



Attachment 1 to Item 4.1.2

Planning Proposal LEP002 22, 4 Hall Street,
Pitt Town

Date of meeting: 10 October 2023
Location: Council Chambers
Time: 6:30pm



Planning Direction Pty. Ltd.
Town Planning & Development Services

PLANNING PROPOSAL

No 4 Hall Street Pitt Town

Proposed Rezoning from SP2 - Water Supply System to R5 Large Lot Residential at the subject site for Sydney Water

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1.0 INTRODUCTION AND BACKGROUND

Planning Direction Pty Ltd has been engaged by Sydney Water (owner of the land) to assist in facilitating the submission of a Planning Proposal to Hawkesbury Council to rezone the subject site at No 4 Hall Street Pitt Town from SP2 - Water Supply System to R5 Large Lot Residential.



View of subject site

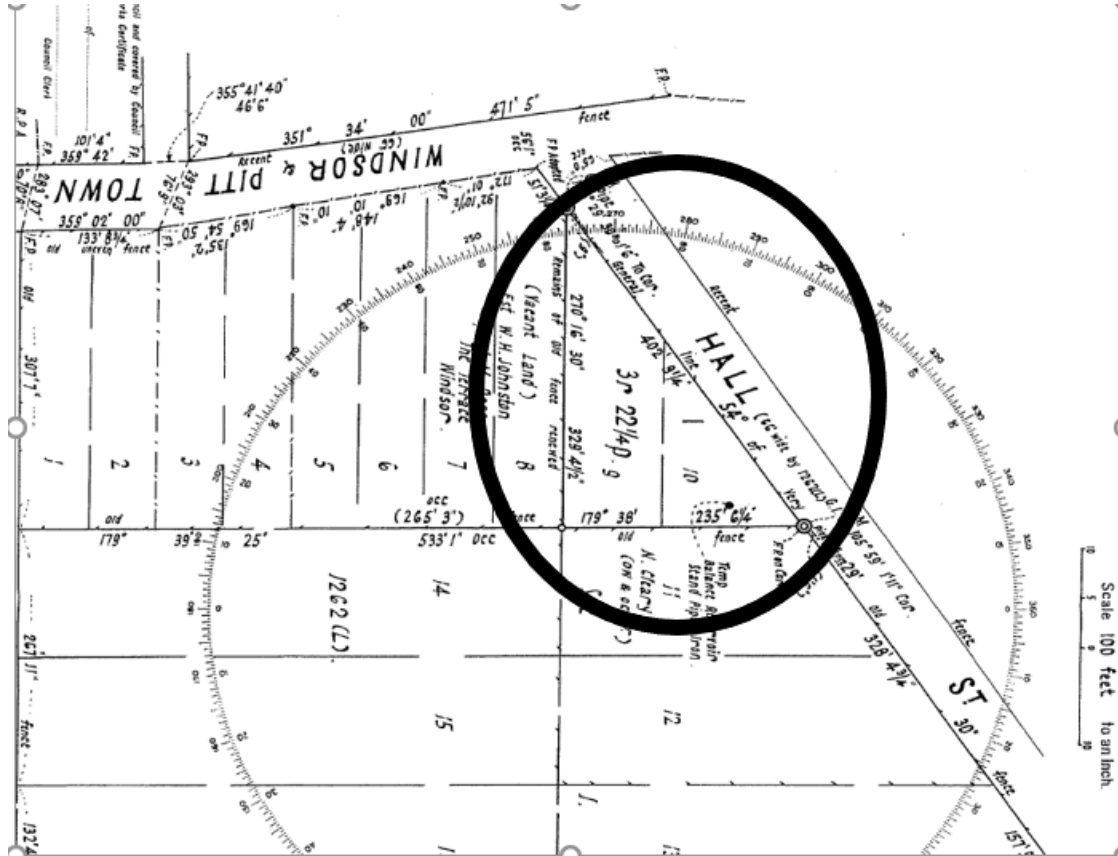
The subject site has been deemed to be surplus to Sydney Water's requirements. The above ground steel reservoir (which appears in the above image) was demolished in 2020. A detailed site investigation (DSI) report was conducted by Sydney Water. The findings of the investigation are that the subject site is suitable for residential use. It is Sydney's Water's intention to sell the site upon the publishing of the rezoning.

The subject site is triangular in shape and has an ideal street frontage, configuration and hilltop location for the construction of a dwelling or equivalent permissible use. The predominant surrounding land use is R5 Large Lot Residential, which includes detached dwellings on large lots. This planning report should be considered in conjunction with the following documents:

- Survey plan prepared by '*Steve Davey and Associates Pty Ltd*' dated June to September 2019;
- Detailed site investigation report prepared by *WSP Australia Pty Ltd (WSP)*; and
- The concept subdivision plan prepared by '*RJ Architects*'.

1.1 SUBJECT SITE AND SITE CONTEXT

The subject land is known as No 4 Hall Street Pitt Town. The subject site is legally described as being Lot 1 in DP 89958.



Extract from the Deposited Plan

The subject site has a gradual fall from the eastern side boundary to the west and benefits from having a favourable northern aspect and district views.

The subject site is vacant and devoid of significant trees/vegetation.

The subject site is triangular in shape and has a generous street frontage of approximately 130m and a total site area of approximately **3,603sqm**. A survey plan is provided under separate cover detailing the precise conditions of the site.

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View from the site looking east



View from the site looking west along the site frontage

All essential utility services exist on and near the site. The subject site is located in a unique pocket of detached housing on the north-western fringe of the large lot residential precinct within the Pitt Town conservation area. A residential subdivision appears to be emerging to the north-east of the subject site.



View of adjoining properties to the east

The adjoining eastern dwellings are heritage listed under the Hawkesbury LEP. These adjoining dwellings are sited on higher ground than the subject site and are screened from view by established trees situated along the eastern side common boundary. The erection of a dwelling or equivalent permissible land use on the subject site will be sited well away from the heritage listed adjoining properties and will have no adverse impact on these dwellings.

Other adjoining dwellings to the south and east are also well distant from the likely building zone on the subject site.

1.2 THE PROPOSAL

Sydney Water is proposing that the subject site be rezoned from SP2 Infrastructure - Water Supply System to R5 Large Lot Residential.

This would enable the construction of a dwelling or equivalent permissible use on the land and assist with its disposal.

2.0 OBJECTIVES, INTENDED OUTCOME AND EXPLANATION OF PROVISIONS

PART 1- OBJECTIVE

The objective of the planning proposal is to amend the provisions of governing HLEP 2012 to facilitate the development of a dwelling or equivalent permissible use at No 4 Hall Street Pitt Town.

In particular, the applicant seeks to amend the Hawkesbury Local Environmental Plan 2012 as follows:

Rezoning of the subject site from SP2 Infrastructure - Water Supply System to R5 Large Lot Residential under the Hawkesbury Local Environmental Plan 2012 as indicated below:



Proposed zoning of the subject site – R5 Large Lot Residential

PART 2- EXPLANATION OF PROVISIONS

The objective of the planning proposal will be achieved by:

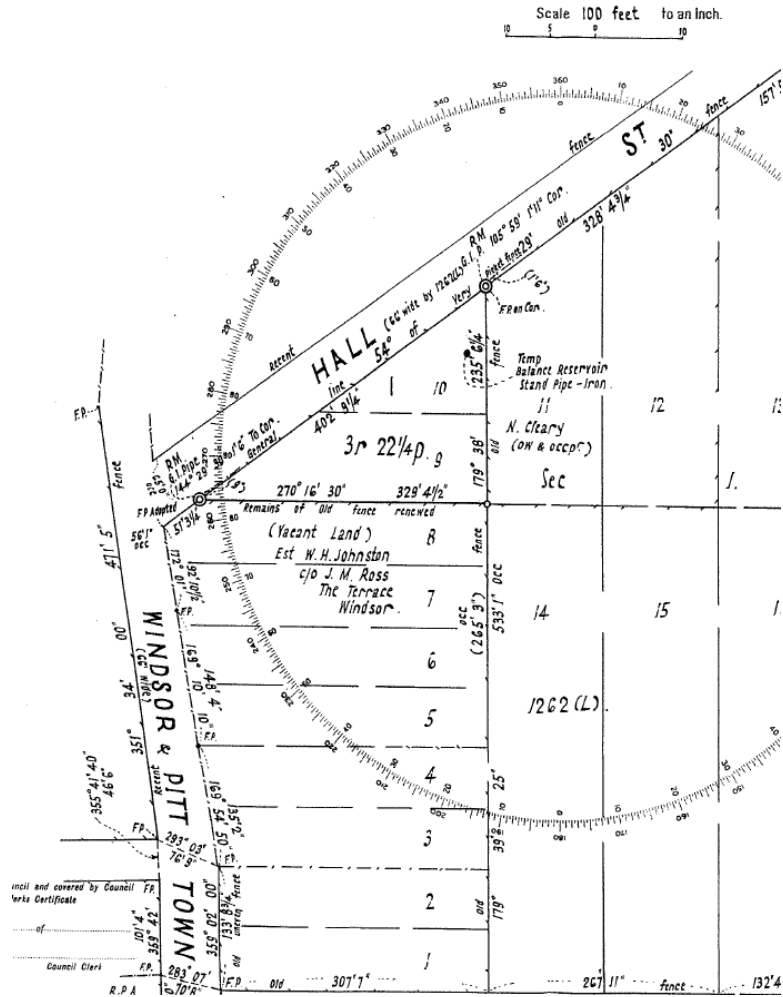
1. Amending the HLEP 2012 ‘Zoning Map’ to include an R5 Large Lot Residential for the subject site.

2. Amending the HLEP 2012 ‘Minimum Lot size Map’ to include a reference to a minimum lot size – 4000sqm applying to the subject site similar to that applying to the adjoining land.
3. Amending the HLEP 2012 ‘Height of Buildings Map’ to include the subject site with a maximum building height of 10m similar to that applying to adjoining land.

