2007 Section 54 Report to Council recommended that no change be made the current Pitt Town planning controls because:

- the 'cap' of 870 lots suggested by the Department meant that there would be little benefit to Council or the community in terms of additional

- infrastructure provision or funding, the key justification provided by JPG for an increase in densities; and
- in the absence of the Sydney North West Subregional Strategy, currently being prepared, there was insufficient strategic context to make an informed decision about the need for increased densities at Pitt Town beyond those permitted by the controls introduced through Amendment 145.

The amended rezoning proposal for 1107 additional lots has been discussed with the Department of Planning and it is understood that it is reviewing both the proposal and the content of its 23 November 2006 letter. However, at the time of writing of this report there has been no formal advice of any change in the Department's position regarding an 870 lot cap.

3. The May 2007 amended rezoning proposal recommends that, should the Council resolve to prepare a draft LEP permitting additional lot yield, a new Voluntary Planning Agreement should be prepared for the provision of infrastructure in lieu of contributions under the Section 64 and Section 94 plans.

Should any significant increase in lot yields be countenanced, then this approach is supported.

### **3.2 Heritage Office**

The Heritage Office wrote to Council on 30 January 2007 providing comments on the August 2006 JPG proposal for an additional 1265 lots in the precinct. While no comment has been received regarding the current amended proposal, the issues previously raised by the Heritage Office are still relevant. In summary they are:

1. No support for any expansion in the area to be developed as intensification of land use near the Hawkesbury River will over-write the landscape and permanently prevent any possibility of understanding the historic significance of the ancient Indigenous and early colonial landscape, and will destroy the very significant evidence of the aboriginal and historical archaeology of the area. In this context grading and levelling for sporting fields would have a similar impact and is not supported.
2. While some increase in density might possibly be accommodated without affecting the heritage significance of Pitt Town, doubling the yield is not supported. In particular reduction of lot sizes near the SHR listed Bona Vista (including the historic slab barns) is not supported.
3. Some capacity for a limited increase in dwelling yield may exist, in particular at the southern end of the site.

#### ***Planning Comment:***

1. The May 2007 amended rezoning proposal from JPG still includes significant areas outside the boundary of Amendment 145, particularly to the north of Hall Street, and includes the land deferred from Amendment 145 due to the need for additional heritage and archaeological investigation. The Heritage

Office advice is consistent with that contained in the Department's 23 November 2006 letter in recommending no additional land being included in any draft LEP, particularly near the Hawkesbury River because of the significant evidence of Aboriginal and European archaeology in that area. These comments have ramifications for the current proposals for playing fields and recreational areas at the northern end of the Investigation Area.

It is considered unlikely that the Heritage Office will alter its position in this regard.

2. The amended rezoning proposal increases lot sizes in the Bona Vista and Fernadell precincts to a minimum of 750m<sup>2</sup> consistent with Council's December 2003 resolution and Amendment 145. It is therefore consistent with Heritage Office recommendations. It is noted however that the Department has previously advised that lot sizes might be reduced in these precincts to a minimum of 550m<sup>2</sup>. It is clear that any resolution to increase lot yields would need to carefully consider the heritage values of the Investigation Area, including the State Heritage listed Bona Vista complex.
3. As with the August 2006 request, the current amended rezoning proposal increases lot yields only on land controlled by JPG. This results in more dense urban development 'leapfrogging' land controlled by others, with lower, more rural density controls applying to it. The JPG submissions justify this on the basis that the land not in its control has a very fragmented ownership and is unlikely to be developed in the short term.

As discussed in the February 2007 Neil Selmon Consulting Services Section 54 Report to Council the 'leapfrogging' approach to densities is not sound planning practice, does not facilitate efficient provision of infrastructure, and is unlikely to be supported by the Department of Planning.

A logical approach to any revisiting of densities at Pitt Town would consider the whole of the Investigation Area and:

- locate any higher densities in the southern part of the area, closest to the existing village and its services and infrastructure, to facilitate both the most efficient provision of additional infrastructure and a 'walkable' urban precinct to encourage a reduction in the need for private vehicle use;
- fan larger lots out from the existing village area towards the north, generally increasing lot sizes and providing 'rural housing' in the northern precincts to provide a buffer for agricultural lands, to respect the visual significance of the river escarpment, as identified through the existing Pitt Town Conservation Area, and to respect the traditional farming system of 'tops' and 'bottoms';
- take into consideration the very significant Aboriginal and European heritage and archaeology in the Investigation Area, including the former Governor Bligh's farm, the need for appropriate buffers near the Bona Vista complex, and respect for the rural character of the village.

### 3.3 State Emergency Service

The February 2007 Neil Selmon Consulting Services Section 54 Report to Council provided Council with a detailed discussion of the position of the State Emergency Service (SES) regarding emergency evacuation of existing and future residents in time of flood. This included a review of new information provided by Molino Stewart on behalf of JPG and new research undertaken by the SES to refine its understanding of evacuation procedures in Pitt Town and the variables affecting evacuation.

