



Hawkesbury Local Planning Panel

Date of meeting: 16 February 2023
Location: By audio-visual link
Time: 10:00 AM

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

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1. PROCEDURAL MATTERS

Meeting Date: 16 February 2023

1. PROCEDURAL MATTERS

Welcome

The Chairperson will acknowledge the Indigenous Heritage and address the Hawkesbury Local Planning Panel meeting, mentioning:

- Recording of the Hawkesbury Local Planning Panel Meeting
- Statement regarding people addressing the Meeting

Attendance

Attending Panel members and Council staff members will be noted for the purposes of the Minutes.

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Panel Members. These will then be addressed at the relevant item.

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2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

2. REPORTS FOR DETERMINATION

2.1.1. CP - DA0097/22 - Lot 1 DP 1127074, 22 Bosworth Street RICHMOND NSW 2753 - (77182, 107, 95498)

Directorate: City Planning

DEVELOPMENT INFORMATION

Application Number:	DA0097/22
Date Received:	26 March 2022
Proposal Details:	Community Facility – Alterations and additions to the community facility
Estimated Cost:	464,555.73
Legal Description:	Lot 1 DP 1127074
Property Address:	22 Bosworth Street RICHMOND NSW 2753
Area:	834.70 Square Metres
Zoning:	B2 Local Centre
Applicant:	Ian Cubitt's Classic Home Improvements Pty Ltd
Owner:	Hawkesbury City Council
Exhibition Dates:	6 to 20 May 2022
Submissions:	One

Key Issues:	<ul style="list-style-type: none">Traffic and Parking
	<ul style="list-style-type: none">Impact on Nearby Heritage Items
	<ul style="list-style-type: none">Sewer Easement

EXECUTIVE SUMMARY

Reason for Consideration by Local Planning Panel

Conflict of interest – The landowner is the Council.

Proposal

The application is for alterations and additions to the existing community facility known as 'The Women's Cottage' at 22 Bosworth Street, Richmond. The subject community facility serves as a charitable community-based information and resource centre run by women for women and children of the Hawkesbury District. The proposed development involves demolition of part of the existing building and the extension of the rear of the building to accommodate new meeting rooms, kitchen and play area.

Permissibility

The existing facility is defined as a 'community facility' under the Hawkesbury Local Environmental Plan 2012. Community facilities are a permissible use within the B2 Local Centre zone.

Consultation

The Development Application was notified from 6 May 2022 to 20 May 2022. One submission was received.

RECOMMENDATION

That the Hawkesbury Local Planning Panel exercising the functions of Council pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 grant 'Deferred Commencement' consent to DA0097/22 for alterations and additions to the community facility at Lot 1 DP 1127074, known as 22 Bosworth Street, Richmond, subject to the prepared conditions of consent.

The reasons for approval are as follows:

- a) The development is permissible within the B2 Local Centre zone under the Hawkesbury Local Environmental Plan 2012 and generally satisfies the requirements of the applicable planning provisions.
- b) The development will be consistent with the emerging and planned future character of the Richmond locality and will not adversely impact on the heritage character of the surrounding context.
- c) The development will not significantly impact the traffic conditions of the local traffic network.
- d) The issues raised in the submission have been considered and on balance do not warrant the refusal of the application.
- e) For the reasons given above, approval of the application is in the public interest.

BACKGROUND

Detailed Description of Proposal

The application is for alterations and additions to an existing community facility known as The Women's Cottage at 22 Bosworth Street, Richmond. The subject community facility serves as a charitable community-based information and resource centre for women and children of the Hawkesbury District.

The proposed development includes partial demolition works to the existing building namely:

- partial demolition of roof, internal walls and fitout;
- removal of covered patio area;
- demolition of outdoor WC and metal shed; and
- demolition of Colorbond fence at the rear of the building.

The proposed development involves the construction of a single storey addition to the rear of the existing building with a total floor area of 130m². The proposed additions involve:

- new office space
- two counselling rooms
- group meeting area
- covered play area; and
- communal kitchen and a new unisex toilet.

This additional area aims to improve the amenity of the existing community facility. Three car parking spaces, including an accessible car space, are proposed at the rear of the site. No removal of vegetation is proposed as part of the development.

The proposed addition would achieve a 2.06m setback from the adjacent southern boundary and 3.24m setback from the adjacent northern boundary. The new addition will have a rear setback of approximately 14.29m. The rear section of the site is proposed to be slightly raised with construction of kerb around the full perimeter of the car parking area to ensure all overland flow is captured and stormwater is directed to the street.

The subject site contains an easement for sewerage purposes 3.66m wide which benefits Sydney Water and is partly located at the proposed location of the new extension of the building. The Applicant has proposed the extinguishment of the easement as the existing sewer line is redundant and has been decommissioned. Council has received written correspondence from Sydney Water confirming that the existing sewer easement is no longer required.

The proposed hours of operation are as follows:

- Monday to Wednesday and Friday 9:30am to 4:00pm;
- Thursday 9:30am to 1:00pm and 3:00pm to 7:00pm;
- Saturday 9:30am to 12:30pm; and
- Sunday Closed.

The community facility has ten to 15 full-time and part-time employees, however the full contingent of staff is unlikely to be in attendance at any one time. The submitted Traffic Impact Assessment Report indicates that five to six staff and a maximum of four patrons would be in attendance at the site at any one time.

The following figures show the proposed development and proposed plans are attached as Attachment 1 to this report.

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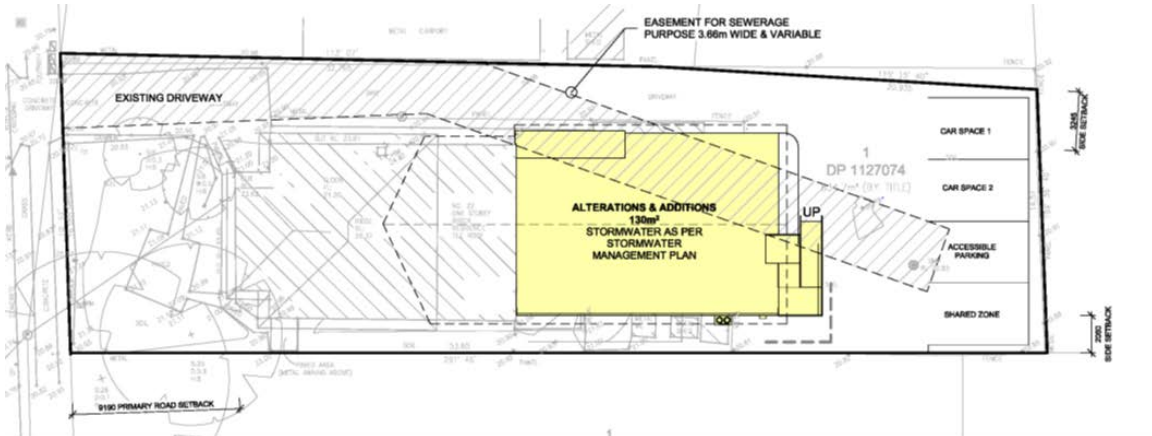


Figure 1: Site Plan

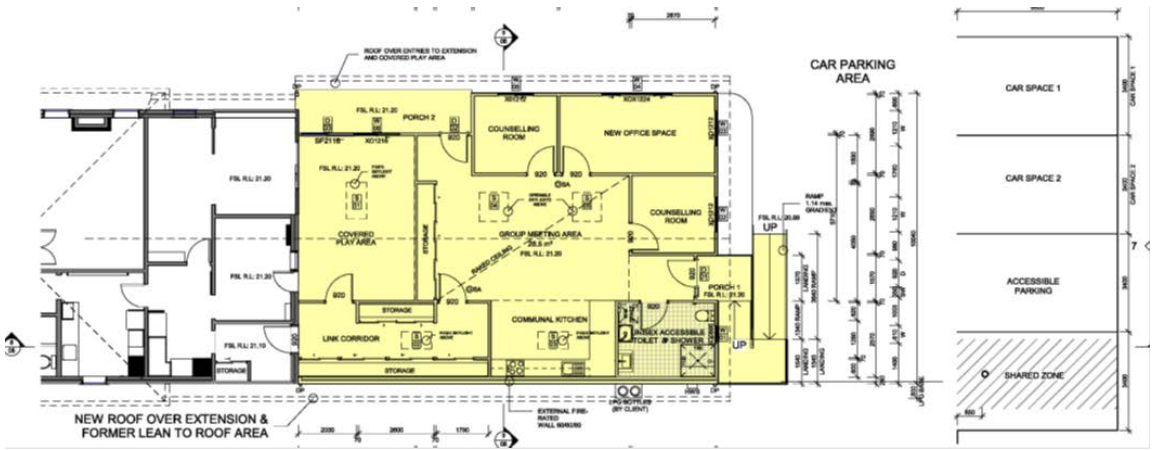


Figure 2: Floor plan of the proposed addition

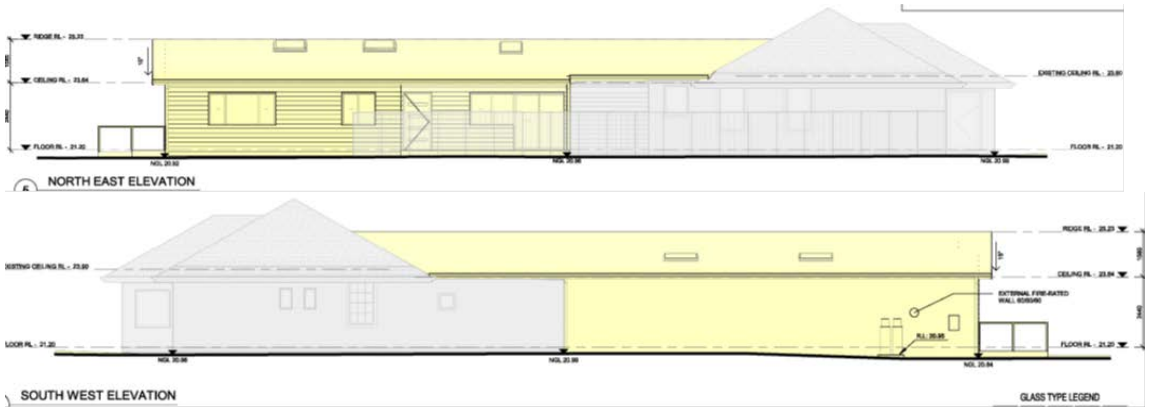


Figure 3: Elevations

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The following documents were submitted in support of the development application:

- Statement of Environmental Effects prepared by Ian Cubitt's Classic Home Improvements Pty Ltd and undated;
- Traffic Impact Assessment prepared by Auswide Consulting and dated September 2022;
- Heritage Impact Statement prepared by Edwards Heritage Consultants Pty Ltd and dated December 2021;
- Acoustic Report – Aircraft Noise prepared by Acoustic Noise & Vibration Solutions P/L and dated 18 November 2021;
- Access Report prepared by Ergon Consulting and dated 24 January 2022;
- BCA Section J deemed to Satisfy Compliance Report prepared by Eco Certificates Pty Ltd and dated 26 January 2022.

Site and Locality Description

The subject site is legally described as Lot 1 in DP 1127074 and is located on the eastern side of Bosworth Street. The site has been used for many years as a community facility. The immediate locality is largely characterised by detached style residential housing to the south and commercial/retail buildings to the north. The site is adjoined to the north by the 'Clean Xpress' car washing facility, to the east by an asphalt carparking area of the neighbouring property and to the south and west by established detached single storey dwelling houses. The dwelling to the south has since been converted into a commercial premise.



Figure 4: The locality



Figure 5: The front and rear part of the subject site

Background and History

Council records indicate that the subject site was leased to The Women's Cottage in 1985. A Council resolution dated 25 October 2016 further indicated that Council agreed to enter into a new lease with Hawkesbury Area Women's and Kids Services Inc. A lease agreement was subsequently executed on 21 March 2018 for the period of 1 December 2016 to 30 November 2026.

The following Development Applications are related to the subject site;

- B0725/92 Alterations for Women's Cottage at Richmond
- DA0614/08 Demountable Building.

Submissions

The application was notified from 6 May 2022 to 20 May 2022 in accordance with Chapter 3 of the Hawkesbury Development Control Plan 2002 and Hawkesbury Community Participation Plan –

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Notification of Development Applications. One submission was received and the issues identified are outlined in the matters for consideration under Section 4.15.

Consultation

Internal Consultation	
Building Coordinator	The proposal was referred to Council's Building Coordinator who had raised no objections subject to the inclusion of conditions.
Development Engineering Coordinator	The proposal was referred to Council's Development Engineering Coordinator who was satisfied with the proposal and raised no objections subject to the inclusion of conditions.
Heritage Advisor	<p>The proposal was referred to Council's Heritage Advisor who advised as below;</p> <p><i>The relatively low scale alterations and additions to the existing single storey building on the site and relatively neutral colours and materials of the proposed new work would be unlikely to result in any adverse impacts on the adjacent and nearby heritage items.</i></p> <p>Planner's Comment:</p> <p>Noting the scale of the proposal additions, it is confirmed that the proposal would not have an adverse impact on the heritage significance of the adjoining heritage item and is considered satisfactory to its context.</p>

External Consultation	
Department of Defence	The proposal was referred to Department of Defence. In their letter dated 16 May 2022 the Department of Defence recommended a condition of consent to ensure the development is constructed in compliance with the indoor design sound levels for determination of aircraft noise reduction as outlined in AS2021:2015 'Acoustics – Aircraft noise intrusion – Building siting and construction'.

Legislation, Council Policies, Procedures and Codes to which the Matter Relates

- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

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- Hawkesbury Local Environmental Plan (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002.

Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a) The provisions (where applicable) of any:

i. Environmental Planning Instruments:

Biodiversity Conservation Act 2016

All development applications are to have regard to the provisions contained in the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. The Biodiversity Values Map identifies land with high biodiversity values that are particularly sensitive to impacts from development and clearing.

The subject property does not contain areas mapped on the Biodiversity Values map. No vegetation clearing is proposed as part of the development and as such, the proposal would have no significant impact on the existing biodiversity.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the Biodiversity and Conservation SEPP includes the Hawkesbury-Nepean Catchment.