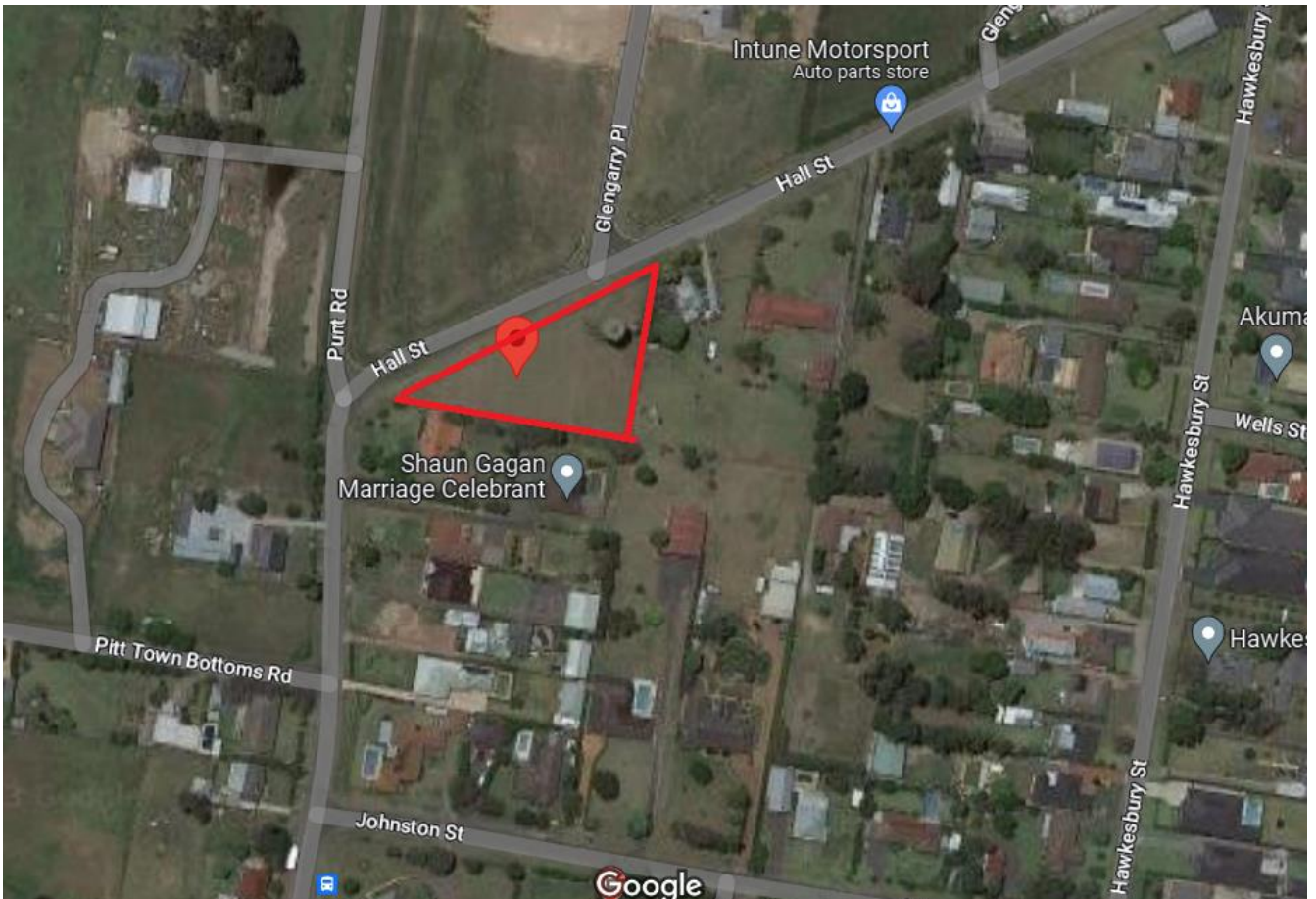
3.0 PART 3: JUSTIFICATION

3.1 DESCRIPTION OF THE SUBJECT SITE

Street Address: No 4 Hall Street, Pitt Town
Local Government Area: Hawkesbury Council
Real Property Description: Lot 1 in DP 89958



Copy of the deposited plan for the subject site



Copy of the aerial image of the subject site

3.2 THE SITE LOCATION CHARACTERISTICS

3.2.1 Public Transport Access

The subject site is approximately 200m from bus stop located in Bathurst Street to the south-west. The current bus services provide frequent connection between the site and broader localities.

3.2.2 Retail services

Local convenience retail services are located at Pitt Town shopping centre and larger retail outlets including supermarkets are located at Windsor and surrounding localities.

3.2.3 Open space and recreation

Existing 'local' open space is located within Pitt Town and active recreation is available at Lynwood Golf Course and passive recreation at Pitt Town Nature Reserve.

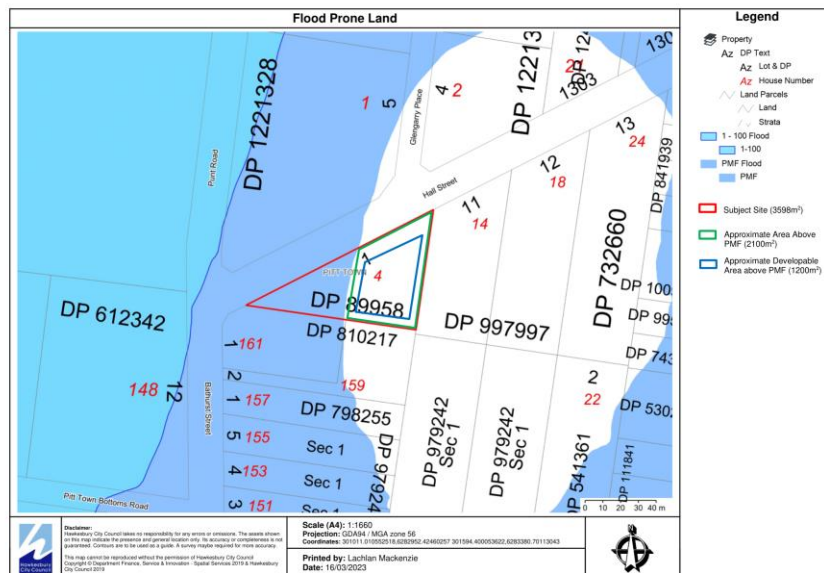
3.2.4 Vehicle access and local road capacity

The local road network supports a range of uses including residential and semi-rural uses. The local road network benefits from connection to Windsor Road to the south and Cattai Road to the east.

There is ample capacity in the road network to accommodate 1 additional residential lot and there are sufficient on-street parking opportunities in front of the site. No nearby residential properties will be adversely impacted by the inclusion of 1 additional lot in the locality given the generous setbacks and likely separation between the proposed building and existing adjoining dwellings.

3.2.5 Flood Risk and Evacuation

The subject site is situated on land that is above the 1:100 ARI flood and partially inundated by the Probable Maximum Flood (PMF). In flood events greater than a 1:50 Flood, most of Pitt Town; inclusive of the subject site, becomes a flood island. In the case of the PMF event, a portion of the site is part of a smaller flood island. In consideration of flood risk, the below map identifies the 1:100 ARI flood and the PMF in relation to the subject site, overlaid with the potential developable area. This demonstrates that development can occur on the subject site above the PMF level.



Flood Extent Map with Potential Developable Area

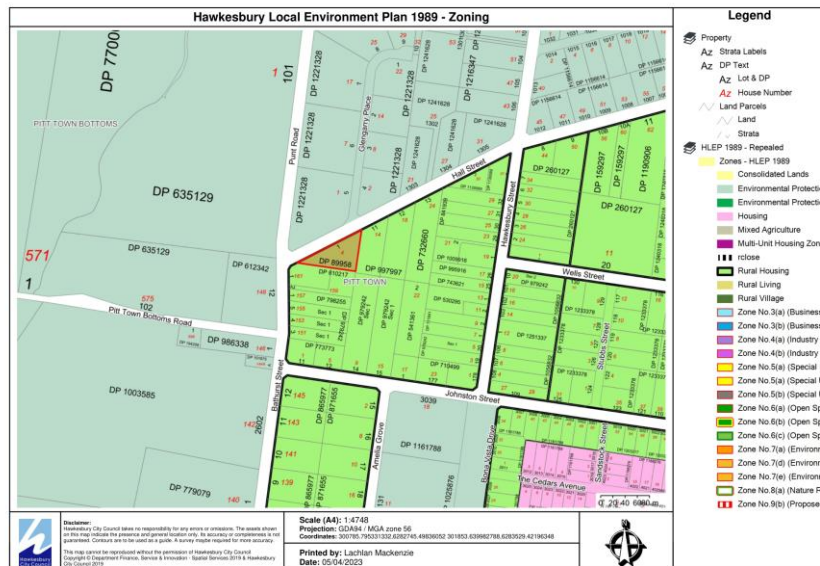
Flood evacuation, specifically the regional flood evacuation capacity is a significant issue for the Pitt Town area. Accordingly, an evaluation of the

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Planning Proposal in response to Council’s assessment of the regional flood evacuation capacity has been undertaken.

In 2022, Council conducted an audit of the Pitt Town regional flood evacuation capacity. The audit assesses advice provided to Council by SES in 2007 in relation to additional development undertaken until the date of the audit. The SES advice in 2007 was that a maximum of 1,100 additional lots could be added to the existing residential capacity, however this would reduce the Evacuation Factor of Safety to zero. While this threshold has been established, SES does not follow that the additional capacity should be automatically utilised because of its availability. The Council audit concludes that after allowing for the development undertaken and the potential lots since the SES assessment, there is a spare capacity of 142 lot.

While the Planning Proposal seeks to convert the subject site to a residential lot, it is noted that at the time SES conducted the evacuation capacity assessment under the then in-force *Hawkesbury Local Environment Plan 1989*, the subject site was zoned RH Rural Housing. Accordingly, due to this residential zoning at the time the SES assessment was undertaken, the subject site was included into the existing residential capacity of Pitt Town. Considering this, the proposed rezoning has no impact on this assessment since it was previously considered as an existing residential lot at the time of the original SES advice in 2007.

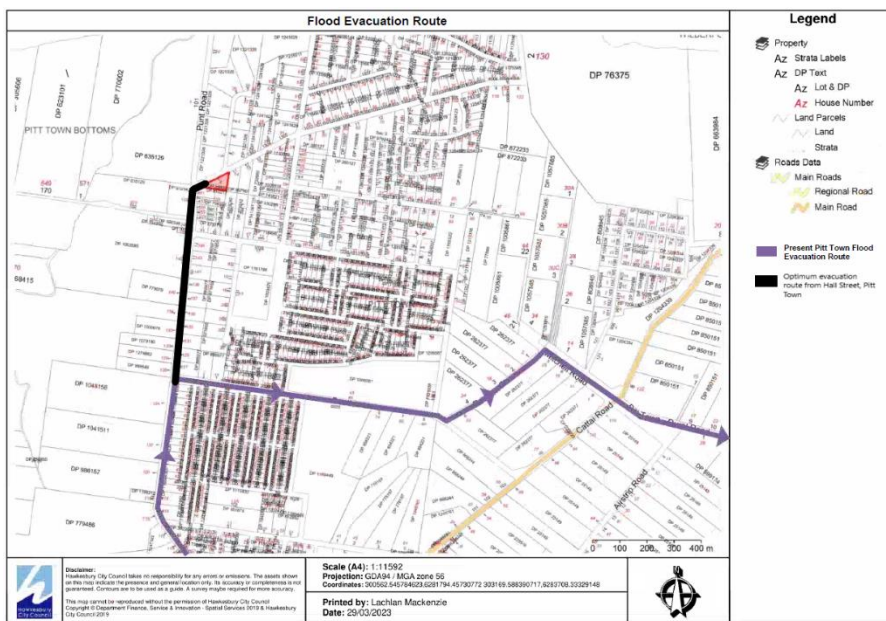


Hawkesbury Local Environment Plan 1989 – Land Zoning

Under the current SP2 – Infrastructure (Water Supply System) zoning of the subject site, the *Hawkesbury Local Environmental Plan 2012* permits

development for a variety of uses ancillary to the water supply purpose of the subject site which could include an office or maintenance building. It is considered that the evacuation requirements for such uses is comparable to the evacuation requirements for a single residential lot which this Planning Proposal enables.

