



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 10 March 2015
location: council chambers
time: 6:30 p.m.



mission
statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections, held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

The motion for each item listed for discussion will be displayed for Councillors and public viewing, if it is different to the recommendation in the Business Paper. The Chair will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be Carried (passed) or Lost.

Planning Decision

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. This will enable the names of those Councillors voting For or Against the motion to be recorded in the minutes of the meeting and subsequently included in the required register. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

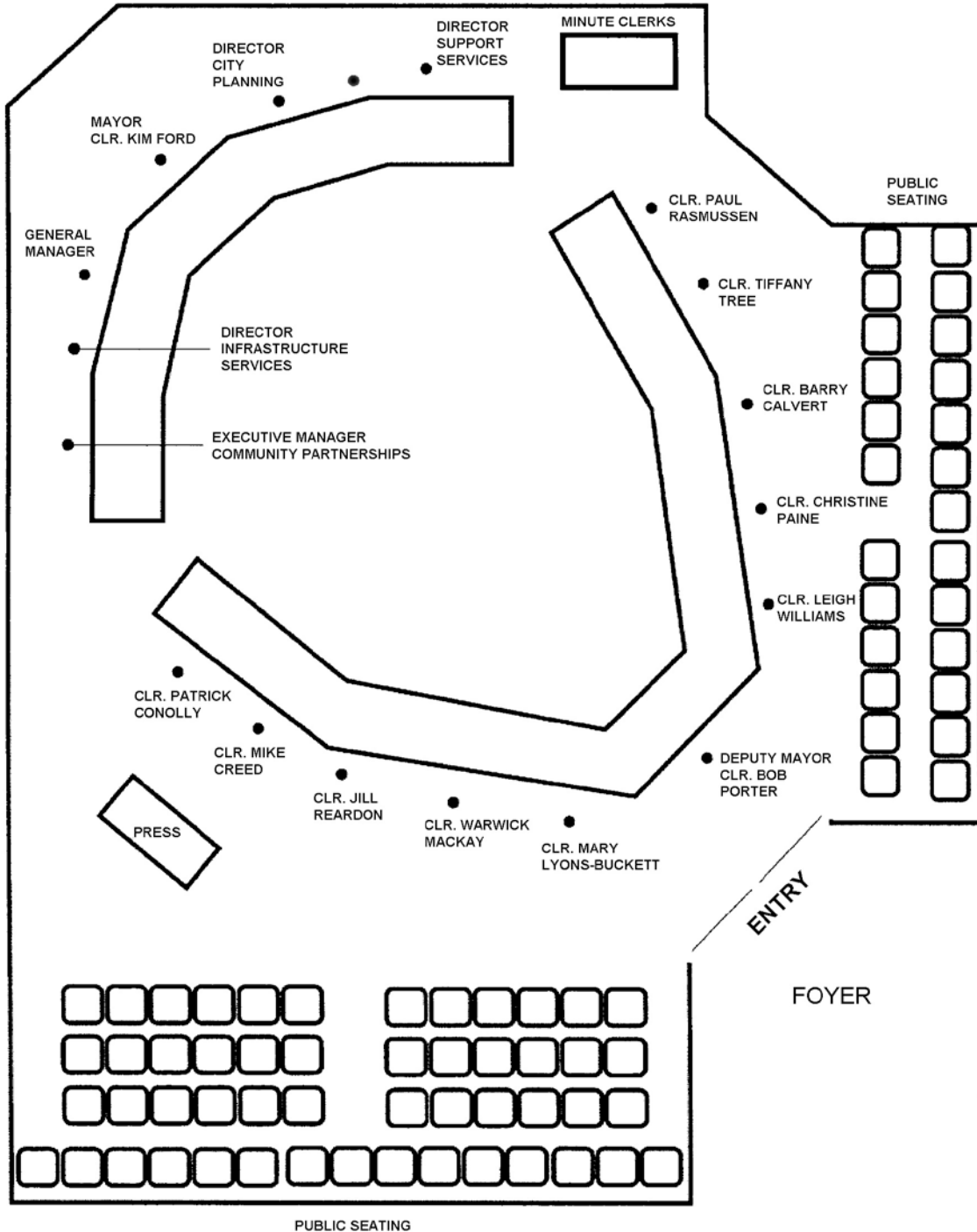
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

Hawkesbury City Council



ORDINARY MEETING

Table of Contents

Meeting Date: 10 March 2015

AGENDA

- **WELCOME**
 - Prayer**
 - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
 - Planning Decisions**
 - General Manager**
 - City Planning**
 - Infrastructure Services**
 - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

ORDINARY MEETING

Table of Contents

Meeting Date: 10 March 2015

ORDINARY MEETING**Table of Contents**

Meeting Date: 10 March 2015

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 3 - Reports for Determination		7
PLANNING DECISIONS		7
Item: 32	CP - DA0591/14 - 66 Wattle Crescent, Glossodia - Lot 156 DP214751 - Establishment and operation of a caravan park - (95498, 116029, 96427, 109620)	7
Item: 33	CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, Part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498, 124414)	34
INFRASTRUCTURE SERVICES		81
Item: 34	IS - Change of Dates - Bridge to Bridge Power Boat Race - (95495, 79354, 73829)	81
Item: 35	IS - Extension of Approval for Markets at Governor Phillip Reserve and Richmond Park - (95495, 79354, 127235, 129069)	83
Item: 36	IS - Road Naming Proposal Seniors Living Development North Richmond (Kingsford Smith Village and Ron Middleton VC Gardens) - (95495, 79346)	85
SUPPORT SERVICES		88
Item: 37	SS - Affordable Housing Options - (95496, 96328)	88
Item: 38	SS - Consultants Utilised by Council - 1 July 2014 to 31 December 2014 - (95496, 96332)	94
SECTION 4 - Reports of Committees		101
ROC	Heritage Advisory Committee - 19 February 2015 - (80242)	101
SECTION 5 - Notices of Motion		109
NM1	Windsor Bridge - (79351, 105109, 80093)	109
QUESTIONS FOR NEXT MEETING		111
	Councillor Questions from Previous Meeting and Responses - (79351)	111

ORDINARY MEETING

Table of Contents

Meeting Date: 10 March 2015

ordinary

section 1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section

3

reports
for determination

ORDINARY MEETING

Meeting Date: 10 March 2015

ORDINARY MEETING

Meeting Date: 10 March 2015

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 32 **CP - DA0591/14 - 66 Wattle Crescent, Glossodia - Lot 156 DP214751 - Establishment and operation of a caravan park - (95498, 116029, 96427, 109620)**

Development Information

File Number: DA0591/14
Property Address: 66 Wattle Crescent, Glossodia
Applicant: Andrew Grieve
Owner: Mr GN Gardner and Ms AJ Gardner
Proposal Details: Caravan Parks - demolition of existing dwelling house and sheds, establishment and operation of Caravan Park
Estimated Cost: \$723,250
Zone: R2 Low Density Residential
Date Received: 11/09/2014
Advertising: 01/12/2014

Key Issues:

- ◆ Strategic planning for the Glossodia locality
- ◆ Suitability of the caravan sites for long term residence
- ◆ Legislative requirements
- ◆ Flora and fauna
- ◆ Riparian corridor
- ◆ Concerns raised by other landowners in the vicinity

Recommendation: Refusal

REPORT:

Executive summary

A development application was received seeking approval for a 150 site caravan park on Lot 156 in DP 214751, 66 Wattle Crescent, Glossodia. It is proposed to use the 150 sites for long term residence (as distinct from tourist accommodation) and would essentially operate as a Manufactured Home Estate.

The application is being reported to Council for determination at the request of Councillor Lyons-Buckett.

The application was publicly notified from 23 September 2014 to 23 October 2014. 383 submissions were received objecting to the development. A summary of the matters raised in the submissions follows:

- Suitability of the development
- Lack of appropriate infrastructure
- Traffic generation, noise, road conditions and suitability of the road network within the region
- Bushfire
- Environmental impacts including flora and fauna
- Social impacts
- Amenity including noise, loss of privacy, and consistency with existing character

ORDINARY MEETING

Meeting Date: 10 March 2015

This report highlights that:

- the proposed development is not compatible with the low density residential character of the locality;
- the locality is not suitable for a caravan park for long-term residence having regard to access to services, employment and public transport;
- the proposed development is inconsistent with Hawkesbury Residential Land Strategy, Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Plan No. 21 and State Environmental Plan No. 44;
- the application does not provide adequate information to assess the likely impacts of the development having regard to flora and fauna, traffic impacts and earthworks.

As a result it is recommended that the application be refused.

History

Meetings were held in late 2013 and early 2014 with potential developers and their consultants to discuss the lodgement of a Planning Proposal to amend the Hawkesbury Local Environmental Plan 2012 to allow between 70 to 100 residential lots on the subject land. To date there have been no planning proposals lodged with Council for the site.

DA0591/14

11 September 2014 Development application received.

23 September 2014 Public exhibition commenced. Submission period ended 23 October 2014.

9 October 2014 Council requested additional information in regard to:

- matters within State Environmental Planning Policy No. 21 – Caravan Parks;
- consistency with the R2 Low Density Residential zone objectives, terrestrial biodiversity and flora and fauna;
- consistency with Hawkesbury Development Control Plan relating to adequacy of information and soil and erosion control;
- consistency with the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005; and traffic impacts.

15 October 2014 Received request from NSW Office of Water for additional information in relation to riparian areas and concept stormwater.

28 October 2014 NSW Office of Water request forwarded to Applicant.

1 December 2014 Applicant submitted additional information in regards to both Council and NSW Office of Water requests.

17 December 2014 NSW Rural Fire Services issued their Bush Fire Safety Authority.

13 January 2015 NSW Office of Water issued their General Terms of Approval.

As a consequence of amendments required by the NSW Office of Water in relation to riparian zones, the location and configuration of the main road within the site has changed to provide a greater setback from Howes Creek. However, the amended site plan does not show the proposed layout for the dwelling sites, car parking within the caravan sites or the internal road layout to provide access to each site. In this regard there is insufficient information to assess the likely environmental impact of the required earthworks relating to the construction of roads, drainage, caravan sites, building sites and parking.

ORDINARY MEETING

Meeting Date: 10 March 2015

Description of Proposal

The application proposes a 150 site caravan park on Lot 156 in DP 214751, 66 Wattle Crescent, Glossodia and includes:

- the location of the sites designated for the future manager's dwelling and office, the three common rooms, shed, 22 visitor car spaces, and the five waste skip bin storage collection areas;
- access roads and landscaping;
- demolition of the existing buildings on site;
- use of the 150 sites, having areas of between 144m² and 150m² for long term residence and locating pre-manufactured dwellings (cabins) on each site.

The Statement of Environmental Effects submitted with the application advises:

"This current development application seeks approval of the proposed use, the site layout and configuration. Future buildings including house/office, sheds, and common rooms will be subject to separate development application/s, while Council approvals will be sought for location for Manufactured Homes, and an engineering construction certificate application made to cover roadways and site waste-water servicing."

Description of the Land and its Surroundings

The land has a total area of 8.66ha and contains a single storey dwelling, garage, cabana, shed and two yards and a dam.

There is a mixture of treed areas and cleared paddocks on the site. It has been identified that the site contains Shale Sandstone Transition Forest, which is an Endangered Ecological Community under the Threatened Species Conservation Act, 1995.

Adjacent properties are predominantly large lots used for rural residential purposes.

Council Policies, Procedures and Codes to Which the Matter Relates

- Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LGR 2005)
- State Environmental Planning Policy No. 21 – Caravan Parks (SEPP No. 21)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No 20 (No.2 - 1997) – Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)
- Hawkesbury Residential Land Strategy 2011 (In relation to directions for future development in Glossodia)

ORDINARY MEETING

Meeting Date: 10 March 2015

It should be noted that State Environmental Planning Policy No 36—Manufactured Home Estates does not apply to the Hawkesbury City Council area as Hawkesbury is within the Sydney Region. A definition of the Sydney Region as per Section 4 (6) of the Environmental Planning and Assessment Act 1979 is contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 as follows:

“Sydney region means the region having that name declared under section 4 (6) of the Act.

Note. The Sydney region means land within the following Local Government Areas: Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Canada Bay, Camden, Campbelltown, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Woollahra and Wyong.”

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EPA Act)

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

Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LGR 2005)

The Applicant has included an assessment of the proposed development against the provisions of LGR 2005. The stated object of LGR 2005 *“is to provide opportunities for affordable alternatives in short-term and long-term accommodation”*.

The Applicant had originally undertaken an assessment of the proposed development under *“Part 2 Manufactured home estates and manufactured homes Divisions 3-5 Manufactured home estates”*.

Manufactured home estates are enabled by SEPP 36 which as noted earlier in the report does not apply to the Hawkesbury Local Government Area.