The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposed development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the development is consistent with the general and specific aims and planning considerations. The proposed works are not within the river corridor.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP requires Council to consider the potential for a site to be contaminated.

Council records indicate that the land has historically been used for community facility purposes and has not been used for any purposes that would have contaminated the land. On this basis, the site is considered suitable for the proposed development.

Hawkesbury Local Environmental Plan 2012

Clause 1.2 - Aims of Plan

The application generally supports the aims of the Plan, in that the proposed development is ancillary and associated with an existing community facility, and is located in a manageable and orderly fashion and would not impact upon the natural environment.

Clause 2.3 - Zone objectives and land use table

The site is located within the B2 Local Centre zone under the Hawkesbury LEP 2012. The subject site has been operating as The Women's Cottage for a number of years. This facility is run by a non-profit organisation who provide support to community members who may experience domestic violence, sexual assault, disabilities, financial hardship and other related family matters.

The Hawkesbury LEP 2012 provides the following definition for a community facility.

community facility means a building or place –

- a) *owned or controlled by a public authority or non-profit community organisation, and*
- b) *used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation."*

The proposed development is most appropriately categorised as a community facility under the Hawkesbury LEP 2012. The proposed development for alterations and the extension of the existing women's cottage is permissible on the basis that community facilities are permissible with consent in the B2 Local Centre zone.

The proposal is considered consistent to the objectives of the zone in that:

- the proposed alterations and additions will assist in the ongoing use of the building which will contribute to providing community uses supportive of the needs of people living and working in the local area; and
- the works allowing the continued use will provide employment opportunities in the locality and facilitate an improvement to the social needs of Hawkesbury.

Clause 4.3 – Height of Buildings

The current building height is below 12 metres. The building height of the proposed additions are a maximum 4.025m.

Clause 5.10 Heritage Conservation

The subject site contains a single storey residential built form likely constructed in the 1930s, which has been used for some time as a community facility.

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The site itself is not heritage listed under Schedule 5 of the Hawkesbury LEP 2012, however the site is located within the vicinity of a number of locally listed heritage items and one state heritage listed property (24 Bosworth Street) to the, as depicted below:



Figure 6: The subject site and adjacent heritage listed items

The application had been accompanied with a Heritage Impact Statement prepared by Edwards Heritage Consultants and dated December 2021. The report identifies that the subject building displays characteristics that are attributed to the early 20th century period and of the Inter-War Bungalow architectural style. The report also identifies items of local heritage significance listed under Schedule 5 of the Hawkesbury LEP 2012 within the vicinity of the subject site. The map above depicts a number of items in the surrounding area.

The following item is identified as State heritage significance, listed on the State Heritage Register (SHR) under the *Heritage Act 1977* within the vicinity of the subject site;

'House' 24 Bosworth Street, Richmond (Item No.I00681).

The submitted Heritage Impact Statement concludes as below:

This assessment demonstrates that the property does not satisfy the NSW Heritage Assessment criteria relating to historical, associative, aesthetic, social, technical, rarity or representative significance. In this regard, the existing dwelling is considered of little architectural interest and value and partial demolition is supported on the basis that it will not result in the loss of a significant nor contributory built form within the streetscape.

The proposed additions and alterations have been assessed with regards the heritage items within the vicinity of the subject site, namely Seymour House at 24 Bosworth Street. Consideration has been given to the visual and physical impacts of the proposed development on the identified heritage values of the adjacent property and heritage items located across from the subject site.

The proposal will not result in any material affectation to significant heritage fabric and will not have an intrusive contribution to the streetscape or heritage item thus retaining significant viewpoints of the existing single-storey heritage items within the vicinity of the subject site.

The proposal and the submitted Heritage Impact Statement were reviewed by Council's Heritage Advisor who raised no objections to the proposed development. Comments from the Heritage Advisor are provided below:

The relatively low scale alterations and additions to the existing single storey building on the site and relatively neutral colours and materials of the proposed new work would be unlikely to result in any adverse impacts on the adjacent and nearby heritage items.

Accordingly, no heritage objections are raised to the proposed works subject to the inclusion of the standard conditions (on any consent issued for the application) relating to appropriate precautions being undertaken by the applicant should they uncover any archeological/Aboriginal relics/objects during the course of the subsequent demolition/construction works.

Conditions have been recommended to reflect his advice.

Clause 5.21 Flood Planning

The subject land is not affected by the 1:100 ARI flood level.

Clause 6.2 Earthworks

The proposed works are unlikely to result in any detrimental negative impacts in the locality and are limited to those associated with site preparation and service provision, ancillary to the works for which approval is sought. It is noted that the rear driveway and parking area (rear section of the lot) is proposed to be raised to achieve minimum fall to the street, alongside with kerb to be constructed for the full perimeter of the carpark to ensure that all overland flow is properly captured and directed to the street. Appropriate conditions have been recommended to ensure that the fill would only be restricted within the footprint of the rear car parking area.

Clause 6.6 Development in areas subject to aircraft noise

The subject site is located partially within the 20-25 and 25-30 range of the Australian Noise Exposure Forecast (ANEF) contours from the RAAF Base Richmond. Under Australian Standard 2021:2015 'Acoustics – Aircraft noise intrusion – Building siting and construction', it is conditionally acceptable to develop a commercial building in this noise contour zone subject to achieving indoor noise reduction requirements. The application is supported by an Acoustic Report prepared by Acoustic Noise and Vibration Solutions which propose recommendations for appropriate materials to be used for windows/sliders, external walls and new roof for the proposed additions in compliance with AS 2021:2015. Appropriate conditions have been recommended to be included in the consent to this effect.

The application was further referred to the Department of Defence for review and comments. The Department of Defence recommends a condition of consent to ensure the development is constructed in compliance with the indoor design sound levels for determination of aircraft noise reduction as outlined in AS2021:2015.

Clause 6.7 – Essential Services

Development consent must not be granted to development unless Council is satisfied that adequate arrangements have been made to connect to required services. Reticulated water and sewerage are available to the subject site. The proposed building addition will be connected to the local electricity grid system. All stormwater runoff will be directed to the street.

It is noted that the subject site contains an easement for sewerage purposes 3.66m wide owned by Sydney Water which is partly located on the proposed location of the extension of the building. The Applicant provided correspondence from Sydney Water including 'Works-As-Executed' drawings of Richmond Sewerage Scheme which show that the existing 150mm effluent rising main throughout the site is disused and sand filled after S.P.S 225 and has been decommissioned. Further correspondence from Sydney Water confirmed that the existing easement along the disused sewer main is no longer required and can be extinguished. A deferred commencement condition has been recommended to ensure Council receives satisfactory evidence of the extinguishment of the easement prior to work commencing.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

No draft Environmental Planning Instrument that has been placed on exhibition applies to the subject site.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the aims and objectives of the Hawkesbury DCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A: Chapter 3 - Notification

The application was notified from 6 May 2022 and 20 May 2022 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002 and the Hawkesbury Community Participation Plan. One submission had been received in response to the proposal and the issues raised are detailed later in this report.

Part C Chapter 2 – Car Parking and Access

This chapter aims to ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by the new development and to ensure minimum interference to the flow of traffic on the street network.

It is noted that there are no specific parking rates prescribed for community facilities. Notwithstanding, the Hawkesbury DCP 2002 provides parking rate for commercial premises and shops that prescribes one space per 30m² of gross floor area. This rate does not strictly apply to the proposed development, however it is considered that the facility will operate in a similar manner to a commercial premises. Therefore the car parking rate for commercial premises has been utilised for the purpose of this assessment. Noting the total floor area of 259m², a total of nine car spaces would need to be provided on site. It is noted that the proposed development provides three car spaces including an accessible car space. A shortfall of six car parking spaces is noted.

The application is supported by a Traffic Impact Assessment Report prepared by Auswide Consulting which has assessed the car parking requirements for the proposed development. The report states that at any one time, there will be five to six staff and maximum of four patrons onsite. The subject site is well located within a catchment of public transport services. Richmond train station is located within 500m of the subject site. A number of bus services are also available within the vicinity of the site. With public transport options within reasonable walking distance to the site, it is likely for patrons to use public transport when travelling to and from the site. Further, the subject site is located in close proximity to the Council car park in the commercial area of Windsor Street and March Street.

The submitted Statement of Environmental Effects provides the following justification for the parking arrangements:

Currently staff utilise public transport and those who do drive use offsite parking which is readily available and easily accessible to the centre. As mentioned above the centre is targeted as a place of support for primarily women and children who experience difficult social and family situations. Majority of the time the patrons are of either a low income or disadvantaged background so patrons will attend via public transport and rarely require onsite parking.

Council's Development Engineering Coordinator has reviewed the submitted Traffic Impact Assessment Report and the proposed parking arrangements. Upon review the Development Engineering Coordinator advises that the parking demand generated by clients of the community facility is lower than typical commercial or retail premises. Given the availability of public transport services and the proximity of public car parks it is considered that the proposed onsite car parking arrangements are adequate for the proposed development and will not have any adverse impacts on the local street network.

iv. Planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

Not applicable.

v. (Repealed)

Not applicable.

vi. Matters prescribed by the Regulations:

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2021 the development would be required to comply with the following:

- The National Construction Code – Building Code of Australia (BCA).
- The development is exempt from contributions under Council's Section 94A Contributions Plan.

b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

The proposal is unlikely to have a detrimental environmental or economic impact in the locality and is assessed to be relatively minimal in scale and acceptable in design.

Surrounding land uses consist of retail and business uses of which the proposal is considered to be in keeping with the existing uses and commercial/retail character of the locality.

The height, bulk, scale and design of the development is compatible with the character of the locality. The external materials and finishes are considered to be sympathetic to the character of the locality. The proposed development will not have any adverse impact on the local and state listed heritage significant items within the vicinity of the site.

The Department of Defence has highlighted that the subject site is located within 6km of RAAF Richmond and any outdoor lighting situated within 6 km of an airfield has the potential to be confusing for pilots due to similarities with approach or runway lighting, can impede a pilot's ability to see, and can affect visibility from the Air Traffic Control tower due to brightness or glare. To mitigate potential safety issues, Defence recommends that any future development of the land complies with the

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extraneous lighting controls detailed in National Airports Safeguarding Framework (NASF) Guideline E. An appropriate condition is recommended to be imposed upon the consent to address this issue.

The submitted Traffic Impact Assessment has assessed the potential traffic generation due to the proposed extension of the facility which is considered to be minimal. The proposal is unlikely have any adverse impacts on the traffic flows based on the total number of people expected to be onsite during peak periods.

Accessibility compliance has been considered and conditions have been recommended for imposition. The parking spaces have been designed to be accessible to the building and toilets within the building.

The proposed operating hours are considered acceptable and will cater for the needs of the community. The proposed development is not expected to have an unreasonable impact upon the existing streetscape or the existing character of the locality. The proposed improvement to the existing community facility will have a positive social and economic impact to the local community.

The proposal is considered to be acceptable having regard to the impacts of the proposed.

c) Suitability of the site for the development:

The site is considered able to support the proposed development. The proposed development is considered to be site responsive and would be of a scale that would be in keeping with the surrounding area. The use of the site is permissible and consistent with the commercial character of the locality and would increase the amenity of the existing community facility and support the Hawkesbury community through the provision of social services.

The development has been assessed to support the objectives of the zone and as discussed is found to be a suitable form of development within the local area.

d) Any submissions made in accordance with the Act or the Regulations:

One submission was received during the notification of the proposed development. The issues within the objection are summarised and considered below;

Concern	Comment
Stormwater management and overflow to the neighbouring property to the rear of the subject site.	<p>The Applicant submitted a revised stormwater management plan. The rear driveway and parking area (rear section of the lot) is proposed to be raised to achieve minimum fall to the street, alongside with kerb to be constructed for the full perimeter of the carpark to ensure that all overland flow is properly captured and directed to the street.</p> <p>Council's Development Engineer has reviewed the plans and considered them as satisfactory. Appropriate conditions are recommended to ensure that the development does not create adverse impacts to neighbouring properties in relation to overland flow.</p>

e) The Public Interest:

The application has been assessed to be generally compliant with the applicable plans, policies and controls and represents an acceptable form of development within the local area and as such, is not contrary to the public interest.

Development Contributions

Clause 2.7 of the Hawkesbury Section 94A Contributions Plan 2015 outlines the types of developments that are exempted from the payment of development contributions. Clause 2.7 includes the following;

- *an application by or on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, recreation areas, recreation facilities and car parks.*

The subject land is owned by Council and has been utilised as a community facility for a number of years. The development is therefore exempt from contributions under the Hawkesbury Section 94A Contributions Plan 2015.

Conclusion

The application has been assessed having regard to the heads of consideration under Section 4.15 of the EP&A Act 1979. The application is considered to represent a satisfactory form of development and is recommended for approval subject to standard building and development conditions included as an attachment to this report.

ATTACHMENTS

AT - 1 Plans of the Proposal - *(Distributed under separate cover).*

AT - 2 Submission.

AT - 3 Deposited Plan and Easement Details - *(Distributed under separate cover).*

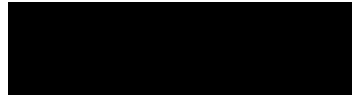
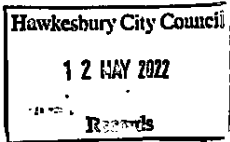
AT - 4 Conditions - *(Distributed under separate cover).*

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Meeting Date: 16 February 2023

AT - 2 Submission



May 11, 2022.

Richard Nej,
Town Planning Co-ordinator,
Hawkesbury City Council.

I am writing a submission re development application DA0097/22.

My primary concern with the proposed development is storm water management. The proposed development adjoins my property, and in the seven years I have lived here, on many occasions the water has pooled in the development site which causes the water to enter my backyard. With all the extra hard paved areas, I expect the problem to be worse.

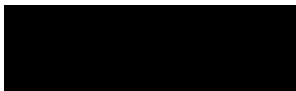
The site plan refers to "storm water management plan" which I do not have access to. I would like to know how the management plan intends to solve the problem. The car parking area is lower than the street gutter and the water cannot be drained by gravity. Is there a proposal to drain the water with an easement through an adjoining property or a pit with an automatic pump out to the street gutter.