In the case of evacuation during a flood event, direct access to the evacuation route is possible via Bathurst Road as demonstrated in the map below. The distance to the evacuation route is approximately 650m. The Pitt Town evacuation route continues south-east before joining Windsor Road.



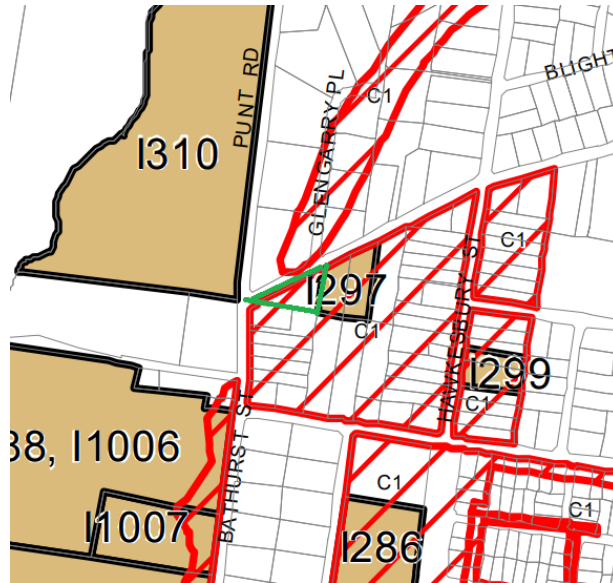
Pitt Town Flood Evacuation Route

3.2.6 Pedestrian Routes

Primary pedestrian corridors run around the perimeter of the subject site back to Pitt Town, town centre.

3.2.7 Heritage

The subject site is NOT identified as having heritage significance. There is however, heritage listed property adjoining the subject site to the east known as No 14 and 18 Hall Street Pitt Town.



Extract from the heritage map of the HLEP 2012

The subject site is located within a heritage conservation area known as the Pitt Town Conservation area.

3.3 THE TOWN CENTRE STRUCTURE & CHARACTER (existing planning controls)

3.3.1 Planning Overview

The subject site is a large parcel of land which is underutilised and surplus to the operational needs of Sydney Water. Investigations undertaken by Sydney Water have identified that the subject site is suitable for residential use/zoning.

3.3.2 Current zoning and other planning controls

The subject site falls within Hawkesbury Council local government area and is subject to the provisions of Hawkesbury Local Environmental Plan (HLEP) 2012.

Zoning and Land Use

Hawkesbury Local Environmental Plan 2012

The subject site is currently zoned SP2 Infrastructure - Water Supply System under the Hawkesbury Local Environmental Plan 2012.

As the subject site is surplus to the future operational requirements of Sydney Water, the subject site is no longer required for the specific purpose of 'water supply system'.

It is noted that the surrounding streets are serviced by watermains.

The land use table for the SP2 Infrastructure zone is as follows:

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

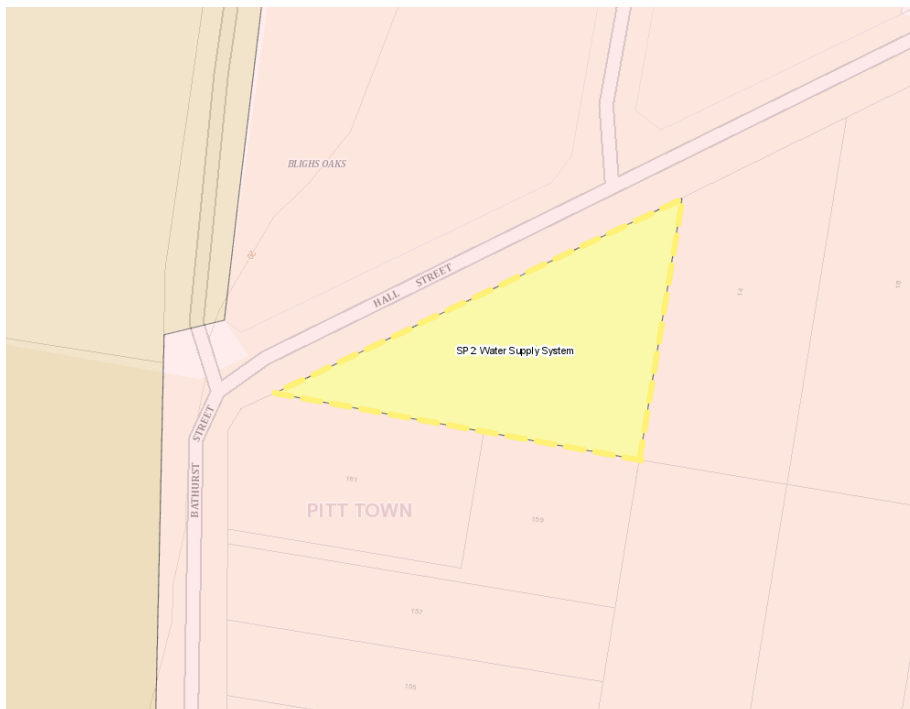
Environmental protection works; Home occupations

3 Permitted with consent

Aquaculture; Community facilities; Public administration buildings; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3



Extract from the zoning map

Comment:

The land use table offers limited potential for redevelopment purposes.

The adjoining land to the east and south is zoned:

Zone R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide primarily for low density residential housing and associated facilities.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The *R5 Large Lot Residential zone* is the appropriate zoning for the subject site, which would be consistent with the surrounding and

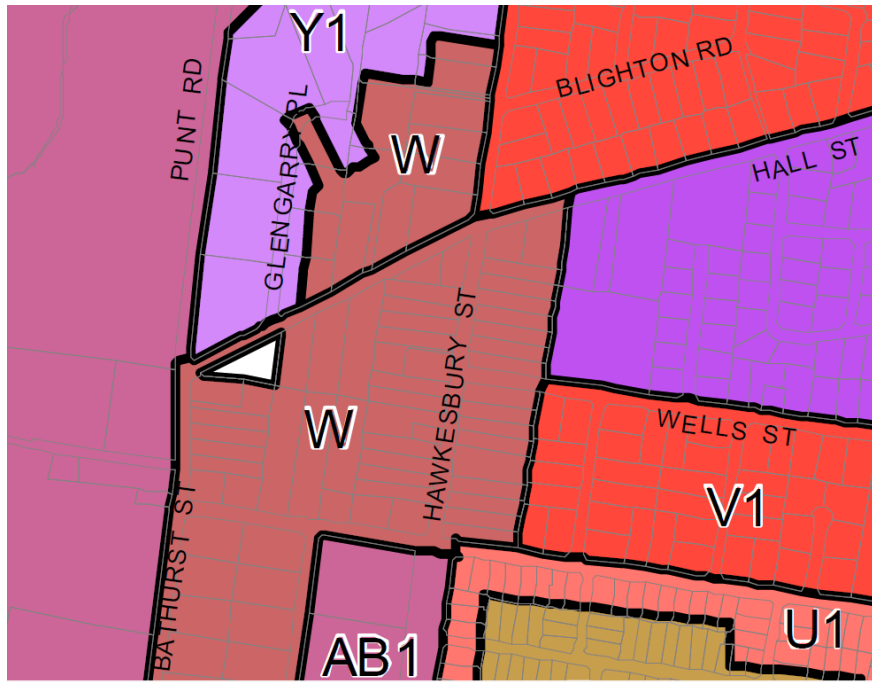
adjoining zone. On the basis that the land is rezoned to residential, the following clauses of the HLEP 2012 would apply:

Relevant clauses of the HLEP 2012

Clause 4.1B of the HLEP relates to Additional requirements for subdivision in certain rural, residential and environmental protection zones

- (1) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone RU5 Village,*
 - (e) Zone R5 Large Lot Residential,**
 - (f) *Zone E3 Environmental Management,*
 - (g) *Zone E4 Environmental Living.*

- (2) *Development consent must not be granted to a subdivision of land to which this clause applies unless—*
 - (a) *the pattern of lots created by the subdivision and the location of any buildings on those lots is not likely to have a significant impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways, groundwater or agricultural activities in the locality, and*
 - (b) *the consent authority is satisfied that each lot to be created contains a suitable area for a dwelling house, an appropriate asset protection zone relating to bush fire hazard and an adequate sewage management system if sewerage is not available, and*
 - (c) *if sewerage is not available—the consent authority has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*
 - (d) *the consent authority is satisfied that there is a satisfactory ratio between the depth of each lot and the frontage of each lot, having regard to the purpose for which the lot is to be used.*



Extract from the Minimum lot size map

Comment:

The minimum lot size for the R5 Large Lot Residential zone is 4,000sqm.

Based on the minimum lot size map, further subdivision of the subject site is not possible given that the current site area is **3,603sqm**.

Clause 4.1C of the HLEP 2012 relates to Exceptions to minimum subdivision lot size for rural and large lot residential zones

- (1) *The objective of this clause is to provide an alternative method to clause 4.1 for the subdivision of land to which this clause applies.*
- (2) *This clause applies to land in the following zones that is identified as “U”, “Y” or “Z” on the Lot Averaging Map—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots,*
 - (c) Zone R5 Large Lot Residential.**
- (3) *Despite clauses 4.1 and 4.1AA, development consent may be granted under this clause for an averaging subdivision of land to which this clause applies if the size of any lot resulting from that subdivision will not be less than the minimum size shown on the Lot Averaging Map in relation to that land.*
- (4) *Before development consent may be granted for an averaging subdivision of land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots, the consent authority must be satisfied of all of the following—*

- (a) *that at least 20% of the original lot for the land being subdivided is occupied by an endangered ecological community or is a regionally significant wetland,*
- (b) *that there will be a better environmental outcome from an averaging subdivision than there would be without such a subdivision and that the long-term survival of the endangered ecological community or regionally significant wetland will be enhanced,*
- (c) *that any endangered ecological community will be contained in, and managed on, neighbourhood property under the Community Land Development Act 1989,*
- (d) *that any regionally significant wetland will be contained in, and managed on, neighbourhood property under the Community Land Development Act 1989 or on a lot designed for large scale agriculture,*
- (e) *that the lots to be created for dwelling houses do not contain an endangered ecological community or, unless they are lots designed for large-scale agriculture, a regionally significant wetland.*

(5) *In this clause—*

averaging subdivision *means the subdivision of land to which this clause applies that will not create more lots than the number resulting from—*

- (a) *if the land is in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots—dividing the area (in hectares) of the original lot for the land being subdivided by the minimum lot size (in hectares) shown on the Lot Size Map in relation to that land, or*
- (b) *if the land is in Zone R5 Large Lot Residential—multiplying the area of the original lot (in hectares) for the land being subdivided by the density control number shown on the Lot Averaging Map in relation to that land.*

endangered ecological community *means any endangered ecological community referred to in Part 3 of Schedule 1 to the Threatened Species Conservation Act 1995.*

lot *does not include a lot created for a public purpose or a lot created as neighbourhood property under the Community Land Development Act 1989.*

original lot *for land being subdivided means a lot that includes the land being subdivided—*

- (a) *that existed on 24 March 2005 (the day lot averaging provisions commenced under Hawkesbury Local Environmental Plan 1989), and*
- (b) *that is in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone R5 Large Lot Residential, and*
- (c) *for which a minimum lot size is shown on the Lot Averaging Map.*

regionally significant wetland *means any land shown as wetland on “the map” within the meaning of Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997).*

Comment:

The applicant does not propose to subdivide the subject site.