In this regard, the proposed development is required to be assessed under *“Part 3 Caravan parks camping grounds and moveable dwellings”*. A revised Statement of Environmental Effects was submitted demonstrating that the proposed development can comply with the numerical standards included in Part 3 of LGR 2005.

a. The provisions of any:

i. Environmental Planning Instrument

State Environmental Planning Policy No. 21 – Caravan Parks (SEPP No. 21)

The following definitions apply to SEPP No. 21:

“caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

moveable dwelling has the same meaning as it has in the Local Government Act 1993.

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or

ORDINARY MEETING

Meeting Date: 10 March 2015

- (c) *any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.*

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) *that comprises one or more major sections, and*
(b) *that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013, and includes any associated structures that form part of the dwelling."*

The Applicant has not adequately demonstrated that the proposed development meets the aims of SEPP No. 21 as follows:

- "(a) *the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and*
(b) *the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and*
(c) *the provision of community facilities for land so used, and*
(d) *the protection of the environment of, and in the vicinity of, land so used."*

Council's adopted Residential Land Strategy indicates that the proposed development creating 150 moveable dwellings for long term residences on a single site having an area of 8.633ha (1 dwelling per 575.5m²) is not considered to be consistent with the attributes and future planning of Glossodia in that:

- Glossodia currently has the attributes of a "local centre" (i.e. has a small strip of shops; houses 150-900 dwellings) and in the future will grow to be a "small village" (i.e. has a small strip of shops; houses 800-2,700 dwellings).
- Glossodia is not a recognised employment area.
- Glossodia is not located on key major public roads or a rail corridor (it is acknowledged that bus services are available to Glossodia residents and bus stops are within about 800m of the subject site).
- Increased intensity of development in the Glossodia future growth area would be subject to:
 - Resolution of transport, access and traffic issues particularly road infrastructure.
 - Provision of sewage for increase in density of development (in this instance Sydney Water have advised that sewerage can be provided to the site).
 - Detailed structure planning to review residential types and distribution.
 - Review of extent of zoning to determine appropriateness of the scale and density of development.
- Future investigations into the structure of Glossodia may need to consider a reduction in the extension of the residential zone and reducing some of the residential zone density to large lot residential.
- Future development within the villages in the Hawkesbury Local Government Area (LGA) should be primarily low density and large lot residential dwellings.
- In Glossodia affordable housing should be integrated into new developments.

ORDINARY MEETING

Meeting Date: 10 March 2015

- Generally affordable housing should be:
 - Integrated into new urban developments.
 - Located within centre catchments and be close to public transport and services.

It is acknowledged that Glossodia does have areas containing small lots (approximately 550-600m²) in areas such as along Golden Valley Drive, Chestnut Drive, Macquarie Place, Ian Street and Nightingale Square and parts of Spinks Road, Boomerang Drive and Mitchell Drive. However, the subject site is located on the northern edge of these areas within a locality dominated by larger lots ranging from 4000m² to approximately 8ha.

It is noted that in regard to Part 4 of LEP 2012 the minimum lot size for subdivision of the site is 40ha. This places development in essentially a “holding pattern” in the R2 zone at Glossodia until infrastructure issues are satisfactorily addressed and LEP 2012 is amended through consideration of planning proposals that can demonstrate suitable approaches to development and subdivision of the land.

SEPP No. 21 also requires Council to determine the number of sites in the caravan park suitable for long term residence and/or short term residence, and to stipulate this within any development consent.

The Policy states that separate development consent is not required for the installation or placement of a moveable dwelling if the caravan park is being lawfully carried out.

Land within a caravan park may be subdivided for lease purposes. However, it should be noted that any such subdivision must still meet the minimum lot size requirements of the LEP.

SEPP No. 21 lists a number of matters that must be considered by Council in determining a DA for a caravan park as follows:

“(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence.”

Comment: The Applicant proposes that the 150 sites would be used for long term residence. It is considered that the proposal is incompatible with the low density character of Glossodia and that the site is unsuitable having regard to access to services, employment and public transport. The proposed caravan park is also not in keeping with the future planning of Glossodia as outlined in the Residential Strategy and discussed above.

“(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence.”

Comment: The proposal is not intended to provide tourist accommodation as the applicants do *not* believe that there is a market for caravan park tourist accommodation in the Glossodia locality and there are existing caravan parks providing tourist accommodation in more suitable localities within the Hawkesbury Local Government Area.

“(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality.”

Comment: The Applicant has not adequately addressed this issue. “Locality” is not defined but it would be reasonable to consider it in a wider context than just Glossodia (as the applicant has done) e.g. the Hawkesbury Local Government Area (LGA) or at least a broader subregion within the LGA.

ORDINARY MEETING

Meeting Date: 10 March 2015

On the basis of the figures presented by the Applicant that the median house/land cost of \$395,000 on small lots in Glossodia, it is apparent that these do constitute comparatively low cost housing. Furthermore, in a broader context the Hawkesbury City Council area is likely to contain a greater proportion of comparatively low cost housing than other local government areas closer to the Sydney and Parramatta CBDs.

The Applicant's assertion that across the Windsor and Richmond Districts the only low cost housing options are caravan parks that are generally not purpose built or owner occupied is not considered to be correct. In recent times approvals for secondary dwellings under State Environmental Planning Policy (Affordable Rental Housing) 2009 and a boarding house have been issued.

There is no doubt that the proposed development would provide a form of low cost housing that may be cheaper than other forms of low cost housing, but it is considered that the proposed location is not appropriate.

“(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park.”

Comment: The Applicant has provided information in respect to the local services and facilities that are available in Glossodia, which include a small shopping centre, public school, community centre and bus routes all within about 800m of the site. Travel times to the larger centres of Windsor and Richmond using a car or public transport (bus) range from about 30 to 40 minutes.

The proposed three on-site common rooms forming part of the proposed development will provide social gathering places for small private groups and each contain a small room, veranda, bathroom and BBQ facilities.

It is considered that Glossodia is a relatively isolated location for the type of development proposed. Council's adopted Residential Land Strategy reinforces this assertion as discussed previously.

“(e) any relevant guidelines issued by the Director.”

Comment: Not applicable.

“(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.”

Comment: Not applicable.

State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP No. 44)

The 'Flora and Fauna Survey and Assessment' Report submitted identifies the site as being 'potential habitat', but not 'core koala habitat' as defined by State Environmental Planning Policy No. 44. However the 'Flora and Fauna Survey and Assessment' Report is not consistent with the Threatened Species Assessment Guidelines (Department of Environment and Climate Change) and therefore cannot be relied upon in regard to being an adequate survey for identifying the presence of koalas. The adequacy of the 'Flora and Fauna Survey and Assessment' Report is discussed later in this report (See Flora and Fauna Section).

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

A “Phase 1 Environmental Site Assessment” report has been lodged with the application and it concludes:

- *“There is a low risk of contamination of Site soils as a result of previous land use.*
- *The Site history does not indicate any potentially contaminating activities. The fish-farming conducted at the site appears unlikely to have resulted in significant persistent contamination.*
- *Minor localised contamination by lead derived from paint and zinc derived from galvanised roofing and guttering is possible.*
- *Similarly, localised pesticide or herbicide residues may remain.*
- *Localised contamination by asbestos fibres derived from degradation of asbestos sheeting in either the stables or dwelling structures is possible if it is present, but there is no evidence that this has occurred.*
- *The risk of the site being impacted by contamination originating from adjacent sites is considered to be very low.*
- *The risk of the Site being impacted by groundwater contamination originating on or off site is considered to be very low.*
- *The risk of the Site being impacted by hazardous ground gases is considered to be very low.*

No further investigation of the Site is recommended.”

It is considered that the provisions of SEPP No. 55 have been complied with.

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

The subject land falls within the boundary of SREP No. 20. This Policy 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." SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

Specifically Clause 6(6) of SREP No. 20, which relate to flora and fauna, provides the following relevant considerations:

- *(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- *(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- *(c) Minimise adverse environmental impact, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*

ORDINARY MEETING

Meeting Date: 10 March 2015

- (d)
- (e) *Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas."*

The information submitted does not demonstrate that the proposed development will not have a significant impact on threatened flora and fauna species, populations or habitats, or endangered ecological communities as discussed further in this Report (See Flora and Fauna Section). As such, the proposed development is considered to be inconsistent with SREP No. 20

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

Clause 2.2 Zoning of land to which Plan applies.

The land is zoned R2 Low Density Residential.

Under the provisions of LEP 2012 'caravan park' is defined to mean "land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed". 'Caravan parks' are permissible with development consent in the R2 Low Density Residential zone.

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. It is considered that the proposed development would contradict the following objectives of the zone:

- *"to provide for the housing needs of the community within a low density residential environment.*
- *to protect the character of traditional residential development and streetscapes.*
- *to ensure that new development retains and enhances that character."*

The proposal is not consistent with the existing low density residential environment within the northern section of the Glossodia residential zoning. Therefore the character of existing residential development is not protected. Further the development cannot retain and enhance the character of the area.

The Applicant states that the proposed long term residence caravan park is carefully located well back on the property, with extensive screening vegetation in the front and side setbacks, and in a discreet street location so as to not be visible from the road, or from any main roads through Glossodia and consequently, it will not change the feel of the existing residential development which typifies Glossodia. However, vegetative screening in itself does not retain and enhance character.

The Applicant also asserts that Glossodia is typified mostly by single storey, smaller dwellings on (about) 550m² blocks with generous open space adjacent and the proposed development conforms to this character with a low density of 150 sites over 8.366 hectares. This equates to approximately 557m² per small 2 or 3 bedroom dwelling, and with the generous setback on the property providing an open space setting with ample breathing space.

ORDINARY MEETING

Meeting Date: 10 March 2015

The applicant's assertion is not agreed with particularly because the subject site is located on the northern edge of the R2 Low Density Residential zoned land and adjoins the RU4 Primary Production Small Lots zoned property to the north. In this location larger lots (4,000m²+) are dominant. In addition, and more importantly, Wattle Crescent is typified by lots of 4047m² and 1.012ha to the south and east and lots ranging from approximately 1ha to 8ha to the north and west of the street (where the subject land is located). The character of the immediate locality is therefore comprised of larger lots containing single dwelling houses with the separation between dwelling houses and the size of the properties providing an open rural character. The clustering of 150 pre-manufactured homes on sites having a size of between 144m² and 150m² is not consistent with the character or with the density and scale of existing development of the locality.

Clause 4.3 Height of buildings

This Clause restricts the maximum height of buildings to the height shown on the Height of Buildings Map. In this regard, the maximum height permissible is 10m. Whilst the buildings that require consent are proposed to be the subject of future applications it is anticipated that they would be likely to be single storey and be able to comply with the required building height. The submitted Typical Home Plans Drawing Nos. 291x - 296x.DA.14 dated November 2014 prepared by Andrew Grieve clearly indicate single storey buildings. As such the proposed development is consistent with this clause.

6.1 Acid sulphate soils

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulfate soil management for the proposed development.

Clause 6.4 Terrestrial biodiversity

The development is located on land that is identified as 'Significant vegetation' and 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map, and therefore this Clause applies to the proposed development.

The proposed development is inconsistent with the requirements of this Clause in that the likely impacts of the development on the condition, ecological value and significance of flora and fauna on the property or adjoining land has not been satisfactorily demonstrated. This matter is discussed later in this report (See Flora and Fauna Section).

Clause 6.7 Essential services

The Statement of Environmental Effects accompanying the application advises that:

"existing electricity and phone utilities also service the site and are sufficient to service the proposed development – as does the town water service. Sydney Water has confirmed availability of extended sewer infrastructure to service the proposed development."

Sydney Water in a letter dated 2 January 2015 stated:

"I refer to the proposed development at 66 Wattle Crescent, Glossodia for 150 dwellings. As you are aware we have been working with MMLM Trust to determine the wastewater servicing strategy for the development at 66 Wattle Crescent, Glossodia. Sydney Water has reviewed the wastewater system modelling report prepared by MMLM Trust's consultants.

The modelling work has determined that the existing Richmond Wastewater System has capacity for the development under the following conditions:

ORDINARY MEETING

Meeting Date: 10 March 2015

- *The developer is to provide 1,000 L EOne pots for each lot within the proposed subdivision.*
 - *Due to capacity issues at Richmond Wastewater Treatment Plant the pumps are to operate in daily windows from 2pm to 4pm and 10pm to 4am.*
 - *The 150 lots will be operated as a separate pressure zone connected by a new rising main near the junction of Spinks Road and James Street.*
 - *The developer will need to fund the work and meet Sydney Water's requirements for ownership of pressure sewer assets as outlined in our 'Getting Connected' guidelines available on our website at sydneywater.com.au (in the Plumbing, Building & Developing> Plumbing> Connections & Disconnections section)."*
- ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council**

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (DCP) 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 - Notification

The application was notified in accordance with DCP 2002. As a result 383 submissions raising objection to the proposal have been received in response to the application. The matters raised in these submissions are discussed later in this Report.

Part C Chapter 1 - Landscaping

A Landscape Concept Plan has been submitted with the application. Whilst a formal landscape plan has not been submitted in this regard, this can be ensured through conditions of consent by requiring a landscape plan to be submitted for approval prior to the issue of any construction certificate.

