



Hawkesbury City Council

Attachment 2
to
item 038

Assessment Report - 7 Fernadell Drive,
Pitt Town
including maps

date of meeting: 10 March 2020
location: council chambers
time: 6:30 p.m.

PLANNING PROPOSAL INFORMATION

File Number:	LEP001/19
Property Address:	7 Fernadell Drive, Pitt Town (Fernadell Park)
Applicant:	Hawkesbury City Council
Owner:	Hawkesbury City Council
Date Received:	29 April 2019
Current Zone:	RU2 Rural Landscape
Site Area:	9.9549ha
Key Issues:	<ul style="list-style-type: none">◆ Reclassification of Land◆ Hawkesbury Local Planning Panel Advice

EXECUTIVE SUMMARY:

Council seeks to amend the *Hawkesbury Local Environmental Plan 2012* to:

- (a) Reclassify part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town from 'Community' land to 'Operational' land;
- (c) Rezone part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town from RU2 Rural Landscape to RE1 Public Recreation;
- (d) Amend the minimum lot size for subdivision of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to part 4,000m² and part no minimum lot size.
- (e) Amend the maximum height of buildings on part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town so that there is no restriction on the height of buildings.

The purpose of this report is to:

- Advise Council of the recommendation of the Hawkesbury Local Planning Panel in respect of this matter;
- Provide an assessment of the merits of the Planning Proposal; and
- Recommend that the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway Determination'.

In accordance with the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act, 1979*, the Planning Proposal was referred to the Hawkesbury Local Planning Panel for comment.

The Panel recommended that the Planning Proposal proceed for a 'Gateway' determination subject to meeting certain requirements as outlined in this report.

The report demonstrates that the Planning Proposal is considered to be consistent with relevant legislation and considerations including, the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* in relation to the reclassification of the subject sites. In addition, the Planning Proposal is considered to be consistent with the aims, objectives and requirements of the relevant State, Regional and Local strategies/strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

The Officers report is divided into the following sections to assist in its explanation and consideration:

1.	Background	2
2.	Subject Site and Surrounds	5
3.	Current Planning Controls	6
4.	Planning Proposal	7
5.	Justification of Proposal	8
6.	Policy Considerations	8
7.	Discussion	16
8.	Hawkesbury Local Planning Panel Advice	22
9.	Conclusion	23

1. BACKGROUND

Reclassification of Land

The *Local Government Act 1993* requires that all Council-owned land be classified as either 'Community' or 'Operational' land. Under the provisions of the *Local Government Act 1993*, Community Land cannot be sold, exchanged or otherwise disposed. Once the land is reclassified to Operational, it will no longer be protected under the *Local Government Act 1993* from potential future sale or development. The change in classification from Community to Operational land will remove this restriction and allow Council to deal in the land on a commercial basis. This may include development, leasing or disposal. The reclassification does not commit council to the sale or development of the land, nor does it remove the land from Council's ownership or prevent the current use of the land from continuing.

The reclassification of Council land must be undertaken in accordance with the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* issued by the Department of Planning and Environment (October 2016).

The mechanism to reclassify land by way of a planning proposal is to amend Schedule 4 of the *Hawkesbury Local Environmental Plan 2012* to identify the land as reclassified to Operational Land.

An independently facilitated public hearing is required to be held as part of the community consultation process for any planning proposal seeking to reclassify land from 'Community' to 'Operational'.

Practice Note PN16-001 - Classification and reclassification of public land through a local environmental plan

Schedule 1 of Practice Note PN16-001 lists a number of matters that are to be addressed for Gateway consideration. The Planning Proposal has addressed these matters, which have been discussed further within this report. In particular, the Practice Note requires that a summary of council's interest in the land be provided, and that any rezoning of the land is consistent with an endorsed Plan of Management or Strategy. Table 1 below summarises Council's interests in the subject site.

Legal Description	Street Frontage	Land Size m ²	Date Acquired	Transfer No.	Price	Comments
6028/1169449	7 Fernadell Drive, Pitt Town	9,9549	27/5/2015	N/A	Dedicated to Council on Deposited Plan	Lot 6028 DP1169449 was dedicated on Deposited Plan 1169449 as a public reserve by the developers Fernadell Properties Pty Ltd and Division CCMF Limited. The Certificate of Title was issued to Council on 27 May 2015.

Table 1: Summary of Council's Interests in the Subject Site

Council's generic Plans of Management for General Community Use and Sportsground apply to 7 Fernadell Drive, Pitt Town. The Planning Proposal seeks to rezone part of 7 Fernadell Drive, Pitt Town to RE1 - Public Recreation. This rezoning is required to enable the construction of a multi-function community facility for recreational and sporting needs, which will align the use of the land with the relevant objectives of the Plans of Management:

Plan of Management for General Community Use

The core objectives of the Local Government Act 1993 in relation to land categorised as General Community use are as follows:

- *To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:*
 - *In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
 - *In relation to purpose for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public amenities).*

These corporate goals and core objectives define the strategic framework under which management objectives have been developed. The implementation plan will refer to these management objectives from which performance targets can be set and the means of achieving and assessing these targets.

Plan of Management for Sportsground

The core objectives of the Local Government Act 1993 in relation to land categorised as sportsground are as follows:

- *To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and*
- *To ensure that the activities are managed having regard to any adverse impact on nearby residences.*

These corporate goals and core objectives define the strategic framework under which performance objectives have been developed. As issues arise in the management of community land these are tested against the performance objectives and used to develop a series of planning activities or strategies.

7 Fernadell Drive, Pitt Town

At its Ordinary Meeting on 30 October 2018, Council considered a report seeking support for the lodgement of a planning proposal to reclassify and rezone Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to facilitate the provision of community and recreational facilities on the land. The resolution also included an amendment to the minimum lot size for subdivision of the site.

The Hawkesbury Section 94 Contributions Plan 2015 includes a provision for the construction of community facilities, recreational buildings and park improvements on the subject site to support residential development within Pitt Town.

Council has acquired 9.95 hectares of land on Fernadell Drive for this purpose. The property comprises two sections of land divided by Fernadell Drive. A 4,299m² section of land to the west of Fernadell Drive has been identified as the site for a proposed community centre, with the balance of 9.5 hectares to the east and north of Fernadell Drive identified as the site for a recreation and sporting facility.

Currently, the subject site is zoned RU2 Rural Landscape, and is classified as 'Community' land. The RU2 zone does not permit community facilities or recreation facilities. Therefore, to enable the provision of community and recreational facilities within Pitt Town, the subject site would need to be rezoned and reclassified to 'Operational' land.

In September 2018, Council staff met with representatives of the Pitt Town Progress Association to commence the community engagement process in relation to the development of concept plans for the Pitt Town Community Precinct. The Association provided Council with a summary of the design suggestions and expectations of residents for the provision of community facilities in Pitt Town. During these discussions, the option of combining the community facilities, recreational facilities and park improvements was canvassed with the intention of constructing a single multi-function centre to be located on Fernadell Park.

The Fernadell Park Masterplan and Plan of Management was exhibited to seek community feedback on how they would like to see the Park developed. The exhibition commenced on 10 September 2019 and concluded 10 October 2019.

As part of this option, the 4,299m² Community Centre Site would no longer be required for public amenity purposes, and could potentially be sold in the future with the sale proceeds reinvested into community facilities within the Pitt Town Community Centre Site.