I feel the development should not proceed until adequate provision has been made to solve the problem to the extent that my property is not effected. I would like to be informed of the storm water management solution.

Thank you for the opportunity to object to the above development application.

Could you please confirm receipt of this letter.

Yours faithfully,



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2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

2.1.2. CP - DA0146/22 - Lot 21 DP 839413, 55 Wells Street, Pitt Town - (28548)

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0146/22

Legal Description: Lot 21 DP 839413

Property Address: 55 Wells Street PITT TOWN NSW 2756

Applicant: Rack Constructions (No 1) Pty Limited

Owner: Rack Constructions (No 1) Pty Limited

Proposal Details: Subdivision – Demolition of structures, earthworks, the construction and extension of roads and a Torrens title subdivision to create 11 residential lots

Estimated Cost: \$2,650,000.00

Area: 2.2210Ha

Zone: R5 Large Lot Residential

Date Received: 28 April 2022

Advertising: 2 to 16 June 2022

Submissions: 12

Key Issues:	<ul style="list-style-type: none">• Density and Lot Size Controls
	<ul style="list-style-type: none">• Pitt Town – Development History
	<ul style="list-style-type: none">• Stormwater

EXECUTIVE SUMMARY

Reason for Consideration by Local Planning Panel

Contentious Development – Application subject to ten or more submissions by way of objection.

Proposal

The proposal before the Hawkesbury Local Planning Panel involves the demolition of structures, earthworks, the construction and extension of roads and a Torrens title subdivision to create 11 residential lots at 55 Wells Street, Pitt Town.

The subject site is located within the Central Precinct of the 'Pitt Town Residential Precinct'. This precinct is not subject to the provisions of the Part 3A Concept Plan Approval issued by the Department of Planning and Environment for the Pitt Town Residential Precinct.

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A northern ridgeline splits the Central Precinct into two distinct catchments in terms of stormwater, with the Pitt Town Stormwater Management Strategy outlining that the southern portion of the catchment is to drain to a basin located at 44 Mitchell Road. The proposal seeks to drain the subdivision to the existing basin at 44 Mitchell Road, which is currently operating as a sediment basin, in accordance with the Pitt Town Stormwater Management Strategy.

Permissibility

The proposed subdivision is permissible with consent under Clause 2.6(1) of the Hawkesbury Local Environmental Plan 2012.

The land is zoned R5 Large Lot Residential under the provisions of Hawkesbury Local Environmental Plan 2012. Clauses 4.1(3) and 4.1C(2)(c), as well as the associated mapping, of the Hawkesbury Local Environmental Plan 2012 establish a maximum density of five lots per hectare and a minimum lot size of 1,500m² for this area of the Central Precinct.

Based on a site area of approximately 2.2210Ha, the creation of 11 residential lots satisfies the density controls of Clause 4.1C(2)(c). With areas ranging from 1,514.5m² to 1,875.6m², each of the residential allotments also satisfy the minimum lot size requirements for the precinct.

Consultation

The application was notified between 2 and 16 June 2022 in accordance with Part A Chapter 3 of the Hawkesbury Development Control Plan 2002 and the Hawkesbury Community Participation Plan. A total of 12 submissions were received in response to the notification of the application.

The submissions were received from residents of Pitt Town who object to the proposal on flooding, stormwater basin, flood evacuation, road layout and notification grounds. The issues raised in the submissions have been considered and are discussed in the body of this report. Council's Development Engineer has reviewed the application and is supportive of the proposal on engineering grounds and accordingly it is considered that matters raised in the submissions do not warrant the refusal or further amendment of the application.

The land within the Pitt Town Residential Precinct is subject to the designated State public infrastructure requirements of Clause 6.8(4) of the Hawkesbury Local Environmental Plan 2012. Certification of satisfactory arrangements towards the provision of State infrastructure has been received from the Department of Planning and Environment to satisfy this requirement.

A south-eastern portion of the subject site is categorised as bushfire prone land and consequently the application was referred to the NSW Rural Fire Service as 'integrated development'. Upon review of the supplied Bushfire Assessment Report the NSW Rural Fire Service have issued their General Terms of Approval for the development.

RECOMMENDATION

That the Hawkesbury Local Planning Panel exercising the functions of Council pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 approve Development Application No. DA0146/22 for the subdivision of Lot 21 in DP 839413, known as 55 Wells Street, Pitt Town, subject to the prepared conditions of consent.

The reasons for approval are as follows:

- a) The proposed development is permissible under the Hawkesbury Local Environmental Plan 2012.
- b) The proposed subdivision satisfies the density and minimum lot size controls of Clauses 4.1(3) and 4.1C(2) of the Hawkesbury Local Environmental Plan 2012.

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- c) The proposal is generally consistent with the Hawkesbury Local Environmental Plan 2012, relevant planning instruments, Hawkesbury Development Control Plan 2002 and policies that apply to the development.
- d) The proposal is consistent with the Pitt Town Stormwater Management Strategy.
- e) The proposed development is consistent with the emerging and planned character of the Pitt Town Residential Precinct.
- f) The Department of Planning and Environment have provided certification of satisfactory arrangements towards the provision of State infrastructure.
- g) The proposal is categorised as integrated development and General Terms of Approval have been issued by the NSW Rural Fire Service.
- h) The issues raised in the submissions have been considered and on balance do not warrant the refusal of the application.
- i) For the reasons given above, approval of the application is seen to be in the public interest.

BACKGROUND

Detailed Description of Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks the consent of the Hawkesbury Local Planning Panel to undertake a Torrens title subdivision to create 11 residential lots at 55 Wells Street, Pitt Town.

The proposed development specifically involves:

- The demolition of a dwelling house and associated structures
- Earthworks comprising of cut and fill to level and grade the land
- The construction of a new road identified as Road No. 1, the extension of Wilkinson Street to the east and alterations to Wells Street
- The construction of footpaths on the eastern side of Road No. 1, the southern side of Wilkinson Street and northern side of Wells Street
- The installation of utility services and infrastructure; and
- The Torrens title subdivision of the land to create 11 residential lots.

The proposed residential lots are identified as Proposed Lots 1 to 11 and are to range in size from 1,514.5m² to 1,875.6m². Plans of the proposed subdivision are attached as Attachment 1 to this report.

Figures 1 and 2 below identify the land that is subject to the proposed subdivision.



Figure 1: The subject property is located within the Central Precinct of the Pitt Town Residential Precinct



Figure 2: The site contains an existing dwelling house and rear farm building

Earthworks comprising of approximately 400m³ cut and 17,400m³ fill are proposed to accommodate the subdivision. The net filling of the land is sought to match the levels of adjoining properties and allow the site to drain to the existing basin at 44 Mitchell Road.

In addition to the construction of Road No. 1 and the extension of Wilkinson Street to the east, the proposal also involves alterations to Wells Street. The extension of Wells Street to the east to provide a flood evacuation route is nominated in the Road Hierarchy Plan of Part E Chapter 4 of the

Hawkesbury Development Control Plan (DCP) 2002. Indicative plans for the extension of Wells Street have also been provided to guide the future development of adjoining properties. An easement is also proposed over Proposed Lot 7 to accommodate a temporary turning circle at the end of Wilkinson Street.

The proposed allotments within the subdivision are nominated for connection to reticulated sewer provided by Altogether Group (previously known as Flow Systems and the Pitt Town Water Factory). Stormwater from the subdivision is to be connected to the existing trunk drainage system in Wells Street and drain to the existing basin at 44 Mitchell Road.

The application is being reported to the Hawkesbury Local Planning Panel for determination as Council has received 12 submissions by way of objection.

Site and Locality Description

Pitt Town is located approximately 46kms north-west of the Sydney CBD and 6km north-east of Windsor.

The subject site is legally described as Lot 21 in DP 839413 and is located within the Central Precinct of the Pitt Town Residential Precinct. The property is located on the northern side of Wells Street and is bound by Wilkinson Street to the west and Barnett Street to the north. The site has an area of approximately 2.2210Ha.

The property has been used for rural residential purposes and contains a dwelling house, farm building and stables. The site is generally level, with a gradual fall towards Wells Street and a slight depression to the centre of the land.

Development within the vicinity of the subject site generally consists of residential and rural residential land as shown in Figure 3 below. The land immediately adjoins and would ultimately connect to a residential subdivision comprising of 29 lots developed by Johnson Property Group (JPG) and approved with Development Consent No. DA0522/17.



Figure 3: Aerial imagery of subject site and the wider Pitt Town area

To the south-west between Wells Street and Johnston Street is a residential subdivision developed by Minchinbury Homes. This subdivision was approved with Development Consent No. DA0741/14 and involved the creation of 30 residential lots.

A Council-owned stormwater basin is located south-east of the subject site at 44 Mitchell Road.

Background and History

On 10 July 2008 the Minister for Planning granted a Part 3A Major Project (MP) Approval and Concept Plan Approval (MP 07_0140) for the development of 659 residential lots, community parks and a boat ramp within the Pitt Town Residential Precinct. This approval has been amended with a number of modification applications to increase the maximum allowable number of residential lots within the development to 664.

Condition B3 of the Part 3A Concept Plan Approval establishes the maximum number of lots within the precincts of the Pitt Town Residential Precinct as follows:

- Fernadell: 210 lots
- Bona Vista: 246 lots
- Blighton: 24 lots
- Cleary: 112* lots
- Thornton: 72 lots.

* The Cleary Precinct will not achieve the maximum yield allowed under the Part 3A Concept Plan Approval, with a total of 106 lots provided.

The subject land is located within the Central Precinct and does not form part of the Part 3A Concept Plan Approval.

As the Central Precinct was not identified in the Part 3A Major Project Approval it is not subject to a Concept Plan Approval or its Statement of Commitments. Instead, the Part 3A Major Project Approval altered the planning controls for the land, which in turn have been adopted in Council's environmental planning instruments.

The Department of Planning and Environment's report prepared for the Part 3A Major Project Approval suggests that the Central Precinct, which covers the area between Johnston Street and Hall Street, may provide up to 166 additional residential lots. Council's Section 94 Contributions Plan 2015 further suggests that up to 166 additional residential lots may be created within the Central Precinct.

The existing basin at 44 Mitchell Road was approved with Part 5 Application No. PT50003/17 and services a catchment that includes the southern portion of the Central Precinct. The construction of the basin was approved under the Part 5 provisions of the EP&A Act 1979 and covers the development of the basin in two stages; with Stage 1 involving the development of the basin as a sediment basin and Stage 2 involving the conversion of the basin to a bio-retention basin.

A Works In Kind (WIK) Agreement was executed between Council and JPG for the delivery of the Stage 1 sediment basin. The Stage 1 basin has been constructed and is currently operating as sediment basin. Council is responsible for the Stage 2 works and it is anticipated that the conversion of the basin to a bio-retention basin will occur when approximately 80-90% of the catchment is developed.

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Consultation

Internal Consultation	
Infrastructure – Engineering	<p>The drainage of the subdivision to the existing basin at 44 Mitchell Park Road is consistent with the adopted Pitt Town Stormwater Management Strategy.</p> <p>The Development Engineer has raised no objection to the proposal subject to the imposition of conditions.</p>
Environmental Health	<p>A Contamination Report has been prepared and concludes that the land is suitable for residential use. Council's Environmental Health Officer has raised no objection to the conclusions and recommendations of this report.</p>
Heritage	<p>The subject site is located within the vicinity of a heritage item at 102 Hall Street. The properties are separated by single-storey dwelling houses in Barnett Street and Council's Senior Heritage Officer and Heritage Advisor have raised no objection to the proposal on heritage grounds.</p>

External Consultation	
Department of Planning and Environment	<p>Certification of satisfactory arrangements for the provision of designated State public infrastructure has been received from the Department of Planning and Environment.</p>
Rural Fire Service	<p>The NSW Rural Fire Service have undertaken a review of the proposal and have issued their General Terms of Approval.</p>

Legislation, Council Policies, Procedures and Codes to which the Matter Relates

- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- Hawkesbury Local Environmental Plan (LEP) 2012
- Hawkesbury DCP 2002

- Pitt Town Development Area – Indicative Road Layout
- Pitt Town Stormwater Management Strategy
- Flood Policy 2020
- Schedule of Flood Related Development Controls.

Matters for Consideration under the Biodiversity Conservation Act 2016

The property is not shown to contain identified vegetation on the Biodiversity Values Map and accordingly the provisions of the Biodiversity Conservation Act 2016 do not apply. The proposal is not subject to the Biodiversity Offsets Scheme (BOS) and the submission of a Biodiversity Development Assessment Report (BDAR) is not required.

Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

In determining the application, the consent authority is required to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a) The provisions (where applicable) of any:

i. Environmental Planning Instruments:

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) of the Resilience and Hazards SEPP outlines a consent authority “*must not consent to the carrying out of any development on land unless:*

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.*

The Contamination Report prepared in support of the application indicates that the land was previously used as an orchard and that there are stockpiles onsite. An analysis of soil samples taken in preparation of the Contamination Report found that contaminants onsite were at levels below acceptable criteria and therefore compliant with relevant environmental guidelines. No irrigation piping containing asbestos was identified in the supplied reports.

It should be noted however that the sampling and testing of soils beneath the dwelling house and farm building was unable to be undertaken. To address this data gap the Contamination Report recommends further analysis and validation after the demolition and removal of these structures. Conditions may be imposed requiring the recommendations of the Contamination Report to be completed.

The report concludes that the land is suitable for residential use having regard to the provisions of the Resilience and Hazards SEPP. Validation of the suitability of the land will be required prior to the release of the Subdivision Certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 9 'Hawkesbury-Nepean River' of the Biodiversity and Conservation SEPP was repealed following the lodgement of this application. The provisions of Chapter 9 were amended and consolidated into Chapter 6 'Water Catchments'. Section 6.65 of the Biodiversity and Conservation SEPP specifies savings and transitional provisions and confirms that the former provisions of Chapter 9 continue to apply to the subject application.