Whilst the Applicant proposes revegetation of the land, a Vegetation Management Plan has not been provided at this time.

Part C Chapter 2 - Car Parking and Access

The DCP requirement for caravan parks is one space per site plus 1 space per ten 10 sites for visitors.

The requirements of the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 would take precedence over Council's DCP standards. In this instance the standards are the same. The requirements under the Regulation are a minimum of one space for each dwelling site or camp site and one space per 10 long-term sites for visitors. This means a minimum of 15 visitor sites. Each visitor parking space is to have minimum dimensions of:

- 5.4 metres by 2.5 metres, in the case of angle parking, and
- 6.1 metres by 2.5 metres, in any other case.

ORDINARY MEETING

Meeting Date: 10 March 2015

The Regulation also requires that for this proposal two of the visitor spaces are to be provided in accordance with "AS/NZ S 2890.1:2004 *Parking facilities-Off street parking*" in respect to disabled parking spaces.

In terms of entrance and exit roads the Regulation has the following requirements:

- *A road that forms an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.*
- *The width of an access road must be:*
 - (a) *at least 6 metres for a two-way access road, and*
 - (b) *at least 4 metres for a one-way access road*

The proposal can comply with parking and access requirements.

Part C Chapter 4 - Soil Erosion and Sediment Control

The applicant has provided a soil erosion and sediment control plan.

Part C Chapter 5 - Bushfire Prone Land

The land is bushfire prone and a Bushfire Risk Assessment report has been submitted with the DA. The matter was referred to the Rural Fire Service as the application constitutes 'integrated development'. The provisions of this section of the DCP are satisfied by virtue of the issue of a Bushfire Safety Authority by the NSW Rural Fire Service.

Part C Chapter 8 - Management of Construction and Demolition Waste

A Waste Management Plan has been submitted with the DA.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

v. Matters prescribed by the Regulations

The Environmental Planning and Assessment Regulation 2000

The Regulations require that the proposal be levied against Council's Section 94A Development Contributions Plan.

Conditions can be imposed relating to compliance with the Building Code of Australia, where relevant.

Conditions can also be applied to ensure that demolition of existing buildings is carried out in accordance with the relevant Australian Standards.

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

Context and Setting

The subject land is surrounded by properties predominantly used for rural residential purposes. As previously discussed the proposed development is considered to be inconsistent with the open low density character of the immediate locality.

It is considered that the proposed development will have no unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy or overshadowing.

Access, Transport & Traffic

A Traffic Report prepared by Positive Traffic P/L, reference No. PT14002 and dated 5 May 2014 was submitted in support of the application. This Report concluded:

"This report has assessed the potential traffic impacts of the proposed relocatable home estate at the site known as 66 Wattle Crescent, Glossodia. The findings of this assessment are presented below:

- 1. The residential estate would not result in traffic flows on adjacent streets to the point of detriment.*
- 2. Traffic flows within the development are considered acceptable having regard to the proposed road carriageway widths.*
- 3. The residential estate is located within 800m of an existing bus route and bus stops servicing Glossodia.*
- 4. The proposed road carriageways comply with AMCORD and are considered satisfactory having regard to the potential peak hourly flow generated by the estate.*

Overall the potential traffic impacts of the proposed residential estate are considered acceptable."

Council's Development Engineer reviewed the proposal and advised that insufficient information has been provided to adequately assess the traffic impacts of the proposal on the broader locality, including intersection operation. The traffic report submitted estimates traffic flows on Wattle Crescent only and those generated by the development, with no traffic counts being undertaken. The cumulative impacts of an increase in traffic as a consequence of the rezoning of the 'Jacaranda Ponds' precinct has not been considered.

In addition, one of the objectors employed a traffic expert to review the traffic report submitted with the application. That review makes the following points:

- Proposed car parking is inadequate and would result in significant on-street parking. (Note: the number of car parking spaces proposed satisfies the requirements of the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 – Part 3.*
- Design details of the proposed car parks are not provided. (Note: Indicative designs for dwelling types submitted with the additional information give details of car parking design for the dwellings).*
- Traffic counts should be undertaken at key intersections and surveys of comparable developments should have been undertaken.*
- Swept paths for garbage collection vehicles and fire trucks should be provided for the internal road network.*
- Details of future road gradients should be provided.*

Given the above, it is concluded that the information provided is insufficient to enable an assessment of the likely impacts of the proposed development as a result of traffic generation.

Flora and Fauna

A Report titled 'Flora and Fauna Survey and Assessment of Lot 156 DP 214751, 66 Wattle Crescent, Glossodia, New South Wales', dated 12 August 2014 and prepared by Dr Trevor J. Hawkeswood was submitted in support of the application. This Report concludes:

"From my observations on the site and the result of the 7-part Test of Significance and the faunal and flora surveys, no Species Impact Statement is required for the proposal or site. It is recommended that the proposal be approved based on flora and fauna considerations. The proposal will have little or no effects on flora and fauna of the site or in the nearby areas."

The assessment identified that remnant Shale Sandstone Transition Forest was present within the development site. Shale Sandstone Transition Forest is identified as a critically endangered ecological community under the Threatened Species Conservation Act, 1995.

Following Council's request for additional information in respect to flora and fauna matters, the Applicant responded by lodging an "Additional Flora and Fauna Report" prepared by Trevor Hawkeswood. This report suggested an improved approach to the management of flora and fauna by suggesting the following:

- Allow for retention of more trees in the proposal, and take a longer view to vegetation renewal over the medium term in conjunction with on-going management of trees on the site. The majority of trees (around 60% or 387 native trees) are now to be retained and not 24% as originally proposed.
- All habitat trees (two or three) will be retained and nesting boxes would be introduced on the site.
- Many trees to be removed are either in poor health or dead and therefore dangerous.
- Over 300 new trees will be planted on the site.
- It is proposed to add to the riparian zone revegetation and new planting. Weed infestations will also be cleared.

An objector commissioned a peer review of the original "Flora and Fauna Survey and Assessment" prepared by Trevor Hawkeswood. The review was prepared by a senior ecologist and concluded as follows:

"Flora Conclusions

- *Flora methodology lacks quadrat survey, therefore providing an inadequate comparison against published data, mapping and benchmark criteria.*
- *There is no consideration for a large number of threatened flora species which have been recorded within a 10km radius of the site or are considered to have potential habitat within a 10km radius utilising the available data in Bionet and EPBC Coordinate databases.*
- *No consideration has been given for the potential habitat of Pimelea spicata recorded only 1km away to the south, and Acacia bynoeana which is difficult to detect because of its size, but is known from Shale-Sandstone Transition Forest and disturbed sites.*
- *No assessment of endangered flora populations has been considered.*
- *The extent of the Shale-Sandstone Transition Forest is likely to be larger than shown in the Hawkeswood report.*

ORDINARY MEETING

Meeting Date: 10 March 2015

- *The condition of most of the vegetation on site would be classed as moderate-good condition under a Biobanking or Biometric assessment and hence may require to be offset.*
- *Removal of most of the vegetation (trees) in accordance with the Arborist Report is inconsistent with the objectives of the Cumberland Plain Recovery Plan (2010).*
- *There is no mention within the report of the requirements for asset protection zone management and its implications upon remnant vegetation.*
- *There is no EPBC assessment upon Shale-Sandstone Transition Forest.*
- *There is no consideration within the report to the incremental or compounding impacts that the proposal will or may have upon a number of key threatening processes.*

Fauna Conclusions

- *Inadequate consideration on threatened fauna species. Eleven threatened fauna species recorded within 5km have not been mentioned within the report. Some of these have suitable habitat present within the study area but are not assessed within the 7 part test.*
- *The 7 part test does not consider direct or indirect impacts from the proposal on species considered.*
- *All species identified from searches were incorporated into the 7 part test with no consideration to the absence of suitable habitat. There is no discussion on consideration to suitability of habitat for any of the threatened fauna species considered in the 7 part test or throughout the report.*
- *Some threatened fauna species have been grouped and considered together in the 7 part test but there is no discussion as to why. The groupings do not appear to be based on similar habitat requirements as the groupings include species that are vastly different and require separate biological considerations. For example the parrots and cockatoos have been grouped together however this includes the Swift Parrot, Turquoise Parrot, Glossy Black-Cockatoo and Gang-gang Cockatoo. Each of these species has completely different breeding biology and foraging requirements which were not discussed in relation to the site.*
- *The 7 part tests are all generally repeated statements regardless of the species assessed. For many of the considered species the generic statements are incorrect. For example Part d) iii) identifies the importance of habitat and the response always relates to the extent of SSTF and that the removed areas are in poor health due to termites, beetle borers etc. When applied to the Cumberland Plain Land Snail, SSTF is not considered as the suitable habitat for the species and any decomposition of timber from termites and beetles is actually a benefit to this species. All species have been described as having Recovery Plans prepared however no recovery plans have prepared for five of the 34 species considered.*
- *It is very unusual to list all items examined for the presence of Cumberland Plain Land Snail. Despite numerous objects and numbers of each listed, there is no mention of searches within leaf litter or below logs where the species most naturally occurs. The items listed are actually more suitable habitat for the exotic garden snail. There is also no discussion on habitat suitability for this species.*

ORDINARY MEETING

Meeting Date: 10 March 2015

- *The assessment for all species indicates that there will be no adverse effect on each of the considered species based on their absence during survey. Having said this threatened microbats have the highest potential of all threatened fauna to occur and survey was undertaken outside of the appropriate survey period.*
- *The report does not discuss survey limitations and does not make any recommendations or provide discussion on how the survey limitations have or can be overcome in the assessment.”*

The peer review goes on to conclude:

“Travers bushfire & ecology concludes that the flora and fauna assessment report is inadequate and does not constitute a report that will allow a proper 7 part test of significance to be determined to satisfy the requirements of Section 5A of the Environmental Planning and Assessment Act.

The report needs to be significantly improved, survey effort improved and the 7 part test of significance to fully consider all matters as raised above.”

The “*Additional Flora and Fauna Report*” does not address the shortcomings of the original report. Council’s Parks Officer has reviewed both reports and has concluded that the “*Flora and Fauna Survey and Assessment*” and “*Additional Flora and Fauna Report*” submitted are inadequate, essentially for the same reasons as set out in the peer review carried out by ‘Travers bushfire and ecology’.

The proposed development will result in the partial clearing of Shale Sandstone Transitional Forest that is an Endangered Ecological Community. It is claimed that 60% of the trees on site would be retained and over 300 additional trees would be planted. The impacts of the clearing of Shale Sandstone Transition Forest for the creation of Asset Protection Zones for bushfire protection has not been properly assessed in the Flora and Fauna reports submitted with the application. In addition, the feasibility of revegetating the site with 300 additional trees has not been considered within the application having regard to their effect on bushfire requirements. There are also more complex interrelationships required to compensate Shale Sandstone Transitional Forest removal than simply planting 300 additional trees.

Given the above, Part 5A of the Environmental Planning and Assessment Act, 1979 has not been satisfied in that it is unknown as to whether or not the proposed development will have a significant impact on threatened species and populations, endangered communities, or their habitats.

Stormwater

A concept drainage plan was submitted and reviewed by Council’s Development Engineer. Whilst the Plan does not address the attenuation of stormwater flows or water quality, these matters can normally be resolved through conditions of consent for supported proposals and in itself is not prohibitive to the subject development.

Natural Hazards

The subject land is identified as 'bushfire prone land'. A report titled "Bushfire Risk Assessment report, dated 15th July 2014, prepared by Bushfire Planning Services was submitted in support of the application. The application was referred to NSW Rural Fire Service for approval. In their letter of 17 December 2014, the NSW Rural Fire Service granted a bush fire safety authority subject to conditions.

The subject land is not affected by Riverine flooding from the Hawkesbury Nepean River system. However the land adjoins Howes Creek and sufficient information to assess the potential impacts of localised flooding from the Creek has not been provided.

Social Impact on the Locality

Whilst the proposed development would provide a form of low cost housing it is considered that providing housing by way of long-term sites within a caravan park on the subject site would result in negative social impacts as there is inadequate access to major commercial centres, areas of employment, public transport, as well as emergency and medical services.

c. Suitability of the site for the development

Having regard to Council's adopted Residential Land Strategy the proposal is not considered to be consistent with the attributes and future planning of Glossodia as previously discussed. In particular, the location of the development within the Glossodia area is unsuitable as:

- Glossodia is not a recognised employment area.
- Glossodia is not located on key major public roads or a rail corridor, and
- Increased intensity of development in the Glossodia future growth area would be subject to resolution of transport, access and traffic issues particularly road infrastructure crossing the river.

d. Any submissions made in accordance with the Act or the Regulations

Rural Fire Services

The application was forwarded to the NSW Rural Fire Service being integrated development under Section 91 of the Environmental Planning and Assessment Act 1979. In their response of 17 December 2014 the NSW Rural Fire Services granted a Bush Fire Safety Authority subject to the conditions.

NSW Office of Water

The application was forwarded to the NSW Office of Water being integrated development under Section 91 of the Environmental Planning and Assessment Act 1979. In their response dated 13 January 2015 the NSW Office of Water provided their General Terms of Approval.