The May 2007 amended rezoning proposal has been discussed with the State Emergency Service (SES) which has advised that there is no substantive change to its position. In summary our understanding of that position is that:

1. the SES fundamentally does not support new development that will place additional population at risk when emergency evacuation is required, and will reduce safety margins for existing residents that may require evacuation.
2. notwithstanding the above, a maximum of 1100 new lots can be added to the existing residential capacity in Pitt Town, noting however that this would reduce the existing Evacuation Factor of Safety (EFOS) to zero. The SES notes that any reduction in EFOS is a decision for Council and the community to make, not the SES.
3. while raising the minimum level of the evacuation route to 17.3 metres AHD has a net benefit in terms of reducing the number of times on average that the entire 'island' would need to evacuate, it does not have the effect of reducing any eroded safety margin (EFOS) for the existing community. Any time advantage can only be gained if evacuation is commenced when the existing 16 metre Quantified Predicted Rainfall (QPF) limit is reached, and the potential for false alarm that such action has the potential to create is not acceptable to the SES.
4. a variable included in travel time calculation is the road capacity, described as 'vehicles per hour per lane'. A rate of 600 vehicles per hour per lane has previously been adopted (which allows for likely adverse driving conditions during an evacuation event), and this was described by the 2003 Molino Stewart report as "conservative but appropriate". The August 2006 JPG proposal included the provision of an additional outbound lane as a secondary design mechanism purported to increase the safety margin for flood evacuation along the current evacuation route. Any increase in safety margin relies on the mobilisation of an increased volume of traffic within the evacuation time period, which is only achievable if more SES personnel are deployed to warn residents through the established door knocking protocol. This scenario was calculated and discounted in earlier considerations of LEP Amendment 145. Unless the SES agrees that additional personnel are available and able to achieve this increased mobilisation, an additional outward bound lane is not warranted.

*Planning Comment:*

1. The amended JPG submission proposes a total of 1107 additional lots in the Pitt Town Investigation Area, or an additional 473 lots above the number potentially permitted under the controls introduced through Amendment 145. It would therefore both increase the number of residents requiring evacuation in the event of flood and reduce the EFOS for existing residents. These outcomes need to be considered by Council and balanced against the need for higher densities in the locality. As discussed in the February 2007 Neil Selmon Consulting Services Section 54 Report to Council there should desirably be some 'compelling need' for additional densities in an area subject to the evacuation constraints faced by the SES.
2. The 1107 additional lots proposed in the amended submission is consistent with the total maximum number of additional lots suggested by the SES. Should Council resolve to prepare a draft LEP to increase densities at Pitt Town it should be cognisant that approximately 1100 additional lots will reduce the existing EFOS to zero.
3. The position regarding raising of the road has not changed as a result of the amended submission. Raising the level of the evacuation route to 17.3 metres AHD is desirable but does not regain any of the reduced EFOS.
4. The position regarding an additional outward bound lane on the evacuation route has not changed as a result of the amended submission. The SES has verbally advised that it has not formally considered the possibility of recruiting the additional volunteers that would be required to motivate a sufficient number of residents to evacuate quickly enough to actually fill the additional vehicle capacity that another land would create.

## 4.0 CONSIDERATION OF OPTIONS

The amended submission from JPG, which proposes a lot yield approximately equal to the maximum additional development that the SES considers possible to safely evacuate in a significant flood event, suggests two logical options for Council. They are:

1. Do nothing; and
2. Resolve to review the development densities within the Pitt Town Investigation Area.

This report does not recommend a resolution to support the amended rezoning request, as set out in the 29 May JPG submission, because it addresses only the lands controlled by JPG, and includes land outside the existing footprint of Amendment 145, which is not supported by the Department of Planning or its Heritage Office.

### 4.1 Do Nothing Option

The recommendation of the February 2007 Neil Selmon Consulting Services Section 54 Report to Council was that Council resolve not to prepare a draft LEP to alter the planning controls applying to the Pitt Town Investigation Area. That report acknowledged that a **significantly** increased lot yield would assist in reducing the cost of infrastructure provision through the economies of scale that could be achieved, and that these savings could result in reduced per lot contributions, funding of additional infrastructure, or both.

However, the report also recommended that, despite the level of infrastructure costs, any additional development at Pitt Town must be balanced against other key issues – that is, whether there is a real need for more development at Pitt Town or whether infrastructure funding could be more efficiently utilised in other locations in the Hawkesbury LGA and Northwest Metropolitan subregion; whether additional densities can be accommodated while protecting heritage values and the rural character of the village; and whether the additional risk to new residents and potential loss of safety margin for existing residents during evacuation in time of flood is warranted.

In the absence of any additional information from the Department of Planning regarding the advice contained in its 23 November 2006, it remains the opinion of this consultancy that the limited benefits to Council and the community that a relatively small increase in lot yield would bring means that revisiting the planning controls introduced by Amendment 145 is not warranted at this time.

### 4.2 Resolve to Review Densities

Notwithstanding 4.1 above, should Council be of a mind to increase densities at Pitt Town beyond those permitted by Amendment 145, the most logical planning approach would be for it resolve to investigate the potential for increases over the whole of the expanded Pitt Town Investigation Area. It could then subsequently resolve to prepare a draft LEP should the investigation conclude that an increase is

possible and warranted. Any investigation should have regard to the issues raised by agencies, discussed above, and desirably:

- locate any higher densities in the southern part of the area, closest to the existing village and its services and infrastructure, to facilitate both the most efficient provision of additional infrastructure and a 'walkable' urban precinct to encourage a reduction in the need for private vehicle use;
- fan larger lots out from the existing village area towards the north, generally increasing lot sizes and providing 'rural housing' in the northern precincts to provide a buffer for agricultural lands, to respect the visual significance of the river escarpment, as identified through the existing Pitt Town Conservation Area, and to respect the traditional farming system of 'tops' and 'bottoms';
- take into consideration the very significant Aboriginal and European heritage and archaeology in the Investigation Area, including the former Governor Bligh's farm, the need for appropriate buffers near the Bona Vista complex, and respect for the rural character of the village;
- take into account the current position of the SES and the limitations that exist to evacuation of residents in time of flood, and consider the ramifications of reducing or removing the existing EFOS for the Pitt Town Central sector.