Chapter 9 of the Biodiversity and Conservation SEPP aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*". This Policy requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The proposal seeks to drain the subdivision to the existing basin at 44 Mitchell Road. Whilst the basin currently operates as a sediment basin, the approved Stage 2 design as a bio-retention basin will achieve the water quality requirements of Part E Chapter 4 of the Hawkesbury DCP 2002. The basin has also been designed to provide water quantity controls for the catchment in line with the Pitt Town Stormwater Management Strategy.

Section 9.9(17) of the Biodiversity and Conservation SEPP further outlines that Council must consider whether "*the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future*". Both Altogether Group and Hawkesbury City Council are sewer authorities operating within this area. Documentation has been supplied from Altogether Group confirming that each of the residential allotments are able to be connected to reticulated sewer.

The property and its eastern neighbours are currently more rural in character however the subject land is zoned for large lot residential development. The subdivision is consistent with the zoning of the land and is not expected to significantly impact upon the environment of the Hawkesbury-Nepean River in either a local or regional context. The proposal is therefore seen to be consistent with the aims and objectives of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Not applicable. The proposal is not defined as 'traffic generating' development and did not require referral to Transport for NSW under Chapter 2 of the Transport and Infrastructure SEPP.

A Planning Agreement between the developer and the Minister for Planning has been executed and the Department of Planning and Environment will require the payment of Section 7.11 (formerly known as Section 94) Contributions towards State infrastructure. These contributions are required to partially fund the future construction of the Pitt Town Bypass.

State Environmental Planning Policy (Planning Systems) 2021

Not applicable. The proposed subdivision is not identified as State or regional development under the Planning Systems SEPP.

The development of Pitt Town was originally declared a 'major project' under State Environmental Planning Policy (Major Development) 2005. The Central Precinct was identified in the Part 3A Major Project Approval however unlike the other precincts it was not subject to a Concept Plan Approval or its Statement of Commitments. Instead, the Part 3A Major Project Approval altered the planning controls for the land, which in turn have been adopted in Council's environmental planning instruments.

The proposed subdivision is generally consistent with the Hawkesbury LEP 2012 and other relevant planning instruments.

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Hawkesbury Local Environmental Plan 2012

The Part 3A Concept Plan Approval for the Pitt Town Residential Precinct does not apply to the Central Precinct. Instead, the Hawkesbury LEP 2012 outlines the planning controls for this precinct.

The proposed subdivision is permissible with consent under Clause 2.6(1) of the Hawkesbury LEP 2012. The other works, such as the proposed earthworks and the construction of roads, are permissible by virtue of them being associated with and ancillary to the subdivision.

The subject land is zoned R5 Large Lot Residential as detailed in Figure 4 below. Clauses 4.1(3) and 4.1C(2)(c), as well as the associated mapping, of the Hawkesbury LEP 2012 establish a maximum density of five lots per hectare and a minimum lot size of 1,500m² for this area of the Central Precinct.

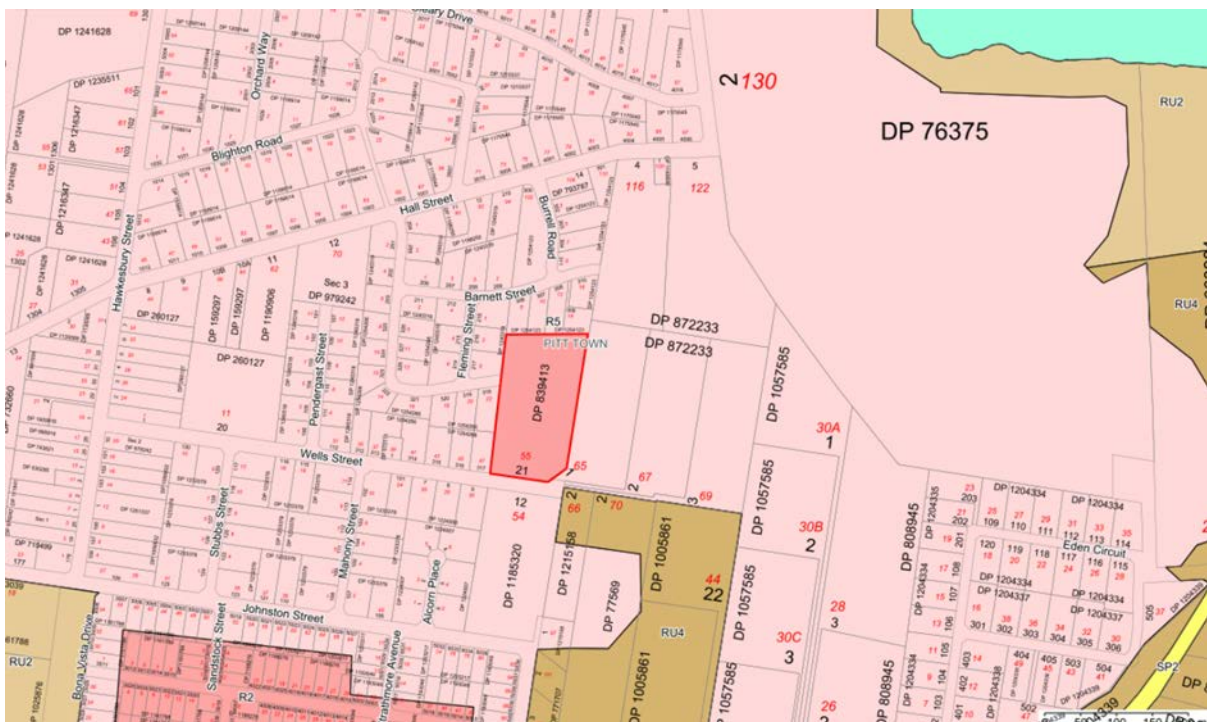


Figure 4: Zoning Map

Based on an area of approximately 2.2210Ha, Clause 4.1C(2)(c) of the Hawkesbury LEP 2012 provides a maximum density of 11 lots for the land; the proposed subdivision satisfies this density control. With areas ranging from 1,514.5m² to 1,875.6m², each of the residential allotments also satisfy the minimum lot size requirements under the Plan.

The proposed subdivision does not strictly match the road layout shown within the Indicative Road Layout for Pitt Town Development Area Policy. However, the proposed subdivision pattern is comparable to the layout detailed in the Policy and would tie in with the existing subdivisions approved under Development Consent No's DA0511/16 and DA0522/17. It is further considered that the proposed subdivision pattern and layout will allow for the fair and equitable development of the Central Precinct. The layout of the subdivision is therefore seen to be acceptable given the mixed ownership within the precinct.

Aboriginal heritage impacts must be considered under Section 6.9(2) of the Hawkesbury LEP 2012.17. An Aboriginal Cultural Heritage Assessment Report has been prepared in support of

the application and identified minimal Aboriginal cultural heritage material. Based on these findings the Aboriginal Cultural Heritage Assessment Report outlines that no further archaeological assessment is required. The Report does recommend the obtainment of an Aboriginal Heritage Impact Permit (AHIP) prior to the commencement of any ground works.

The site adjoins a heritage item identified as 'Wilbow Stone Cottage' under Schedule 5 of the Hawkesbury LEP 2012. The land comprising the identified heritage item was subdivided with Development Consent No. DA0522/17 and the heritage building is now located on 102 Hall Street. Given the separation between the proposed subdivision and 102 Hall Street it is considered that the proposal will not impact upon the significance of the heritage item. Council's Senior Heritage Officer and Heritage Advisor are each supportive of the proposed subdivision.

Certification of satisfactory arrangements for the provision of designated State public infrastructure has been received from the Department of Planning and Environment to satisfy Clause 6.8(4) of the Hawkesbury LEP 2012. In this regard, a Planning Agreement between the developer and the Minister for Planning has been executed for contributions towards State infrastructure. Amongst other things, these contributions are required to partially fund the future construction of the Pitt Town Bypass. The Section 7.11 contributions required under the Planning Agreement are to be paid prior to the release of the Subdivision Certificate.

Written evidence that the residential allotments will be serviced by a reticulated sewer authority has been provided from Altogether Group to satisfy Clause 6.7 of the Hawkesbury LEP 2012. Conditions may be imposed requiring the obtainment and installation of these services prior to the release of the Subdivision Certificate.

The proposed development will provide future housing in a residential setting and is consistent with the changing and desired character of the area. The proposal achieves the objectives of the R5 Large Lot Residential zone and the provisions of the Hawkesbury LEP 2012.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Not applicable.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The development has been considered against the provisions of the Hawkesbury DCP 2002:

Part A Chapter 3: Notification

The application was notified between 2 and 16 June 2022 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002 and the Hawkesbury Community Participation Plan. A total of 12 submissions were received in response to the notification of the application.

The issues raised in the submissions have been considered and are discussed in the Consultation Section of this report.

Part D Chapter 3: Subdivision

The proposed subdivision is generally consistent with the provisions of Part D Chapter 3 of the Hawkesbury DCP 2002. The proposed allotments will be serviced by reticulated

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sewer and the roads satisfy the requirements of Part E Chapter 4 of the Hawkesbury DCP 2002.

Part D Chapter 7: Landfill

Earthworks are proposed to grade and raise the level of the land so as to accommodate the proposed roads and stormwater design. The earthworks are to consist of approximately 400m³ of cut and 17,400m³ of fill. The importation of fill will be required to achieve the proposed levels of the land.

The adopted 100 year Average Recurrence Interval (ARI) flood level for the area is approximately 17.3m AHD. With existing levels ranging from approximately 21.2m to 23m AHD, the land is not subject to the flood planning controls of the Flood Policy 2021 or Schedule of Flood Related Development Controls.

The development will not reduce the storage capacity of the floodplain when considered against the adopted 100 year ARI flood event. The filling of the land is consistent with adjoining subdivisions and will allow the site to drain to the stormwater basin at 44 Mitchell Road. Council's Development Engineer has not objected to the proposed earthworks and conditions requiring the development of Traffic and Construction Management Plans are recommended to mitigate amenity impacts associated with heavy vehicle movements and landfilling.

Part E Chapter 4: Pitt Town

Part E Chapter 4 of the Hawkesbury DCP 2002 details the subdivision and development controls for land within Pitt Town.

Figure 4.3 of Part E Chapter 4 of the Hawkesbury DCP 2002 identifies that the subject land is located within Precinct D of the Pitt Town Residential Precinct. Figure E4.1 of the Plan establishes a maximum density of five lots per Ha, a minimum lot size of 1,500m² and a minimum frontage of 25m for Precinct D.

The proposed subdivision satisfies the density and lot size controls of the Hawkesbury DCP 2002, with each of the allotments having a regular shape and direct street frontage. Proposed Lot 8 does not achieve the minimum 25m width control of Figure E4.1 of Part E Chapter 4 of the Hawkesbury DCP 2002, although this non-compliance is a result of its location on an intersection. The allotment is still of a sufficient width and size to accommodate a dwelling house, associated structures and access.

Road No. 1 and the extension of Wilkinson Street will be categorised as 'local access roads' and will comply with the design and width requirements of Table E4.2 of Part E Chapter 4 of the Hawkesbury DCP 2002. Alterations to Wells Street are proposed to facilitate the future extension of this road to the east, whilst the construction of a temporary turning circle is proposed at the end of Wilkinson Street to provide appropriate manoeuvring until such time that the neighbouring property at 65 Wells Street is developed. The supplied Traffic Report and swept paths have been reviewed and Council's Development Engineer is supportive of the proposed road design and turning circle.

Half-road construction and the provision of kerb and gutter to the northern side of Wells Street for the length of the site will be required to service the subdivision. The construction of the southern side of Wells Street will be a requirement for the future development of 54 Wells Street.

iv. Planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4:

A Planning Agreement between the developer and the Minister for Planning has been executed and the Department of Planning and Environment will require the payment of Section 7.11 Contributions towards State infrastructure.

v. (Repealed)

Not applicable.

vi. Matters prescribed by the Regulations:

These matters have been considered in the assessment of this application.

Section 7.11 Development Contributions towards local infrastructure and facilities may be imposed on the development and are discussed in the Development Contributions section of this report.

b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

These matters have been considered in the assessment of this application.

The land is not shown to contain 'significant vegetation' or 'connectivity between significant vegetation' on the Terrestrial Biodiversity Map of the Hawkesbury LEP 2012. Furthermore, the land does not constitute 'potential koala habitat' having regard to the provisions of Chapter 4 'Koala Habitat Protection 2021' of the Biodiversity and Conservation SEPP.

The Pitt Town Stormwater Management Strategy identifies that the land is to be drained to a Council basin located at 44 Mitchell Road. This basin is currently developed and is functioning as a sediment basin and is to be converted to a bio-retention basin by Council when approximately 80-90% of the catchment has been developed. Eight large allotments within the catchment are yet to be developed so this trigger for the conversion of the basin is yet to be reached.

Council's Development Engineer has raised no objection to the proposed stormwater arrangements.

Section 64 Contributions for stormwater infrastructure are discussed in the Development Contributions section of this report. These contributions will be used to fund the future conversion of the basin.

It is considered that the development will not generate unacceptable environmental, social or economic impacts for the locality

c) Suitability of the site for the development:

These matters have been considered as part of the assessment of the development application.

The property subject to this application was most recently used for rural residential purposes but was previously used as a citrus orchard. Council's mapping does not indicate any significant matters relating to acid sulphate soils or salinity.

The 100 year ARI flood level for the area is approximately 17.3m AHD and this has been adopted as the Flood Planning Level for this locality. The Part 3A Concept Plan Approval does not apply to the Central Precinct but adopted a habitable floor level of 18.7m AHD for the northern precincts of Pitt Town.

With existing levels ranging from approximately 21.2m to 23m AHD, the land is located above the Flood Planning Level and is not subject to the flood planning controls of the Flood Policy 2021 and the Schedule of Flood Related Development Controls.

Having regard to Clause 5.21(2)(c) of the Hawkesbury LEP 2012 and the safe and efficient evacuation of the people during times of flood, it is noted that the additional residential lots are consistent with the interim flood planning measures established by the Department of Planning and Environment. The proposed development will not result in the capacity of evacuation routes out of Pitt Town being exceeded, in particular noting that the Pitt Town Residential Precinct has not been fully developed as approved under the Part 3A Concept Plan Approval or as contemplated in the Section 94 Contributions Plan 2015. However, to ensure the development of Pitt Town proceeds in accordance with previously prepared evacuation modelling it is recommended that a condition is imposed to limit the development of the allotments to a single dwelling only.