It is noted that the NSW Office of Water requested additional information including amendments to the layout of the development so that it is clear of the 30m riparian zone adjacent to Howes Creek. The Applicant provided an amended site plan (Drawing No. 2904.DA.14 Rev A dated November 2014). However this plan (unlike the original site plan) does not show the location of dwelling sites or internal roads.

Public Submissions

The application was publicly notified from 23 September 2014 to 23 October 2014. As a result 383 submissions were received objecting to the development. The matters raised in the submissions are discussed below:

Suitability (89% of submissions raised issues relating to suitability)

- Inconsistent with LEP 2012 provisions zoning and objectives.
- Approved density would set precedent for further development of this scale
- Need and suitability for proposal given Jacaranda Ponds will be coming on line soon
- Significant population increase
- Inconsistent with Metro Strategy and Hawkesbury Residential Land Strategy
- Lack of services in area such as shops, medical services and childcare
- Impact to existing school
- Lack of emergency services nearby

ORDINARY MEETING

Meeting Date: 10 March 2015

Comment: As previously discussed, whilst the proposed development is permitted in the R2 Low Density Residential zone, it is considered that the proposal would contradict the objectives of the zone.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (Clause 121) permits a maximum of 12 persons to stay overnight at a dwelling at any one time. In this regard an increase in population could be as high as 1,800, albeit this is not likely to occur. The applicant in submitting additional information proposed to restrict the maximum number of permanent occupants to four persons per dwelling through community by-laws. This would result in a maximum population increase of 600.

It is agreed that the proposed development is not in accordance with the directions of the Hawkesbury Residential Land Strategy as outlined earlier in the report under the heading 'State Environmental Planning Policy No. 21 – Caravan Parks (SEPP No. 21)'.

It is considered that Glossodia is a relatively isolated location for the type of development proposed and therefore services would be inadequate as discussed earlier in the report under the heading 'State Environmental Planning Policy No. 21 – Caravan Parks (SEPP No. 21)'.

A proper analysis of the impact upon student numbers at the public school or secondary schools in the broader region has not been undertaken by the proponents of the development although it would be anticipated that the numbers of school aged children generated by the development would not cause major problems.

Infrastructure (86% of submissions raised issues relating to infrastructure)

- Does not meet SEPP 21 in terms of providing infrastructure
- Applicability of SEPP (Affordable Rental Housing) 2009 given lack of infrastructure
- Increased pressure on existing water supply system
- Proposed sewer system inadequate in terms of capacity, potential for overflow, need for pump out, reliance on power and noise generation
- Increased demand for power
- Inadequate details for waste removal
- Others being told they couldn't subdivide due to infrastructure
- No funds proposed for upgrades and Section 94s not applicable

Comment: As stated previously it is considered that Glossodia is a relatively isolated location for the type of development proposed and therefore social infrastructure and services would be inadequate as discussed earlier in the report under the heading 'State Environmental Planning Policy No. 21 – Caravan Parks (SEPP 21)'.

SEPP (Affordable Rental Housing) 2009 is not relevant to the proposed development. However, it is noted that affordable housing in the form of secondary dwellings (granny flats 60m² or less) are permissible under this Policy within the R2 Low Density Residential zone.

The submitted Waste Management Plan (WMP) only deals with demolition and the design of facilities. However, the construction phase is not addressed as the WMP states "construction not proposed". In addition, the Statement of Environmental Effects submitted with the application states:

"Site management will arrange for servicing and disposal of waste from site through authorised contractors. Bin storage areas have been provided (refer figure 6: Site plan) for provision of recycling and general waste skip bins for disposal of waste from the site. Internal roads are suitably sized (roadway widths and turning radii) to allow for waste collection vehicles to enter and service the site."

ORDINARY MEETING

Meeting Date: 10 March 2015

Waste collection contractors will service the site at regular intervals as arranged by the management, with collection drivers having key access through the security entry/exit gates.

Demolition waste from the proposed demolition of existing house and sheds, and construction waste will be handled as detailed in the waste management plan which accompanies this application."

Waste management can be resolved by conditions of consent if the application were to be approved.

In terms of upgrading of infrastructure the proponents would be required to comply with the requirements of infrastructure providers. Sydney Water makes it clear in its correspondence that the developer would have to contribute towards the cost of extending the sewer. If the application were to be approved Council would require contributions in accordance with Section 94A.

Traffic (95% of submissions raised issues relating to traffic)

- Increase in traffic movements
- Traffic report surveys based on medium density housing, not suitable
- Existing road conditions poor, no road upgrades proposed
- Safety of pedestrians given no footpaths and minimal street lighting
- Increase in heavy vehicles required for waste removal and pump out trucks
- Lack of public transport, number of services available and proximity of sites to bus stops greater than 800m
- Capacity of Windsor and North Richmond bridges and increase to road congestion
- Noise generated from additional vehicles and trucks
- Number of car parking spaces per dwelling not addressed, inadequate car parking provided on site
- No accessible solutions for access

Comment: These matters have been previously discussed within this Report.

Bushfire (66% of submissions raised issues relating to bushfire)

- Access to site during emergency, internal roads not suitable for emergency vehicles
- Impact of APZ on vegetation removal
- Lack of consultation with the RFS
- Adequacy of dam on site for fire fighting purposes

Comment: NSW Rural Fire Services granted a Bush Fire Safety Authority subject to the conditions.

Environment (88% of submissions raised issues relating to environment)

- Report is inconsistent with DCP, has not been prepared in accordance with guidelines
- Removal of up to 600 trees, impact to EEC
- Flora and fauna sightings not reflective of site
- Impact to Howes Creek has not been addressed
- Impact of APZ and required vegetation removal not addressed
- Development will result in greater introduced species e.g. cats and dogs
- Clearing already undertaken
- Sewage over flow into Howes Creek

Comment: Environmental issues have been addressed previously throughout this report.

ORDINARY MEETING

Meeting Date: 10 March 2015

Social (30% of submissions raised issues relating to social matters)

- No social impact study done
- Safety and security of adjoining properties
- Adequacy of having one manager for the whole site
- Development will reduce land prices
- Perceived clientele of low socioeconomic status
- Lack of employment opportunities for residents
- Undesirable behaviour
- Contracted for social housing
- Wilberforce Caravan Park closing down
- Relocating persons from John Moroney Correctional Centre

Comment: It is agreed that a formal social impact study has not been undertaken and it would have been useful if the proponents had submitted one. Social impacts have nevertheless been assessed as discussed throughout this Report.

The safety and security of adjoining properties should benefit from actions specified in the Management Plan included in the Statement of Environmental Effects, particularly those specified as follows:

“Staff/Management

The proposed 150 site estate will have a live-in on-site manager occupying the main residence and servicing clients staying on site and managing facilities, site maintenance, garbage, mail, fire safety, security and noise, and liaising with external service providers and the community.

Security

Construction and operation of the development will include security gate access to the site for vehicles, good internal driveway and entry gate lighting to the front of the site and to the car parking area - with suitable caution to ensure minimal light overspill. Security arrangements will also include CCTV surveillance of the entry/exit gates, car parking, common areas, sheds, office and reception. An electronic security key system will be used to provide residents access as required.

Complaints Register

A complaints register will be maintained by the management staff to record any external complaints received and ensure suitable response to any issues raised is documented and recorded. This Complaints register is to be available for scrutiny if required or requested.”

A number of the issues raised are not relevant planning considerations when assessing applications under planning legislation and policies. The issues raised regarding land values, the perceived clientele of the development and the relocation of people from Wilberforce Caravan Park and the John Moroney Correctional Centre are unfounded and not relevant considerations in this case.

Amenity (30% of submissions raised issues relating to amenity)

- Impact to existing bush setting
- Impact to privacy
- Noise from sewer system
- Noise from patrons
- No acoustic report provided
- Impact to streetscape character

ORDINARY MEETING

Meeting Date: 10 March 2015

Comment: Development of the density proposed will have an impact on the existing bushland setting. Particularly as adjoining land parcels are relatively large with significant remanent bushland. The revised proposal to retain approximately 60% of existing trees and to plant an additional 300 or more trees would help to retain bushland (provided it could be practically done taking into account clearing for APZs). However, as stated previously, this may not adequately compensate loss of native vegetation.

Impacts on privacy would be reduced due to the extent of setbacks from boundaries, topography of the land and retention and planting of trees.

Potential noise impacts are not anticipated to be such that an acoustic report is required to be submitted with the application. The DA is for a residential development. The proposed sewer system has been used in other residential areas and would comply with accepted noise standards. The proposed "Management Plan" for the development also addresses noise issues as follows:

"Amenity / Noise

The on-site manager will also have responsibility for ensuring reasonable behaviour and noise control, and for general security on the site. Use of common recreation spaces is to be limited to 10pm Sunday to Thursday and 11pm Friday and Saturday in accordance with community expectations. Alcohol consumption is to be limited to inside private area rooms and common recreation spaces.

It is to be the resident's responsibility and a condition of residence that they abide by the site rules provided as part of the conditions of occupancy."

Impacts upon the streetscape character would be partly mitigated by setbacks, retention of trees, additional landscaping, topography and the fact that the proposed buildings would be single storey. Potentially car parking on the street could impact the character.

Other (8% of submissions raised other issues)

- Concerns regarding council process and notification area
- Council stands to financially gain from development
- Concerns regarding truth/reason for proposal, appears to be a 'back door' for subdivision
- Proposal has not addressed flooding from Howes Creek
- Proposed stormwater drainage inadequate
- No details of development staging have been provided
- Lack of information on potential aboriginal heritage
- Cost of works appears inadequate
- Facilities (laundry, landscaping and common areas) appear inadequate to cater for numbers
- Significant impact to sustainability

Comment: Upon receipt of the DA, notification of the proposal was carried out in accordance with DCP 2002.

Given the early public interest in the proposal as a result of the initial notification and given the scale and nature of the development, it was considered that a second notification be undertaken to include properties along Wattle Crescent, Golden Valley Drive and Chestnut Drive. Properties within these streets were chosen on the basis of potential traffic generation resulting from the proposal and the likely route vehicles would travel to the site.

Council is not the landowner or developer. Council does receive rates from the land and if the development were to be approved Section 94A contributions would apply to address the need for additional infrastructure required by the development. However, these changes do not result in Council financially benefiting from development as those funds are only required due to the increased demand for infrastructure from that development.

ORDINARY MEETING

Meeting Date: 10 March 2015

Strategies and motivations of the developer are not a planning consideration. The DA lodged with Council must be assessed on its merits. The development is not classified as a subdivision.

The land is not mapped as being subject to the 1:100 floods event. However as previously discussed the application does not provide sufficient information in relation to localised flooding from Howes Creek.

Stormwater details were not submitted with the original application. The applicant has since prepared a "Stormwater Concept Plan" and lodged it with the NSW Office of Water. Stormwater matters could be conditioned if the development were to be approved.

Staging has not been addressed in the development application. The application seeks approval of the proposed use, the site layout and configuration. Staging would most likely be shown in future applications for buildings including house/office, sheds, and common rooms, manufactured homes, and an engineering construction certificate application made to cover roadways and site waste-water servicing.

The Deerubbin Local Aboriginal Land Council was notified of the application and did not make any submissions.

The cost of works relates to this particular application that seeks approval of the proposed use, the site layout and configuration. The applicant has stated that:

"Future buildings including house/office, sheds, and common rooms will be subject to separate development application/s, while Council approvals will be sought for location for Manufactured Homes, and an engineering construction certificate application made to cover roadways and site waste-water servicing."

If this application were to be approved then future applications would need to be submitted designating costs of works.

Standards of provision of facilities are specified in the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation. The proposal has been assessed as complying with the required standards.

Sustainability is an encompassing term and therefore difficult to comment upon. It is considered that the proposed development would have environmental and social impacts that cannot be satisfactorily mitigated.

e. The Public Interest

It would not be in the public interest to approve the proposed development due to the following:

- Insufficient information has been provided to properly assess the proposed development in accordance with Clause 5A of the Environmental Planning and Assessment Act 1979 in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.
- Insufficient information has been provided to properly assess the traffic impacts on the local road and pedestrian networks.
- Insufficient information has been provided to properly assess the likely impacts of earthworks associated with the construction of roads and the creation of building platforms and dwelling sites.
- The proposed development is not considered to be consistent with the attributes and future planning of Glossodia as expressed in Council's adopted Residential Land Strategy.

ORDINARY MEETING

Meeting Date: 10 March 2015

- Whilst the proposed development would provide a form of low cost housing it is considered that providing this form of housing on the subject site would result in negative social impacts as there is inadequate access to major centres, areas of employment, public transport, emergency and medical services.

Developer Contributions

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% be imposed on this development. In accordance with the above, a \$7,232.50 development contribution applies if approved. An appropriate condition of consent can be included in any consent.