At its Ordinary Meeting on 30 October 2018, Council supported the reclassification and rezoning of the land, and changes to the minimum lot size for subdivision of the land and resolved to:

- "1. Approve the preparation of a planning proposal to:
 - (a) Rezone Fernadell Park – the proposed Pitt Town Community Precinct site (Lot 6028 DP 1169449) from RU2 – Rural Landscape to RE1 – Public Recreation to enable the construction of a multi-function community, recreation and sporting facility
 - (b) Reclassify the 4,299m² Community Centre Site on Fernadell Drive from Community Land to Operational Land under the Local Government Act, 1993, and amend the minimum lot size map to accommodate a lot this size
 - (c) Maintain the current RU2 – Rural Landscape zone for the Community Centre Site.
2. Include within the proposed update of the Section 94 Contributions Plan 2015, a provision to delete the requirement for Council to retain the 4,299m² Community Centre Site on the corner of Fernadell Drive for a public amenity purpose.
3. Commence the preparation of a Master Plan and Plan of Management for the Pitt Town Community Precinct on Fernadell Park fronting Stables Street.
4. Further consult with the Pitt Town Progress Association to develop and implement a community engagement strategy to inform residents and seek their views on the development of the Pitt Town Community Precinct on Fernadell Park fronting Stables Street.
5. Note the \$4M grant application under the NSW Greater Sydney Sports Facility Fund seeking additional external investment for the Pitt Town Community Centres.
6. Specifically consult with residents opposite and adjacent to the proposed Pitt Town Community Precinct site.
7. Consult with the entire Pitt Town community to ascertain the best use of the 4,299m² Community Centre site on Fernadell Drive."

2. SUBJECT SITE AND SURROUNDS

Lot 6028 in Deposited Plan 1169449, 7 Fernadell Drive, Pitt Town is located approximately 400m from the Pitt Town centre. The subject site is 9.9549 ha in size, and is comprised of two portions of land divided by Fernadell Drive as shown in Figure 3.

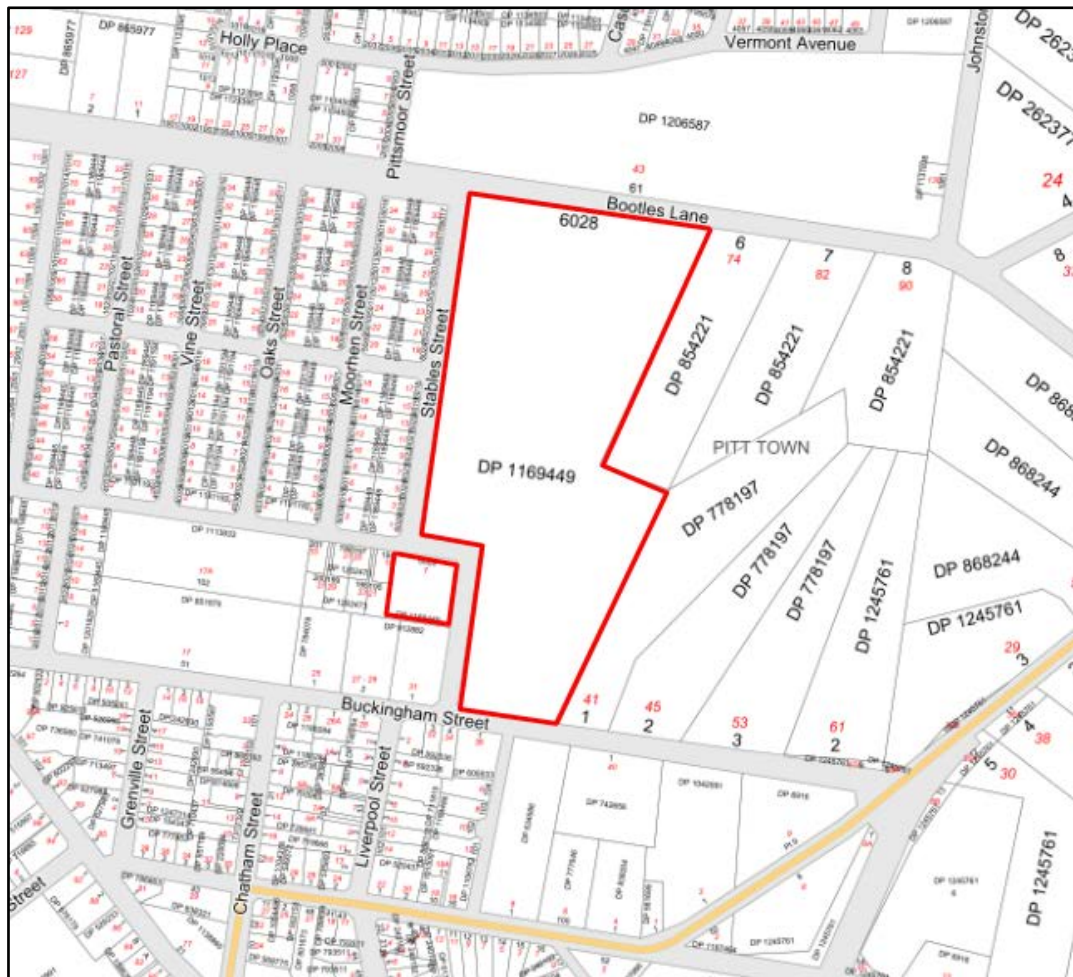


Figure 3: Locality Map – 7 Fernadell Drive, Pitt Town

To the south-west of Fernadell Drive is the smaller section of the subject site, having an area of 4,299m². This portion had been previously identified as the site for a proposed community centre, and is referred to as the 'Pitt Town Community Centre Site' in this Report.

To the north-east of Fernadell Drive is the larger section of the subject site, having an area of 9.525 ha. This portion has now been identified as the proposed location of a larger community, recreation and sporting site, and is referred to as the 'Pitt Town Community Precinct Site' in this Report.

The subject site is surrounded by a mix of residential and rural residential land uses as shown in Figure 4 below. The subject site is cleared, and contains a large detention basin located in the south-eastern corner. No buildings exist on the subject site.



Figure 4: Aerial View of 7 Fernadell Drive, Pitt Town and Surrounding Properties

The general locality that surrounds the subject site is new, low density urban development to the west, rural land to the north and east, and older, low density urban development to the south.

3. CURRENT PLANNING CONTROLS

The subject site is owned by Council and is classified as 'Community' land and nominated as public reserve.

The subject site is currently zoned RU2 Rural Landscape and has a minimum lot size requirement for subdivision of 10 ha under the *Hawkesbury Local Environmental Plan 2012*.

The subject site has a maximum height of buildings provision of 10m.

The subject site contains 'Connectivity between significant vegetation' as identified on the Terrestrial Biodiversity Map of the *Hawkesbury Local Environmental Plan 2012*. However, as can be seen in Figure 4 the subject site is cleared of native vegetation.

The subject site is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the *Hawkesbury Local Environmental Plan 2012*.

The subject site is partially below the 1 in 100 year flood level of approximately 17.3m AHD, having land levels between 12 – 20.5m AHD.

Part of the subject site is identified as being Bushfire Prone (Buffer). It is identified as containing Agriculture Land Classification 2 and 3 in the maps prepared by the former NSW Department of Agriculture.

4. PLANNING PROPOSAL

The planning proposal seeks to amend the *Hawkesbury Local Environmental Plan 2012* to enable the development and management of the Council owned subject site by:

- rezoning part of 7 Fernadell Drive, Pitt Town to RE1 Public Recreation to enable the development of the subject site for community and recreational purposes in line with the commitments for the Pitt Town Release Area, S94 Contributions Plan and community expectations;
- reclassify part of 7 Fernadell Drive, Pitt Town to 'Operational' land to permit subdivision and potential future sale of this portion of land to help fund the rest of the site for community and recreational purposes.