Any investigation should desirably have regard to the outcomes of the Sydney North West Subregional Strategy, which is anticipated for release in the latter part of 2007, and to any further advice from the Department of Planning regarding the lot yield cap suggested in its letter of 23 November 2006.

Amendment 145 was the result of a lengthy investigation including extensive community consultation. Any review of the controls introduced by that amendment will also require a transparent and comprehensive review of relevant issues, and include community consultation. This will have implications for Councils planning resources and priorities.

In this regard, however, it is noted that the 2003 Connell Wagner Pitt Town Local Environmental Study (LES) provides a sound basis for any review. When initially prepared the LES provided a comprehensive basis upon which Council and the community could consider any development in the Investigation Area. It provided high, medium and low growth scenarios to assist that consideration. It is still largely relevant, although some information, such as population data and relevant legislation, requires updating. It would also need to be reviewed in the light of the outcomes of the Sydney Metropolitan Strategy and North West Subregional Strategy.

To have any chance of acceptance by the Department of Planning a draft LEP must demonstrate adequate strategic justification. The 2003 LES is the logical starting point for the strategic review that would be required to provide that justification.

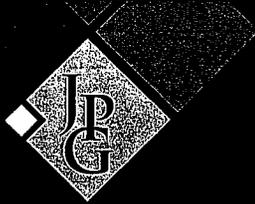
## 5.0 RECOMMENDATIONS

It is recommended that:

1. In the absence of any amended advice from the Department of Planning regarding acceptable parameters for an amendment to existing planning controls, Council not resolve to prepare a draft LEP pursuant to Section 54 of the *Environmental Planning and Assessment Act 1979* to alter the planning controls affecting the Pitt Town Investigation Area, as proposed in the 29 May 2007 submission from the Johnson Property Group.
2. Should Council resolve to undertake a review of development densities at Pitt Town, such review should include all of the land in the Pitt Town Investigation Area and have regard to the issues raised by relevant agencies and the community, including but not limited to the boundary of any subsequent LEP amendment, the significant heritage values of the Pitt Town cultural landscape, the limitations imposed by the need to safely evacuate existing and future residents should this be required in time of flood, and the funding and provision of appropriate infrastructure to service the level of additional population that any such review may recommend.
3. Council advise the applicant, Department of Planning and NSW State Emergency Service of its decision.

**APPENDIX 1**

**AMENDED JPG REZONING SUBMISSION  
MAY 2007**



**JOHNSON PROPERTY GROUP**

Creating living communities

29 May, 2007

The General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Attention: Matthew Owen

Dear Sir,

**RE: Amendments to Hawkesbury LEP 1989 – Pitt Town Rezoning**

The proposed amendment to the zoning at Pitt Town, known as the Environmental Investigation of Pitt Town Village, prepared by Don Fox Planning was lodged at Hawkesbury City Council for consideration in August, 2006. Since that time it has been the subject of much debate. Johnson Property Group (JPG) has considered the issues that have been raised by the community and is willing to make amendments to the Environmental Investigation.

The amendments needed are minor and attached is a report presenting the changes to adjust the lot sizes and yields.

It should be noted that additional documentation will need to be changed including parts of the Pitt Town Development Control Plan (DCP) and Part 7A of the Hawkesbury Section 94 Plan. JPG would recommend that a voluntary Planning Agreement should be prepared for the provision of infrastructure in lieu of contributions under the Section 64 and Section 94 plans.

I trust that this information is of assistance to you in preparing your report to Council and if I can provide any further information, please do not hesitate to contact the undersigned.

Yours sincerely,  
Johnson Property Group Pty Limited

**Greg Moore**  
Development Manager

## REVISION TO HAWKESBURY CITY COUNCIL LEP 1989

The report presented below is for an amendment to the Environmental Investigation of Pitt Town Village, prepared by Don Fox Planning and lodged at Hawkesbury City Council for consideration on 24 August, 2006. It represents changes that have been discussed between Hawkesbury City Council, the Department of Planning and Johnson Property Group.

Section 1, Sections 3 – 7, Section 9 and Appendices A - O do not require any changes, as they remain relevant to the proposed amendments being sought.

Section 2 will require changes and is presented separately below.

Section 8 requires the deletion of the second paragraph in Item 8.2.1 *Hawkesbury LEP 1989*. This paragraph refers to minimum lot sizes of 450m<sup>2</sup> in Bona Vista and Fernadell, which is no longer relevant.

### Summary

The amendments requested would result in the following recommendation to Council;

*"In accordance with Section 54 of the EP&A Act, amend the Hawkesbury LEP to allow the rezoning of further lands at Pitt Town to housing and rural housing, as proposed in the attached draft LEP amendment. The proposed rezoning would permit approximately 1,182 lots.*

*Council will also enter into an agreement with the developer to provide additional infrastructure to that already proposed under Section 94 and Section 64 contributions and the existing Planning Agreement. This could include the Punt Road upgrade, amenities and boat ramp, a riverside walk, additional playing fields and open space, community facilities and the provision of the Pitt Town bypass road."*