Conclusion:

As demonstrated within this Report, it is considered that the application does not provide adequate information to assess the likely impacts of the development with respect to traffic and earthworks. In addition, the flora and fauna assessment does not provide adequate details to demonstrate that the proposal will have no significant adverse impacts on threatened species and populations, endangered communities, or their habitats in accordance with the Environmental Planning and Assessment Act, 1979.

The proposed development is not suitable for the locality given that there is inadequate access to major commercial centres, areas of employment, public transport, as well as emergency and medical services, and therefore would result in negative social impacts.

The density and scale of the proposal is incompatible with the immediate locality.

In regard to the above the proposed development is inconsistent with:

- Part 5A - Significant effect on threatened species, populations or ecological communities, or their habitats of the Environmental Planning and Assessment Act, 1979.
- The planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River;
- The proposal is inconsistent with State Environmental Planning Policy No.44 – Koala Habitat;
- The proposed development is inconsistent with State Environmental Planning Policy No. 21 – Caravan Parks
- The proposed development is inconsistent with the objectives of the R2 Low Density Residential zone.
- The proposed development is inconsistent with Clause 6.4 of Hawkesbury Local Environmental Plan 2012 having regard to terrestrial biodiversity.

It is therefore recommended that the application not be supported.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

ORDINARY MEETING

Meeting Date: 10 March 2015

RECOMMENDATION:

That development application DA0591/14 at Lot 156 DP 214751, 66 Wattle Crescent, Glossodia for the demolition of existing dwelling house and sheds, establishment and operation of caravan park be refused for the following reasons:

1. The proposed development is inconsistent with Part 5A of the Environmental Planning and Assessment Act, 1979 in that inadequate information has been provided to demonstrate that the proposed development will not have a significant impact on threatened species, populations or ecological communities, or their habitats.
2. The proposed development fails to satisfy the requirements of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River in that adequate information has not been provided to demonstrate that the proposed development will not have a significant impact having regard to flora and fauna.
3. The proposal fails to satisfy the requirements of State Environmental Planning Policy No.44 – Koala Habitat in that insufficient information has been provided to demonstrate that the proposed development will have no adverse impact on koala habitat.
4. The proposed development is inconsistent with the objectives of the R2 Low Density Residential zone contained within Hawkesbury Local Environmental Plan 2012 with respect to the protection, maintenance and enhancement of the existing character of the locality.
5. The proposed development is inconsistent with Clause 6.4 of Hawkesbury Local Environmental Plan 2012 having regard to terrestrial biodiversity.
6. The proposed development is inconsistent with the development directions for the locality as expressed in the Hawkesbury Residential Land Strategy.
7. The proposed development is likely to result in adverse social impacts.
8. The proposed development does not satisfactorily demonstrate that the development will have no adverse impact having regard to traffic generation and the natural environment.
9. In the circumstances, approval of the development would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan

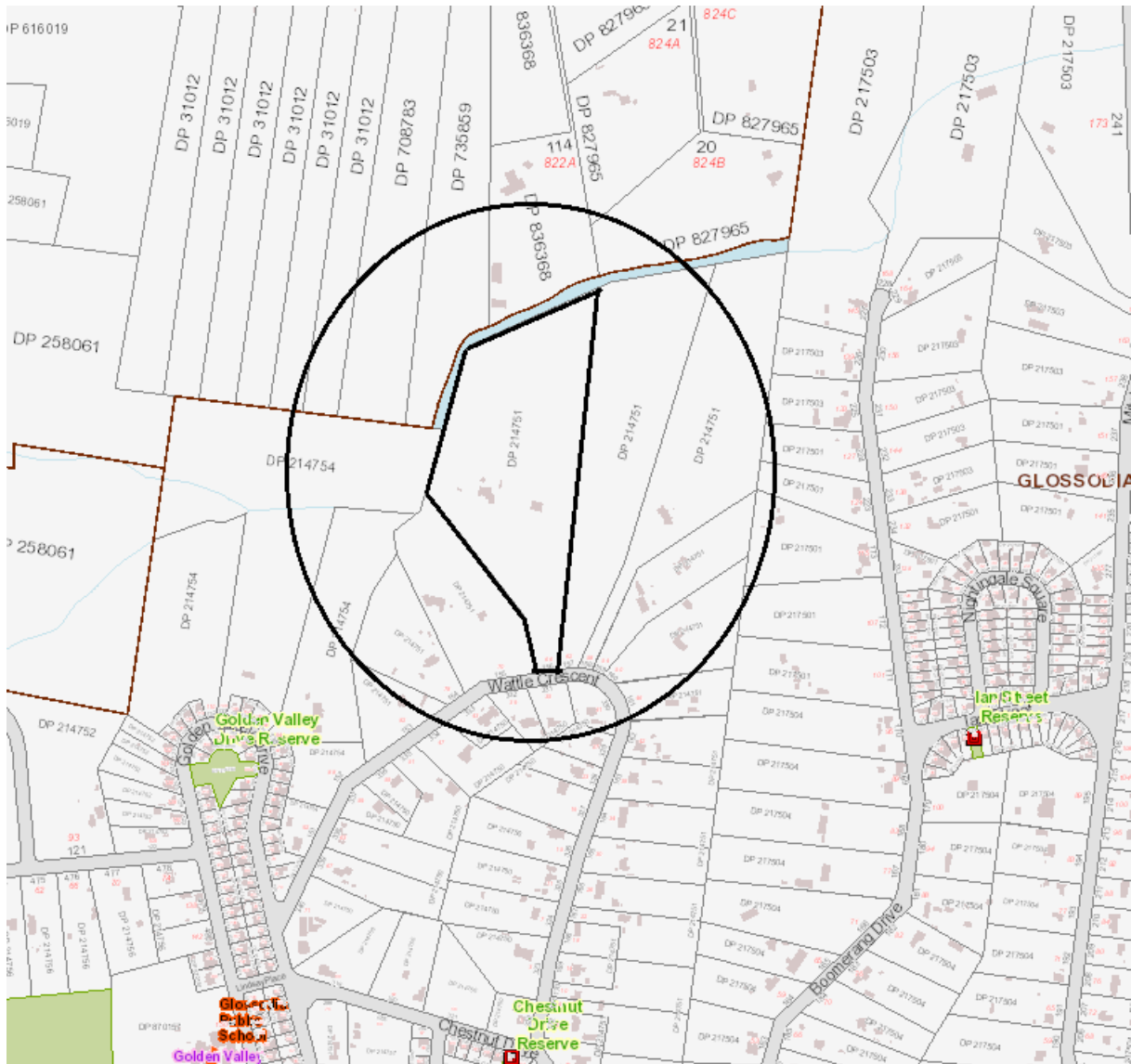
AT - 2 Aerial Photo

AT - 3 Site Plan

ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 2 Aerial Photo



AT - 3 Site Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

Item: 33 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, Part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498, 124414)**

Previous Item: 233, Ordinary (26 November 2013)
 223, Ordinary (25 November 2014)

REPORT:

Executive Summary

On 26 November 2013, Council considered a planning proposal seeking to amend Hawkesbury Local Environmental Plan 2012 (the LEP) to enable subdivision of the subject site into 116 residential lots with a minimum lot size of 1,000m² and resolved not to support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield. It also resolved to request the applicant to provide additional strategic and economic justification for further consideration by Council if the applicant wishes to pursue the proposal.

In November 2014, Council considered a further report with a recommendation to support the preparation of a revised planning proposal to enable subdivision of the land into minimum 1,500m² lots and resolved to defer the matter to allow a further meeting between the applicant and Council staff.

On 4 December 2014, a meeting was held between the applicant and Council staff to discuss the strategic merit of the proposal and flood evacuation capacity within Pitt Town. These two items were the key reasons for Council officers not recommending support for the planning proposal in its current form. Subsequently, the applicant forwarded further information to Council officers for consideration on these key issues to support their planning proposal. That further information was then assessed.

This report outlines the key issues discussed in the meeting with the applicant and responds to the applicant's subsequent written comments and additional information.

This report recommends that Council support a revised planning proposal seeking an amendment to Hawkesbury Local Environmental Plan 2012 (the LEP) to enable subdivision of the subject land into residential lots with a minimum lot size of 1,500m².

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and as specified in the Gateway determination administered by the Department of Planning and Environment (DP&E).

Background

In July 2013, Council received a planning proposal from the applicant seeking to amend the LEP to enable subdivision of the subject land into 116 residential lots with a minimum lot size of 1,000m².

On 26 November 2013, Council considered a report on the planning proposal and resolved as follows:

"That:

- 1 *Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.*
- 2 *Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council."*

ORDINARY MEETING

Meeting Date: 10 March 2015

In accordance with the Council resolution of 26 November 2013, the applicant provided a strategic and economic justification in support of the proposed subdivision of the site into 116 lots to Council. On 25 November 2014, Council considered a further report on the additional strategic and economic justification received from the applicant and resolved to defer the matter to allow a further meeting between the applicant and Council staff.

On 4 December 2014, a meeting was held between the applicant and Council staff to discuss the key concerns raised by Council officers in not supporting the planning proposal in its current form. A follow-up letter seeking the applicant's strategic intention for this planning proposal was sent to the applicant on 8 December 2014. In response, on 9 January 2014, a letter commenting on the strategic merit of the proposal and flood evacuation capacity within the Pitt Town residential precinct was received from the applicant. The rest of the report below discusses these issues, the applicant's comments and Council staff responses.

Potential Lot Yield vs Flood Evacuation

The State Emergency Service (SES) has prepared and adopted a Flood Emergency State Plan for the Hawkesbury Nepean River which identifies the Pitt Town area as requiring evacuation in times of flood. The SES therefore has a plan for the timely evacuation of Pitt Town ahead of an extreme flood.

In April 2003, the SES advised that up to 1000 additional dwellings could be evacuated from the Pitt Town study area with no change to the current levels along the evacuation route. More detailed work has been undertaken with regard to flood evacuation of Pitt Town residents, however, it does not suggest that a significantly increased lot yield can be supported. In November 2006 the SES advised that there had been no change in position with regard to emergency flood evacuation of Pitt Town residents and that the findings of the April 2003 SES report still held.

The SES maintains a fundamental position regarding new development in the floodplain that has the potential to require evacuation of residents in times of flood. The SES position is that it does not support new development that will:

1. place additional population at risk when emergency evacuation is required; and
2. reduce safety margins for those existing residents that may require evacuation during time of flood.

The SES position is that, unless absolutely necessary, there should be no additional dwellings that will place more people at risk and reduce existing safety margins.

In January 2008, the SES predicted that a maximum of 1,100 additional lots (up from 1,000 predicted in 2003) could be added to the existing residential capacity in Pitt Town, noting however that this would reduce the existing Evacuation Factor of Safety (EFOS) to zero. It further advised that any reduction in EFOS is a decision for Council and the community to make, not the SES.

The SES stand in relation to the maximum flood evacuation capacity in Pitt Town remains unchanged.

1,000m² and 1,500m² Lot Forecast

Under the current LEP and DCP provisions the site can be subdivided into 2,500m² minimum area lots but the planning proposal seeks to increase the lot yield by approximately 150% with the proposed 1,000m² minimum lot size for the site.

ORDINARY MEETING

Meeting Date: 10 March 2015

If minimum 1,000m² lots were permitted on the subject site as sought, it is considered very likely that the surrounding land owners who own large blocks of undeveloped land, varying in sizes from approximately from 9ha - 39ha, within the Pitt Town residential precinct would also seek subdivision of their land into 1,000m² lots. However, the applicant's planning proposal fails to take this potential cumulative impact of development of land in the locality into account in relation to flood evacuation and strategic context. It is obvious that the potential increase in the number of residents within a single property in the Pitt Town residential precinct in isolation is neither a strategic approach nor best planning practice. Given the applicant's response, Council staff then forecasted a likely yield of 1,000m² lots within the Pitt Town residential precinct to assess the likely cumulative impact of this scenario on the SES safe flood evacuation plan for Pitt Town. The forecast was based on the following assumptions:

- The current lot numbers within Bona Vista, Fernadell, Blighton and Cleary precincts will remain unchanged (as they are essentially already developed).
- 80% of the land owners within the remaining precincts (Thornton, Central, Cattai and Thornton East) would be likely to also seek to subdivide their land into 1,000m² lots.
- Roads are assumed to occupy 20% of the development land area.

An economic analysis contained in the last Council report dated 25 November 2014 revealed that subdivision of the site into 1,500m² lots is economically feasible, and therefore it is reasonable to consider the suitability of this lot size for the site as an alternative to 1,000m² lots. Therefore, the forecast was extended to cover the likely 1,500m² lot yield within the Pitt Town residential precinct to determine the likely cumulative impact that this increase would have upon the Pitt Town flood evacuation capacity. According to the forecast the likely 1,000m² lot yield would be 617 additional lots and the likely 1,500m² yield would be 401 additional lots (See Table 1 below).