The Planning Proposal aims to achieve the intended outcomes by amending the *Hawkesbury Local Environmental Plan 2012* as follows:

1. Amend *Hawkesbury Local Environmental Plan 2012*, Schedule 4, Part 2 – *Land classified, or reclassified, as operational land – interests changed* to insert the following:

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Pitt Town, 7 Fernadell Drive (part of)	Part of Lot 6028, DP 1169449 identified as "Operational Land" on the Land Reclassification (Part Lots) Map	Nil

2. Create a Land Reclassification (Part Lots) Map for the *Hawkesbury Local Environmental Plan 2012*, and identify Part of Lot 6028 DP 1169449 (the 4,299m² portion located to the south-west of Fernadell Drive known as the Pitt Town Community Centre Site) as being 'Operational Land' as shown in Attachment 6 of this Report.
3. Amend the Land Zoning Map (Map Reference No. 3800_COM_LZN_008C) of the *Hawkesbury Local Environmental Plan 2012* to rezone Part of Lot 6028 DP 1169449 (the 9.525 ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site) from RU2 Rural Landscape to RE1 Public Recreation as shown in Attachment 3 of this Report.
4. Amend the Lot Size Map (Map Reference No. 3800_COM_LSZ_008C) of the *Hawkesbury Local Environmental Plan 2012* to permit a minimum lot size of 4,000m² for part of Lot 6028 DP 1169449 (the 4,299m² portion located to the south-west of Fernadell Drive known as the Pitt Town Community Centre Site), and remove the current 10 ha minimum lot size provision applying to part of Lot 6028 DP 1169449 (the 9.5 ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site) as shown in Attachment 4 of this Report.
5. Amend the Height of Buildings Map (Map Reference No. 3800_COM_HOB_008C) of the *Hawkesbury Local Environmental Plan 2012* to remove the current 10m maximum building height provision applying to Part of Lot 6028 DP 1169449 (the 9.5 ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site) as shown in Attachment 5 of this Report.

5. JUSTIFICATION OF PROPOSAL

The planning proposal is justified for the following reasons:

- The reclassification of 7 Fernadell Drive, Pitt Town would enable Council to develop the subject site for recreational and community use as intended by Hawkesbury Section 94 Contributions Plan 2015.
- The rezoning of the Pitt Town Community Precinct Site of 7 Fernadell Drive, Pitt Town will allow for the timely delivery of planned community and recreational facilities.
- The reclassification, and amendment to the minimum lot size requirement for subdivision, of the Pitt Town Community Centre Site of 7 Fernadell Drive, Pitt Town will enable this portion of the subject site to be excised and potentially sold to financially contribute to the development of the Pitt Town Community Precinct Site for public recreation and community purposes.
- The planning proposal will have no adverse impact on the environmental attributes of 7 Fernadell Drive, Pitt Town.

Other important objectives which will be achieved as a result of this Planning Proposal include:

- enable Council to better manage and allocate its finances;
- increase the amenity of Pitt Town by facilitating the orderly development of the community and recreational facilities of Fernadell Park;

The reclassification of the subject site is considered to be the best means of achieving the objectives and intended outcomes of the Planning Proposal, given that, as Community Land the subject site cannot be leased, sold or developed. Reclassifying the whole or part of the subject site to Operational Land and amending the zoning and minimum lots sizes will facilitate the use, management and development of the site.

6. POLICY CONSIDERATIONS

The Department of Planning, Industry and Environment's '*A guide to preparing planning proposals*' August 2016 (the Guidelines) requires the applicant to demonstrate that a planning proposal is consistent with applicable local strategies/ strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

In accordance with a Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, a planning proposal is required to be referred to the local planning panel for advice prior to the planning proposal being forwarded to the Minister under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for a 'Gateway' determination. The Planning Proposal was presented to the Hawkesbury Local Planning Panel Meeting of 21 November 2019.

At that Meeting, the Hawkesbury Local Planning Panel recommended referral of the Planning Proposal to the Department of Planning, Industry and Environment for a 'Gateway' determination.

An assessment of the Planning Proposal against the relevant State Planning framework including *A Plan for Growing Sydney*, *Greater Sydney Region Plan - A Metropolis of Three Cities*, Western City District Plan, State Environmental Planning Policies and Section 9.1 Ministerial Directions and Local Planning/policy Framework contained within this report demonstrates that the planning proposal is considered to be consistent with both the State and Local Planning Framework.

A Plan for Growing Sydney

A Plan for Growing Sydney was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability, and for the location of housing, employment, infrastructure and open space.

A Plan for Growing Sydney contains the following Vision for Sydney.

A strong global site, a great place to live

The Vision is supported by the following four goals and three principles:

- Goal 1: A competitive economy with world-class services and transport.
 - Goal 2: A city of housing choices with homes that meet our needs and lifestyle.
 - Goal 3: A great place to live with communities that are strong, healthy and well connected.
 - Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.
- Principle 1: Increasing housing choice around all centres through urban renewal in established areas.
- Principle 2: Stronger economic development in strategic centres and transport gateways.
- Principle 3: Connecting centres with a networked transport system.

A Plan for Growing Sydney divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury Local Government Area is in the West subregion along with the Penrith and Blue Mountains Local Government Areas.

The Draft North West Subregional Planning Strategy was released by the NSW Government in December 2007. The Strategy covers the Local Government Areas of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and set broad directions for additional dwelling and employment growth.

The Key Directions of the draft Strategy are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the roles of centres
- improve access to, from and within the subregion
- protect rural resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities.

The Planning Proposal is considered to be consistent with *A Plan for Growing Sydney* as it will:

- support the Infrastructure Directions and Liveability Directions included in the Greater Sydney Region Plan, by collaborating with communities to see increased provision and use of community facilities and providing those services and infrastructure that meet the changing needs of the community.

Greater Sydney Region Plan - A Metropolis of Three Cities

In March 2018, the NSW Government released the concept of the vision for Greater Sydney as a Metropolis of Three Cities - the Western Parkland City, the Central River City and the Eastern Harbour City.

This strategic framework intends to transform land use and transport patterns and boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth to all its residents.

The emerging Western Parkland City with the Western Sydney Airport and Badgerys Creek Aerotropolis as a catalyst for the city cluster will grow a strong trade, logistics, advanced manufacturing, health, education and science economy and be the most connected place in Australia.

It will produce knowledge-intensive jobs close to new well-designed neighbourhoods. Liveability for residents will be key - such as more trees to provide shade and shelter and walkable neighbourhoods within easy reach of shops and services.

It is the first plan to be prepared concurrently with *Future Transport 2056* and the State Infrastructure Strategy, aligning land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities.

The objectives and metrics of 'A Metropolis of three Cities' are based on Ten (10) Directions:

- (a) A city supported by infrastructure;
- (b) A collaborative City;
- (c) A city for people;
- (d) Housing the city;
- (e) A city of great places;
- (f) A well connected city;
- (g) Jobs and skills for the city;
- (h) A city in its landscape;
- (i) An efficient city; and
- (j) A resilient city.

These Directions are supported by objectives and strategies. Relevant to the Planning Proposal are the strategies relating to:

- *Sequence infrastructure provision across Greater Sydney using a place-based approach;*
- *Deliver social infrastructure that reflects the needs of the community now and in the future;*
- *Optimise the use of available public land for social infrastructure;*
- *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities;*
- *Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land;*
- *Expand urban tree canopy in the public realm;*
- *Maximise the use of existing open space and protect, enhance and expand open space by planning new neighbourhoods with a sufficient quantity and quality of new open space.*

The planning proposal is considered to be consistent with the abovementioned relevant strategies of the Greater Sydney Region Plan as follows:

- The Pitt Town Community Precinct is being provided in response to the expansion of the residential precinct of Pitt Town to cater for the existing and future community and recreational needs of residents. The design of the Pitt Town Community Precinct will include landscaping that will contribute to the expansion of the urban tree canopy in the public realm. The Planning Proposal will facilitate the timely and efficient delivery of these facilities to support an active, resilient and socially connected community, while maximising the use of the subject site by combining community and recreational uses.

Western City District Plan

The Western City District Plan is a guide for implementing the Greater Sydney Region Plan - 'A Metropolis of Three Cities'. The District Plan is a bridge between regional and local planning.