Accordingly, the provisions of clause 4.1C are not relied upon.

Clause 4.2A of the HLEP 2012 relates to **Residential development and subdivision prohibited on certain land**

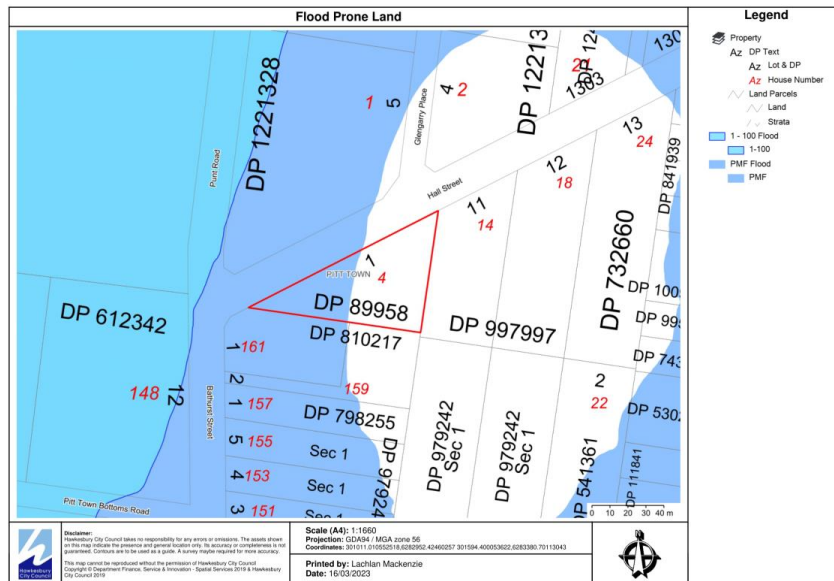
- (1) *The objectives of this clause are as follows—*
 - (a) *to prohibit residential development on a lot resulting from the closure of a road,*
 - (b) *to prohibit the erection of dwelling houses on certain land that is flood planning land or was subdivided for agricultural purposes.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone RU5 Village,*
 - (e) Zone R5 Large Lot Residential,**
 - (f) *Zone E3 Environmental Management,*
 - (g) *Zone E4 Environmental Living.*
- (3) *Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, irrespective of when that closure occurred.*
- (4) *Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.*
- (5) *Development consent must not be granted for the erection of a dwelling house on a lot—*
 - (a) *below the level of a 1:100 ARI (average recurrent interval) flood event, and*
 - (b) *resulting from a subdivision for the purpose of agriculture for which development consent was granted before 27 June 2003.*

Comment:

The subject site is impacted by the 1 in 100-year flood event and is a lawfully created lot used for a considerable extent of time for the supply of

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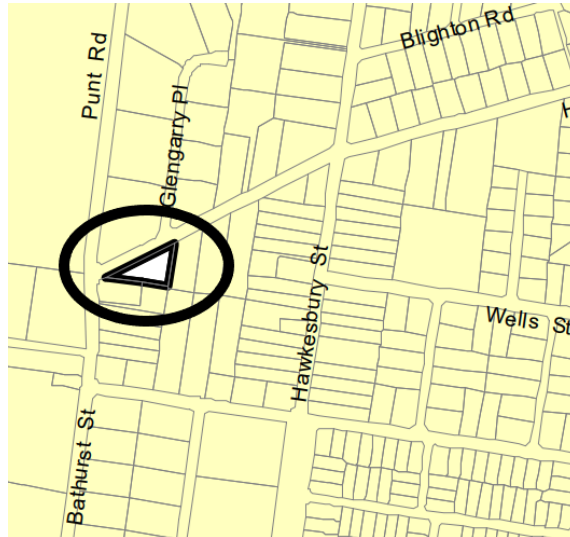
town water. The subject site is however partially affected by the probable maximum flood (PMF) event as indicated below:



It is apparent that the eastern portion of the site remains unaffected and suitable for development for residential purposes.

Clause 4.3 of the HLEP 2012 relates to **Height of buildings**

- (1) *The objectives of this clause are as follows—*
 - (a) *to protect privacy and the use of private open space in new development and on adjoining land,*
 - (b) *to ensure that the bulk of development is not excessive and relates well to the local context,*
 - (c) *to nominate heights that will provide a transition in built form and land use intensity,*
 - (d) *to ensure an appropriate height transition between new buildings and heritage items.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*



Extract from the Height of Buildings Map

Comment:

Compliance with the maximum building height of 10m can be achieved with a future development on the subject site.

Clause 4.6 of the HLEP 2012 relates to Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land** *in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, **Zone R5 Large Lot Residential**, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or**
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.**

Note—

When this Plan was made it did not include Zone RU3 Forestry or Zone RU6 Transition.

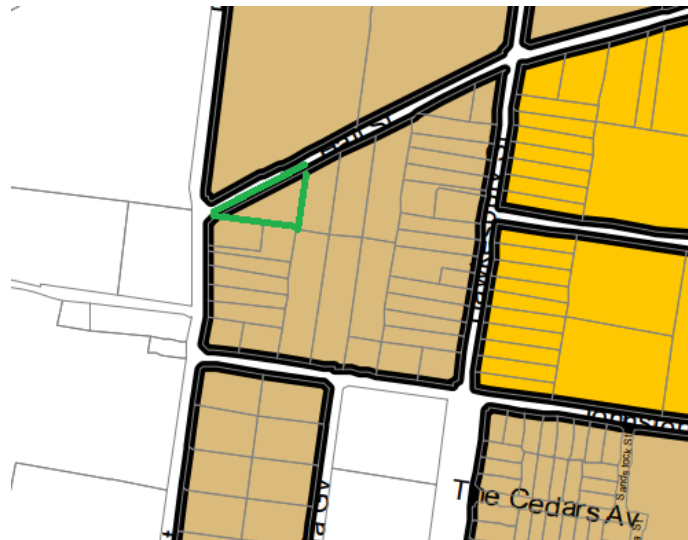
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 5.13A or 5.13B.*
- (8A) *This clause does not allow development consent to be granted for development that would contravene a development standard under clause 4.1, 4.1AA, 4.1A, 4.1C, 4.1D, 4.1E or 4.1G that applies to any of the following—*

- (a) *land in Zone RU5 Village,*
- (b) *land in Zone R2 Low Density Residential at Glossodia,*
- (c) *land identified as “Exceptions to Development Standards Area” on the Exceptions to Development Standards Map,*



Extract from the Exceptions to Development Standards Map

- (d) *land identified as “Density Control” on the Pitt Town Subdivision and Designated State Public Infrastructure Map,*



Extract from the Pitt Town Subdivision and Designated State Public Infrastructure Map

- (e) *land identified as “Restricted Lot Yield” on the Restricted Lot Yield Map.*
- Comment:

Subdivision is not proposed or likely should the land be zoned R5 Large lot Residential. A variation from a development standard should not be necessary with a future development proposal.

Clause 5.1 of the HLEP 2012 relates to **Relevant acquisition authority**

- (1) *The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).*

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

- (2) *The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).*

Type of land shown on Map	Authority of the State
<i>Zone RE1 Public Recreation and marked “Local open space”</i>	<i>Council</i>
<i>Zone RE1 Public Recreation and marked “Regional open space”</i>	<i>The corporation constituted under section 2.5 of the Act</i>
<i>Zone SP2 Infrastructure and marked “Classified road”</i>	<i>Transport for NSW</i>
<i>Zone SP2 Infrastructure and marked “Local road”</i>	<i>Council</i>
<i>Zone C1 National Parks and Nature Reserves and marked “National Park”</i>	<i>Minister administering the National Parks and Wildlife Act 1974</i>

- (3) *Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.*

Comment:

The subject site is not affected by acquisition.

Clause 5.10 of the HLEP 2012 relates to **Heritage conservation**

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Hawkesbury,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

3) When consent not required

However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*

- (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
- (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) *the development is in a cemetery or burial ground and the proposed development—*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) *the development is exempt development.*

(4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) *Heritage assessment*

The consent authority may, before granting consent to any development—

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

(6) *Heritage conservation management plans*

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) *Archaeological sites*

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on

the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

(9) Demolition of nominated State heritage items

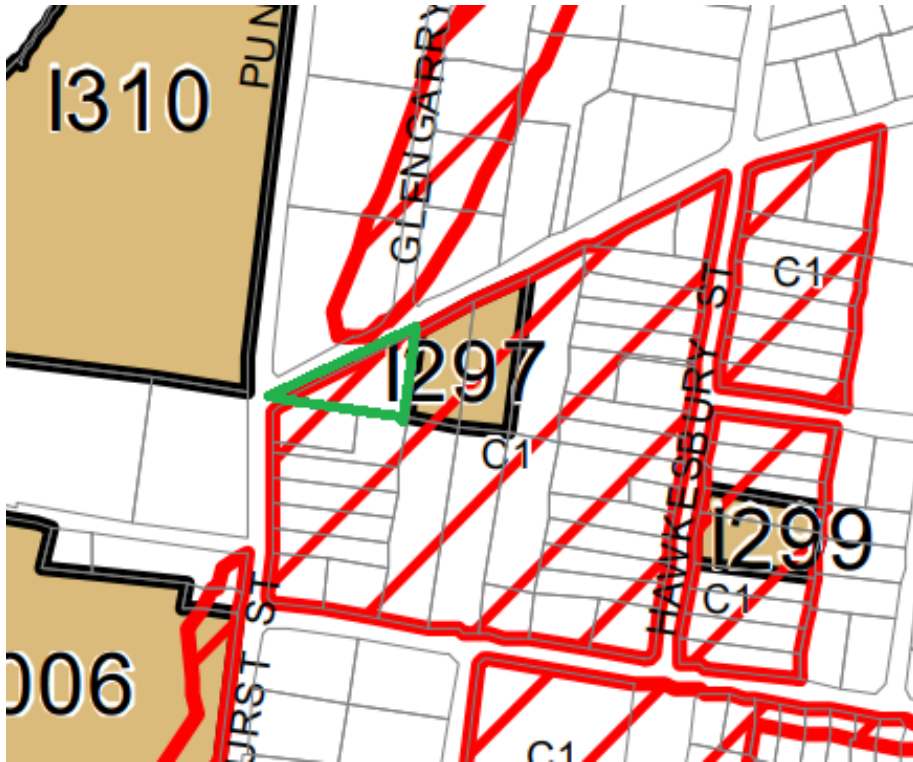
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*



Extract from the heritage map

Comment:

The subject site is not individually listed as having heritage significance.

