



Attachment 2 to Item 4.1.1

Public Submissions and Council Officer Comments

Date of meeting: 21 November 2023

Location: Council Chambers

Time: 6:30 p.m.

Attachment 2: Community Submissions and Council Officer Comments

Submission No	Submission	Council Officer Response
1	<p>a. What pedestrian access by way of a footpath is going to be constructed to enable pedestrians to safely walk up and down Vincents Road past this development which is going to have on an intra-daily basis, a large number of cars entering and exiting daily?</p> <p>b. What traffic management plans are in place to ensure the safety of pedestrians and vehicles using Vincents Road? The current site entry for 6/21 Vincents Road is on a crest and represents a safety hazard for all foot and vehicle road users.</p>	<p>The Planning Proposal is only to enable a community title subdivision of the Land and Environment Court approved Seniors Housing Development containing 19 self-contained dwellings, and an extension to the existing private cemetery on the subject site. The Land and Environment Court has taken all the relevant matters including traffic generation and vehicular movements into consideration when granting approval to the Seniors Housing Development on the subject site.</p> <p>The Land and Environment Court imposed a condition (Condition 80) of development consent requiring the developer of the Land and Environment Court approved Seniors Housing Development to purchase and for the Community Association to meet the transport needs of the future residents of the Seniors Housing Development and enable access to their health, shopping and other basic activities of daily living.</p> <p>Irrespective of the above circumstances, Council would be able to consider the need to provide a footpath along Vincents Road when determining the development application for a staged community title subdivision of the Land and Environment Court approved Seniors Housing Development (DA0338/23) which is currently with Council for determination.</p> <p>A Traffic Impact Statement prepared by GTA consultants in support of the Land and Environment Court approved Seniors Housing Development included the following traffic generation analysis:</p> <p><i>“Traffic generation estimates for the proposed development have been sourced from TfNSW Guide to Traffic Generating Developments 2002 (the Guide) and Updated Traffic Surveys Technical Direction (TDT 2013/04a).</i></p> <p><i>The TDT 2013/04a indicates a traffic generation rate of 0.4 trips per dwelling in the peak hour for housing for seniors. Considering the 18 separate dwellings, adopting this rate would result in around seven vehicle trips during the weekday peak hours.</i></p>

		<p><i>Notwithstanding, considering the locality of the site to broader Sydney, the parking provision above the DCP 2002 minimum requirements and the size of each dwelling, a higher peak hour rate of 0.65 trips per dwelling has been adopted for this assessment. This is consistent with the rates for medium density residential dwellings. This results in a traffic generation of around 12 vehicles in any peak hour. Overall, it is evident that the proposed development will have a nominal impact on the surrounding road network</i></p> <p><i>The existing Tallowood Stage 1 development includes 16 dwellings that currently use the existing private access road along Vincents Road. Stage 1 is anticipated to generate around 10 vehicle trips in any weekday peak hour. The increase in traffic associated with the Tallowood Stage 2 would therefore likely result in a total generation of around 22 vehicle trips for the combined sites. These volumes are minor and represents about one vehicle trip every three minutes.</i></p> <p><i>All vehicles are expected to use Vincents Road to/ from Old Bells Line of Road on approach and departure. Assuming a 50:50 split to/ from the east and west on Old Bells Line of Road and based on 20 per cent of trips inbound and 80 per cent of trips outbound in the AM peak hour (reversed in the PM), the proposal would result in a maximum of five vehicles turning right in any peak hour (in or out of Vincents Road at Old Bells Line of Road). This is minor and the intersection is expected to operate at the same good level of service as per existing.</i></p> <p><i>Based on the above, the anticipated minor increase in traffic associated with the proposal could not be expected to compromise the safety or function of the surrounding road network.”</i></p> <p><i>Irrespective of the above analysis which concluded that the Seniors Housing Development will not adversely impact the existing local road network in the locality, the Land and Environment Court imposed a condition (Condition 80) of development consent requiring the developer to purchase and for the Community Association to maintain a minibus to provide all residents within the Seniors Housing Development access to shops, banks, general medical practitioners, retail/commercial services, and other community services. .</i></p>
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	<p>c. Please provide a copy of the Weed Management Plan referred to in the consultants report and provide details of who will be carrying out the plan and how Council will be monitoring the plan.</p>	<p>Section 7.1.1 Weed growth and invasion of the Biodiversity Development Assessment Report prepared by Kingfisher Urban Ecology and Wetlands provides the following information:</p> <p><i>“Weed species are present and must be properly managed so they do not spread.</i></p> <p><i>At the direct works zone weeds are to be managed by stopping seed spread on machinery, tools, equipment and worker clothes (e.g. boots). Additionally, after weed removal around the perimeter area of the construction, there must be continuous maintenance of the site otherwise it may result in increased weed growth, exacerbated by the high abundance of weeds present pre-works.</i></p> <p><i>Weeds will colonize and pioneer on any cleared grounds so must be managed throughout the duration of the project as well as on-going post works”.</i></p> <p>Appendix II – Key Weed Removal Methods (Pages 64 – 67) of the Biodiversity Development Assessment Report outlining Weed Management Plan formed part of the public exhibition material that was able to be viewed on Council’s website or at the Council’s Administration Centre. Appendix II discusses weed management techniques and equipment used in the weed management within the subject site which will accommodate the Land and Environment Court approved Seniors Housing Development.</p> <p>A condition (Condition 11) of the Land and Environment Court approved Seniors Housing Development relevant to revegetation, weed control and other works requires that weed control works to be undertaken in accordance with the ‘Fire and Vegetation Management Plan – Tallwood Stage 2 – Seniors Living’ prepared by Kingfisher Urban Ecology and Wetlands and dated October 2021 and</p> <p>Generally, the Residents/Community Association is responsible for weed management and landscaping management within any Association Property of a community title residential development.</p>
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	<p>d. Please advise how the human effluent is being managed on site and how the natural watercourse and dams (used to water livestock) fed by this the water course, which ultimately lead to Redbank Creek, are being protected to prevent contamination from this development?</p>	<p>The Planning Proposal is only to enable a community title subdivision of the Land and Environment Court approved Seniors Housing Development containing 19 self-contained dwellings, and an extension to the existing private cemetery on the subject site. The Land and Environment Court has taken all the matters including effluent disposal and contamination relevant to the proposed Seniors Housing Development when granting consent for the development.</p>
2	<p>Not in favor.</p>	<p>In November 2022, the Land and Environment Court approved the proposed Seniors Housing Development and extension of the existing private cemetery on the subject site as an extension to the existing Tallowood Seniors Housing Development. As such, the Planning Proposal being considered by Council is to allow for LEP provisions to consider a development application for a community title subdivision of the Land and Environment Court approved development.</p>
3.	<p>I am against the planning proposal</p>	<p>Refer to response to Submission 2 above.</p>
4.	<p>I don't agree with the proposed development</p>	<p>Refer to response to Submission 2 above.</p>
5.	<p>I expect that this development is required to provide footpath and curbing guttering along its boundary of Vincent's Road. Tallowood 1 avoided any obligation to provide it, as I understand, there was some vague promise of providing a bus type service to the residents. Furthermore, the verges bounding this development, and the "Nugget Hill" estate on Vincent's road are now neglected, and over growing with lantana.</p>	<p>A condition (Condition 14) of consent imposed by the Land & Environment Court requires the Developer of the Land and Environment Court approved Seniors Housing Development and an extension of the exiting private cemetery on the subject site to make a monetary contribution of \$131,909.38 under the Council's Section 7.12 Contributions Plan 2015 subject to Consumer Price Indexation. This is based on the total construction cost of \$13,190,938.</p> <p>This levy is generally to meet the increased demand for existing infrastructure and services including local road and community infrastructure upgrade works as a result of the Land and Environment Court approved Seniors Housing Development on the subject site.</p> <p>Irrespective of the above outlined monetary contribution, Council would be able to impose additional conditions of consent requiring construction of</p>