A small south-eastern portion of the subject site is categorised as bushfire prone land and consequently the application was referred to the NSW Rural Fire Service as integrated development. A Bushfire Assessment Report prepared in support of the application concludes that the subdivision is able to comply with the requirements of Planning for Bush Fire Protection 2019. Upon review of the supplied Bushfire Assessment Report the RFS have issued their General Terms of Approval for the development.

There are no other natural hazards or other site constraints that are likely to have a significant adverse impact upon the development. The proposed development is considered suitable within the context of the locality.

d) Any submissions made in accordance with the Act or the Regulations:

The application was notified between 2 and 16 June 2022 in accordance with Part A Chapter 3 of the Hawkesbury Development Control Plan 2002 and the Hawkesbury Community Participation Plan. A total of 12 submissions have been received and are attached as Attachment 2 to this report.

The issues raised in the submissions are detailed below in italics, followed by a response from the assessing officer:

The basin at 44 Mitchell Road is inadequate and draining the subdivision to this the basin will increase flood risks for 70 Wells Street and downstream properties.

Officer's comment: The design catchment draining to the basin at 44 Mitchell was peer reviewed by Martens and Associates as part of the assessment of Part 5 Application No. PT50003/17. A detailed survey of the 70 Wells Street was carried out to determine floor levels of the existing dwelling house, structures and natural ground levels immediately adjacent to the basin to determine the extent of pre and post-development localised flood affectation. Flood modelling was also prepared for pre and post-development peak flow conditions.

The 100 year ARI storm event was modelled and this indicated that post development flows are less than pre-developed flows. The peak flood extents were mostly confined to vacant areas of 46 Mitchell Road and 70 Wells Street, with the modelling indicating that events would not impact upon the dwelling houses and other structures located on these properties.

Engineers from Martens and Associates undertook inspections of 44 Mitchell Road and nearby properties at 70 Wells Street, 46 Mitchell Road and 2 Redfern Place. Catchment areas were adjusted based on the ground truthing undertaken during the inspections. The hydraulic design models prepared by Cardno were reviewed by Martens and Associates and re-run with minor corrections to the catchment areas for a range of storm events downstream of the outlet of the basin. For the 100 year ARI storm event, the flow rate downstream of the basin was shown in the review to reduce from around 2.18m³/s to 2.10m³/s after the basin was constructed. For the range of smaller design events, peak flow rates downstream of the basin will reduce after the basin is constructed.

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Representatives from Council's Infrastructure Section, including the Director Infrastructure Services, have met with the owner of 70 Wells Street since the construction of the basin to discuss their complaints. Upon review, the matters raised in the complaints and submissions, Council's Infrastructure Section is satisfied that the basin will serve its purpose upon its conversion to a bio-retention basin and removal of any temporary outlet control measures in place.

Incorrect catchment areas were identified in the design of the basin at 44 Mitchell Road.

Officer's comment: The catchment draining to the basin at 44 Mitchell was peer reviewed by a third party as part of the assessment of Part 5 Application No. PT50003/17.

The inadequate sizing of the basin resulted in flood evacuation routes being cut off during the March 2022 floods.

Officer's comment: The basin is not designed to prevent existing flooding situations. The purpose of the basin is to 'mimic' flows from the development area to pre-development conditions, i.e. to match flows for all storm events from the 1:1 pre-developed to 1:1 post-development and up to 1:100 year pre-development to 1:100 year post-development flows. If downstream properties are low lying and are flooded by the 20 year ARI flood event, these areas will continue to be flood affected post the basin operation by the 20 year ARI event.

Existing sections of Redfern Place and Cattai Road have not been built above the adopted 100 year ARI flood level and were inundated during the March 2022 floods, which were equivalent to the 20 year ARI flood event.

The continuation of Wells Street is to form part of the flood evacuation route identified in the Hawkesbury DCP 2002. This flood evacuation route is to be located above the adopted 100 year ARI flood event level of 17.3m AHD and is to extend from Wells Street and Hall Street to Cattai Road as identified properties are developed.

Transport For NSW have also approved designs for the provision of the Pitt Town Bypass and upgrading of Cattai Road to enhance flood resilience for residents of Pitt Town.

The proposed road layout is inconsistent with the Indicative Road Layout for Pitt Town Development Area Policy.

Officer's comment: Variations to the Indicative Road Layout for Pitt Town Development Area Policy were previously approved with Development Consent No's DA0511/16 and DA0522/17. As detailed previously in this report, the proposed subdivision pattern is comparable to the layout detailed in the Policy and would tie in with the existing road layouts approved for adjoining properties.

The application was notified to the owner of 70 wells Street.

Officer's comment: The proposal was notified to nearby property owners and residents in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Whilst 70 Wells Street was excluded from the notification area, the application was notified in the local newspaper and a site sign was also installed to the front of the property.

The owner of 70 Wells Street was aware of the application and made a number of submissions in relation to the proposal.

e) The Public Interest:

The proposal is consistent with Council's planning controls and certification of satisfactory arrangements for the provision of designated State public infrastructure has been received from the Department of Planning and Environment.

The approval of the application is therefore seen to satisfy the public interest.

Development Contributions

The Hawkesbury Section 94 Contributions Plan 2015 applies to subdivisions within the Pitt Town Residential Precinct. Under this Plan Section 7.11 Contributions will be payable based on the creation of 11 residential allotments, with a credit being applied for one existing allotment.

Section 7.12 (formerly known as Section 94A) Contributions do not apply to the development.

A Section 64 Contribution Plan has been prepared for the majority of the Central Precinct (identified as Contribution Area 1). This Plan covers the acquisition of land, creation of easements and the construction of stormwater infrastructure associated with a basin at 44 Mitchell Road and trunk drainage works within Wells Street.

The subject site is located within Contribution Area 1 of the Section 64 Contribution Plan. Based on an area of 2.2210Ha and a current contribution rate of \$19.50 per m² for Contribution Area 1 (a Consumer Price Index of 128.6 for September 2022), a Section 64 Contribution of \$433,095.00 would be payable towards stormwater infrastructure.

The obtainment of a Compliance Certificate for stormwater infrastructure may be imposed as a condition of consent.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979, with all matters specified under Section 4.15(1) having been taken into consideration. The proposed subdivision satisfies the density and lot size controls of the Hawkesbury LEP 2012 and is consistent with the objectives of the R5 Large Lot Residential zone.

Certification of satisfactory arrangements has been received and a Planning Agreement for State infrastructure has been entered into with the Department of Planning and Environment. General Terms of Approval have also been issued by the NSW Rural Fire Service with respect to bushfire.

The development is acceptable and is recommended for approval.

ATTACHMENTS

AT - 1 Plans of the Proposal - *(Distributed under separate cover)*.

AT - 2 Submissions.

AT - 3 Recommended Conditions of Consent - *(Distributed under separate cover)*.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

AT - 2 Submissions

From: [REDACTED]
Sent: Sun, 1 May 2022 15:54:23 +1000
To: "Hawkesbury City Council"
[REDACTED]
Cc: "Eddie Dogramaci" <oilsandgreases@gmail.com>; "Robyn Felsch"
[REDACTED]
Subject: Development Application Enquiry: DA0146/22

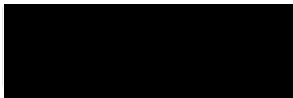
Dear council,

Per on site meeting with GM. Until basin at 44 Mitchell issues have been resolved. The DA0146/22 can not be approved as redirection of stormwater from north to south will per flood studies cut of flood evacuation roads and flood dwellings downstream.

We seek urgent meeting with applicant and General manger.

Thank you, [REDACTED]

Sent from my iPhone



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

From: [REDACTED]
Sent: Mon, 13 Jun 2022 15:23:54 +1000
To: "Robyn Felsch" [REDACTED]
Cc: "Eddie Dogramaci" <eddie.dogramaci@hawkesburycouncillor.com.au>
Subject: Objection to DA - Binet Homes
Attachments: Objection to DA0146 - 22 Subidvision - Jake Hargraves.pdf, Anditi Reports.pdf

Dear Robyn,

Hope this finds you well.

Can you kindly forward my objection on to general manager of proposed re direction of stormwater via Binet homes subdivision into flawed 44 Mitchell Basin.

60+ residents have approached me about Anditi finding and they want to object to basin and be keep informed on how council proposes to fix basin instead of further impacting downstream homes. I also spoke to Mr Peter Bient (DA applicant) and he told me he no longer wish to pursue subdivision as it all to hard, I look forward to DA based of this conversation been removed until such time that flawed basin safety issue can be resolved. Basin is now affecting development of rezoned land and further impacting downstream homes, those such as myself would like to find resolution to this matter.

Thank you

[REDACTED]

[REDACTED]

[REDACTED]

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

[REDACTED]
70 Wells Street
Pitt Town NSW 2765
5 June 2022

The General Manager
Hawkesbury City Council
366 George Street
Windsor NSW 2765

Attn: General Manager

Email council@hawkesbury.nsw.gov.au

Objection to DA0146/22 Subdivision – Demolition of Existing Structures, Earthworks, Construction of Road and Service Infrastructure, landscaping and Subdivision of 1 lot into 11 lots

Location – 55 Wells Street, PITT TOWN NSW Lot 21 DP 839413

I Jake Hargraves object to DA0146/22 on grounds outlined below;

Inadequate Stormwater facility at 44 Mitchell

Attached is Anditi 28 March 2022 assessment that confirms regional stormwater basin at 44 Mitchell Road is both inadequate to accept this redirected runoff from proposed subdivision and risk lives of those directly downstream including the entire town. Anditi assessment clearly outlines impacts of further redirection of proposed catchment to inadequate stormwater facility at 44 Mitchell Road Pitt Town.

Fourth Avenue EIS report in favor of development Annexure 7 of predevelopment catchment is grossly incorrect. Anditi report outlines true predevelopment condition via both drone imagery and Lidar showcasing it drain northeast away from regional basin. To be frank assumptions by Sabai Consulting *Stormwater Letter Report 8 March 2022* that pre catchment drains south east is my view negligent and thus must be disregarded entirely in assessment process.

Council GM Elizabeth Richardson and Will Barton had on site review of the impacts of the basin that were occurring even without rain to downstream property including mine at 70 Wells Street. Follow up meeting occurred with council on 16 May 2022 at council chambers on which impacts of March events were discussed in detail.

The General Manager
5 June 2022
Page 2

Consequently, GM and Will Barton expressed council had not had resources to review this and was preparing costing (budgets) to review and nothing was off the table in terms of resolution. 4 weeks was requested so council could sort this out during period of great capital works. Without assessment of catchment and basin issues assessment of the true EIS impacts of this DA cannot be correctly assessed. On this basis alone this DA should be not allowed.

Flood evacuation Road cut off

Due to basin been undersized as outlined in various submission and confirmed by flood evidence provided, the only current entry and exit to the entire town of Pitt Town is via Redfern place and Cattail road. Discharge path of 44 Mitchell Road is the only basin that directly affect both vital roads in and out during flood evacuation and emergency incoming. During March 2022 these roads where directly in discharge path. As result from 60% catchment to 44 Mitchell Road these roads where cut off. When the catchment is developed fully additional 40% will no doubt in date only roads out risking lives, livestock and homes.

Road Lay out

Below is the indicative road layout proposed by council and more less formalized through construction of those roads already. Sabai Consulting has no regards for proposed layout and introduces street entry via wells street to create junction point which intersects with servicing 6 homes creating per advice from traffic NSW dangerous intersection.

In meeting with Linda Perrine, she indicated that dog leg of wells street would need to be corrected to allow any further subdivision east. Sabai consulting does not address this at all. Lot 11 and perhaps lot 1 would need to be reduced to straighten wells street to the future proposed full length wells street that council under DA of 44 Mitchell road has already installed trunk drainage for.



The General Manager
5 June 2022
Page 3

Notification Requirements

Per councils Development Control Plan 2002 – Part A, Chapter 3 – as adjoining landowner I was required to be notified. On discover of proposed DA requested I requested be notified for comment via DA tracking website feature. Based on extract below and council been aware of basin issues outlined by myself we assume council has excluded us from notification in attempt to pass DA which is in my view breach of ethics and moral requirements by council. Subsequently council has apologized for its error indicating no real reason to their error.

Exhibit A – Council Notification Extract pulled from DA tracker 30/5/22

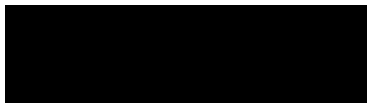
Notifications
1 Fleming Street, PITT TOWN 2756
10 Barnett Street, PITT TOWN 2756
12 Barnett Street, PITT TOWN 2756
14 Barnett Street, PITT TOWN 2756
22 Wilkinson Street, PITT TOWN 2756
3 Fleming Street, PITT TOWN 2756
30 Wells Street, PITT TOWN 2756
47 Wells Street, PITT TOWN 2756
5 Fleming Street, PITT TOWN 2756
54 Wells Street, PITT TOWN 2756
65 Wells Street, PITT TOWN 2756
66 Wells Street, PITT TOWN 2756
67 Wells Street, PITT TOWN 2756
69 Wells Street, PITT TOWN 2756
8 Barnett Street, PITT TOWN 2756

Conclusion

I find it odd that Mr Peter Binet owner so rack constructions have proceed with this DA. I had seen Mr Binet in street after meeting with council GM and had informed Mr Binet of under sizing issue of basin and impacts of March 2022. Mr Binet concluded he would pull pin on this DA as it all to hard and that everyone wanted it there way.

Without adequate stormwater facility that ensure safety of few thousand residents, this proposed DA cannot possibly be approved until flaws of 44 Mitchell regional Basin are addressed. Approval of this DA will be viewed in courts as pure negligence by council. Unfortunately, this matter could have been resolved in 2017 when advice provided to council indicated that basin need to be correctly sized than what was proposed. Mr Binet now find him self much like me with significant rezoned land that we cannot develop because of short coming in infrastructure services provided and funded by landowners such as us to date.

I will seek legal injunction on this DA should council attempt to purse approval of this until of basin flooding is resolved. I reserve my right to refer to correspondence in any if not all legal proceeding moving ahead.