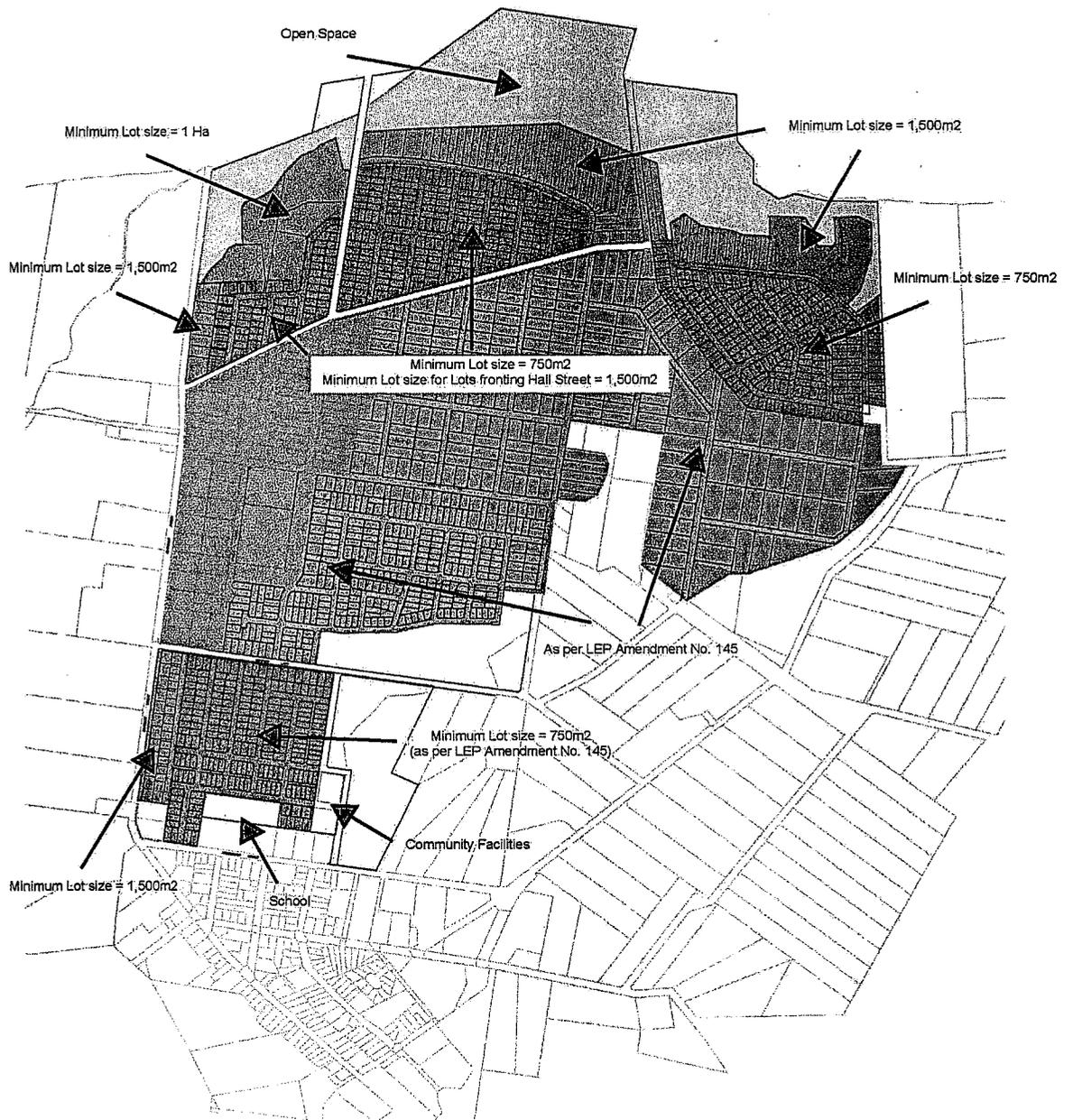
### Amendments to Section 2

## **2.0 PROPOSED DEVELOPMENT**

The proposal at this stage effectively involves an amendment to the zoning and planning controls applying to the study area. The proposed changes to the zoning controls are depicted on **Illustration 3**.

Detailed plans of each of the precincts for the development that would follow as a consequence of the changes to the planning and zoning controls are discussed below. A Structure Plan for the development is shown on **Illustration 4**.





**Illustration 3b: Proposed Zoning Map**



**Table 1** shows the expected yields from each of the development precincts, compared to the yields which would have been obtained under LEP Amendment No 145.

**Table 1 – Development Yields**

Land Holding	LEP 145 Lot		Proposed Lot	
	Lot Sizes	Yields	Lot Sizes	Yields
Fernadell	750m <sup>2</sup> and 4,000m <sup>2</sup>	154	750m <sup>2</sup> to 1,500m <sup>2</sup>	178
Bona Vista	750m <sup>2</sup> and 1,500m <sup>2</sup>	195	750m <sup>2</sup> to 1,500m <sup>2</sup>	224
Hall Street	3 lots per ha	22	750m <sup>2</sup> to 1 Hectare	292
Hall Street East	2 Lots per ha 3 Lots per ha 5 Lots per ha	30	750m <sup>2</sup> to 1,500m <sup>2</sup>	194
<b>Sub-total lots controlled by JPG</b>		<b>401</b>		<b>888</b>
Area (Nth) Wells - DCP Others	5 lots per ha	134	5 lots per ha	122
Area (Nth Johnston) DCP Others	2,000m <sup>2</sup>	54	2,000m <sup>2</sup>	54
Area (East) Hall St DCP Others	2 lots per ha	45	2 lots per ha	43
<b>Sub-total lots controlled by others</b>		<b>233</b>		<b>219</b>
Existing Lots (under 4,000m <sup>2</sup> )		75		75
<b>Total lots</b>		<b>709</b>		<b>1,182</b>

**Table 1** shows that a total of 634 lots would be available if all development within LEP Amendment No 145 is completed, except for the existing lots within the proposed 4,000m<sup>2</sup> rezoned area. Of these, 401 lots are within that part of the site controlled by Johnson Property Group (JPG) and 233 lots are outside. The lots not controlled by JPG are unlikely to proceed within the near future due to existing fragmented ownership patterns and existing development.