The adjoining eastern property however is a heritage listed site known as:

<i>Cleary's House</i>	<i>14-18 Hall Street Pitt Town</i>	<i>Lots 11 and 12, DP 997997</i>	<i>Local</i>	<i>I297</i>
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The subject site does also fall within the Pitt Town conservation Area.

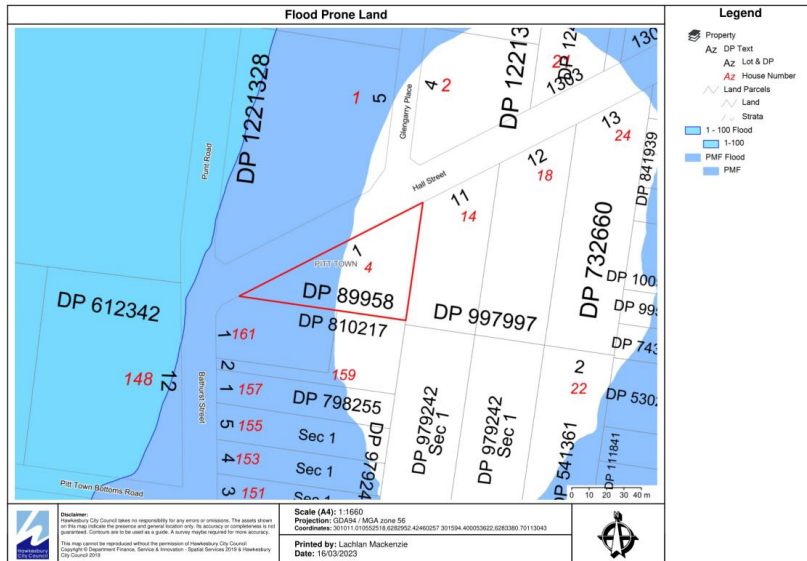
A residential zoning of the site will not detract from the heritage significance of the adjoining property and will remain consistent with the Pitt Town conservation area subject to an appropriate sympathetic building design in a future context. A future application will not require significant excavation to facilitate the development. Notwithstanding an Archaeological study can be conducted at the time of the development application submission.

Clause 5.21 of the HLEP 2012 relates to **Flood planning**

- (1) *The objectives of this clause are as follows—*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development, whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

Comment:

The subject site is not impacted during a 1 in 100 year flood event, however part of the site is subject to the Probable Maximum Flood (PMF) event. Safe evacuation from the subject site in the event of a flood is discussed in Section 3.2.5. Opportunity is available for safe evacuation from the site if required.



Extract from the flooding map

Clause 6.1 of the HLEP 2012 relates to **Acid sulfate soils**

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

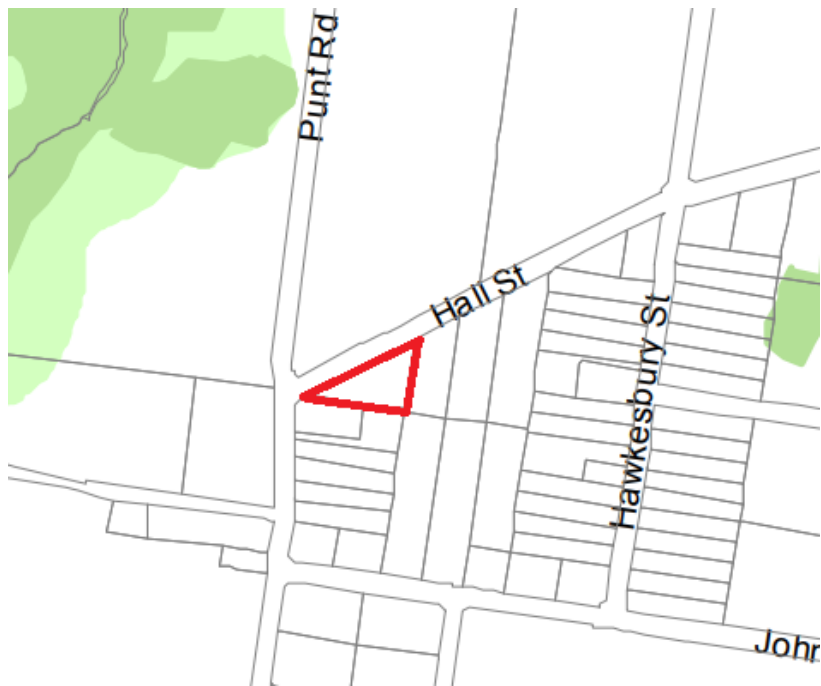
Comment:

The subject site is identified as containing ‘Class 5’ acid sulfate soils on the Acid Sulfate Soils Planning Maps and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the HLEP 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.

Clause 6.4 of the HLEP 2012 relates to **Terrestrial biodiversity**

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

- (2) *This clause applies to land identified as “Significant vegetation” and “Connectivity between significant vegetation” on the Terrestrial Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) *whether the development—*
 - (i) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*



Extract from the Terrestrial Biodiversity Map

Comment:

The subject site is not subject to biodiversity considerations.

Clause 6.5 of the HLEP 2012 relates to **Wetlands**

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.*
- (2) This clause applies to land identified as “Wetlands” on the Wetlands Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) whether or not the development is likely to have any significant adverse impact on the following—*
 - (i) the condition and significance of the existing native fauna and flora on the land,*
 - (ii) the provision and quality of habitats on the land for indigenous and migratory species,*
 - (iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity,*
 - (iv) the growth and survival of native fauna and flora,*
 - (v) any wetlands in the vicinity of the development, and*
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The subject site is not subject to wetlands consideration.

Clause 6.7 of the HLEP 2012 relates to **Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*

- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

Comment:

All essential services are available to service the site including town water.

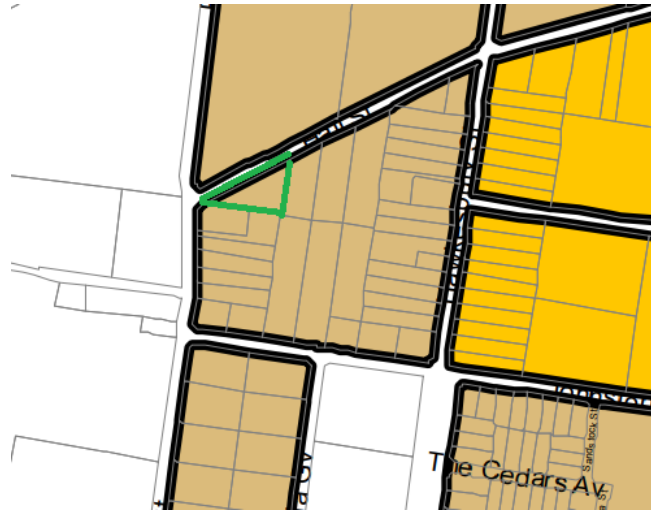
A private reticulated sewer system is available in the locality. Sydney Water has recently negotiated an agreement with the private local sewer provider Leagrove Pty Ltd. Sydney Water has reserved capacity in the system by entering into a Deed of Allocation with the service provider. Sydney Water will pay \$138,888 to reserve the allocation within the system. Sydney Water will pay this money to be held in escrow by the Solicitor of Leagrove Pty Ltd until such time as the land is rezoned. The agreements at the time of writing are currently being refined and will be entered into in the near future and prior to the finalisation of the planning proposal.

Sydney Water will execute the agreement when required by Council or the planning authority. The site will not be sold by Sydney Water without all services available and in place.

Clause 6.8 of the HLEP 2012 relates to Arrangements for designated State public infrastructure

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure, before the land to which this clause applies is subdivided, to satisfy needs that arise from development on the land.*
- (2) *This clause applies to the land identified as “Density Control” on the Pitt Town Subdivision and Designated State Public Infrastructure Map.*
- (3) *This clause does not apply—*
 - (a) *unless the subdivision would result in the density controls shown on that map being exceeded, or*
 - (b) *if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).*
- (4) *Development consent must not be granted for the subdivision of land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.*
- (5) *Subclause (4) does not apply to—*

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.



Extract from the Pitt Town Subdivision and Designated State Public Infrastructure Map

Comment:

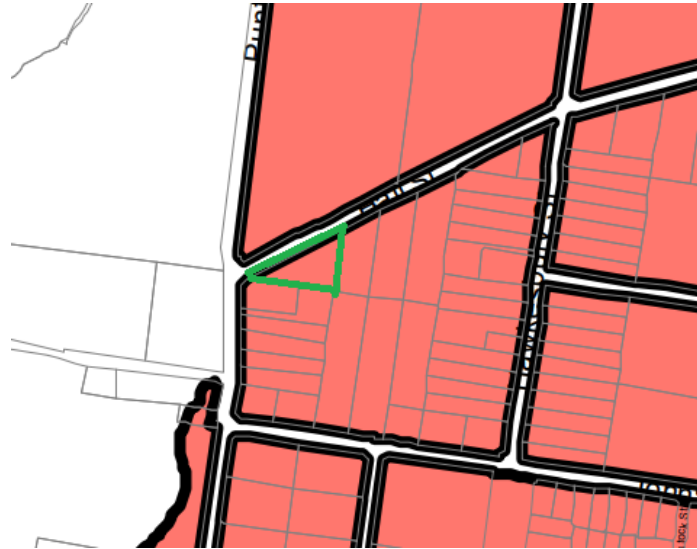
Subdivision is not proposed or likely in a future context.

Clause 6.9 of the HLEP 2012 relates to Additional requirements for subdividing in Pitt Town Heritage Area

- (1) This clause applies to land identified as a “Potential archaeological site” or a “Potential place of Aboriginal heritage significance” on the Pitt Town Heritage Map.
- (2) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority has, in addition to any other requirement specified by this Plan—
 - (a) considered a heritage impact statement that explains how the development will affect the conservation of the site and any relic or Aboriginal object known or reasonably likely to be located at the site, and
 - (b) in relation to any potential place of Aboriginal heritage significance— notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent.
- (3) This clause does not apply to the subdivision of land to which clause 5.10(2)(f) applies.