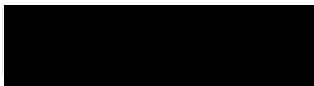
HAWKESBURY LOCAL PLANNING PANEL

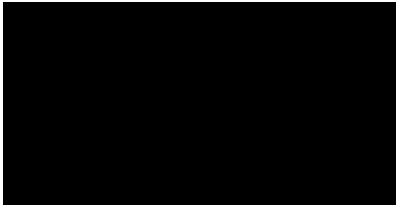
2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

The General Manager
5 June 2022
Page 4

Sincerely,





28 March 2022

Elizabeth Richardson
Managing Director
Hawkesbury City Council
Windsor NSW

Dear Elizabeth

Re: Impact of Flooding from Council Basin on 44 Mitchell Road Pit Town on 70 Wells Road

In 2018, [REDACTED] was commissioned by [REDACTED] to look at the potential impacts construction of the then proposed detention basin on 44 Mitchell Road could have on their property at 70 Wells St Pit Town.

We have raised with Council previously on several occasions that construction of the detention basin on 44 Mitchell Street as proposed would adversely impact on [REDACTED] property.

This has been categorically demonstrated during the 2 March 2022 storm event when water impeded by the detention basin backed onto their property and inundated their access road cutting off access to the property and coming very close to flooding their house.

This event breached Condition 44 of Council's approval PT50003/17 for the dam which requires:

that the works associated with the development shall ensure that all natural water flow from the adjoining properties is not impeded or diverted.

As can be seen in **Photo 1**, which was taken when the dam was first being constructed, the drainage channel that used to convey flows from Jake and Natasha's property and other upstream properties to 44 Mitchell Road was approximately 10 metres wide and 1 to 1.5 m deep. This channel provided significantly greater capacity to convey flows than the replacement system that Council constructed.

As shown in **Photo 1** the replacement system comprises a 750 mm diameter pipe that is over 150 m long and has been constructed on a near flat grade. As a result the pipe has very low hydraulic capacity and a high propensity to either become silted up or blocked during a storm event.

It is obvious just looking at **Photo 1**, that the diversion pipe system constructed by Council was never going to have the flow capacity of the existing channel and as a result Condition 44 of Council's approval PT50003/17 was never going to be complied with.

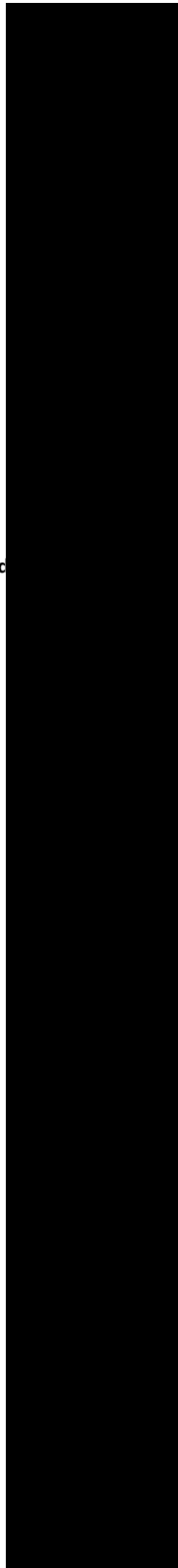
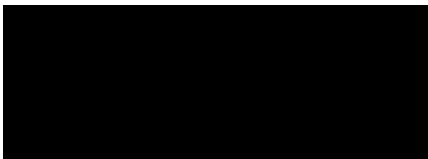




Photo 1- Drainage channel between 70 Wells St and 44 Mitchell Rd

During the storm event on 2 March 2022, the 750 mm diversion pipe was completely submerged, as shown in **Photo 2**, with the top of the pipe more than 1 metre below the water level. Water did not only back up from the detention basin onto 70 Wells St, [REDACTED] observed water flowing from the detention basin back onto his property.

Water flowing 'uphill' at this location is something that would never have happened prior to the dam being constructed.



Photo 2 – Water Backing up from Mitchell St Detention Basin

Photo 3 was taken the next day. The fence post that was at least 50% underwater as shown in **Photo 2**, is in the middle of **Photo 3** and shows that the water level as shown in **Photo 2** was approximately 1 m deep over [REDACTED] property adjacent to the channel upstream of the dam.

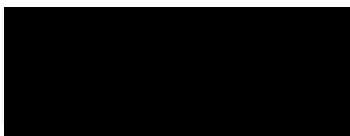




Photo 3 – 70 Wells St looking northeast towards drainage channel and detention basin

The inadequate sizing and design of the detention basin has been raised with Council on numerous occasions before the basin was built and since.

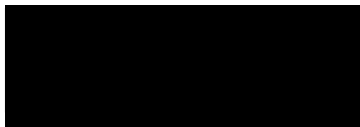
On 10 October 2018, we prepared a letter to the then General Manager Peter Conroy. The letter identifies many issues with the design of the dam, not the least of which was that there were significant errors in determining the pre-development catchment area. At [REDACTED] request, we commissioned a high resolution aerial LiDAR survey of the surrounding area and upstream catchment.

This 10 points/m² survey had a vertical accuracy of 5 cm and enabled us to accurately determine that the upstream catchment prior to development had an area of 9.6 ha. This was approximately one sixth of the size of the 58.6 ha catchment area that was used by Cardno in designing the basin. In simple terms, the planned development would result in runoff an area 6 times the size of the existing catchment being diverted to flow past Jake and Natasha's house.

Engineering design principles adopted by Council require that flows from a developed catchment cannot exceed that of the pre-developed catchment. Cardno's use of a 58.6 hectare catchment rather than a 9.6 hectare catchment meant that estimated flows from the 'existing' catchment were significantly greater than was actually the case. This meant that the detention basin on 44 Mitchell Road which is supposed to hold and detain the additional flows from developed and increased catchment area was and is significantly undersized.

Residential development will ultimately include the 58.6 ha area identified by Cardno with runoff from this entire area being directed to the diversion basin on 44 Mitchell Road. This will not only result in runoff from 6 times the pre-development area flowing past Jake and Natasha's place but is and will also generate additional runoff from this area through the significant increase in impervious surfaces (i.e. roads, driveways, footpaths, buildings) that are being and will continue to be constructed in the area.

As shown on **Photo 4** which taken during the 2 March 2022 flooding event, water in the area immediately to the north of 70 Wells Street drains northward to Hawkesbury River not south past Jake Hargraves place as was assumed and modelled by Cardno. The 58.6 hectare catchment modelled by Cardno includes this area.



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Photo 4 – Catchment North of Wells St Draining to Hawkesbury River

At present only approximately 50% of the upslope catchment has been developed with runoff already exceeding the capacity of the detention basin.

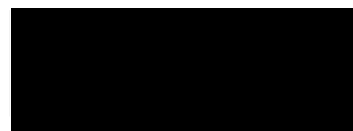
In addition to the problems on 70 Wells St caused by the significantly under capacity diversion pipe that Council has installed, the dam wall that has been constructed along the eastern boundary of 70 Wells St is substantially higher than the adjoining ground level on 70 Wells St. As a result, the detention basin wall forms a barrier to flows from 70 Wells St and other upstream properties. This barrier is over 100 m long.

Construction of this barrier stops the natural egress of water from the site causing the water to flow parallel to the dam wall and back up 70 Wells St.

This is also in breach of Condition 44 of Council's approval PT50003/17.

In summary, the construction, location and size of the 44 Mitchell Road detention basin causes 3 significant issues on 70 Wells St:

1. Due to the inadequate capacity of the 750 mm diameter pipe system constructed by Council to convey flows from 70 Wells St and properties upstream around the detention basin, water backs up from the detention basin inundating the property and blocking off the access to and from Jake and Natasha's house. This will only get worse in terms of depth and frequency as more of the upstream catchment is developed.
2. The detention basin wall which is over 100 metres long blocks and ponds water on 70 Wells St. This significantly impacts on the ability to subdivide the property which is permitted under the current zoning. It also has significant implications as to the measures that would need to be employed and the amount of material that would be required to either fill the site so that runoff from the site could be directed to the detention basin or to create a drainage system that not only accommodates flows from 70 Wells St but also the flows from the upstream properties. Council has effectively made 70 Wells St a detention basin for these properties. These combined effects have significant financial



HAWKESBURY LOCAL PLANNING PANEL

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implications for [REDACTED] that they would not have incurred if Council hadn't constructed the basin in the location or in the way it has.

3. As the level of the water backing up onto the property increases and water flows from the dam 'uphill' into the property (as observed by Jake Hargraves), the hydraulic gradient of the water surface or more simply the direction of flow, will be in a southerly direction along the barrier created by the dam wall. As the backed-up water level at the northern end of 70 Wells St increases and as more water flows from the detention basin to 70 Wells St as the upstream catchment is further developed, ponded water will flow south. This will potentially deliver more flood water to the area immediately adjacent to Jake and Natasha's house exacerbating the flooding problems at the house that have already been caused by construction of the detention basin as discussed below.

During the 2 March 2022 storm, the detention basin on 44 Mitchell St overtopped resulting in the drainage channel adjacent to Jake and Natasha Hargraves' house over topping and flooding the area surrounding their house. Flood levels got to within centimetres of the floor level of the house as shown on **Photo 5**.



Photo 5 – Flood water on northern side of Jake and Natasha's house

This is the first time the channel overtopped and the closest the house has ever been to getting flooded.

Flooding around the house as a result of runoff from the upslope catchment has not been experienced before.

Increased flows from upstream catchment due to further development of the area will continue to make this problem worse in terms of flood depths and frequency.

The lack of adequate detention capacity in the basin not only impacts on Jake and Natasha Hargraves place but all properties, roads and flood evacuation routes downstream of the

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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basin on 44 Mitchell Road. As the upstream catchment is further developed as proposed, the magnitude of this problem will only increase as more houses, roads and driveways are constructed and as the catchment area being diverted to the basin increases.

It is estimated that, taking into account the 6 times increase in catchment area and the increase in impervious area as a result of residential development, the volume of water being discharged from the basin could be up to 10 times that of the pre-developed catchment. As previously discussed, planned development will result in the catchment upstream of 70 Wells St increasing 9.6 ha to 58.6 ha.

During the March 2022 flood event, Airstrip Road which is downstream of the Mitchell Road basin was flooded as shown in **Photo 6**. At this time only approximately 50% of the catchment to be serviced by the Mitchell Road basin has been developed.

In the future, unless Council changes how it manages water in the area, the water flowing north to the Hawkesbury River (as show in **Photo 4**) will also be directed to Mitchell Road basin. This will further exacerbate the flooding problems at Jake and Natasha Hargraves and for downstream properties, roads and flood evacuation routes.



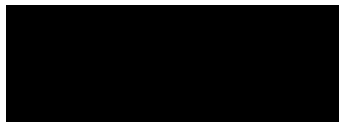
Photo 6 – Flooded Section of Airstrip Road

Diversion of runoff in the future of the remaining approximately 50% of the catchment north of Wells St to the undersized detention basin on 44 Mitchell Road as is planned will only worsen this flooding situation placing property and people's lives further at risk.

As set out above, this is a serious issue that is already having a significant impact on Jake and Natasha's ability to evacuate during flood events, their wellbeing and their property and its future potential.

It is also impacting on downstream properties, roads and people's ability to evacuate safely during flood events.

A brief review of development in the surrounding areas of Pitt Town indicates that many of the detention structures in these areas are likely to be inadequate to safely convey and



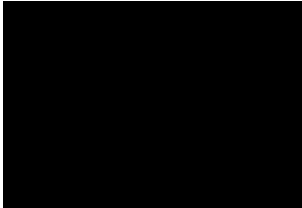
HAWKESBURY LOCAL PLANNING PANEL

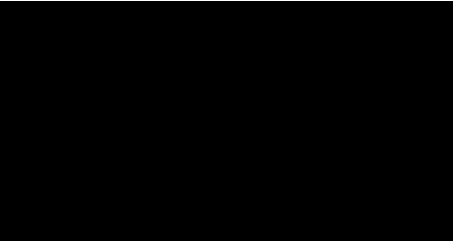
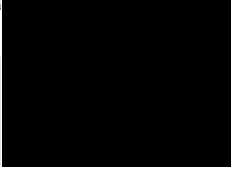
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detain runoff from the contributing developed catchments. Uncontrolled overflow from these detention basins combined with that from 44 Mitchell Road will further exacerbate the downstream flooding problem and the risk to property and lives.

Yours sincerely





Our Ref: 0546/PJ/310522

31 May 2022



Dear [Redacted]

Re: Impact of Flooding from Council Basin on 44 Mitchell Road Pit Town on 70 Wells Street

As you observed first-hand and as shown in **Photo 1**, during the 2 March 2022 storm event, water was impeded by the dam wall of the 44 Mitchell Street detention basin causing water to back onto your property and inundate your access road cutting off access to the property.

This impeding of water flowing from your property was in direct breach of Condition 44 of Hawkesbury City Council's (HCC) approval PT50003/17 for the dam which requires:

that the works associated with the development shall ensure that all natural water flow from the adjoining properties is not impeded or diverted.

This storm event categorically demonstrated what we collectively already knew:

- the detention basin was significantly undersized
- the hydraulic modelling undertaken by Cardno for HCC was inaccurate and significantly underestimated flooding impacts.

The modelling of the catchment that Cardno prepared for HCC indicated that the peak discharge from the pre-development catchment immediately upstream of your house during a 1% AEP event was 5.05 m³/s. This was based on a contributing catchment area of 40.5 ha (shown in green on **Figure 1**). In this case pre-development means the way the catchment at the time Cardno were commissioned to design the dam.

Analysis of the high-resolution aerial LiDAR that you commissioned in 2018 combined with LiDAR from 2011, demonstrated that the actual catchment area was approximately 9.6 ha or approximately 25% of the area modelled by Cardno in 2011. By 2018, development of the land south of Wells Road approved by HCC had reshaped the catchment increasing the catchment area to approximately 13.7 ha (shown in red on **Figure 1**).

As shown in **Figure 1**, the major difference in the reported catchment areas is that Cardno assumed that all the land to the north of Wells Road drained to the watercourse adjacent to your property. This is not the case.