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas. The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The District Plan also assists Councils to plan for and support growth and change, and aligns their local planning strategies to place-based outcomes. It guides the decisions of State Agencies and informs the private sector and the wider community of approaches to manage growth and change.

The Western City District Plan focuses on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District. Relevant Objectives, Strategies and Actions from *A Metropolis of Three Cities* are embedded in each of the Planning Priorities, to integrate the District's challenges and opportunities with the Greater Sydney vision of the metropolis of three cities.

Relevant to the Planning Proposal are the actions relating to:

- *Deliver social infrastructure that reflects the needs of the community now and in the future;*
- *Optimise the use of available public land for social infrastructure;*
- *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by prioritising a people-friendly public realm and open spaces as a central organising design principle;*
- *Expand urban tree canopy in the public realm;*
- *Maximise the use of existing open space and protect, enhance and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow, planning new neighbourhoods with a sufficient quantity and quality of new open space, and delivering shared and co-located sports and recreational facilities.*

The planning proposal is considered to be consistent with the abovementioned relevant actions of the Western City District Plan for the reasons outlined in the previous section of this Report relating to the Greater Sydney Region Plan.

The Hawkesbury Local Government Area (other than the Vineyard Growth Centre Precinct) is identified as part of the Metropolitan Rural Area under the Western City District Plan. The Western City District's rural areas contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages.

The Western City District Plan recognises that increased urban development is not appropriate within the Metropolitan Rural Area so as to support agriculture and mineral resources. In addition, support for increased rural residential development will only be considered where it meets local demand, and there are no adverse impacts on the amenity and character of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.

It is considered that the Planning Proposal is consistent with policy intent for the Metropolitan Rural Area as:

- *the reclassification and rezoning of 7 Fernadell Drive, Pitt Town will enable the development of the subject site for recreational and community facilities to support the previously approved residential expansion of Pitt Town, and is aligned to the place-based planning values of the Western City District Plan.*

Section 9.1 Directions (Formerly Section 117 Directions)

Section 9.1 Directions are issued by the Minister for Planning and apply to planning proposals.

Section 9.1 Directions require certain matters to be complied with and/or require consultation with government agencies during the preparation of the planning proposal. However, these Directions permit variations subject to meeting certain criteria. The principal criterion for variation to a 9.1 Direction is consistency with an adopted Local or Regional Strategy. A summary of the key Section 9.1 Directions are as follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The Planning Proposal proposes to rezone the Pitt Town Community Precinct Site of 7 Fernadell Drive, Pitt Town from RU2 Rural Landscape to RE1 Public Recreation to facilitate the provision of community and recreational facilities on the site. As the Planning Proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land within a rural zone, it is considered to be consistent with this Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This Direction applies when a planning proposal is prepared that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or obtaining extractive materials, or would restrict the potential development of these resources which are of state or regional significance by permitting land uses that are likely to be incompatible with such development.

The planning proposal is consistent with Direction 1.3 as the subject site is not located within an identified Resource Area, Potential Resource Area or Transition Area which is adjacent to identified Resource Areas as identified by mineral resource maps provided by the NSW Resource & Energy Division of NSW Trade and Investment.

Additionally, the subject site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 – Extractive Industry (No 2 – 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

Regardless of the above comments, should the planning proposal proceed to a Gateway Determination, the NSW Department of Industry will be consulted in accordance with Direction 1.3(4) during the relevant government agency consultation period.

Direction 1.5 Rural Lands

This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot size on land within a rural or environmental protection zone.

The Planning Proposal proposes to rezone the Pitt Town Community Precinct Site of 7 Fernadell Drive, Pitt Town from RU2 Rural Landscape to RE1 Public Recreation. It also proposes to change the minimum lot size for subdivision of the subject site to allow the Pitt Town Community Centre Site portion to be excised from the rest of the property.

It is considered that the Planning Proposal is consistent with this Direction as:

- it is consistent with applicable strategic plans, including the Sydney Region Plan and the Western City District Plan, as discussed in this Report.
- the land has been acquired by Council for the purposes of providing community and recreational facilities consistent with an adopted Section 7.11 Contributions Plan in association with the development of Pitt Town for urban purposes.
- the land is located at an urban interface, is no longer being used for agricultural purposes and is of a size and location that will allow for potential land use conflicts to be managed.
- the Planning Proposal, and the use and development of the land, will have no adverse impacts on the environmental values of the land and is compatible with the natural and physical constraints of the land.
- the Pitt Town Community Precinct Site portion of the property will provide a buffer between residential land to the west and rural zoned land to the east to minimise land use conflicts.
- the Planning Proposal will not result in the fragmentation of rural land, as the portion of 7 Fernadell Drive that is to be subdivided off is already separated from the rest of the property by Fernadell Drive.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning, Industry & Environment.

The subject site is identified as containing “Class 5 Acid Sulfate Soils” on the Acid Sulphate Soils Planning Maps contained within the *Hawkesbury Local Environmental Plan 2012*, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the *Hawkesbury Local Environmental Plan 2012* which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal but the Department of Planning, Industry and Environment will consider this as part of their ‘Gateway’ determination, and if required can request further information/consideration of this matter.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- (b) Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies to ‘flood prone land’, which means “*land susceptible to flooding by the PMF (Probable Maximum Flood) event.*” All of the subject sites are located on flood prone land.

Clause 6.3 – *Flood planning* of the Hawkesbury Local Environmental Plan 2012 and Council’s Development of Flood Liable Land Policy will apply to future development of the subject site.

This direction does not permit the rezoning of land within flood planning areas (land below the flood planning level) from a Rural Zone to a Residential, Business, Industrial, Special Use or Special Purpose Zone. The Planning Proposal proposes to rezone part of 7 Fernadell Drive, Pitt Town from the RU2 Rural Landscape zone to the RE1 Public Recreation zone, and is therefore consistent with this requirement.

In accordance with this Direction, the Planning Proposal will not change the existing flooding provisions of the Hawkesbury Local Environmental Plan 2012, which give effect and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. In addition, no new provisions are proposed which would permit or intensify development in floodway or high hazard areas, increase flood impacts on other properties or result in increased demand for government spending on flood mitigation measures infrastructure or services.

Given the above, the Planning Proposal is considered to be consistent with Direction 4.3.

Direction 4.4 Planning for Bushfire Protection

This Direction applies to planning proposals that will affect, or is in the proximity to land mapped as bushfire prone land.

The subject site is shown as being either partially bushfire prone, or within the immediate vicinity of bushfire prone land, on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a 'Gateway' determination, and compliance with Planning for Bushfire Protection 2006, and various Asset Protection Zone, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal is consistent with Direction 6.3 as the proposal seeks an amendment to *Hawkesbury Local Environmental Plan 2012* to amend the Land Zoning Map, Lot Size Map and Schedule 4 only and does not intend to propose any site specific provisions.

Direction 5.10 Regional Plans

This Direction requires planning proposals to be consistent with a Regional Plan that has been released by the Minister for Planning. As discussed previously in this Report, the Planning Proposal is consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

The objective of this Direction is to give legal effect to the planning principles, directions, and priorities for subregions, strategic centres and transport gateways contained in 'A Plan for Growing Sydney'.

The planning proposal is consistent with Direction 7.1 as the planning proposal is consistent with 'A Plan for Growing Sydney' as previously discussed in this Report.