Note—

Before the development is carried out, it may also be necessary to obtain an excavation permit under the Heritage Act 1977 and consent or permission under the National Parks and Wildlife Act 1974.



The shaded area denotes the Potential Archaeological Site and Potential Place of Aboriginal Heritage Significance

Comment:

Subdivision is not proposed or likely in a future context. The subject site has been previously developed for Sydney Water structures and use. A future development application for development of the site will address relevant considerations.

3.4 THE SITE DESIGN RESPONSE FACILITATED BY THE PLANNING PROPOSAL

3.4.1 Land use

The applicant proposes to rezone the land to permit the construction of a dwelling or equivalent permissible use on the subject site.

An Architectural concept of the development potential of the site is provided below:

Planning Proposal Report – 4 Hall Street Pitt Town



Colour rendering identifying the potential size and location of a dwelling on-site

3.5 SOCIAL IMPACTS

Council has a Section 7.12 (previously 94A) Contributions Plan 2015 applicable to new development.

1.2 Summary of levy rates

Table 1 Monetary contribution rates for development

Development type*	Levy rate
Development that is not subject to a section 94 contribution under any other contributions plan adopted by the Council under the EP&A Act, and the proposed cost of carrying out the development is:	
<ul style="list-style-type: none"> • up to and equal to \$100,000 	Nil
<ul style="list-style-type: none"> • more than \$100,000 and up to and including \$200,000 	0.5% of that cost
<ul style="list-style-type: none"> • more than \$200,000 	1% of that cost

Notes:
* Also refer to development exclusions identified in Section 2.7

A new dwelling on the subject site will incur a contribution which will contribute spending towards infrastructure and embellishment on social related projects. Such would not otherwise be raised should the lot retain

an SP2 zoning. There are no adverse social impacts springing from the proposal as the proposal relates only to the inclusion of one additional residential lot into the locality. Existing social infrastructure will not be burdened in this instance.

A positive inclusion can be made with the inclusion of a family contributing to school attendance, sporting activities, patronage of local shops and possibly contributing to voluntary programs.

3.6 NEED FOR THE PLANNING PROPOSAL

Question 1 - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal has been initiated by Sydney Water in its consideration of the underutilised nature of the subject site from an operational and strategic point of view. Hawkesbury Council was contacted by the applicant last year regarding the proposal and the possibility of including the matter as part of the Draft Hawkesbury LEP 2012 review and address of housekeeping matters. Council advised that the subject rezoning would need a separate application.

The planning proposal does however align with Council's initiatives as identified by the Hawkesbury Local Housing Strategy 2020 (LHS) undertaken for the local government area. The LHS has been prepared to accord with State Government planning initiatives as contained in the *Greater Sydney Region Plan – A Metropolis of Three Cities* (The Region Plan), which presents a vision for managing Sydney's growth up until 2036.

The LHS has identified the following:

Key recommendations of the adopted Hawkesbury Local Housing Strategy include:

- Focus new housing growth in urban release areas and encourage some smaller dwellings in these areas to increase housing diversity
- Maximise the potential of existing urban lands
- Increase the supply of smaller dwellings in both established and new areas

- Continue to expand affordable housing options and further enhance Council's existing Affordable Housing Policy, including Council's involvement with the preparation of the Western City Affordable Housing Strategy
- Maintain a long term supply of residential land by investigating potential new urban areas
- Develop a program to monitor housing land supply and housing delivery
- Address homelessness through continued implementation and updates to Homelessness Action Plan.
- Consideration of the provision of Detached Dual Occupancies and Secondary Dwellings through a place based approach that considers the recommendations of the Hawkesbury Rural Lands Strategy

Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current strict zoning of SP2 Infrastructure precludes the development of the site as proposed. The subject site has not been considered by Council as part of its HLEP 2012 review and accordingly, the planning proposal is the best means of achieving the objectives and intended outcomes.

3.7 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

A review of the relevant regional plans and district plans follows:

3.7.1 Metropolis of Three Cities

In March 2018 the NSW State Government released the *Greater Sydney Regional Plan: A Metropolis of Three Cities (the GSRP)*.

The Greater Sydney Regional Plan (GSRP) is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services.

The subject site falls within the Metropolitan Rural Area in which the Hawkesbury LGA is classified under.

The GSRP is structured under 4 themes: Infrastructure and Collaboration; Livability; Productivity; and Sustainability. Within these themes are potential indicators and a suite of objectives. Those objectives relevant to this planning proposal are discussed below.

Provision	Comment	Consistent
<p>Directions for Infrastructure and collaboration Potential indicator: Increased 30-minute access to a metropolitan centre/cluster</p> <p>Objective 1: Infrastructure supports the three cities</p> <p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>Objective 3: Infrastructure adapts to meet future needs</p> <p>Objective 4: Infrastructure use is optimised.</p>	<p>The proposal relates to a simple change of zoning to enable the development of a single lot for residential purposes consistent with adjoining lots. The site falls within the periphery of Pitt Town which is self-sufficient and within close proximity to Windsor town centre.</p> <p>The proposal provides for the orderly development of a valuable single lot with access to the necessary utility services. The proposal is modest and will not require amplification of utilities and services.</p> <p>The minor increase in development density by one dwelling will have no adverse impact on current infrastructure.</p> <p>Existing infrastructure will be optimised.</p>	<p align="center">Yes</p>

Directions for Livability		
A city for people		
Objective 6: Services and infrastructure meet communities' changing needs	The Planning Proposal (PP) is consistent with the objective.	Yes
Objective 7: Communities are healthy, resilient and socially connected	The proposed rezoning will contribute to the social infrastructure with the inclusion of an additional family group.	
Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	The PP provides for the creation of housing within a culturally rich neighbourhood.	
Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation.	Consistent.	
Housing the city		
Objective 10: Greater housing supply	The proposal is conducive to providing opportunity to generate quality housing on the site.	Yes
Objective 11: Housing is more diverse and affordable	The indicative concept plan demonstrates the means in which the lot can be reasonably developed.	
A city of great places		
Objective 12: Great places that bring people together	The PP facilitates future residential development, which promotes community interaction and amenity.	Yes
Objective 13: Environmental heritage is identified, conserved and enhanced	No adverse heritage matters arise from the PP given the site	

	<p>circumstances. The proposal presents an opportunity to enhance the streetscape and provide additional suitable planting on-site.</p>	
Directions for productivity		
A well-connected city		
<p>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>The subject site is within close proximity to Pitt Town town centre. An existing bus services facilitates less than 30-minute public transport access to Windsor town centre and beyond.</p>	<p>Yes</p>
Jobs and Skills for the City	<p>The proposal will assist with job provision through the construction phase of the dwelling or equivalent building.</p>	<p>Yes</p>
Directions for sustainability		
A city in its landscape		
<p>Objective 25: The coast and waterways are protected and healthier</p>	<p>No affectation.</p>	<p>Yes</p>
<p>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p>	<p>The subject site is not subject to biodiversity considerations.</p>	
<p>Objective 28: Scenic and cultural landscapes are protected</p>	<p>The proposal does not require the removal</p>	

<p>Objective 30: Urban tree canopy cover is increased</p> <p>Objective 31: Public open space is accessible, protected and enhanced</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths.</p>	<p>trees and vegetation on the site.</p> <p>There will be opportunity to provide tree planting.</p> <p>No change is proposed to surrounding public open space or green grid links.</p>	
<p>An efficient city</p> <p>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>Objective 34: Energy and water flows are captured, used and re-used</p> <p>Objective 35: More waste is re-used and recycled to support the development of a circular economy.</p>	<p>The DCP that currently applies to the subject land includes sustainability provisions. Any future development proposal will be required to comply with those provisions. A BASIX certificate will be needed for the building/s constructed on the site.</p> <p>The residential dwelling will utilise Council’s waste and recycling services.</p>	<p>Yes</p>
<p>A resilient city</p> <p>Objective 36: People and places adapt to climate change and future shocks and stresses.</p>	<p>The site is not subject to natural hazards such as bushfire, or land slip.</p>	<p>Yes</p>

<p>Objective 37: Exposure to natural and urban hazards is reduced.</p> <p>Objective 38: Heatwaves and extreme heat are managed.</p>	<p>The subject site is above the flood planning area as defined under HLEP 2012, though may be partially inundated during a PMF event according to available flood mapping. Section 3.2.5 provides further assessment of this matter</p> <p>Consistent.</p>	
<p>Implementation</p> <p>Objective 39: A collaborative approach to city planning.</p>	<p>The applicant has engaged with Council staff. Matters raised by Council have been addressed in this submission.</p>	<p>Yes</p>

3.7.2 Western City District Plan (WCDP)

The *Western City District Plan (WCDP)* covers the area that applies to 8 western suburb Councils including the Hawkesbury local government area. The role of this plan is to deliver the directions of the overarching *Greater Sydney Region Plan, A Metropolis of Three Cities* and contains a number of planning priorities and objectives that address infrastructure provision and collaboration, livability, productivity, and sustainability.

Provision	Comment	Consistent
<p>Infrastructure and collaboration</p>		

<p>Planning for a city supported by infrastructure – W1</p> <p>Objective 1: Infrastructure supports the three cities.</p> <p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact.</p> <p>Objective 3: Infrastructure adapts to meet future needs.</p> <p>Objective 4: Infrastructure use is optimised.</p> <p>Planning Priority W2</p> <p>Objective 5: Benefits of growth realised by collaboration of governments, community and business.</p>	<p>The subject site is located near a regular bus service which runs along Bathurst Street.</p> <p>A minor increase in housing density (one additional dwelling) is proposed within the Pitt Town locality ensuring that existing infrastructure is properly utilised.</p> <p>The proposed increase in density by 1 residential lot is modest in consideration of the greater planning and is reasonable in the context of existing infrastructure servicing the site.</p> <p>The simplicity of the planning proposal negates the need for extensive consultation.</p>	<p align="center">Yes</p>
<p>Livability</p>		
<p>Planning Priority W3</p> <p>Providing services and social infrastructure to meet people’s changing needs</p> <p>Objective 6: Services and infrastructure meet communities’ changing needs.</p>	<p>The planning proposal provides for 1 residential lot. No adverse impacts to social infrastructure are likely.</p> <p>Pitt Town is a well serviced precinct as identified in the local housing strategy with scope to accommodating additional dwellings.</p>	<p align="center">Yes</p>