Photo 1 – Water backing up from Mitchell Street Detention Basin

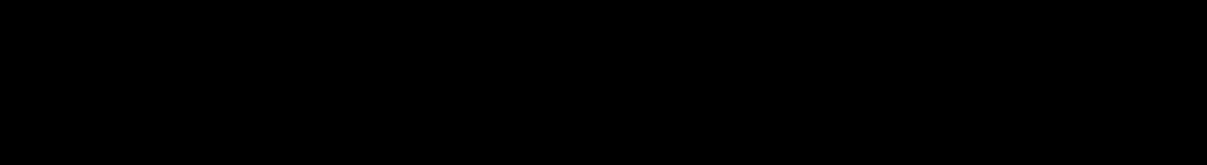




Figure 1 – Catchment area modelled by Cardno in green, actual catchment as of 2018 in red

As shown on **Figure 1** and **Photo 2**, the area north of Wells Road drains to north-eastern corner of the mapped area as shown by the yellow arrow on **Figure 1**. From there the water flows north-east approximately 1.35 km to the Hawkesbury River.



Photo 2 – Catchment North of Wells Road draining to Hawkesbury River

Using the actual catchment area (i.e. that to the south of Wells Road), peak discharge from the pre-development catchment during a 1% AEP adjacent to your house would be approximately 1.5 to 1.7 m³/s not 5.05 m³/s as reported by Cardno.

As previously raised with HCC, this has serious implications in regard to the sizing of the detention basin on 44 Mitchell Street. Mitchell Street basin was designed to control flows from the developed catchment. This was to ensure that peak discharge during a 1% AEP event did not exceed 5.05 m³/s whereas in fact it should have been designed to ensure peak flows did not exceed 1.5 to 1.7 m³/s. To achieve this for a fully developed catchment, it

would take a significantly larger detention basin of approximately 3 to 4 times the size of what has been constructed.

In addition to the significant undersizing of the detention basin, drainage from the constructed basin is impaired due to the fact the bed level of the watercourse downstream of the basin is approximately 0.2 m to 0.3 m higher in places than the invert of the outlet pipes from the detention basin. As a result, the 0.3 m diameter pipes that are supposed to drain the basin are permanently submerged stopping the basin from fully draining as it is designed to do.

This significantly impacts on the ability for the basin to drain after a storm event to ensure that the design detention capacity is available during the next storm event. It also impacts on how the dam



performs during the first stages of a storm event with the dam filling faster than it was designed or modelled to do.

This combination of incorrect catchment area, reduced detention capacity and reduced discharge capacity during the initial stages of a storm event, means that the dam is significantly undersized and does not have the capacity required to adequately detain flows during a 1% AEP storm event.

As you observed during the 2 March 2022 event (which was less than a 1% AEP storm event), the detention basin filled to the emergency spillway level (19.6 mAHD). Analysis of water levels in the detention basin and the configuration of discharge pipes (size, invert level, length and slope) and spillway indicate that peak discharge from the detention basin during the 2 March 2022 event was approximately 5.3 m³/s. This is approximately 5% more than Cardno's modelled peak discharge for the fully developed catchment during a 1% AEP storm event.

As shown in **Photo 3**, flood levels for the first time ever came within a few centimetres of inundating your house and causing serious damage. Based on the surveyed floor level of your house of 19.6 mAHD (Cardno January 2018), the flood level you observed at your house was approximately 19.58 mAHD. This is approximately 330 mm above the 1% AEP flood level modelled by Cardno (January 2018). This demonstrates that the modelling undertaken by Cardno is wrong.



Photo 3 – Flood water on northern side of Jake and Natasha's house

Analysis of current aerial photography of Pitt Town shows that at the time of the 2 March 2022 storm event, only approximately 60% of the catchment to be serviced by the Mitchell Street detention basin, was developed with discharges from the dam already exceeding the peak design discharge during a 1% AEP storm event.

Given that the storm was less than a 1% AEP event and only 60% of the catchment was developed, it is apparent the detention basin is significantly undersized and not capable of servicing the urbanised catchment it was designed for.



This is not news. Information has been provided to Council on many occasions dating back to late 2017 before construction commenced showing that the dam was undersized.

Development of the remaining 13.5 ha (40%) of the catchment, for which we understand a development application has been lodged with HCC, can only exacerbate the existing flooding problem at your house and downstream.

This has significant flood implications for your access road, house and downstream properties. As was observed during the 2 March 2022 storm event, discharges from the detention basin also had a significant impact on downstream access roads and flood evacuation routes.

Photo 4 shows a flooded section of Airstrip Road during the 2 March 2022 flood event.

The drainage system downstream of the detention basin conveys flows in a southerly direction to Airstrip Road, then west to Old Pitt Town Road and then north to the Hawkesbury River. All up the water flows approximately 6.9 km over low-lying land with poorly formed drainage channels that are prone to flooding. The drainage line flows past many houses. Culverts under the road network where it crosses the drainage line are inadequate and poorly maintained. Increasing the catchment area as HCC has done and is proposed not only increases peak discharge but also increases the total volume of runoff.



Photo 4 – Airstrip Road

Diversion of flows to the detention basin as a result of development around Wells Road will increase the volume of water that drains to the downstream system by approximately five times. The lack of adequate drainage infrastructure and the low-lying nature of the land means that the additional volume of runoff not only increases flood depths but also ponds for longer periods further decreasing the capacity of the drainage network and the duration of flooding nuisance.

Diverting additional flow to this area as a result of development of the catchment that has already happened north and south of Wells Road, has increased flooding impacts and flooding hazards downstream of the Mitchell Street detention basin.

Further development of the catchment north of Wells Road has and will increase the level of flood impact and flood hazard for all those that live downstream of the detention basin along the 6.9 km path to the Hawkesbury River or that rely on the road network to safely evacuate during flood events.

As discussed above, peak discharges from the detention basin during the 2 March 2022 storm event were estimated to be approximately 5.3 m³/s. This storm was less than a 1% AEP event and as discussed only 60% of the catchment was developed. Significantly greater inflows to the detention basin are expected from a 1% AEP event and once the catchment is fully developed resulting in even higher water levels in the detention basin.

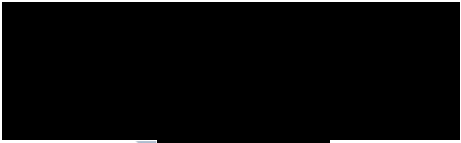
Analysis of the hydraulic capacity of the discharge pipes and emergency spillway of the detention basin indicate that if the dam water level increased to 19.8 mAHD (i.e. 0.1 m below the crest of the embankment around the dam), discharge from the spillway would be approximately 9.9 m³/s or nearly double that observed during the 2 March 2022 flood event.



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

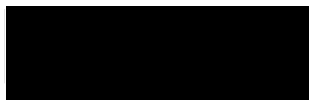
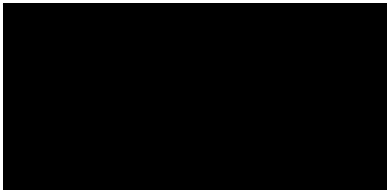


Discharges of this magnitude will definitely cause your house to be flooded and will have significant impacts downstream. If water levels in the detention basin raises even higher than this or if the dam wall fails (which is a high probability under these circumstances due to the lack of freeboard), the impact on your house and downstream properties and roads would be catastrophic.

As discussed above, runoff from the area to the north of Wells Road currently drains in a north-easterly direction approximately 1.35 km to the Hawkesbury River with only a couple of houses along the drainage path and no public roads. Diversion of runoff from this area to the detention basin will result in flood waters having to travel 6.9 kms past many houses and road crossings before it gets to the Hawkesbury River.

As discussed, there are significant problems with the size and function of the Mitchell Street detention basin which make it not suitable to receive additional runoff from the surrounding area. Given the flooding problems observed at your house and downstream during the 2 March 2022 event and the fact that diverting additional runoff will make the current problem significantly worse, HCC should require that any further development north of Wells Road either drains to the north-east to the Hawkesbury River, as is currently the case, or is not approved until the problems with size and function of the detention basin are fixed and the capacity of the downstream drainage system (all 6.9 kms) is upgraded to accommodate the increased peak discharges and flow volume that it will receive.

Yours sincerely



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023



10 June 2022

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

By email: council@hawkesbury.nsw.gov.au

**RE: OBJECTION
DA 0146/22
55 Wells Street, Pitt Town NSW 2756
(11 Residential Allotments)**

Dear Sir/Madam.

I reside at [REDACTED] and have vehicular access and egress to my property from both Cattai Road and Airstrip Road.

My objections to the proposed development are primarily in relation to [Stormwater Management](#).

The flood of March 2022 had a huge impact on my property. In fact, in the 40+ years that I have owned this property, no other flood, neither from the Hawkesbury River nor from local flooding, has impacted my property like the flood did earlier this year.

The downpours attributed to "significant weather events" on 2 March caused flooding across Cattai Road between my place at [Lot 6](#) DP25149 and my neighbour's property at [Lot 8](#) DP25149. During previous rain downpours, water flowing from the north-west flowed through the culvert under Cattai Road, through [Lot 7](#) DP25149, my next door neighbour, and directly to the registered easement that traverses all our properties parallel to Airstrip Road. The water from local flooding thereafter follows a course parallel to Airstrip Road, across Old Pitt Town Road, through the bottom of Brinsley Oval, and in the direction of Pitt Town Bottoms.

On 2 March, the sheer volume of water from the north-west was such that it spread over Cattai Road, distributed between the three properties, onto mine (never seen before) and under my house, causing damage to stored items. The easement backed up, causing further inundation along my northern boundary, and caused flooding to properties along Airstrip Road to the south of mine towards Pitt Town.

Transport for NSW has not attended to any maintenance of the culvert under Cattai Road which, in my opinion, exacerbated the problem.

As mentioned, on that same date, the Flood Evacuation Route along Airstrip Road was flooded to an approximate depth of around 400-500mm, and the secondary gated and locked route through the national park had to be utilised to get traffic in and out of Pitt Town – a route that is not designed to take two-way traffic.



HAWKESBURY LOCAL PLANNING PANEL

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This “significant weather event” clearly demonstrated that the stormwater retention basin located near the end of Wells Street Pitt Town, being labelled as 44 Mitchell Road, is not working properly or effectively. Any further development or subdivision of property in Wells Street, or indeed any other property in that vicinity, including any future proposed development, should be opposed given the local flooding events of 2 March 2022, and such applications should not be considered by Council until the current stormwater situation is rectified.

In my opinion, it is reckless of Council to approve an application that directs more stormwater into an existing basin that can’t handle existing flows, let alone additional flows, as this one has now clearly demonstrated that it cannot.

Sabai Consulting’s report dated 8 March 2022 on this issue is grossly inadequate. The report states how the proposed stormwater system for this Wells Street DA is conveyed safely to a legal point of discharge, and the report is referenced and attached to the Statement of Environmental Effects (“SoEE”).

The report does not state on what date the investigation took place – it most certainly was not done on site in early March, and indeed, there were flooding issues in late February. In fact, I seriously doubt that any on site investigation was undertaken at all, Sabai Consulting instead relying on previous flawed and incorrect modelling undertaken by Council on or about 2005, and then again in 2015.

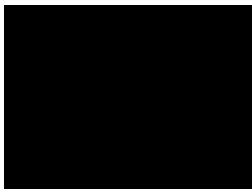
The SoEE at point **6.1.2 (4)** states that *“there will be an increase in stormwater run-off due to new roads and ultimately additional dwellings. The stormwater will drain to the operational wetland and stormwater management system managed by Council. The development will not adversely affect surface or groundwater flows in the catchment”*.

Whilst this development and any future proposed developments may not themselves be adversely affected by an increase in stormwater, there is no mention of what the impact will be on properties **downstream** of the *“operational wetland and stormwater management system managed by Council”*. Where is the “downstream” issue addressed in the SoEE? Do our downstream properties on Cattai Road not matter?

Further, when you take into consideration the flooding that impacted many properties on Airstrip Road, being totally due to the sheer volume of water flowing from the aforementioned *“operational wetland and stormwater management system”*, where is this issue addressed in the SoEE? Do the downstream Airstrip Road properties that were severely impacted in March also not matter? Do the lives of thousands of people in Pitt Town not matter?

I put Council on Notice to address the stormwater issues that currently exist in Pitt Town, specifically the basin at 44 Mitchell Road. I respectfully request that my Objections as the owner of a property downstream of this proposed DA and future DA’s are noted and addressed by Council.

Yours faithfully,



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023

General Manager
Hawkesbury City Council
WINDSOR NSW

DEAR MS RICHARDSON,

Re: DA0146/22 55 Wells St, Pitt Town

I would like to raise concerns regarding this DA regarding the stormwater management.

I own several properties in the Hawkesbury and have lived at my Pitt Town property for over 25 years. We run a plumbing business and I am well aware of the floods and that the area becomes an island after significant heavy rain.

I am also well aware of the roads to take once we are impacted by flooding, known as the Flood Evacuation Route. Many times I have had to take this route via Bathurst St, Bootles Lane and across Airstrip Rd to enter Old Pitt Town Rd.

During the March 2022 flood event, I was travelling from my home at Pitt Town along the flood evacuation route, specifically along Airstrip Rd which is normally a safe, dry road during heavy rain. There was a lot of localised/nuisance flooding but the Warragamba Dam release water had not yet impacted our area.

As I drove along Airstrip Rd I noticed it was starting to flood. Water was running over the road at quite some velocity and properties along Airstrip were already flooded and unable to exit/enter onto Airstrip Rd. I contacted Peter Ryan of Pitt Town Progress Association and asked him to get the emergency flood evacuation road opened as it was obvious Airstrip was becoming impassable. He was very surprised to hear that Airstrip was flooded as he has lived in Pitt Town all his life. Less than an hour of me exiting, the road was closed and a car had to be rescued by the SES.

Airstrip Rd was then flooded several times. At least three times I believe it was impassable. The pre-school on Cattai Rd was evacuated. My children both attended that pre-school for a number of years and this has never occurred before. The emergency road through the National Park had to be open. This road is not designed as a two-way street or even as a general road and did not stand up to the heavy traffic which could have caused further issues if we had needed to evacuate.