Note that there are 42 existing lots within the boundary of LEP Amendment No 145. There are 46 lots within the present study area, with 8 of these lying within the parts of the site controlled by JPG.

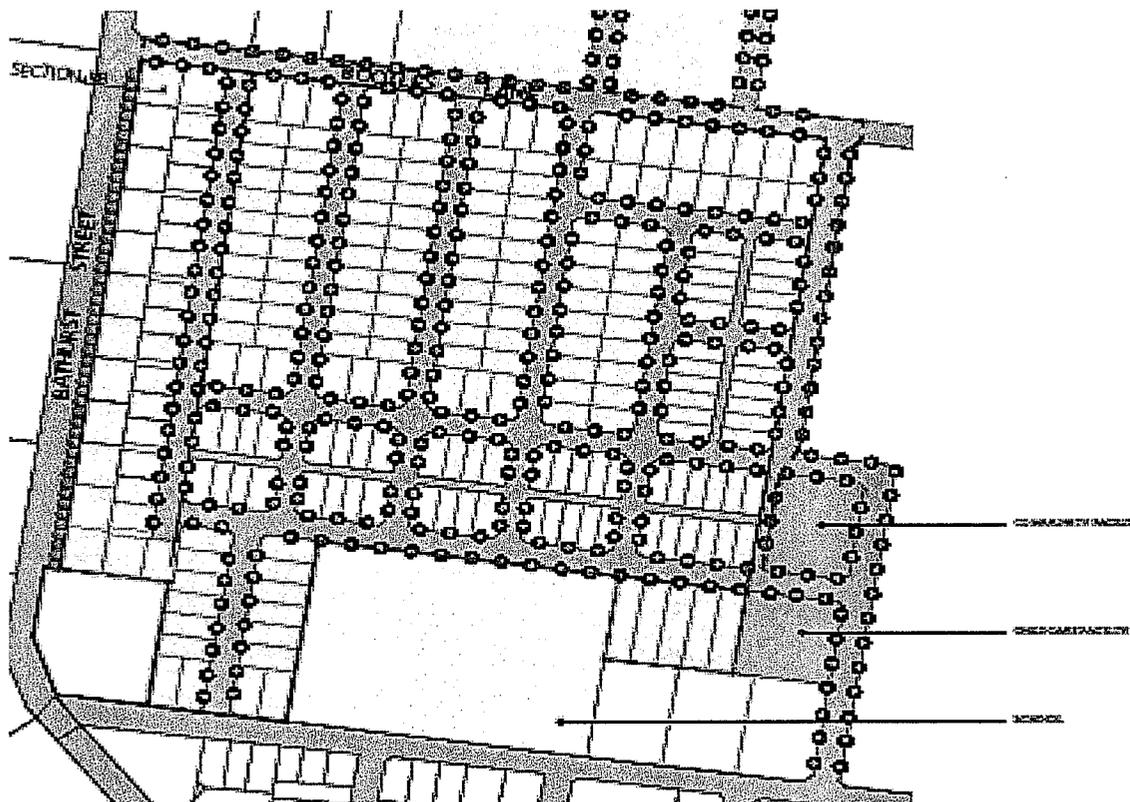
**Table 1** also shows that within the parts of the site controlled by JPG, 888 lots (an increase of 487 lots over the number available under LEP Amendment No 145) could be created under this current proposal and it is these lots which will contribute to the provision of the additional infrastructure discussed in **Section 9.0 Economic Justification**.

A detailed description of the development within each precinct and how the current proposal differs from LEP Amendment No 145 is presented below.

The development precincts are shown on **Illustration 9**.

## 2.1 Fernadell

The Fernadell Precinct includes Lot 1 DP 133026 and has a total area of 32.01 hectares. The plan for the Fernadell Precinct is depicted on **Illustration 5**



**Illustration 5: Detailed Plan of Fernadell Precinct**

The outline and type of proposed development in the current proposal is similar to LEP amendment No 145. Details of the changes made are as follows:

- In the south eastern edge of the site a Community Centre and childcare centre is proposed. These facilities are located on land currently zoned 7(d1) Environmental Protection (Scenic) and are permissible under the current zoning. However, no changes to the zoning are required to confirm their location and the intention to provide these facilities is not altered.
- The size of the proposed lots fronting Bathurst Street has been reduced from 4,000m<sup>2</sup> under LEP Amendment No 145 to 1,500m<sup>2</sup> under the current proposal. The minimum lot width is now proposed to be 25 metres, compared to a minimum of 40 metres permissible under Hawkesbury DCP. Access to Bathurst Street will remain prohibited.
- The minimum lot size within the Fernadell precinct will remain as gazetted under LEP 145, which provides for a minimum lots size of 750m<sup>2</sup> across the majority of this precinct.

Consequently, no changes are required to the written instrument, but the lot size controls and zone extents on the LEP map will be amended to reflect the changes outlined above.

## 2.2 Bona Vista

Bona Vista Precinct includes Lot 132 DP 1025876 and Lot 14 DP 865977 and has total area of 38.19 hectares. The plan for the Bona Vista Precinct is depicted on **Illustration 6**.