Table 1: 1,000m² and 1,500m² Lots Forecast

Precinct	Net Land Area Available for Subdivision (ha)	Possible net additional lots (1,000m²)	Possible net additional lots (1,500m²)
Thornton	12.71	127	85
Central	27.65	276	184
Cattai	14.27	192	117
Thornton East	2.24	22	15
Total	56.87	617	401

Additional Lots within Pitt Town

The current net additional lots within the Pitt Town residential precinct are 647 under the existing Part 3A approval. Given the SES maximum flood evacuation capacity of 1,100 additional lots, Pitt Town residential precinct can only accommodate an additional 453 (1,100 - 647) lots within the precinct without compromising the safe flood evacuation plan for Pitt Town.

However the forecasted 617 lots with a minimum lot size of 1,000m² exceeds this capacity by 164 lots. This is considered excessive and therefore the planning proposal seeking subdivision of the site into 1,000m² is neither realistic nor prudent in terms of flood evacuation in Pitt Town. The forecasted 401 lots with a minimum lot size of 1,500m² within the Pitt Town residential precinct as shown in Table 1 above is within the Pitt Town's maximum flood evacuation capacity of 453 lots and therefore a planning proposal seeking subdivision of the site into 1,500m² is considered reasonable and within the margins of safety set by the SES.

Applicant's Forecast on 1,000m² Lots

The applicant has also forecasted scenario potential using 1,000m² lots and 1,500m² lots within the Pitt Town residential precinct. It is noted that the applicant's method in forecasting lot sizes has been very similar to the Council staff's method. It was noted both Council staff and the applicant have assumed that roads providing access to the future lots would occupy 20% of the land area and 80% of the land owners within the Pitt Town residential precinct would seek to amend Lot Size Map of the LEP to allow 1,000m² lots on their land. The applicant's 1,000m² lot forecast is 615 lots and is similar to Council staff's forecast of 618 lots.

In addition, the applicant has provided another 10 different scenarios to forecast lot yields using the following different assumptions (or a combination of these assumptions):

- The current lot numbers within Thornton (part of Precinct E) will remain unchanged.
- The current lot numbers within Cattai Precinct (part of Precinct E) other than properties subject of the planning proposal will remain unchanged.
- The current 2,500m² minimum lot size for Cattai Precinct (part of Precinct E) other than properties subject of the planning proposal would be changed to 2,000m².
- The current 2,500m² minimum lot size for Thornton (part of Precinct E) would be changed to 1,500m².
- The current lot numbers within part of Central Precinct (Precinct C) will remain unchanged.

The applicant has forecasted 377 additional lots within the Pitt Town residential precinct using the combination of the last three assumptions above. The applicant claims this is the most logical additional lot yield for the Pitt Town residential precinct. The applicant states that stage 1 containing 14 lots of the proposed 30 lot Torrens title subdivision (DA 0741/14) within part of Central Precinct (Precinct C) has been sold and stage 2 consisting of 16 lots are in the process of finalisation of the subdivision. Therefore, according to the applicant, it cannot be assumed that this land would be rezoned into 1,000m² lots. Based on this the applicant excludes Precinct C from 1,000m² lot forecast. However, at this time, DA 0741/14 is yet to be determined and, as such, the allotments cannot be sold as there is no title to sell. Council is currently awaiting certification of satisfactory arrangements towards the provision of State infrastructure from the Department of Planning and Environment.

There are no provisions in the *Environmental Planning and Assessment Act, 1979* (the Act) prohibiting a developer/owner submitting a new DA or a planning proposal seeking amendment to the LEP to allow an alternative subdivision on the land with a current development approval. For example; the Johnson Property Group (JPG) lodged an application to amend the (then) *Hawkesbury Local Environmental 1989* (Amendment No 145) under Part 3A of the Act to allow additional lot yield within the Pitt Town residential precinct. This was gazetted in July 2008 resulting in 647 additional lots on the land area owned or controlled by the JPG. Therefore the applicant's assumption on this aspect cannot be supported as there is no certainty.

The applicant maintains that it is not possible to amend the LEP to allow 1,000m² minimum lot size for Thornton Precinct and part of Cattai Precinct east of the subject site as the Pitt Town residential precinct as it does not maintain a sequential lot size (ie lots get larger as they extend away from the centre of the village) as suggested by previous Council officers. The applicant also states that the following statement contained in Council report dated 26 November 2013 supports the need to maintain sequential lot size within the Pitt Town residential precinct.

ORDINARY MEETING

Meeting Date: 10 March 2015

“The area surrounding the site has a mix of lot sizes ranging from small residential lots of 450m² - 1,000m², large residential lots ranging from 2,000m² - 2ha and rural lots of 10ha. Lots immediately to the north are generally 2,000m² - 2,500m², lots immediately east are 2,500m² and the lots immediately south and west are 2ha (see Attachment 9). Given larger 10ha rural lots north-east of the site and smaller lots (ranging from 450m² - 1,000m²) within the Pitt Town small village centre south-west of the site, it is considered that the proposed 1,000m² lots within the site somewhat act as a transition between these two areas with distinct visual characters”.

The above statement is a general descriptive statement of the character of the locality and the consistency of the proposed lot size with lot sizes of the immediate locality and does not suggest a statutory position on lot sizes.

There is no clear and well established sequential lot size pattern currently in place in Pitt Town. Rather, there are smaller residential lots closer to the Pitt Town Small Village Centre and large lot residential lots away from the Centre that do not exist within the Pitt Town residential precinct. Figure 4.3 of the Pitt Town DCP Chapter and the Minimum Lot Size of the LEP shows that certain properties within Cleary Precinct and fronting Hall Street which is located further away from the village centre have 2,000m² minimum lots whereas the existing properties fronting either Punt Road or Amelia Grove that are in proximity to the Centre have a 4,000m² minimum lot size. Therefore, the applicant's assumptions based on sequential lot sizes cannot be supported and the applicant's forecast of 377 lot yield or any other applicant's forecasted yields based on this assumption could not be considered as an appropriate yield for the Pitt Town residential precinct.

Further the Pitt Town Chapter of the DCP or any other Council's plan, policy or strategy does not set-out a statutory development control or Policy requirement to ensure sequential lot size is maintained within the Pitt Town residential precinct. Hence, the suggested planning principle of sequential lot sizes is not a current Council position.

It is noted that the planning proposal seeking subdivision of the site into 116 lots with a minimum lot size of 2,500m² enables an additional 69 lots on the site under the current minimum lot size provisions in the LEP. If an amending LEP was made with respect to the planning proposal, the resultant 69 additional lots will utilise approximately 15% of the maximum flood evacuation capacity of 453 lots within the whole Pitt Town residential precinct. This would most likely cause a significant equity issue in terms of accessing the limited infrastructure and service provisions within the Pitt Town residential precinct for land yet to be developed for residential purpose.

At the legislation and the local planning level, Council has the direct responsibility for ensuring the allocation of that limited capacity occurs in a way that best serves the public interest and enabling development to occur without unduly burdening the demand for public utilities. In this regard, any proposal seeking an increase of additional lots over the current potential should be considered at a district Pitt Town residential precinct level not on an individual site by site basis.

Strategic Merits

Applicant's Comment:

“The definition of “strategic” (adjective) “is a plan that created to achieve a goal”, “something done in order to achieve some specific goal”. The goal is to provide the flood evacuation route (FER) and Bus Route, to allow the site to be developed in a commercially viable manner, and provide all the benefits outlined in the HCC housing Strategy, the LEP, the DCP and state government housing objectives.

As discussed in the meeting of 10 December 2014 (sic) it is understood that the issue to be addressed is the strategic merit of the proposal for the whole of the Pitt Town development area.

ORDINARY MEETING

Meeting Date: 10 March 2015

As advised the planning proposal has merit but the Council's concern is the issue of the capacity of flood evacuation route and the strategic merit is satisfied if the concern of the capacity of flood evacuation route is satisfactorily resolved.

The applicant needs to prepare a planning proposal as recommended in the last Council report to amend the lot size from 2500m² to 1500m²."

Staff Comment:

The Pitt Town Chapter of the DCP shows a proposed flood evacuation route (FER) via the subject site between Bathurst Street and Old Stock Route. The FER is to evacuate the northern Pitt Town residents in a major flood event and is in line with the SES flood evacuation plan for Pitt Town. Therefore, the provision of the FER through the site cannot be considered as a valid strategic merit reason other than a need or requirement to allow development of land whilst ensuring safe evacuation of existing and future residents. Irrespective of the planning proposal, if the site is to be developed under the current LEP and DCP provisions the FER is to be provided as shown in the Pitt Town DCP Chapter.

The Pitt Town DCP Chapter requires that a local bus route be provided that encourages public transport use and reduces the reliance on the private car use through the development area when feasible. This is a general planning approach which is applicable to any centre in the LGA to encourage the use of public transport and reduce car dependency. Therefore, the provision of a local bus route cannot be considered as a valid strategic merit reason to increase lot yield.

It is relevant to note that none of the local or state studies or strategies identifies the site or elsewhere in Pitt Town as having potential for increased yield for residential lots. The Hawkesbury Residential Land Strategy (HRLS) adopted by Council on 10 May 2011 aims to accommodate between 5,000 to 6,000 dwellings by 2031, primarily within the existing urban areas as prescribed in the draft North West Subregional Strategy (dNWSS). In order to achieve the Hawkesbury's dwelling target, the HRLS identifies five future urban investigation areas with high opportunity for future development and defines criteria for large lot rural residential development surrounding existing villages to accommodate additional or new housing development within the Hawkesbury Local Government Area (LGA). The five urban investigation areas are Richmond, North Richmond, Windsor, Wilberforce and Glossodia. Pitt Town is not identified as an urban investigation area. Centres that have not been identified as investigation areas in the HRLS are considered to be subject to unacceptable impacts for future development in the short-long term. In relation to Pitt Town the HRLS states that:

"The future development has previously been addressed by the Department of Planning in 2008 as part of a Part 3A Concept Approval, which is considered to supply Pitt Town with an adequate supply of zoned residential land for the duration of the Residential Strategy."

This means that additional housing increase (other than housing under Part 3A approval) in Pitt Town has not been identified as being required to meet the dwelling target for the Hawkesbury LGA. It is considered possible to achieve the dwelling requirements for the Hawkesbury with future housing in the five investigation areas and Vineyard and existing housing yield under the Part 3A concept approval in Pitt Town. Pitt Town is one of the contributors in achieving the dwelling requirements but it is not the sole location or the determinative area to achieve the said requirements.

In the plan making process, strategic justification is not limited to site-specific merit consideration. When establishing a strategic justification for a planning proposal a range of issues including cumulative impact of development needs to be taken into account. It is unacceptable planning practice to only take specific site merits into account in isolation of other development in Pitt Town.

Given these circumstances along with a significant flood evacuation constraint in Pitt Town, the importance of underpinning any intensification of development within Pitt Town residential precinct must be clearly demonstrated. Generalised statements like *"the planning proposal will provide increased housing consistent with the State and local plans, policies and strategies"* are considered insufficient to establish the strategic merit of a planning proposal for 1,000 m² lots.

ORDINARY MEETING

Meeting Date: 10 March 2015

For any planning proposal to receive favourable consideration by the DP&E Gateway Review Panel the planning proposal must be adequately strategically supported and there must be a compelling need for the plan to proceed.

A subsequent letter received from the applicant following the meeting held between the applicant and Council staff on 4 December 2014 also responded to a range of additional issues discussed at the meeting. These issues, the applicant's responses and Council staff's comments are outlined below.

Issue (a):

- Whether the land is specifically identified in any study.

Applicant's comment:

Yes, HCC LEP and DCP.

Staff Comment:

The types of studies referred to relate to particular studies or plans and not to the local LEP or DCP. As previously mentioned, the HRLS does not identify Pitt Town as an investigation area with opportunity for increased development yields to accommodate additional or new housing development to achieve the residential dwelling requirements for the Hawkesbury. None of the local or state studies or strategies identifies the site for an increased residential yield.

As the site is located within the Pitt Town residential precinct the Pitt Town Chapter of the DCP Chapter applies to the site.

Issue (b):

- *Whether the planning proposal implements the outcomes of a state or local strategic study or report.*

Applicant's comment:

No.

Staff Comment:

Agreed. As previously mentioned the site has not been identified or included as a potential site with strategic significance or high opportunity for future residential development in any of the local or state studies or strategies.

Issue (c):

- *Whether the planning proposal has strategic merit and is consistent with a relevant local strategy (eg Hawkesbury Residential Land Strategy 2011) endorsed by the Director General of the DP&E.*

Applicant's comment:

Yes.

ORDINARY MEETING

Meeting Date: 10 March 2015

Staff Comment:

Not agreed. As stated in the last Council report, a lack of strategic justification was the other reason for previously not supporting the planning proposal by Council. The Council's resolution of 26 November 2013 provided the applicant with an opportunity to submit a strategic justification along with an economic justification for the planning proposal for further consideration by Council. The applicant's subsequent additional information received in response to this Council's resolution was considered in the last Council report and revealed that the additional information is considered to be inadequate to support the planning proposal to vary the lot size to 1,000m² of the land in Pitt Town area.

Issue (d):

- *Whether the proposed site has site specific merit.*

Applicant's comment:

Yes.