State Environmental Planning Policies

The planning proposal has been considered against the applicable State Environmental Planning Policies. The State Environmental Planning Policies most relevant to the planning proposal are:

- *State Environmental Planning Policy No. 19 - Bushland in Urban Areas,*
- *State Environmental Planning Policy No. 55 - Remediation of Land,*
- *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) and*
- *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997).*

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

This Policy aims to protect and preserve bushland within urban areas. When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:

- (a) have regard to the general and specific aims of the Policy, and
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

The Planning Proposal seeks to rezone the Pitt Town Community Precinct Site component of 7 Fernadell Drive, Pitt Town from RU2 Rural Landscape to RE1 Public Recreation. This site is cleared as a consequence of the residential development of Pitt Town, and therefore will have no impacts on existing bushland within the locality.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

State Environmental Planning Policy No. 55 requires consideration as to whether or not land is contaminated and, if so, is it suitable for future permitted uses in its current state or whether it requires remediation. This Policy may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

During the construction of the new Pitt Town residential subdivisions and the creation of the detention basin on 7 Fernadell Drive, Pitt Town, filling and earthworks were carried out within Fernadell Park. Given that the material used on the site was excess spoil from the Pitt Town subdivisions, it is considered that further investigations are not warranted for the planning proposal to proceed. Consideration of potential contamination will be subject to the usual investigations to be carried out with the lodgement of a development application for any future development.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of *Sydney Regional Environmental Plan No. 9* are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1 and 2 of the Plan, nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

Sydney Regional Environmental Plan No. 20 – Hawkesbury–Nepean River (No. 2 – 1997) – (SREP 20)

The aim of *Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)* 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the Plan encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify and assess the likely impact of any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;

- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

The site falls within the Middle Nepean and Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*.

The likely future land uses, being community and recreational facilities, or advertising, are considered able to satisfy the planning policies, strategies and development controls contained in the Plan. As planning continues for the site the impacts on the Hawkesbury-Nepean will continue to be considered, and ultimately addressed in a future development application.

7. DISCUSSION

Hawkesbury Local Environmental Plan 2012

As shown in Figure 5 below, the subject site is currently zoned RU2 Rural Landscape under the *Hawkesbury Local Environmental Plan 2012*, which permits with development consent the following land uses:

Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities

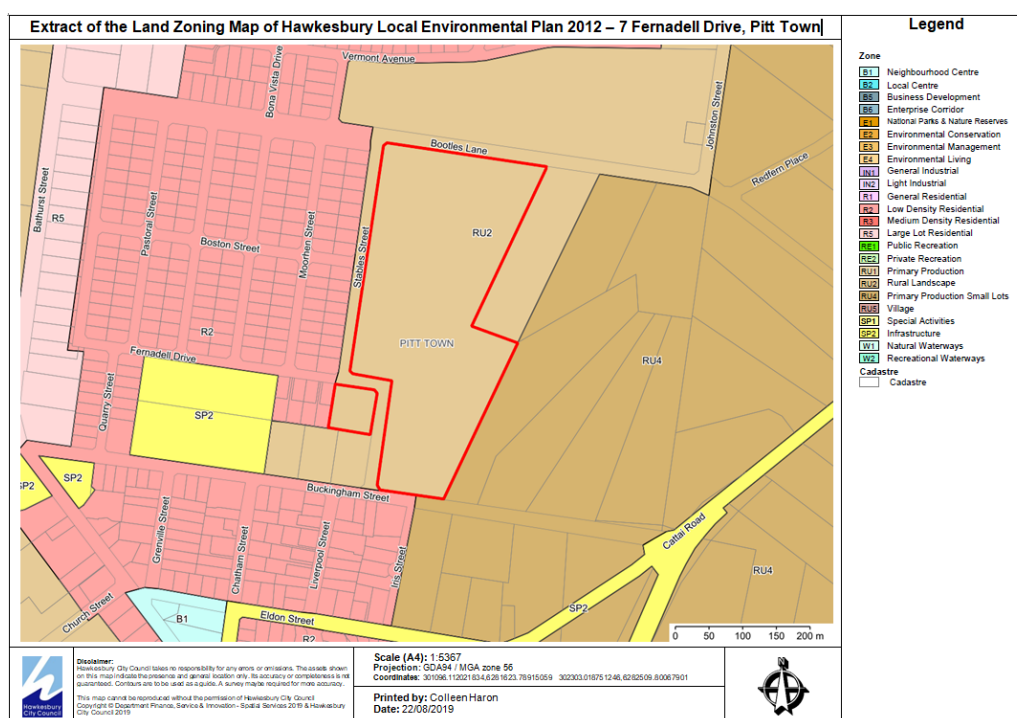


Figure 5: Land Zoning Map - 7 Fernadell Drive, Pitt Town

Given that 'community facilities' and 'recreation facilities' are not included as permitted land uses with development consent under the RU2 zone in the Land Use Table of the *Hawkesbury Local Environmental Plan 2012*, the Planning Proposal seeks to rezone part of the subject site (the Pitt Town Community Precinct Site) to RE1 Public Recreation. The following land uses are permitted with development consent under the proposed RE1 zoning:

Permitted with consent

*Aquaculture; Boat sheds; Centre-based child care facilities; Charter and tourism boating facilities; **Community facilities**; Environmental facilities; Extensive agriculture; Farm buildings; Flood mitigation works; Food and drink premises; Forestry; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); **Recreation***

facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures; Water storage facilities

The 4,299m² Pitt Town Community Centre Site will remain within the current RU2 Rural Landscape zone.

The subject site has a minimum lot size requirement of 10 ha under the *Hawkesbury Local Environmental Plan 2012* as shown in Figure 6 below:

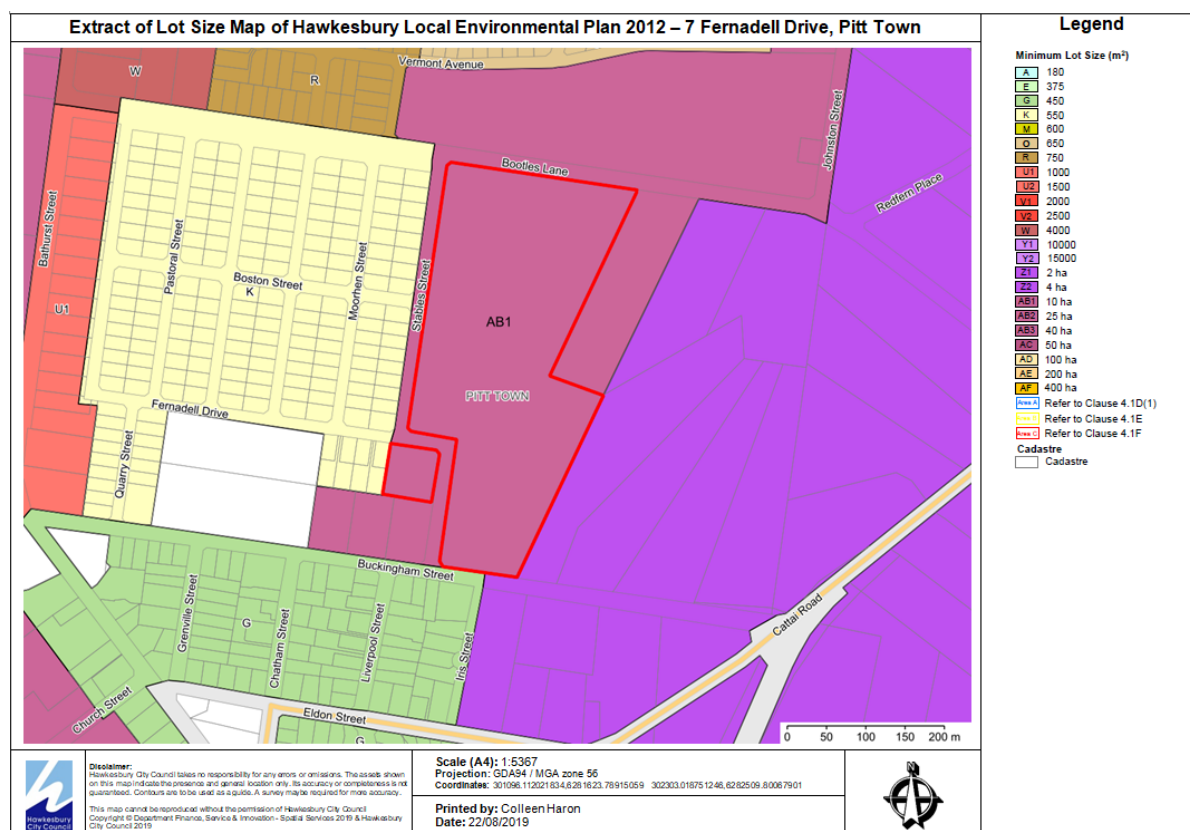


Figure 6: Lot Size Map - 7 Fernadell Drive, Pitt Town

It is the intention that the 4,299m² Pitt Town Community Centre Site will be excised from the rest of the Fernadell Park site in the future. To enable this, the land needs to be reclassified from 'Community' land to 'Operational' land.