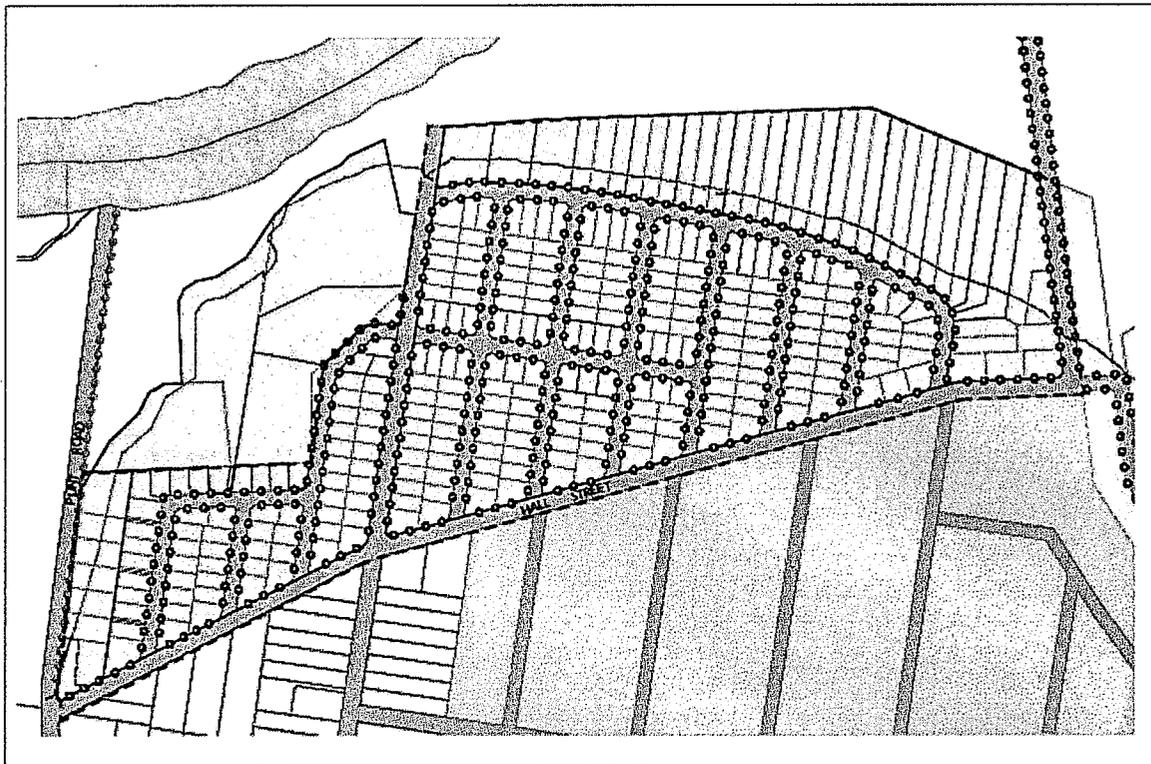
**Illustration 6: Detailed Plan of Bona Vista Precinct**

The outline and type of proposed development proposed is the same as LEP Amendment 145.

Therefore no changes are required to the written instrument or LEP map.

## 2.3 Hall Street Precinct

The Hall Street Precinct includes Lots 11, 12, 13, 14, 15, 16, 17 & 18 DP 1021340 and has total area of 66.174 hectares. The plan for the Hall Street Precinct is depicted on **Illustration 7**.



**Illustration 7: Detailed Plan of Hall Street Precinct**

The outline and type of proposed development is shown on **Illustration 7** and differs from LEP Amendment No 145 in the following ways:

- The area deferred from the Connell Wagner LES in LEP Amendment No 145 to the north of Hall Street is now included. The area was deferred at the request of the NSW Heritage Office pending further investigation of the heritage and archaeological issues of the site. These matters have now been addressed and are discussed in **Section 3.3** and Appendices C, H, I and L of this study as discussed later;
- A small area fronting Punt Road which was outside the original Connell Wagner study area and outside the boundary of LEP Amendment No 145 is now included as residential development. This area is contiguous with the adjoining residential areas;
- The density of development within the flat land above the river bank escarpment is increased from LEP Amendment No 145 and is proposed to be zoned Housing with a minimum lot size of 750m<sup>2</sup>;
- The lots fronting Hall Street are proposed to be zoned Housing with a minimum lot size of 1,500m<sup>2</sup>;
- Larger lots are proposed to be extended down the river bank escarpment from the flat land, although all dwellings will be restricted in accordance with the existing provisions of Hawkesbury LEP 1989. This area is proposed to be zoned Rural Housing with a minimum lot size of 1,500m<sup>2</sup>;
- Land within the conservation zone associated with the historic homestead known as Blighton and identified in the heritage studies will be zoned Rural Housing with a minimum lot size of 1 hectare in order to limit the number of lots in this area to not more than 5, including one lot for