The layout is one that Council planners have suggested in last Council report (page 8) and yield identified in paragraph 1 in the conclusion (page 11).

Staff Comment:

Not agreed. See staff comments in Issue (c).

The applicant's information provided in support of strategic merit for the planning proposal and considered in the previous Council's reports is considered to be of limited assistance in building a strategic case. They are not adequate enough to make a strong justification for the planning proposal to yield an additional 69 lots on the site. The HRLS does not envisage further significant development of the Pitt Town residential precinct beyond that provided for by the Part 3A approval in the short term and the major environmental constraint of flood evacuation in terms of increased residential densities in Pitt Town. The flood evacuation issue relating to the site is discussed in detail in the latter part of this report.

The last Council report explained a better subdivision yield for the site and concluded that subdivision of the site into 1,500m² minimum lots is considered to be the most appropriate subdivision for the site.

Issue (e):

A planning proposal which lacks a strategic justification is inconsistent with the (then) Department of Planning and Infrastructure's "A guide to preparing planning proposals" October 2012. The Department of Planning and Environment (DP&E) generally does not support proposals that lack strategic justification to proceed.

Applicant's comment:

It is contended that the planning proposal does not lack strategic justification as discussed and agreed to in our meeting of 10 December 2014.

Surely this is a matter for the DP&E to assess.

Staff Comment:

This is a matter that must be considered by both Council and the DP&E. It is a fundamental matter for consideration by Council. It is considered that the planning proposal does not demonstrate a sound strategic justification to support the proposed subdivision of the site into 116 lots with a minimum lot size remaining unchanged as discussed in this report.

ORDINARY MEETING

Meeting Date: 10 March 2015

Should Council resolve to proceed with the planning proposal the DP&I will consider this matter as part of their Gateway determination.

Issue (f):

In the planning making process, strategic justification is not limited to site specific merit consideration. When establishing a strategic justification for a planning proposal a range of issues including cumulative impact of development needs to be taken into account. It is unacceptable planning practice to only take specific site merits into account in isolation of other development in Pitt Town.

Applicant's Comment:

It is contended that site specific merit is justification if the site is burdened with a flood evacuation route and a transport (bus) designation as provided in the Hawkesbury City Council LEP and DCP.

Staff Comment:

Comments have been made on this matter earlier in this report.

Issue (g):

Flood evacuation capacity is one of the key issues influencing additional development potential in Pitt Town. If a minimum lot size for subdivision of 1,000m² was to be permitted on the subject site, it is considered likely that surrounding land owners would also seek to subdivide their land into 1,000m² lots. Lot yield estimations undertaken by Council staff suggest that the cumulative impact of such development would exceed the flood evacuation capacity for Pitt Town. Whereas, development with a minimum of 1,500m² lot sizes is considered to be within the flood evacuation capacity of Pitt Town. Please note if the planning proposal is to proceed past a Gateway determination it will be referred to the SES for assessment and confirmation of evacuation capacities.

Applicant's comment:

Council report is incorrect - refer to analysis and conclusion of the attached report.

Staff Comment:

A subsequent detailed forecast undertaken by Council's staff on the potential of 1,000m² and 1,500m² lot yields within Pitt Town confirms that development of the site into 1,000m² lots is not feasible from a flood evacuation safety perspective. The findings of the flood evacuation and lot analysis are discussed in detail earlier in this report.

Issue (h):

Any departure in terms of the location of provision of the flood evacuation route as shown in the Pitt Town Chapter of the DCP would require sound strategic justification.

Applicant's Comment:

The relocation of the FER was recommended by Council planners and is also contained in the report to Council 25 November 2014 that it is desirable to relocate the FER.

Staff Comment:

The last Council report suggested relocating the FER to the middle of the four properties owned by the applicant and a new access road be located running along the middle of the other four properties subject of the planning proposal to enable good subdivision outcomes and an efficient land management. In this case the DCP requires an access (FER) point through the subject property and the exact location would be subject to a detailed subdivision design.

The applicant in a previous meeting requested Council staff to remove the FER from the site to allow subdivision of the site. At that meeting Council staff noted that such a change would possibly necessitate the need for a DCP amendment, notwithstanding other aspects of this proposal. However, staff did not, and could not, provide a verbal agreement to such a change as this would require the appropriate applications to be made and then appropriately assessed by Council.

Issue (i):

Possible options to proceed with the planning proposal.

Applicant's Comment:

There are also three other options available to the applicant but in any case this submission is provided as sound strategic justification of the planning proposal.

Staff Comment:

The applicant was advised of the following three possible options.

- Proceed with minimum 1,500m² lot size for the land as recommended in the report to Council of 25 November 2014.
- Wait until the release of the forthcoming Hawkesbury-Nepean Flood Management Task Force report (as it is expected that this report will provide an assessment of flood evacuation capacities for the region).
- Provide a sound strategic justification for the planning proposal seeking subdivision of the land into 1000m² lot size to the satisfaction of both Council and the DP&E.
- Withdraw the planning proposal.

There remains a lack of a sound strategic justification to support subdivision of the site into 1,000m² lots as proposed in the planning proposal; the likely flood evacuation constraint associated with the proposed 1,000m² minimum lot size are not overcome as discussed in this report; and the economic feasibility of subdivision of the land into 1,500m² lots was not demonstrated as required by the 25 November 2014 Council report. Hence, the above suggested options were offered as the most logical options to deal with this matter.

Conclusion

The additional lot forecast and flood evacuation capacity analysis discussed in this report conclude that the planning proposal seeking subdivision of the land into 116 lots with a minimum lot size is not acceptable in terms of the flood evacuation in Pitt Town.

The planning proposal does not present a compelling need nor a sound strategic justification to allow an increase in lot yield as proposed in the planning proposal given the fact that additional dwelling or lot increase (other than housing under Part 3A approval) in Pitt Town has not been identified as being significant to meet the dwelling requirements for the Hawkesbury LGA.

ORDINARY MEETING

Meeting Date: 10 March 2015

The lot forecast and flood evacuation capacity analysis reveals that a planning proposal seeking subdivision of the site into 1,500m² minimum lots is feasible. The last Council report established that subdivision of the site into 1,500m² minimum lots is economically feasible. Given these circumstances subdivision of the site into 1,500m² minimum lots is considered to be the most appropriate yield option for the site in order to achieve a desirable planning outcome for the site and an acceptable balance between the wider community benefit, public safety and economic viability.

It is recommended that Council support the preparation of a revised planning proposal to enable subdivision of the site into residential lots with a minimum lot size of 1,500m² and amendment to Chapter 4 Pitt Town DCP Chapter as explained in the last Council report.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the “Looking after People and Place” theme Direction of the CSP.

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

The applicant has paid the fees required by Council’s Revenue Pricing Policy for the preparation of a local environmental plan.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

ORDINARY MEETING

Meeting Date: 10 March 2015

RECOMMENDATION:

That:

1. Council support the preparation of a revised planning proposal for Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town to enable subdivision of the land into residential lots with a minimum lot size of 1,500m².
2. Council prepare an amendment to Chapter 4 Pitt Town, Part E of the Hawkesbury Development Control Plan 2002 for the relocation of the proposed flood evacuation route and any other minor changes as required.
3. The applicant be advised to prepare and submit a revised planning proposal seeking to amend Hawkesbury Local Environmental Plan 2012 to enable subdivision of the subject land into residential lots with a minimum lot size of 1,500m² to Council.
4. The applicant's revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
5. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

ATTACHMENTS:

AT - 1 Council Report and Resolution dated 25 November 2014

ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 1 Council Report and Resolution dated 25 November 2014

Item: CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, Part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498, 124414)

Previous Item: 233, Ordinary (26 November 2013)

REPORT:

Executive Summary

In November 2013 Council considered a planning proposal seeking to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) to enable subdivision of the subject land into 116 residential lots. Council resolved not to support the proposal however the applicant (Ghant Developments Pty Ltd) was provided the opportunity to provide additional strategic and economic justification for further consideration by Council.

The purpose of this report is to discuss the subsequent additional information received from the applicant.

This report recommends that Council support the preparation of a revised planning proposal to enable subdivision of the land into residential lots with a minimum lot size of 1,500m² and prepare an amendment to Chapter 4 Pitt Town, Part E of the Hawkesbury Development Control Plan 2002 as explained in this report.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and as specified in the "Gateway" determination administered by the Department of Planning and Environment (DP&E).

Background

In July 2013 Council received a planning proposal from the applicant seeking to amend the LEP to enable subdivision of the subject land into 116 residential lots with a minimum lot size of 1,000m².

The planning proposal claimed that subdivision of the land under the current provisions of the LEP and Section 94 contributions plan into 47 lots with a minimum 2500m² lot size was not commercially viable and an amendment to the Lot Size Map to allow a 1,000m² minimum lot size on the land was sought. By reducing the minimum lot size to 1,000m² it was estimated that an additional 69 lots would be created thus producing a total of 116 lots. The applicant also claimed that the proposed 1,000m² minimum lot size for the land was consistent with the other minimum lot sizes for R5 zoned land within the Pitt Town Development Area (ranging from 1,000m² to 10,000m²) and the Hawkesbury Residential Land Strategy (HRLS).

On 26 November 2013 Council considered a report on the planning proposal and resolved as follows:

"That:

- 1. Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.*
- 2. Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council."*

As a result of the Council resolution the applicant provided an economic feasibility analysis.

The rest of the report discusses the feasibility analysis.

Economic Feasibility Analysis

The economic feasibility of a subdivision is typically determined from the applicant's or a developer's perspective and is based on whether the sales revenue will exceed the total cost of land and construction, loan interest and other associated costs, fees and charges.

The subject land consists of eight properties and is owned by five different owners. The feasibility submitted focuses on four of the eight subject properties (Lots 1, 2, 3 and 4 DP 1057585) with a total area of 7.98ha. With the aim of enabling Council to make an informed decision on the most appropriate subdivision option for the land, the analysis focuses on the four different subdivision options for the land. These four subdivision options are based on four different minimum lot sizes of 2500m², 2000m², 1500m² and 1000m² and the whole analysis is based on the following lot yields as suggested by the applicant:

- 2500m² minimum lot size - 23 lots
- 2000m² minimum lot size - 29 lots
- 1500m² minimum lot size - 38 lots
- 1000m² minimum lot size - 58 lots

For comparison purpose the analysis also forecasts the return of a third party developer.

The analysis uses a range of relevant data including development/construction cost estimates, administrative cost estimates (e.g. legal fees, valuation fees, agent fees, bank application fees and charges), Section 94 contributions and State Government levies, other associated expenses (e.g. development, construction certificate and project management fees), proposed land values and sale prices, contingencies.

The analysis assumes that the whole land development and sale process will take approximately three years at a financing cost of 9%.

To explore the economic viability of the subdivision, various scenarios and of cash flows were prepared and submitted by the applicant for consideration. The decisive information required for the determination of the most appropriate subdivision development option for the land has been considered to determine the most viable option.

This process considered options for subdivision of the land utilising a central road access with the proposed flood evacuation route (FER) immediately to the east of the proposed lots positioned as per the Pitt Town chapter of the DCP. See Attachment 2 for a diagrammatic representation.

In discussions with the applicant it was noted that this type of arrangement results in approximately 50% of the lots having dual road frontages. In this case it is neither a good subdivision outcome nor an efficient land management for the land. This situation can easily be avoided with the relocation of the FER to the middle of the land and a new access road running along the middle of the other three properties at 14, 26 and 28 Mitchell Road. See Attachment 3 for a diagrammatic representation.

Accordingly the applicant provided an additional feasibility based on relocating the FER to the middle of the land.

In both scenarios the likely lot yields from this subdivision are equal.

Subdivision of the land utilising the relocated FER access arrangement is considered to be the preferred option. Should Council resolve to proceed with this planning proposal it is recommended that Chapter 4 Pitt Town, Part E of the Hawkesbury Development Control Plan 2002 be amended to relocate the FER as shown in Attachment 3 to this report to enable a better subdivision outcome.

The analysis of the options and scenarios reveals that the applicant would be better off acting as the “developer” compared with a third party purchasing the land and being the developer. This is because of the extra land cost to the developer and the resultant interest over the forecasted three-year land development and selling period.

The feasibility shows that the option for the current landowner development at a lot size of 1,500m² is viable. The following discussion deals with the matter of smaller allotments sizes and the reason for the preferred option of 1,500m².

Capacity of Flood Evacuation Route

The State Emergency Service (SES) has prepared and adopted a Flood Emergency State Plan for the Hawkesbury Nepean River which identifies the Pitt Town area as requiring evacuation in times of flood. The SES therefore has a plan for the timely evacuation of Pitt Town ahead of an extreme flood. In May 2007 the SES advised that it fundamentally does not support new development that will place additional population at risk when emergency evacuation is required, and will reduce the safety margins for existing residents that may require evacuation.

In January 2008 the SES further advised that a maximum of 1,100 new lots could be added to the existing residential capacity in Pitt Town, noting however that this would reduce the existing Evacuation Factor of Safety (EFOS) to zero. It further advised that any reduction in EFOS is a decision for Council and the community to make, not the SES.