The subject site has a total area of 9.9549 ha and therefore does not currently have subdivision potential. In order to facilitate subdivision of the subject site, the minimum lot size provisions for the land need to be amended. It is proposed to change the minimum lot size for the 4,299m² Pitt Town Community Centre Site to 4,000m².

Within the Hawkesbury Local Government Area no minimum lot size provisions apply to land within the RE1 Public Recreation zone. It is therefore also proposed to remove the current 10ha minimum lot size provision for the remaining Pitt Town Community Precinct Site in order to be consistent with the RE1 Public Recreation provisions of the *Hawkesbury Local Environmental Plan 2012*, and to facilitate the excising of the Community Centre Site in the future.

Figure 7 below shows the current Height of Building provision for the subject site as being 10m:

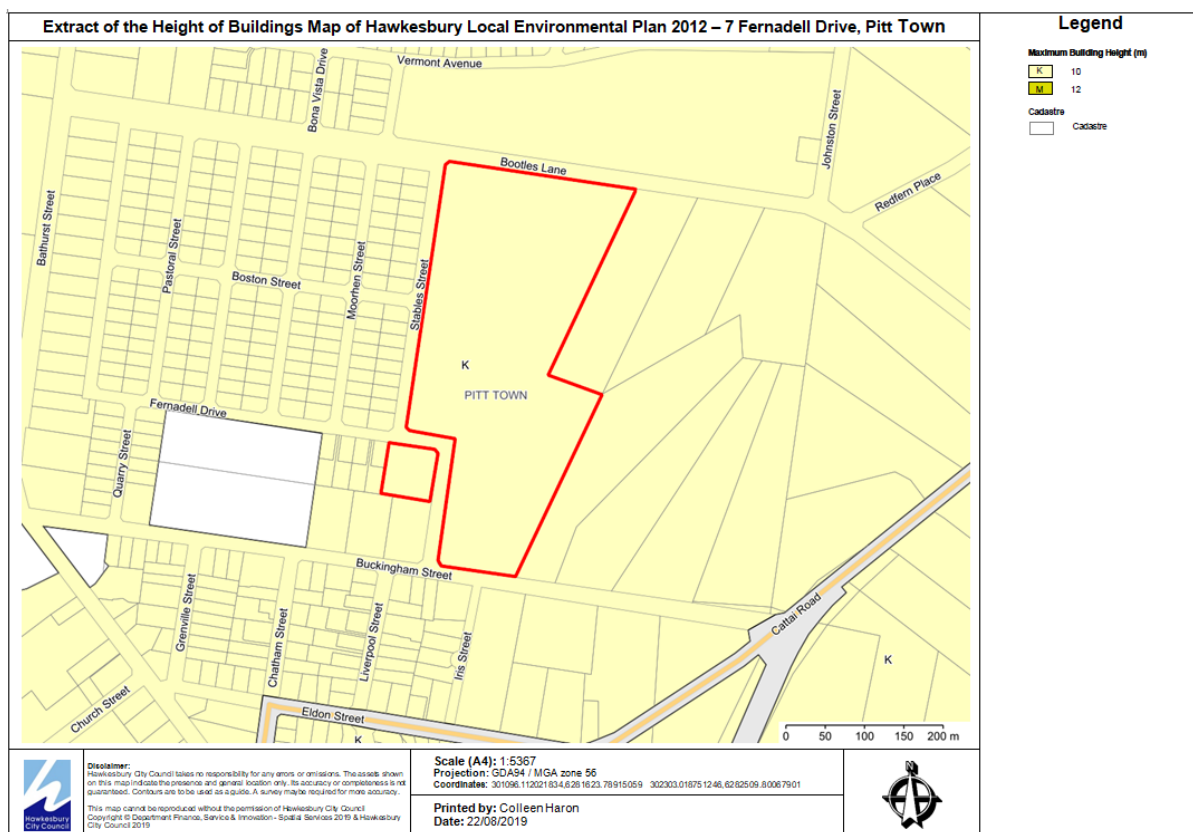


Figure 7: Height of Buildings Map - 7 Fernadell Drive, Pitt Town

Within the Hawkesbury Local Government Area no maximum height of buildings provisions apply to land within the RE1 Public Recreation zone, and it is intended to amend the Height of Buildings Map to remove the 10m maximum height of buildings provision currently applying to the subject site in order to be consistent with the RE1 Public Recreation provisions of the *Hawkesbury Local Environmental Plan 2012*.

The site contains 'Connectivity between significant vegetation' as identified on the Terrestrial Biodiversity Map of the *Hawkesbury Local Environmental Plan 2012*. However, as seen in Figure 4 the site is cleared of native vegetation.

The subject site is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the *Hawkesbury Local Environmental Plan 2012*.

The subject site is partially below the 1 in 100 year flood level of approximately 17.3m AHD, having land levels between 12 – 20.5m AHD.

Part of the subject site is identified as being Bushfire Prone (Buffer). It is identified as containing Agriculture Land Classification 2 and 3 in the maps prepared by the former NSW Department of Agriculture.

Clause 5.2 of the *Hawkesbury Local Environmental Plan 2012* applies to the classification and reclassification of public land.

To enable the future sale of the 4,299m² Pitt Town Community Centre Site portion of 7 Fernadell Drive, Pitt Town, the existing public reserve status needs to be removed. As a result the 4,299m² Pitt Town Community Centre Site is required to be listed in Part 2 to Schedule 4 of the *Hawkesbury Local Environmental Plan 2012*.

Subclause (5) states:

“The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and*
- (b) any reservations that except land out of the Crown grant relating to the land, and*
- (c) reservations of minerals (within the meaning of the Crown Lands Act 1989).”*

As a consequence of Clause 5.2(5) of the *Hawkesbury Local Environmental Plan 2012*, the reclassification of the 4,299m² Pitt Town Community Centre Site portion of 7 Fernadell Drive, Pitt Town will result in any trusts that currently apply to the land being removed, unless otherwise stated within Part 2 of Schedule 4.

Certificate of Title for Lot 6028 DP 1169449 (7 Fernadell Drive, Pitt Town) identifies the following interests which apply to the land:

1. Reservations and conditions in the Crown Grant(s)
2. The Land within described is public reserve
3. DP 778197 Restriction(s) on the use of land
4. DP812882 Restriction(s) on the use of land
5. AC584755 Planning agreement pursuant to Section 93H
6. DP1163202 Easement for overhead power line(s) 9 metre(s) wide affecting the Part(s) shown so burdened in the Title Diagram
7. DP1169445 Easement for drainage of water variable width affecting the Part(s) shown burdened in the Title Diagram
8. DA1169448 Easement for underground cables 1 metre(s) wide affecting the Part(s) shown so burdened in the Title Diagram
9. DP1206587 Easement for drainage of water variable width affecting the Part(s) shown so burdened in DP1206587

Items 1 to 5 inclusive apply to the 4,299m² Pitt Town Community Centre Site portion of 7 Fernadell Drive, Pitt Town.

Given the exceptions under Clause 5.2(5) of the *Hawkesbury Local Environmental Plan 2012*, Item 1 relating to reservations and conditions in Crown Grants will remain.