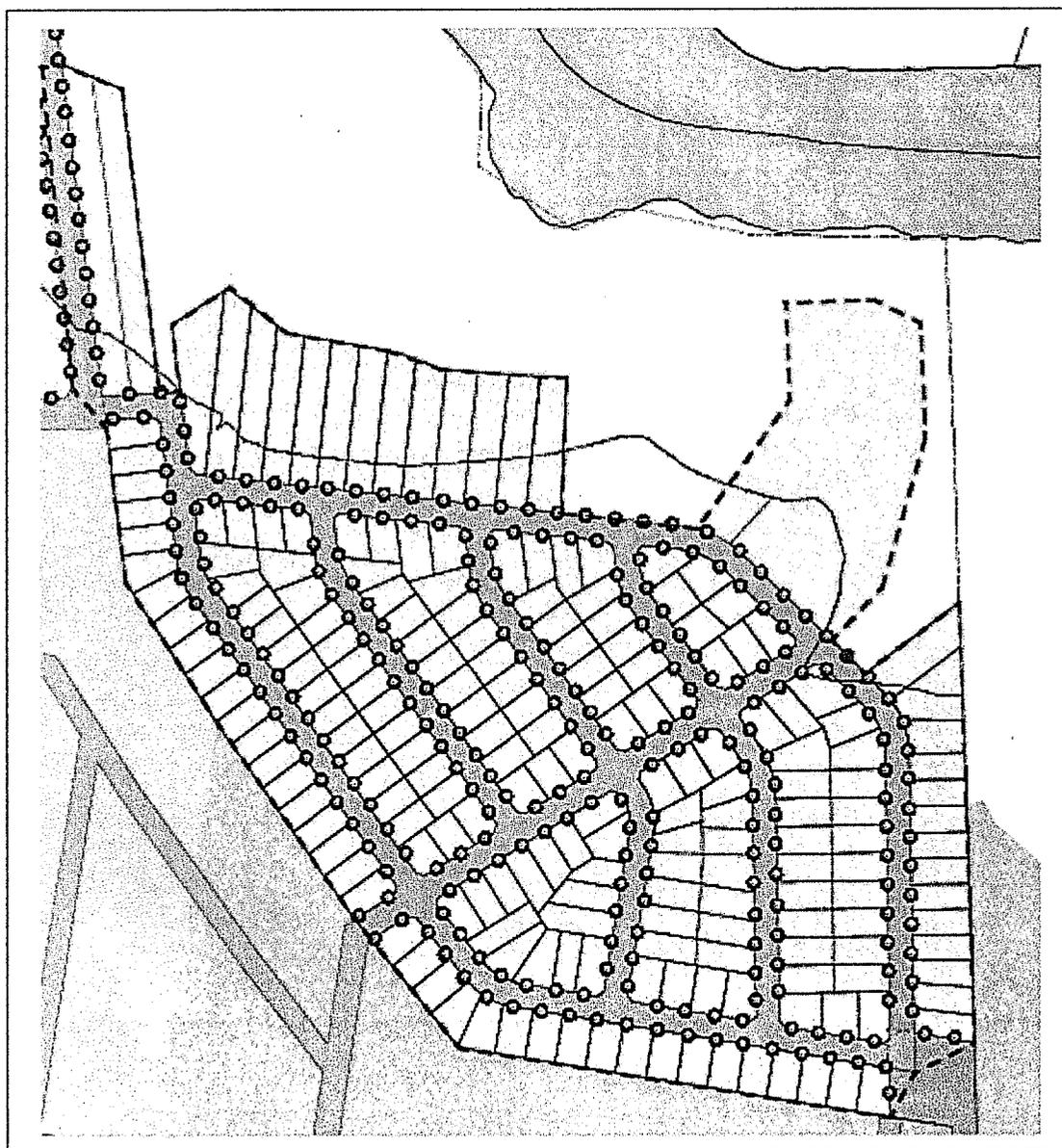
the existing dwelling. Other lots will have provision for building envelopes outside the conservation area;

- Land below the river bank escarpment is proposed to be zoned open space and developed as a major district style open space facility.

No changes to the written instrument will be required to accommodate the above amendments, but the LEP map will be amended to reflect the proposed lot sizes.

#### 2.4 Hall Street East Precinct

Hall Street East Precinct comprises Lot 2 DP 76375 and has a total area of 39.43 hectares. The plan for the Hall Street East Precinct is depicted on **Illustration 8**



**Illustration 8: Detailed Plan of Hall Street East Precinct**

The outline and type of proposed development is shown on **Illustration 8** and differs from LEP Amendment No. 145 in the following ways:

- The density of development within the flat land above the river bank escarpment is increased from LEP Amendment No 145 and will now be zoned Housing with a minimum lot size of 750m<sup>2</sup>;
- Larger lots are now extended down the river bank escarpment from the flat land, although all dwellings will be restricted in accordance with the existing provisions of Hawkesbury LEP 1989. This area is proposed to be zoned Rural Housing with a minimum lot size of 1,500m<sup>2</sup>;
- Land below the river bank escarpment is proposed to be zoned open space and developed as a major district style open space facility. This area will also contain stormwater control facilities.