<p>Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities</p> <p>Objective 7: Communities are healthy, resilient and socially connected.</p> <p>Objective 8: Greater Sydney’s communities are culturally rich with diverse neighbourhoods.</p> <p>Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation.</p>	<p>The WCDP includes the following comments:</p> <p><i>“Healthy and active lifestyles</i> <i>Research identifies three key aspects of the built environment that support healthy lifestyles and improved health outcomes: strong social connections, physical activity and access to fresh food. Consequently, the design and management of streets, places and neighbourhoods are essential to improved mental and physical health outcomes”.</i></p> <p>The proposed rezoning and residential use, promotes high levels of amenity on-site and an addition household which can connect with the social network.</p> <p>The residential use of the site also provides better connectivity between existing residential development and reinforces the neighbourhood with the proposed infill development.</p> <p>Not applicable.</p>	<p>Yes</p>
<p>Planning Priority W5 Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p>Objective 10: Greater housing supply.</p>	<p>The proposed residential use of the site is consistent with the objective and appropriately utilises a large vacant lot. The subject site is part of the Pitt Town community with access to jobs, services,</p>	<p>Yes</p>

<p>Objective 11: Housing is more diverse and affordable.</p>	<p>and education centres in the surrounding localities.</p> <p>The PP will facilitate redevelopment that can contribute to a minor extent to housing supply.</p> <p>The increase in supply of housing in the locality is conducive to promoting housing affordability having regard to the economies of supply and demand.</p>	
<p>Planning Priority W6 Creating and renewing great places and local centres, and respecting the District’s heritage</p> <p>Objective 12: Great places that bring people together.</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced.</p>	<p>The WCDP includes the following comments:</p> <p><i>“Great places include all parts of the public realm such as open space, streets, centres and neighbourhoods and the interface with the private realm which includes residential, commercial and industrial streetscapes. They exhibit design excellence and start with, and focus on, open space and a people-friendly public realm. They recognise and celebrate the local character of the place and its people.”</i></p> <p>The planning proposal provides for the infill of low density development, which can contribute to the neighbourhood, with a similarly scaled lot and housing type.</p> <p>There are no adverse heritage matters arising from the PP despite adjoining a heritage listed item. The subject site is not heritage listed however falls within a conservation area. The erection of a</p>	<p align="center">Yes</p>

	dwelling or equivalent permissible land use on the lot can be appropriately designed and sited to be sympathetic to the conservation values of the area.	
<p>Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.</p> <p>Objective 14: Integrated land use and transport creates walkable and 30-minute cities.</p>	The planning proposal is consistent with the objective.	Yes
<p>Planning Priority W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis.</p>	The planning proposal is consistent with the objective.	Yes
<p>Planning Priority W9 Growing and Strengthening the metropolitan cluster.</p>	The planning proposal is consistent with the objective.	Yes
<p>Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban service land.</p>	The planning proposal is consistent with the objective.	Yes
<p>Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres.</p>	The planning proposal is consistent with the objective.	Yes

Sustainability		
Planning Priority W12 Protecting and improving the health and enjoyment of the District Waterways.		
Objective 25: The coast and waterways are protected and healthier	The proposal will not have an adverse impact on the district waterways.	Yes
Planning Priority W13 Creating a Parkland City Urban structure and identity, with South Creek as a defining spatial element	South Creek is sufficiently distant from the subject site.	Yes
Planning Priority W14 Protecting and enhancing bushland and biodiversity Objective 27: Biodiversity is protected and urban bushland is enhanced.	The proposed residential zoning of the site has no adverse impact on biodiversity or bushland considerations.	Yes
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	The proposed large lot residential zone will open up the site for a variety of greater uses which can contribute to community through the establishment of a dwelling and associated hobby farm and enable people to live and work on-site. Opportunity will also be presented for select tree planting and a visual improvement to the landscape. The proposal is not inconsistent with the objective.	

<p>Planning Priority W15 Increasing urban tree canopy and delivering Green Grid connections</p> <p>Objective 30: Urban tree canopy cover is increased.</p>	<p>The proposed residential zone provides opportunity for a comprehensive landscape scheme on the site.</p>	<p>Yes</p>
<p>Planning Priority W16 Protecting and enhancing scenic and cultural landscapes.</p> <p>Objective 28: Scenic and cultural landscapes are protected.</p>	<p>The proposed residential zone will have no adverse impact on scenic and cultural landscapes.</p>	<p>Yes</p>
<p>Planning Priority W17 Better managing rural areas</p> <p>Objective 29: Environmental, social and economic values in rural areas are protected and enhanced.</p> <p>Actions: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.</p> <p>Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of</p>	<p>The proposal has no adverse impact on Metropolitan Rural Area given that the subject site is currently zoned special uses, which has become redundant. The inclusion of dwelling on a large lot (similar to that of the adjoining lots) reinforces the character of the street block.</p> <p>The proposed use of the site for residential purposes can generate a hobby farm or small scale agricultural use providing a reasonable transition between rural land to the north and residential zones to the south of the site.</p> <p>The provision of one dwelling on a large lot is consistent with the objective of limiting urban development within the Metropolitan Rural Area.</p>	<p>Yes</p>

<p>The Northern Road, Luddenham.</p>		
<p>Planning Priority W18 Delivering high quality open space</p> <p>Objective 31: Public open space is accessible, protected and enhanced</p>	<p>The proposal has no adverse impact on public open space.</p>	<p>Yes</p>
<p>Planning Priority W19 Reducing carbon emissions and managing energy, water and waste efficiently</p> <p>Objective 34: Energy and water flows are captured, used and re-used.</p> <p>Objective 35: More waste is re-used and recycled to support the development of a circular economy.</p>	<p>Any future development of the lot has the opportunity to incorporate water re-use within a low use energy environment.</p>	<p>Yes</p>
<p>Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change</p> <p>Objective 37: Exposure to natural and urban hazards is reduced</p> <p>Objective 38: Heatwaves and extreme heat are managed.</p>	<p>The subject site is not flood affected and for the most part is not mapped as being bush fire prone land. The subject site is above the flood planning area as defined in the HLEP 2012, though partially inundated in a PMF event. The provision of a dwelling on higher ground and proposed residential use is appropriate on site in consideration of potential risk and exposure to hazards to the west of the site.</p> <p>Any future building on the site will need to meet BASIX requirements and achieve</p>	<p>Yes</p>

	appropriate thermal ratings, natural ventilation and cross flows.	
6 Implementation		
<p>Planning Priority W21 Preparing local strategic planning statements informed by local strategic planning</p> <p>Objective 39: A collaborative approach to city planning.</p>	<p>The proposal is consistent with local planning strategies.</p> <p>The applicant has worked collaboratively with Council’s officers in undertaking an extensive and through investigation of the site and its context.</p> <p>The Council’s local housing strategy has been created off the back of the Western City District Plan.</p>	Yes

3.7.3 Local Housing Strategy

The planning proposal does align with Council’s initiatives as identified by the Hawkesbury Local Housing Strategy 2020 (LHS) undertaken for the local government area. The LHS has been prepared to accord with State Government planning initiatives as contained in the *Greater Sydney Region Plan – A Metropolis of Three Cities* (The Region Plan), which presents a vision for managing Sydney’s growth up until 2036.

The proposed rezoning addresses an issue of a redundant zone and best utilises a large parcel of land by proposing to extend the large lot residential zone, which exists on adjoining lots.

The proposal will maintain the character of housing and its setting and provide a quality home on the land utilizing existing services.

3.7.4 Local Strategic Planning Statement (LSPS) 2040

The Local Strategic Planning Statement provides strategic direction on how the Hawkesbury LGA is to be planned over the next 20 years. The Statement draws together the needs and aspirations of the community and identifies priorities for jobs, homes and infrastructure. The Statement looks at the role of Hawkesbury as part of Greater Sydney and seeks to achieve a future which is sustainable, liveable and productive.

Pitt Town includes a high proportion of R5 Large Lot Residential and has been earmarked for growth in appropriate low density residential development.

The proposal is consistent with the LSPS as follows:

- The proposal appropriately capitalises on the site’s inherent location benefits being near employment, recreational opportunities, public transport and the growing surrounding suburbs;
- The proposal will contribute to the provision of quality housing and will assist in meeting housing projections in an exceptionally well serviced site;
- Residents on-site will benefit from a high amenity landscape content to complement the built form; and
- A future development application will appropriately address matters relating to heritage and conservation. The proposal will enhance the existing landscape on-site within a managed and safer environment. The provision of a home or equivalent permissible use on the site will increase the surveillance opportunities and reduce the propensity for the dumping of rubbish at the site.

3.7.5 Hawkesbury Community Strategic Plan (CSP) 2022-2042

The CSP identifies Council’s future broad base planning and strategies for the local government area.

The rezoning of one existing lot to residential to accommodate one dwelling will not have an adverse impact on social services, flooding or strain existing public transport services.

The proposal provides for the inclusion of quality infill housing, which does not require new roads or utility connection, is reasonable and consistent with future planning with minimal public expenditure required to derive housing in a suitable location.

3.7.6 Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy

The Flood Strategy is a comprehensive long term framework for the NSW Government, local councils, businesses and the community to work together to reduce and manage the flood risk in the Hawkesbury-Nepean Valley.

The strategy aims to bring awareness to the local community within flood risk areas and proposes methods to reduce flood affectation.

The subject site is above the flood planning area as defined in the HLEP 2012, though partially inundated in a PMF event. The provision of a dwelling on higher ground and proposed residential use is appropriate on site in consideration of potential risk and exposure to hazards to the west of the site.

The proposed rezoning is consistent with the strategy as the development of the site for a residential dwelling, will attract appropriate conditions and awareness of potential flooding to the west of the site. An evacuation route to the east will also be established for future residents.

3.8 STATE ENVIRONMENTAL PLANNING POLICIES

Question 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the provisions of the following State Environmental Planning Policies (SEPP). Applicable SEPPs to the proposal are as follows:

SEPP (Building Sustainability Index: BASIX) 2004

Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal.

State Environmental Planning Policy (Resilience and Hazards) 2021

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*
 - (b) 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*
 - (c) 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.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Clause 4.6 of the SEPP requires potential site contamination and remediation to be considered by planning proposals in circumstances where there is a zoning amendment that would permit a change of use of the land.

A change in zoning is proposed. Therefore, a contamination report has been commissioned to accompany the planning proposal. The conclusions of the report are that the subject site is suitable for residential development.

SEPP (Exempt and Complying Development Codes) 2008

The SEPP may apply to future development of the site. No relevant matters arise in respect of the planning proposal.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP has recently commenced on the 1st March 2021 and is effectively an administrative consolidation of various SEPPs. The legal effect of the SEPPs being consolidated does not change.

Chapter 3 relates to Koala habitat protection 2020 and aims to achieve the following:

encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

The subject site is part of a residential zoned street block and the subject site contains no large trees.

The subject site is not part of a core koala Habitat and is not conducive as a koala habitat. The subject site is also less than 1 hectare in size and ownership.

Further consideration can be undertaken at a development application stage.

Chapter 6 incorporates the provisions of SEPP 19 – Bushland in in Urban Areas.

As the subject site is privately owned and zoned for Special use purposes, the provisions do not apply.