As previously discussed, the public reserve status of the land is to be removed to enable the future sale of the land.

Items 3 and 4 are restrictions on the use of the land that have historically been carried through subsequent subdivisions of the original property and are not relevant anymore.

The Planning Agreement referred to in Item 5 does not apply to the subject site in particular. This restriction on the Title has also been carried over from subdivisions of the original property and related to the dedication of land for a school site and the carrying out of intersection works and shoulder works on Pitt Town Road.

As a result, there is no necessity in maintaining the existing restrictions on the land.

Assessment of the Merits of the Planning Proposal

Ecology

The subject site is largely cleared however contains some vegetated areas along the site boundaries, which is introduced species.

Therefore, there are no likely impacts on threatened species or ecological communities that would preclude the rezoning and reclassification of the subject sites. Any future development of the land is similarly unlikely to have such impacts and these can be appropriately managed through Council's proposed master planning, plan of management and development assessment processes.

Flooding

Part of the subject site is affected by the 1 in 100 year flood level, and as such Clause 6.3 – *Flood planning* of the Hawkesbury Local Environmental Plan 2012 and Council's Development of Flood Liable Land Policy will apply to future development of the subject site.

It is considered that the proposed uses of the subject sites for community, recreation and advertising purposes are compatible with the flood affectation of the land, including the flood hazard classification.

Bushfire Hazard

The subject site is shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map.

The planning proposal is not accompanied by a bushfire assessment report. Given that the subject sites are identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service for comment following any 'Gateway' determination from The Department of Planning, Industry and Environment in accordance with the s.9.1 Direction 4.4.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 2 and 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "2. *Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.*
3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required."*

The subject site has been reserved for the purposes of providing recreational facilities to support the intensification of residential development within Pitt Town, as part of the Major Projects approval for Pitt Town.

Services

The subject site is located in an area that is relatively well serviced by public infrastructure, including:

- Water: Water mains are located at the site.
- Drainage: A stormwater drain/culvert and major detention basin is located within the site.
- Electricity: Low voltage electricity is available to the site.
- Telecommunications: underground and mobile telecommunications are available at the site.
- Sewer: Sewer mains are located at the site.
- Transport: Bus routes operate within walking distance of the subject land, along Pitt Town Road, Bathurst Street and Cattai Road.

Heritage

The subject site is not listed as heritage items under Schedule 5 *Environmental Heritage* of the *Hawkesbury Local Environmental Plan 2012*, nor are they located within the vicinity of any listed heritage items where future development of the land may have an impact on the significance of these items.

In addition, the subject site is not located within or adjoining a heritage conservation area and not identified as an archaeological site.

8. HAWKESBURY LOCAL PLANNING PANEL ADVICE

The Planning Proposal was reported to the Hawkesbury Local Planning Panel Meeting of 21 November 2019 for advice/comments.

In respect to this Planning Proposal, the Panel recommended that:

1. Supports the Planning Proposal to amend the *Hawkesbury Local Environmental Plan 2012* in relation to the subject sites as follows:

- (b) Amend *Hawkesbury Local Environmental Plan 2012*, Schedule 4, Part 2 – Land classified, or reclassified, as operational land – interests changed to insert the following:

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Pitt Town, 7 Fernadell Drive (part of)	Part of Lot 6028, DP 1169449 identified as “Operational Land” on the Land Reclassification (Part Lots) Map	Nil

- (c) Create a Land Reclassification (Part Lots) Map for the *Hawkesbury Local Environmental Plan 2012*, and identify Part of Lot 6028 DP 1169449 (the 4,299m² portion located to the south-west of Fernadell Drive known as the Pitt Town Community Centre Site) as being ‘Operational Land’ (map to be amended to correctly identify the land to be reclassified).
 - (d) Amend the Land Zoning Map (Map Reference No. 3800_COM_LZN_008C) of the *Hawkesbury Local Environmental Plan 2012* to rezone Part of Lot 6028 DP 1169449 (the 9.5ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site) from RU2 Rural Landscape to RE1 Public Recreation.
 - (e) Amend the Lot Size Map (Map Reference No. 3800_COM_LSZ_008C) of the *Hawkesbury Local Environmental Plan 2012* to permit a minimum lot size of 4,000m² for part of Lot 6028 DP 1169449 (the 4,299m² portion located to the south-west of Fernadell Drive known as the Pitt Town Community Centre Site), and remove the current 10 ha minimum lot size provision applying to part of Lot 6028 DP 1169449 (the 9.5 ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site).
 - (f) Amend the Height of Buildings Map (Map Reference No. 3800_COM_HOB_008C) of *Hawkesbury Local Environmental Plan 2012* to remove the current 10m maximum building height provision applying to Part of Lot 6028 DP 1169449 (the 9.5 ha portion located to the north-east of Fernadell Drive known as the Pitt Town Community Precinct Site).
2. Recommend that Council forward the planning proposal to the Greater Sydney Commission requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations, and as specified in any 'Gateway' determination.

An independently facilitated public hearing is required to be held as part of the community consultation process for any planning proposal seeking to reclassify land from 'Community' to 'Operational'.

9. CONCLUSION

The Planning Proposal was reported to the Hawkesbury Local Planning Panel for advice on 21 November 2019. The Panel recommended that the Planning Proposal proceed to a 'Gateway' determination.

As demonstrated in this Report, the Planning Proposal is considered to be consistent with relevant legislation and considerations including, the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* in relation to the reclassification of the subject site. In addition, the Planning Proposal is consistent with the aims, objectives and requirements of the relevant State, Regional and Local strategies/strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

In particular, the Planning Proposal has strategic merit, and is consistent with the objectives of the Sydney Region Plan and the Western City District Plan as:

- The Pitt Town Community Precinct is being provided in response to the expansion of the residential precinct of Pitt Town to cater for the existing and future community and recreational needs of residents. The design of the Pitt Town Community Precinct will include landscaping that will contribute to the expansion of the urban tree canopy in the public realm. The Planning Proposal will facilitate the timely and efficient delivery of these facilities to support an active, resilient and socially connected community, while maximising the use of the subject site by combining community and recreational uses

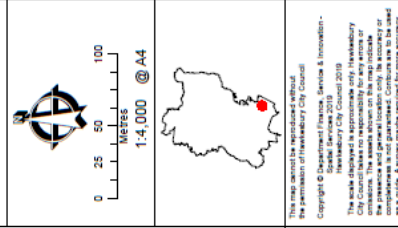
The Planning Proposal is justified as it would:

- enable Council to develop and/or manage the subject site in line with its intended uses (recreational and community facilities);
- increase the amenity of Pitt Town by facilitating the orderly development of the community and recreational facilities of Fernadell Park; and
- have no adverse impact on the environmental attributes of the subject site.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.