## **2.5 Required amendments to Hawkesbury LEP 1989**

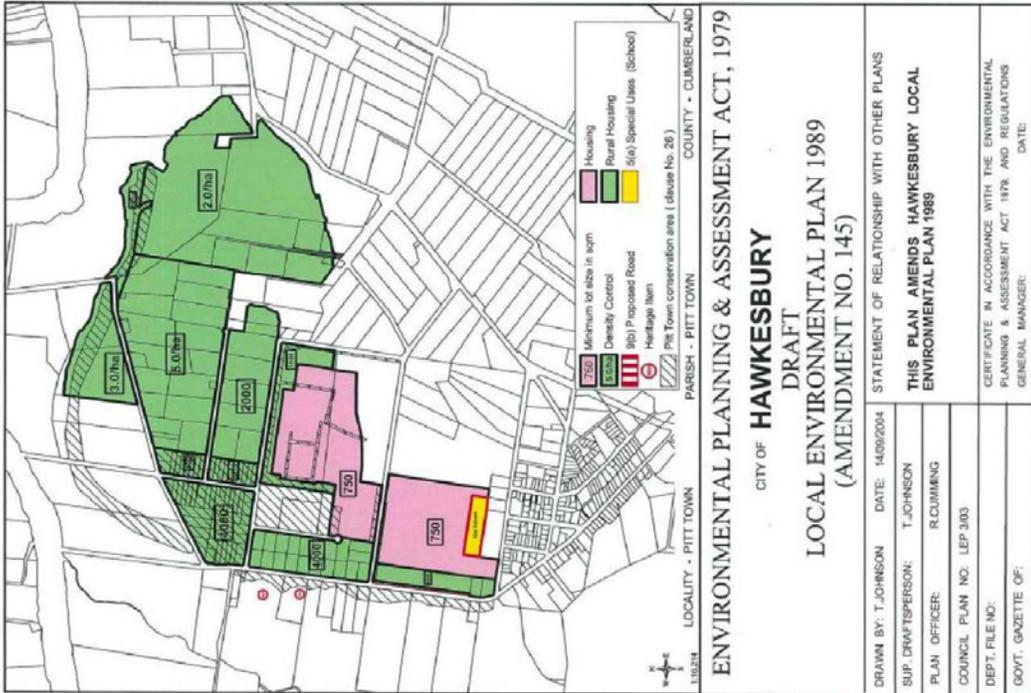
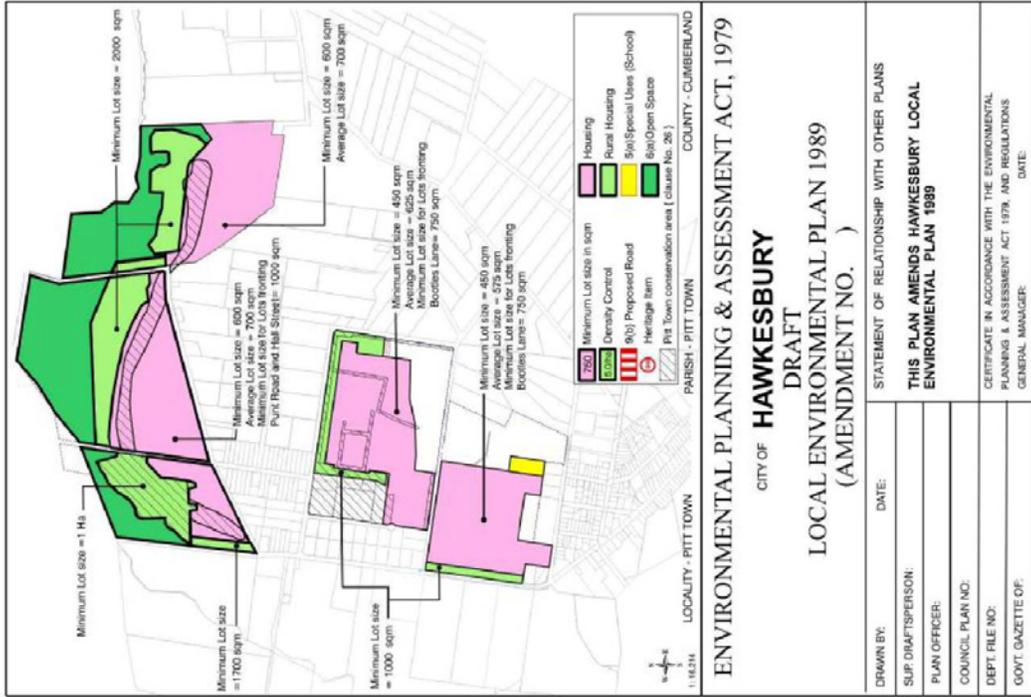
In order to accommodate the proposed development, the map attached to HLEP 1989 will require to be amended to reflect the lot sizes and the new extent of development as described above. A draft zoning map is presented as **Illustration 3b**.

One change is suggested to the written instrument because of the provisions now included on the map for minimum and average lot sizes. If the written instrument is not amended, the controls now included on the map could allow a developer to create a large number of small lots with a small number of large lots and still comply with the lot size controls on the map. This is not the intention of the proposed controls and a new clause is proposed to be inserted into the written instrument requiring that a Development Control Plan be in place prior to Council assessing any development applications for subdivision. The Environmental Planning and Assessment Act provides for such provisions in LEPs in accordance with clause 74D and also allows for developers to prepare Development Control Plans for adoption by Council.

The Development Control Plan will include a map of the subdivision pattern required by Council. Indicative maps have been prepared and are included in this study as **Illustrations 5 to 8** as discussed above.

## APPENDIX 2

### LOT SIZES AND YIELDS FOR LEP AMENDMENT 145 AND LEP AMENDMENT PROPOSED BY JPG AUGUST 2006 SUBMISSION



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF **HAWKESBURY**

DRAFT

LOCAL ENVIRONMENTAL PLAN 1989  
(AMENDMENT NO. 145)

DRAWN BY:	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUP. DRAFTSPERSON:	THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989
PLAN OFFICER:	
COUNCIL PLAN NO.:	
DEPT. FILE NO.:	CERTIFICATE IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS
GOVT. GAZETTE OF:	GENERAL MANAGER: DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF **HAWKESBURY**

DRAFT

LOCAL ENVIRONMENTAL PLAN 1989  
(AMENDMENT NO. 145)

DRAWN BY: T. JOHNSON	DATE: 14/06/2004	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUP. DRAFTSPERSON: T. JOHNSON		THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989
PLAN OFFICER: R. CUMMING		
COUNCIL PLAN NO. LEP 303		
DEPT. FILE NO.:		CERTIFICATE IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS
GOVT. GAZETTE OF:		GENERAL MANAGER: DATE

Illustration 3 - Existing and Proposed Zoning Maps