Chapter 9 relates to the Hawkesbury-Nepean River and 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.*

The subject site has no unique environmental qualities, is suitably distant from the river and is effectively an infill residential lot.

Urban development

Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.

- (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

Comment:

The subject proposal simply relates to the creation of one residential lot, which will have no adverse impact to the Hawkesbury-Nepean River.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 3 relates to Extractive industries in Sydney area and establishes the following aims:

- (a) 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*
- (b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and*
- (c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and*
- (d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and*

(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.

Comment:

The proposal does not relate to the establishment of an extractive industry and simply relates to a rezoning, which will permit 1 residential dwelling. The proposal is consistent with the policy as it relates to an infill site separated by development to the north by a recently approved housing estate. There is no nexus between the subject site and the closest extractive industry.

3.9 MINISTERIAL DIRECTIONS

Question 6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal is consistent with the following Ministerial Directions that are relevant to the circumstances of the proposal.

Direction 1.1 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The proposal is consistent with the Direction as it simply relates to an infill site and creation of a residential lot similar to adjoining sites.

Direction 1.3 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposal is a minor consideration not requiring concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is consistent.

Direction 1.4 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.

The proposed rezoning will appropriately adopt the zoning and planning controls of Council and not require site specific consideration. The proposal is consistent.

Direction 3.2 Heritage Conservation

The objective of this direction is ‘to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance’.

The Direction requires that a planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects,*

The subject site is not identified as having heritage significance. The subject site does however adjoin heritage listed properties to the east. These adjoining dwelling are well distant from the likely future building zone on the subject site. The subject site does fall within a heritage conservation area. No adverse impacts are likely in a future context with the development of a permissible use.

As the future development of the subject site is unlikely to involve significant excavation, the exposure of relics is not likely. Notwithstanding, a future development application for the development of the site will address all relevant considerations.

The planning proposal does not seek to alter or amend any heritage related clauses or provisions under the governing HLEP 2012.

Direction 4.1 Flooding

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,*
- (b) the principles of the Floodplain Development Manual 2005,*
- (c) the Considering flooding in land use planning guideline 2021, and*
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.*

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,*

- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit development for the purposes of residential accommodation in high hazard areas,*
- (d) permit a significant increase in the development and/or dwelling density of that land,*
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,*
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or*
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.*

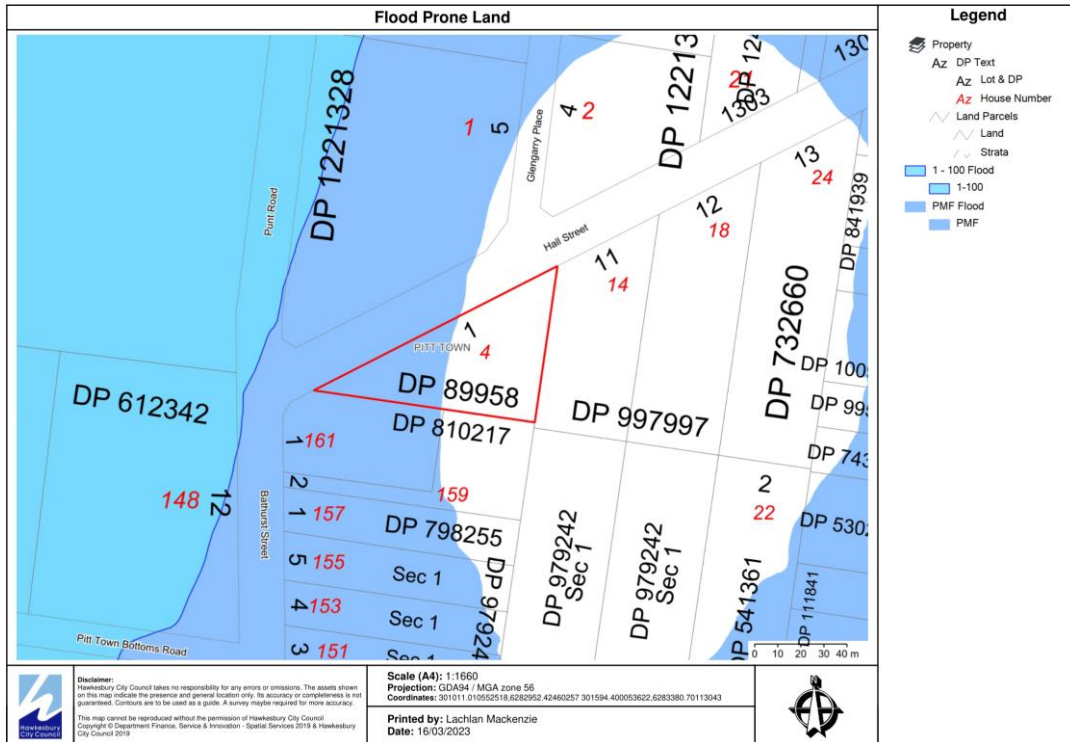
A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or*
- (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or*
- (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.*

Comment:

The subject site is not impacted during a 1 in 100 year flood event, however part of the site is subject to the Probable Maximum Flood (PMF) event.

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Given that the subject site rises to the east and includes land which is not subject to the PMF, opportunity is presented on the site for safe evacuation. Further assessment of flood affectation and emergency evacuation from the site is considered specifically under Section 3.2.5 of this report.

The proposal does not:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit development for the purposes of residential accommodation in high hazard areas,
- (d) permit a significant increase in the development and/or dwelling density of that land,
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,

(g) result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

It should be noted that the subject site relates to an existing lot, which served the purpose of water supply for Sydney Water for a length of time. The proposed rezoning of the land to accommodate a single dwelling will likely have a similar intensity of use.

The dwelling will be designed above the flood levels prescribed by Council and include sufficient on-site facilities to accommodate people on-site in the event of a flood. Should evacuation be required a walking path to the east on higher ground is available.

The proposal is consistent with Council's flood prone land policy.

Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) encourage sound management of bush fire prone areas.*

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

Direction 4.3 (1)

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause

4, Schedule 1 to the EP&A Act, and take into account any comments so made.

(2) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2019,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is 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.

Comment:

The subject site has been remediated by Sydney Water and the site is suitable for residential development or an equivalent permissible use.

Direction 4.5 Acid Sulfate Soils

(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or

(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.

(3) 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 soils 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 any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.

(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

Comment:

The subject site is identified as containing ‘Class 5’ acid sulfate soils on the Acid Sulfate Soils Planning Maps and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the HLEP 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.

Direction 5.1 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The proposal is minor and relates to the creation of one infill dwelling, which will not have an adverse impact on transport and infrastructure.

5.2 Reserving Land for Public Purposes

Objectives

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and*
- (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Direction 5.2

(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).

(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:

- (a) reserve the land in accordance with the request, and*
- (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and*
- (c) identify the relevant acquiring authority for the land.*

(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

- (a) include the requested provisions, or*
- (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.*

(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:

- (a) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or*
- (b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.*

Comment:

Sydney Water is the relevant public authority and proponent of the application. The subject site has been deemed to be surplus to Sydney Water's requirements. Surrounding sites are serviced by a private operator in terms of water supply and sewerage connection. The proposal is consistent with the direction.

Direction 6.1 Residential zones

(1) A planning proposal must include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design.

(2) A planning proposal must, in relation to land to which this direction applies:

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

Comment:

The proposal brings the subject site in line with adjoining properties in terms of zoning. The proposal makes provision for the development of the site for housing or equivalent which is consistent with the surrounding sites.

(b) A planning proposal must make more efficient use of existing infrastructure and services

The proposed R5 residential zone will appropriately make more efficient use of existing utility infrastructure and services.

(c) A planning proposal must reduce the consumption of land for housing and associated urban development on the urban fringe

The proposal promotes the use of an existing under developed parcel of land.

(d) A planning proposal must be of good design.

The indicative design scheme demonstrates that a dwelling of a high standard can be constructed on the site.

Direction 8.1 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. The proposal does not relate to a mining activity, does not seek to restrict an existing mining operation and is not situated near a mining operation. The proposal is consistent.

4.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

No impacts arise from the planning proposal as the site does not contain critical habitat, threatened species, populations or ecological communities or their habitats.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no significant physical constraints to the redevelopment of the subject property. In this respect:

- The subject site is NOT identified as having heritage significance.
- The subject site is located within a heritage conservation area, however no impacts arise from the construction of a permissible dwelling or equivalent land use.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- The subject site is NOT impacted by the 1:100 ARI flood event, and is partially above the PMF level.
- The subject site is mostly not bushfire prone land. A small portion of the site is identified as vegetation buffer of bushfire prone land.
- The subject site has a consistent slope in the topography and very substantial street frontages/exposure.
- The subject site is NOT constrained by acid sulphate soils.

The planning proposal facilitates opportunity for a high-quality design and town planning outcome for the site that positively responds to the site's characteristics and its context.

Potential Site Contamination

Sydney Water has fully remediated the subject site suitable for residential occupation.

Question 9: Has the planning proposal adequately addressed any social and economic effects??

Minimal social and economic impacts from the development of the site with a dwelling or equivalent permissible land use is envisaged.

5.0 STATE AND COMMONWEALTH INTERESTS

Question 10: Is there adequate public infrastructure for the planning proposal?

Typically, this question applies to planning proposals that:

- *result in residential subdivisions in excess of 150 lots*
- *substantial urban renewal*
- *infill development*
- *development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).*

Not relevant to the proposal.

Question 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant government agencies will be had through the Gateway process should the application be supported.

6.0 MAPPING

The following changes are required to the maps applying to zoning, Building Height and Minimum Lot Size under the HLEP 2012:



Proposed zoning map amendment



Proposed Building Height Map



Proposed amendment to the Minimum Lot Size Map

7.0 COMMUNITY CONSULTATION AND TIMELINE

The planning proposal does not require consideration by other State or Regional Government Departments.

Part 6 – Project Timeline

Anticipated commencement date (date of Gateway determination)	September 2022
Anticipated timeframe for the completion of required technical information	November 2022
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	January – February 2023
Commencement and completion dates for public exhibition period	February 2023
Dates for public hearing (if required)	March 2023 if required
Timeframe for consideration of submissions	April 2023
Timeframe for the consideration of a proposal post exhibition	April – June 2023
Date of submission to the department to finalise the LEP	July 2023
Anticipated date RPA will make the plan (if delegated)	August 2023
Anticipated date RPA will forward to the department for notification.	August 2023

8.0 CONCLUSION AND RECOMMENDATION

The proposed rezoning is required to assist Sydney Water with the disposal of an asset which is no longer required for its original purpose of water supply.

The rezoning of the lot to R5 Large Lot Residential is highly appropriate given the surrounding zoning.

The planning proposal is consistent with and promotes the strategic planning objectives of both the State and local government.

The planning proposal has substantial town planning merit and should receive favourable consideration.

Author of the report:

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Date: May 2022 as amended July 2022 and again on March 2023