		footpath kerb and gutter when determining a staged development application for Seniors Housing Development on the subject site.
6.	Infrastructure including local roads need to be upgraded prior to any development. Roads and infrastructure in the Hawkesbury are already below average.	<p>As outlined above, the Land and Environment Court imposed a condition of consent (Condition 14) requiring the Developer of the Land & Environment Court approved Seniors Housing development to make a monetary contribution of \$131,909.38 under the Council's Section 7.12 Contributions Plan 2015. Generally, this is to meet any required infrastructure upgrade in the locality and/or any increased demand for community facilities to support the development.</p> <p>Given Condition 14 of the consent enabling Council to levy the abovementioned monetary contribution from the Developer to meet any required infrastructure upgrade in the locality, no specific conditions of consent that have been imposed requiring upgrade to the existing public infrastructure in support of the development.</p>
7.	This amendment is totally wrong and unnecessary. This is a rural zone and should not have small lot subdivisions. The seniors housing was only approved on the principle of it being a community titled where facilities such as the sewer and landscaping are jointly managed. There is absolutely no need or justification for this amendment which will only set a precedent for other landowners in the area that will then want to do the same. They go approval for the development on dubious grounds but still under the current planning controls. There is absolutely no need for that to change.	<p>The current minimum lot size for subdivision of the subject site is 10ha. Given the subject site has an area of approximately 5.4Ha, it cannot be subdivided. However, the Land and Environment Court recognised the subject site enjoys existing use rights and the proposed Seniors Housing as an extension of the existing Tallowood Seniors Living development, and as such 19 self-contained dwellings on lots with a minimum lot size of not less than 360m² were approved.</p> <p>Given there are no provisions in the Hawkesbury Local Environmental Plan 2012 or any other instrument to enable a community title subdivision of the Land and Environment Court approved Seniors Housing development on lots less than 10ha, the Planning Proposal seeking an amendment to the Hawkesbury Local Environmental Plan 2012 is considered to be the one and only option to enable the community title subdivision of the Land and Environment Court approved Seniors Housing development.</p> <p>As per the Land and Environment Court approval, the proposed Seniors Housing Development can utilise or augment the existing services/amenities of the Tallowood Seniors Housing Development. Condition 13 of the Land and Environment Court issued Consent for the</p>

		<p>proposed Seniors Housing Development enables connection of this approved development to the Tallowood Sewer Treatment Plant. As such, all the community services and amenities as well as landscaping works would be jointly managed by the current Community Association.</p> <p>Given the Land and Environment Court approval for senior's dwellings on such smaller lots with a minimum lot size of not less than 360m² under existing use rights is considered to be a unique situation, it is not expected to set a precedent for other land owners in the locality to seek amendments to the Hawkesbury Local Environmental Plan 2012 to enable subdivision of their land less than specified minimum lot size for subdivision.</p>
8.	This land has been in the family for many years and is actually extending existing use.	<p>The Land and Environment Court concluded that the subject site is a resultant lot of the previously approved 19-community title subdivision (M844/98) and therefore enjoys existing use rights. Further, the Land and Environment Court recognised that the proposed Seniors Housing Development on the subject site as an extension of the existing Tallowood Seniors Living development as defined in s4.65(b) of the Environmental Planning and Assessment Act 1979 (EP& A Act 1979).</p>