HAWKESBURY CITY COUNCIL

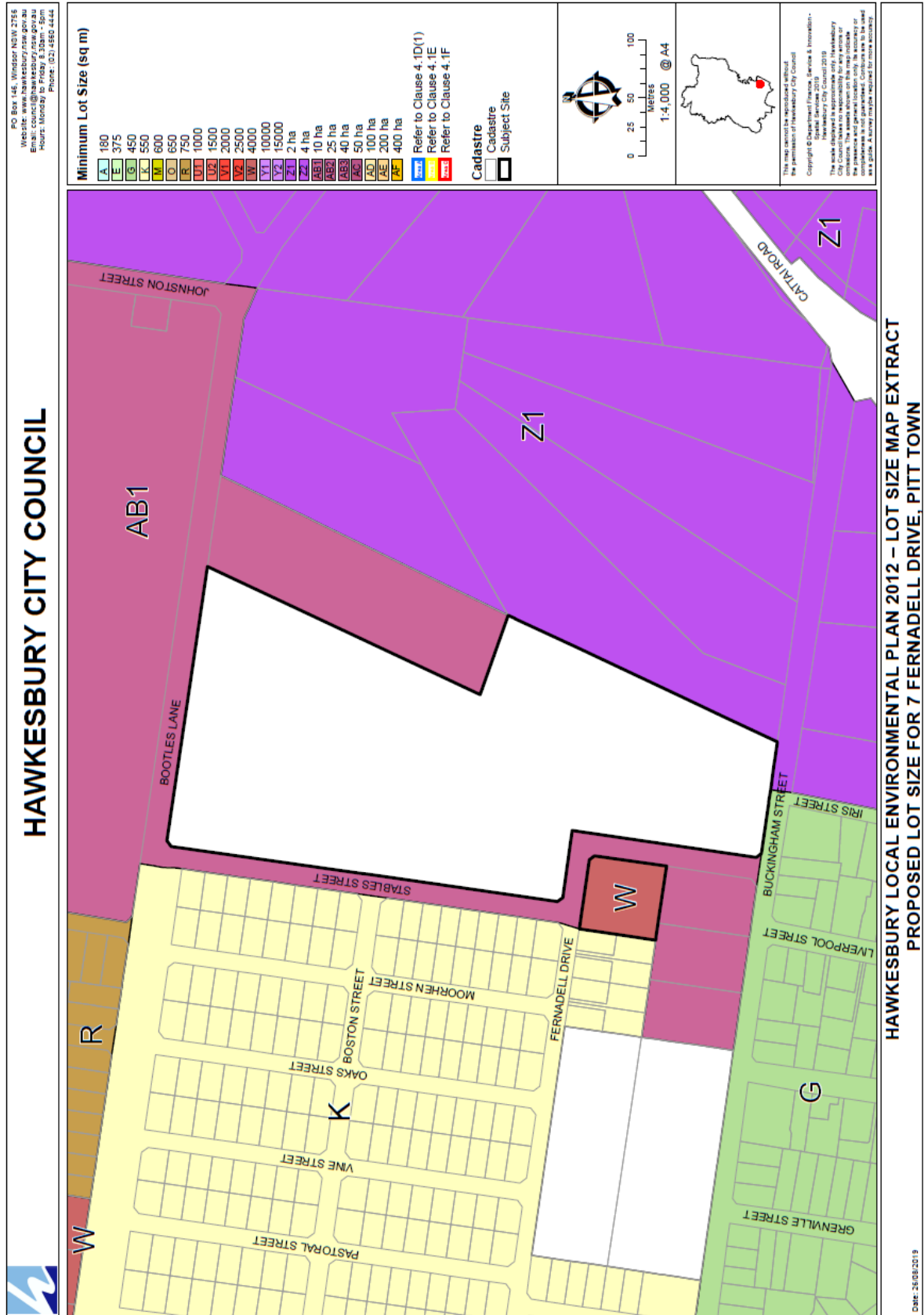
Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Business Development
B4	Enterprise Corridor
C1	National Parks and Nature Reserves
C2	Environmental Conservation
C3	Environmental Management
C4	Environmental Living
D1	General Industrial
D2	Light Industrial
D3	General Residential
D4	Low Density Residential
D5	Medium Density Residential
D6	Large Lot Residential
E1	Public Recreation
E2	Private Recreation
F1	Primary Production
F2	Rural Landscape
G1	Primary Production Small Lots
G2	Village
G3	Special Activities
H1	Infrastructure
I1	Natural Waterways
I2	Recreational Waterways
J1	Cadastre
J2	Cadastre
J3	Subject Site



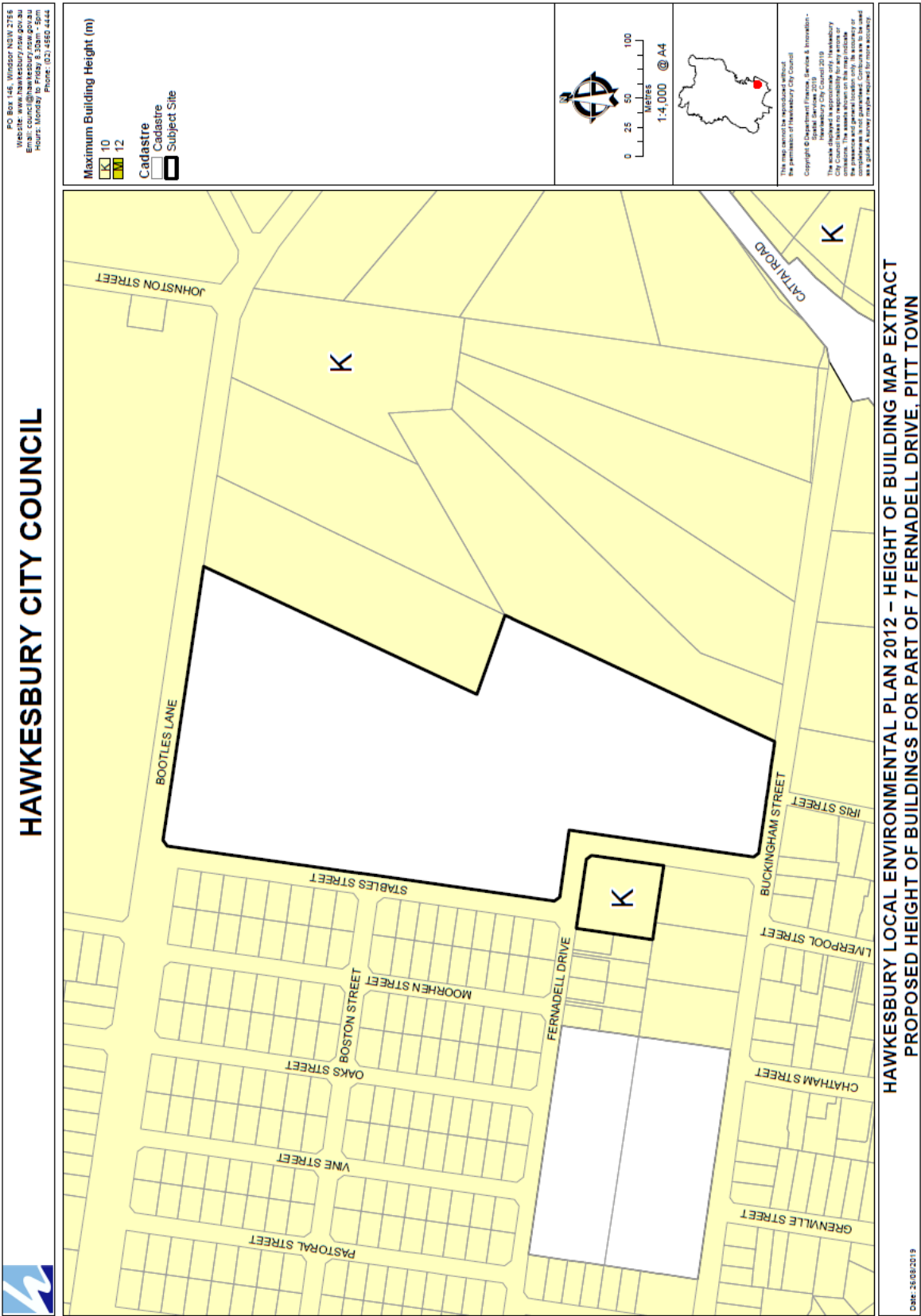
**HAWKESBURY LOCAL ENVIRONMENTAL PLAN 2012 – LAND ZONING MAP EXTRACT
PROPOSED LAND ZONING FOR PART OF 7 FERNADELL DRIVE, PITT TOWN**

Date: 26/08/2019

Proposed Lot Size Map - 7 Fernadell Drive, Pitt Town



Proposed Height of Buildings Map - 7 Fernadell Drive, Pitt Town



Proposed Land Reclassification (Part Lots) Map - 7 Fernadell Drive, Pitt Town