It appears that the stormwater retention ponds for Pitt Town did not work as they were supposed to. In particular this event on Airstrip Rd appears to come from the Wells St/Mitchell Rd basin. This water was not flowing from the National Park but from the development area as the dam/basin discharged.

HAWKESBURY LOCAL PLANNING PANEL

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It is my understanding this Mitchell Rd basin is where the stormwater from the above DA and any other smaller DA's would be directed. This basin is already not coping with the existing stormwater. It is significantly undersized currently and appears to have impacted the flood evacuation route for Pitt Town after a heavy rain event and long before the area should require evacuation. Adding more stormwater run-off to this system will further impact the flood evacuation route in heavy rain and is likely to cause a disaster, not to mention a large number of people being isolated on the flood island with no power, sewer or fresh water.

I am aware that it was stipulated in the original LEP that all stormwater from the newer developments in Pitt Town is not to impact the existing areas. Further development using the existing stormwater detention basins can only cause even more issues.

Please note that the Buckingham St stormwater detention pond now regularly also causes the properties below it to flood (the Benson property was severely impacted in this flood event). It also regularly causes Pitt Town Rd to be closed at the intersection of Glebe and Lagoon Rds and this previously did not occur in localised/nuisance flooding either so it would appear that all stormwater management in Pitt Town requires further investigation before any more development occurs and before any more heavy rain events.

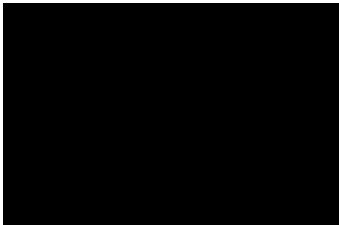
Regards



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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General Manager
Hawkesbury Council
Windsor NSW

Dear Ms Richardson,

Re; Objection to DA0146/22 55 Wells Street Pitt Town.

We would like to raise our concerns with the above DA regarding the stormwater management or should I say lack of.

Our family have lived in the Pitt Town area since approx.; 1996 and we have been at our current address [redacted] since 2009.

Since 2009 the only floods we have been effected by are the March 2021 and the March/April 2022. This was not due to the dam being released or the river flooding, it was all due to the run off from the supposed Wells street dam (retention pit).

Even with the current number of homes in the new Pitt Town estates the dam is insufficient.

The water overflows, runs straight down the hill (making it's own pathway) crosses Cattai Road at the side of our property and straight into our front yard. There is a colvet going into the adjoining property but it is so overgrown the water goes over the road not under. In all the years we have lived here the colvet has never been cleared.

There is an easement through the adjoining property but it is also so overgrown nothing can get through. I have approached the council about having it cleaned out only to be told there is nothing they can do as it is private property.

Our property backs on to Airstrip Road and due to the flooding on the road we had water coming at us from both streets.

We feel a lot more investigation and stormwater planning needs to be done to correct the existing problems before any further developments are approved in the area and preferably before any further heavy rain.

It does not seem fair that those people who have lived here for years should suffer these problems just to allow further development.

Please get it right before any further building.

Regards [redacted]



HAWKESBURY LOCAL PLANNING PANEL

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HAWKESBURY CITY COUNCIL



Hawkesbury City Council
15 JUN 2022
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14 June 2022

To General Manager

This letter to object to proposed DA0146/22 in that it has come to my attention that stormwater facilities at 44 Mitchell Road Pitt Town built by council are in adequate per conversation with [REDACTED]

By redirecting stormwater that naturally flows to river into basin per [REDACTED] expert report is putting lives and homes of those downstream at risk of damage and harm.

I object on that it will ruin enjoyment of those downstream until basin at 44 Mitchell road Pitt town can be corrected.

Sincerely,



Office: Telephone [REDACTED]



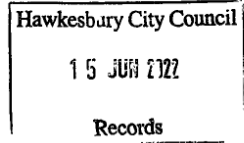
SCANNED



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 16 February 2023



Hawkesbury Resident
14/6/2022

Elizabeth Richardson
GM
Company Name
Hawkesbury council Chambers

Dear Elizabeth Richardson :

This is formal objection to DA146/22, I attend meeting in October 2018 on site at Mitchell Road. In attendance from council was Mayor Barry Calvert, Linda Perrine, and GM Peter Conroy. In this meeting a resident had hired expert in stormwater management to address those present with concerns of basin been incorrect. In this meeting those concerns were heard by all present with really no response by council and those who attend by council, in fact I found Mr. Conroy rude and arrogant to what was been put forward. Those the impacts to those downstream were outlined in that meeting and following on from floods in 2022 those impacts all come true.

Fact we must write submission to avoid further impacts just shows how out of touch council is with us residents. Fact there a childcare facility and flood roads would be enough for council to not even think about further subdivision still our safety is restored.

I urge council to seriously fix this issue!! Until then no more subdivision!!!

[Redacted]
Sincerely
[Redacted]

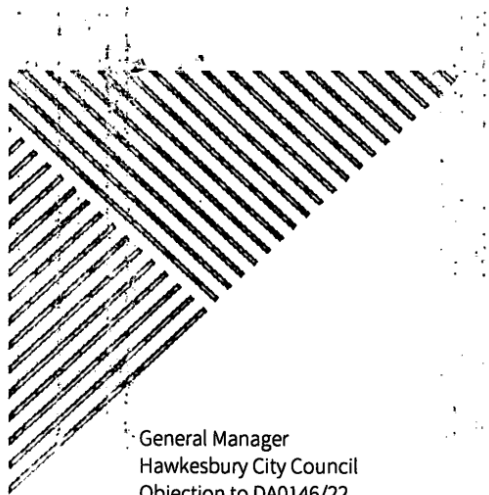


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HAWKESBURY LOCAL PLANNING PANEL

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Hawkesbury City Council
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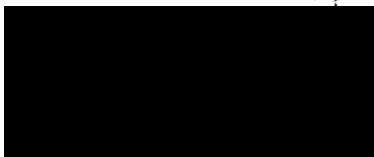
General Manager
Hawkesbury City Council
Objection to DA0146/22

11 June 2022

Dear General Manager,

I write to you to confirm as resident I object to proposed DA0146/22 on basis that subdivision will redirect stormwater into a flawed basin flooding home. I attend meeting of residents on which stormwater expert [REDACTED] outlined that incorrect assumed catchment by council had resulted in undersized basin design. General Manager Peter Conroy provided no real response to these claims and meeting ending when Mayor Barry Calvert stating he would let expert hash it out and look into it for the residents. Residents confirmed this promise never happened and as result in March 2022 residents were flooded with ONLY FLOOD ROAD cut of during peak storms and many residents properties impacted. Expert advice given was in my view correct and as results COUNCIL has flood homes and now must correct this issue. Thus, proposed subdivision and redirection of stormwater cannot occur until such time council correct flawed basin per view expressed by Mr. Jamieson.

Warm Regards,



SCANNED



HAWKESBURY LOCAL PLANNING PANEL

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Hawkesbury City Council

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15 June 2022

General Manager
Hawkesbury City Council
Company Address

Formal Objection to DA0146/22

I write this to council on basis that proposed subdivision will impacts residents such Jake hargraves. Photo [REDACTED] has shown of water around his house because of basin begs the question why council would even contemplate redirecting more water into homes downstream when it been clearly photographically shown that it floods homes as it is.

Combined with residents downstream on Air Strip Rd and Cattail Road seeing their properties flood for first time only confirms view that basin is not working. Thus, it my view that without adequate stormwater this DA can not be contemplated at all as it failed to address basin issue at all.

Sincerely,

[REDACTED]



SCANNED

Objection to DA0146/22

Hawkesbury City Council

15 JUN 2022

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11 June 2022

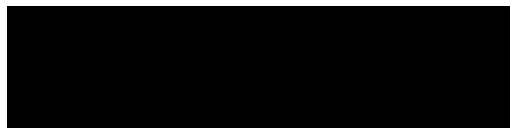
Dear General Manager

I write this in objection to propose DA 0146/22 in that it will affect landowners downstream. Many people such as I have become aware that basin at 44 Mitchell Pitt Town is grossly underized and it become clear that for some time council has been aware of this issue.

Subdivision without stormwater facility to manage it cannot be approved and DA proposed from what I have read is either unaware of issue or lacks any professional address of the concerns of those downstream.

Thus, I object to this DA until such time that applicant or council has addressed issue of March 2022 floods. The floods have shown cases those downstream are already impacted and personally I find it very poor that council is even allowing this submission given many residents have been impacted by this basin downstream.

Sincerely,



SCANNED



HAWKESBURY LOCAL PLANNING PANEL

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Hawkesbury City Council

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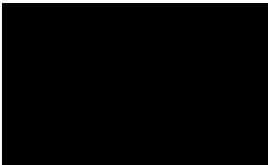
Hawkesbury City Council



Dear General Manager

After visiting impact home of [REDACTED] and reviewing photos of water around this house, I would object to DA0146/22 in that council cannot redirect stormwater that impacts homes downstream. [REDACTED] explained that basin had overflowed impacting his home and in fact cut of the only entry and exit to his home. As result he had to evacuate his sick wife and 1 year old child from their home.

Thus, as result I urge council to deny this subdivision until such time that correct basin can be built to allow those downstream to be unimpacted during storms or ensure safety of those residents. Fact that homes that are not affected by rising river are been flooded clearly shows impacts shown in March 2022 flood where man made or in this case council made.



SCANNED



HAWKESBURY LOCAL PLANNING PANEL

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Hawkesbury City Council

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Dear General Manger

Objection to DA0146/22

I object to this DA as basin at 44 Mitchell Road Pitt Town is currently flooding homes and impacting safety of the entire town.

I was one of residents who attended on site meeting with Mr. Peter Conroy and Mayor at time Barry Calvert at 44 Mitchell Road Pitt Town. In this meeting a resident had proposed expert advice claiming basin was incorrect and predicted impacts of March 2022. In this meeting us residents were told by the mayor that he would look into this basin prior to it been built. I guess Mayor failed us and I will be writing to Barry Calvert as I blame him for flooding of those homes downstream and what we same in March 2022.

Thank you for taking time to review my submission.

Sincerely,

David Sheridan

Enclosure



SCANNED

HAWKESBURY LOCAL PLANNING PANEL

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Hawkesbury City Council
15 JUN 2022
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13 June 2022

Elizabeth Richardson Managing Director Hawkesbury City Council Windsor NSW

Dear Elizabeth

Re: Impact of Flooding from Council Basin on 44 Mitchell Road Pit Town on 70 Wells Road

I was recently contacted by [REDACTED] to look at the impact the construction of the then proposed and constructed detention basin on 44 Mitchell Road could have on he and his family's property at 70 Wells St Pit Town.

It is my understanding that this impact has been raised with Council previously on several occasions and we have also discussed and been aware of the impacts that the construction of the detention basis on 44 Mitchell Street as proposed has had on Jake and Natasha Hargraves property.

This was clearly demonstrated to be as per the earlier concerns and expectations during the 2 March 2022 storm event.

A failure to maintain the original water transfer capacity impeded by the detention basin occurred and as a result water backed onto their property and inundated their access road cutting off access to the property and coming very close to flooding their house.

This event breached Condition 44 of Council's approval PT50003/17 for the dam which required: *that the works associated with the development shall ensure that all natural water flow from the adjoining properties is not impeded or diverted.*

Concerns raised by Jake when the dam was first being constructed, were that the drainage channel that used to convey flows from [REDACTED] property and other upstream properties to 44 Mitchell Road was approximately 10 metres wide and 1 to 1.5 m deep.

This channel provided significantly greater capacity to convey flows than the replacement system that Council constructed. The replacement system comprises a 750 mm diameter pipe that is over 150 m long and has been constructed on a near flat grade. As a result the pipe has very low hydraulic capacity is nowhere equivalent to the original conditions that existed prior the removal of the original channel.

This system also has a high capacity to become silted due to shallow grade further reducing the hydraulic capacity.

As well as the capacity issue with the system, the pipe now has the potential to become blocked, in particular during a series of recurring storm events.



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The previous reports provided by *Anditi* had shown the details of the dam and pipe configuration

It is obvious just looking at Photo 1, of this report that the diversion pipe system constructed by Council was never going to have the flow capacity of the existing channel and as a result Condition 44 of Council's approval PT50003/17 was never going to be complied with.

The inadequate sizing and design of the detention basin has been raised with Council on numerous occasions before the basin was built and since that time.

As a experienced civil engineer with 34 years of experience and having undertaken decades of earthworks projects with earthworks basins and specialist clay core dam wall works such as the fuse plugs on he Warragamba Dam Auxiliary spillway it is evident that the current configuration comes with a significant risk to all those individuals downstream of the new dam wall.

The under design of the water transfer system and the incorrect catchment areas will have also seen a under design of any spillway to deal with emergence flows and as such there is a significant potential to see the current dams failure at peak rainfall events and much lesser events.

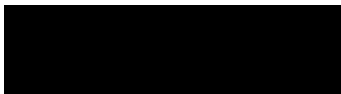
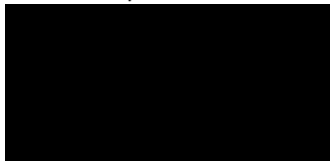
Another element that council should urgently investigate is the quality of the construction process.

A common factor in catastrophic failures in situations such as this were mid range rainfall events much below the design assumption see all the design Factors of Safety eliminated and a construction failure could result in washout of the dam wall.

Further development of the catchment north of Wells Road has and will increase the level of flood impact and flood hazard for all those that live downstream of the detention basin along the 6.9 km path to the Hawkesbury River or that rely on the road network to safely evacuate during flood events.

In light of the above issues that have been identified I am in agreement with the summary and approach recommended by Mr Peter Jamieson which recommended that HCC should require that any further development north of Wells Road either drains to the north-east to the Hawkesbury River, as is currently the case, or is not approved until the problems with size and function of the detention basin are fixed and the capacity of the downstream drainage system (all 6.9 kms) is upgraded to accommodate the increased peak discharges and flow volume that it will receive.

Yours sincerely



oooO END OF REPORT Oooo



Hawkesbury Local Planning Panel meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.