If a minimum of 1000m² lots were permitted on the subject land as sought, it is considered very likely that the surrounding land owners who own large blocks of undeveloped land, varying in sizes from approximately from 9ha - 39ha, in the locality would also seek subdivision of their land into 1000m² lots to make better returns. It is estimated this would result in more than an additional 900 lots within the Pitt Town area further reducing the EFOS. If a minimum of 1500m² lots were permitted on the land this would result in an additional 530 lots and this is approximately 33% reduction of additional lots in the locality compared with the applicant’s proposal and therefore the likely impact on the EFOS would be comparatively low. Therefore it is obvious that the potential increase in the number of residents within the Pitt Town area cannot be carried out in isolation of this consideration and it should be balanced against the reduction of the EFOS. However the applicant’s planning proposal fails to take this likely cumulative impact of development of land in the locality into account.

The (then) Department of Planning and Infrastructure’s “*a guide to preparing planning proposals*” October 2012 (the Guidelines) states that:

“The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment. The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/or through consultation with agencies and the community”.

Depending on the complexity or scale of the proposal this may require some initial investigations to be carried out prior to submitting the proposal to the Gateway.”

Any increase in lot yield must be balanced against several key factors, including whether there is a real need for more development at Pitt Town or whether additional densities can be accommodated while protecting heritage values and the rural character of the village and whether the additional risk to new residents and potential loss of safety margin for existing residents during evacuation in time of flood is warranted.

Given this circumstance, it is considered the applicant’s proposal seeking 116 lots with a minimum lot size of 1000m² is not a desirable and sustainable planning outcome for the benefit of the community.

Additional Strategic Justification

A lack of strategic justification for the planning proposal was the other reason for previously not supporting the planning proposal by Council. The Council's resolution of 26 November 2013 provided the applicant an opportunity to submit an additional strategic justification along with an economic justification for the planning proposal for further consideration by Council.

In response to the Council resolution, the applicant provided the following strategic justification in support of the proposed 1000² minimum lot size for the land:

3. *Details provided in page 5 of the planning proposal generally satisfied the strategic justification.*
4. *The distance between the subject land and Precinct B (1000m² minimum lot size) is 230m.*
5. *The distance between the subject land and Precinct C (2000m² minimum lot size) is 200m.*
6. *Precinct F (2000m² minimum lot size) is located immediately north-east of the land Precinct E (2500m² minimum lot size) on the east. Given land area east of the subject land is not included in the planning proposal the sequential lot size is still preserved.*

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. The Departmental Guidelines states that:

"A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding.

The purpose of the Gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

Depending on the complexity or scale of the proposal this may require some initial investigations to be carried out prior to submitting the proposal to the Gateway".

According to the Guidelines the information relating to the following matters needs to be provided to justify a planning proposal.

7. Whether the land is specifically identified in any study or a proposed study;
8. whether the planning proposal implements the outcomes of a state or local strategic study or report;
9. whether the proposal has strategic merit and is consistent with a relevant local strategy (e.g. Hawkesbury Residential Land Strategy 2011) endorsed by the Director General of the DP&E; and
10. whether the proposal has site-specific merit.

Page 5 of the planning proposal provides the following information in support of the planning proposal:

11. *The planning proposal has no constraints to achieving the higher density proposed.*
12. *It is above the 1 in 100 year flood level, has no heritage, bushfire, or flora/fauna constraints and includes the proposed emergency evacuation route.*
13. *Inclusion of this Planning Proposal land into the 1,000m² density zone will not affect development of the remainder of the Pitt Town release land.*

ORDINARY MEETING

Meeting Date: 10 March 2015

14. *Development of the land even with a density of 1,000m² will comply with the "Desired Character Statements" within the Pitt Town Chapter of Hawkesbury Council's DCP noting that the land is not far removed from the residential lots of smaller size within the village.*
15. *1,000m² lots would provide a transition from smaller to larger lots and provide additional residential choice.*
16. *Sequential lot size transition is a desirable town planning outcome which is available to the east by way of 2500sm Lots.*
17. *Ensure the efficient use of infrastructure that is available.*
18. *Development of the land into lots of 1000m² will comply with the Minister's S117 directions and in particular relative to Pitt Town there would be no heritage impact, it would provide for a variety of housing choice, is above the 1 in 100 year flood level, is not subject to bushfire risk, and is consistent with the Hawkesbury Nepean River REP No 20 guiding principles.*

The above information is considered to be inadequate to support a planning proposal to vary the lot size of the land in Pitt Town area. Also the consistency of the proposed lot size with surrounding lot sizes or the land's proximity to the smaller lots is not a strategic justification.

If the planning proposal is to proceed, this is a matter for the Gateway determination to assess the strategic merit of the planning proposal.

Conclusion

The assessment of the economic feasibility analysis for the subdivision of the land presented by the applicant reveals that subdivision of the land under the current 2,500m² minimum lot size provision in the LEP is not commercially viable.

The applicant's preferred subdivision option enabling subdivision of the land into 116 lots with a minimum lot size of 1,000m² and a forecasted return of 33% well above the industry targeted return of 20% is considered unable to deliver desirable and sustainable planning and development outcome for the existing community.

Given the current SES stand on the flood evacuation in the Pitt Town area, existing heritage value and rural character of the Pitt Town, subdivision of the land into 1,500m² minimum lots is considered to be the most appropriate subdivision option for the land in order to achieve a desirable planning outcome for the land and an acceptable balance between the wider community benefit and economic viability.

The alternative access arrangement using the FER as discussed in this report enables a more economical and orderly development of the land and a good planning outcome for the locality.

It is recommended that Council support the preparation of a revised planning proposal to enable subdivision of the land into residential lots with a minimum lot size of 1,500m² and amendment to Chapter 4 Pitt Town DCP Chapter as explained in this report.

ORDINARY MEETING

Meeting Date: 10 March 2015

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the “Looking After People and Place” theme Directions of the CSP:

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

The applicant has paid the fees required by Council’s Revenue Pricing Policy for the preparation of a local environmental plan.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. Council support the preparation of a revised planning proposal for Lots 1, 2, 3 and 4 DP 1057585, Lots 2 and 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town to enable subdivision of the land into residential lots with a minimum lot size of 1500m².
2. Council prepare an amendment to Chapter 4 Pitt Town, Part E of the Hawkesbury Development Control Plan 2002 for the relocation of the proposed flood evacuation route.
3. The applicant be advised to prepare and submit a revised planning proposal seeking to amend Hawkesbury Local Environmental Plan 2012 to enable subdivision of the subject land into residential lots with a minimum lot size of 1500m² to Council.
4. The applicant’s revised planning proposal be forwarded to the Department of Planning and Environment for a “Gateway” determination.
5. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

ORDINARY MEETING

Meeting Date: 10 March 2015

ATTACHMENTS:

- AT - 1** Previous Council Report and Resolution (dated 26 November 2013)
- AT - 2** Applicant's Proposed Access Arrangement for Subdivision of the Land
- AT - 3** Alternative Access Arrangement for Subdivision of the Land
- AT - 4** Amended Figure 4.11 - Flood Evacuation Route, Chapter 4 Pitt Town, Part E of the DCP

ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 1 Previous Council Report and Resolution (dated 26 November 2013)

Item: 233 CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498)

REPORT:

Executive Summary

This report discusses a planning proposal received from Ghant Developments Pty Ltd (GD) seeking to amend Hawkesbury Local Environmental Plan 2012 to enable subdivision of the subject land into residential lots with a minimum lot size of 1,000m².

This report recommends that Council not support the planning proposal in its current form.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and as specified in the "Gateway" determination.

Background

In 1998 Council made a resolution that identified 5 areas for future urban development. These include Pitt Town, Vineyard, North Bligh Park, Wilberforce and North Richmond.

In 2000 Council resolved to prepare a draft Local Environmental Plan (LEP) to rezone land at Pitt Town for residential purposes. A Local Environmental Study (LES) was subsequently prepared by Connell Wagner and this study identified three growth scenarios, low (495 lots), medium (730 lots) and high (1405 lots). In 2003 Council adopted the LES and resolved to prepare a draft LEP based on a revised medium growth scenario of approximately 690 lots. Subsequently Hawkesbury Local Environmental Plan 1989 (Amendment 145) was gazetted on 18 August 2006.

In January 2007, the State Emergency Service (SES) indicated that no more than 1100 lots can be safely evacuated and this reduces the safety factor to zero.

Council at its meeting of 31 July 2007 resolved to prepare a draft local environmental plan to rezone additional land at Pitt Town. The proposed additional development on the land owned or controlled by Johnson Property Group (JPG) was determined, on 12 October 2007, to be a Major Project under the then Part 3A provisions of the *Environmental Planning and Assessment Act 1979*. On 10 July 2008, the Minister for Planning approved the Concept Plan which provided for an additional 893 lots. 647 lots were attributed to JPG with the remaining 246 lots being made up from other potential developers. On 18 July 2008 an amendment to *State Environmental Planning Policy (Major Projects) (Pitt Town) 2008* was gazetted. This has the effect of replacing the controls relating to Pitt Town with the Hawkesbury Local Environmental Plan 1989 to be consistent with the Concept Approval, issued on 10 July 2008.

In order to implement the provisions of the Part 3A Concept Plan approval, the Hawkesbury Development Control Plan 2002 (DCP) was subsequently amended by way of an updated chapter for Pitt Town, Part E Chapter 4. This updated chapter came into effect on 19 February 2009. The DCP chapter divides the Pitt Town Development Area into precincts and the subject site is located within the Precinct E - Cattai precinct.

ORDINARY MEETING

Meeting Date: 10 March 2015

Subject Site and Surrounds

The subject site is located on the northern end of Mitchell Road, Pitt Town and is approximately 2kms away from Pitt Town Village Centre (see Attachment 1 to this report). The site consists of eight properties and is irregular in shape. It has an area of approximately 15.59ha, and is approximately 260m wide and 470m deep (see Attachment 2 to this report and Table 1 below).

The site is owned by five different owners and four of the subject properties are owned by GD. In total the land is currently occupied by four dwelling houses, two small dams and some outbuildings as shown on Table 1 below:

Table 1: Subject Properties and Current Land Use

Property Description	Street Address	Area	Current Use
Lot1 DP 1057585	30A Mitchell Road	2.0ha	Vacant
Lot2 DP 1057585	30B Mitchell Road	2.0ha	Vacant
Lot3 DP 1057585	30C Mitchell Road	2.0ha	Vacant
Lot4 DP 1057585	34 Mitchell Road	1.98ha	Dwelling and outbuildings
Lot 2 DP 555257	32 Mitchell Road	0.16ha	Dwelling and outbuildings
Lot 1 DP 808945	14 Mitchell Road	2.1ha	Dwelling house, outbuildings and a dam
Lot 2 DP 808945	26 Mitchell Road	2.0ha	Dwelling house and outbuildings
Lot 3 DP 808945	28 Mitchell Road	3.35ha	Outbuildings/sheds and a dam
Total		15.59ha	

The majority of the land is zoned R5 Large Lot Residential under HLEP 2012 with a smaller area towards Mitchell Road zoned RU4 Primary Production Small Lots (see Attachment 3).

Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 applies to the site. This map shows a minimum lot size of 2,500m² applying to the R5 Large Lot Residential zoned land and a minimum lot size of 2ha applying to the RU4 Primary Production Small Lots zoned land (see Attachment 4).

The whole site (other than approximately 0.6ha triangular shaped area of land at the south-eastern corner of the site) is above 17.5m AHD, and the area that is the subject of the planning proposal is above the 1 in 100 year flood event level for the area. The site is relatively flat in sections, and a small area of the site at the south-eastern corner has a gentle slope towards Mitchell Road.

Part E Chapter 4 Pitt Town of the DCP divides the Pitt Town Development Area into 10 precincts, and the subject land is located within Precinct E (see Attachment 5). Development of land in precincts C, D, E, part F, G and H relies upon the proposed Pitt Town Flood Evacuation Route (FER) identified in this chapter. The FER runs through the site in a north-south direction and partly an east-west direction (see Attachment 6).

The immediate surrounding is predominantly zoned R5 Large Lot Residential and RU4 Primary Production Small Lots and is characterised by large lot residential and rural residential development. To the immediate north of the site is vacant land that has been previously used for agricultural purposes and to the immediate east of the site is a poultry farm with a significant area of Shale/Gravel Transition Forest identified as an Endangered Ecological Community at the corner of Mitchell and Cattai roads. The area of land to the west of the site is occupied by large lot residential development and rural residential development and some rural residential development is to the south of the site (see Attachment 7).

ORDINARY MEETING

Meeting Date: 10 March 2015

Planning Proposal

The applicant Ghant Developments Pty Ltd (GD) seeks an amendment to HLEP 2012 to enable subdivision of the land consisting of eight properties into 116 residential lots with a minimum lot size of 1,000m².

GD proposes to amend the lot size map of HLEP 2012 to fix the minimum lot size for the zoned R5 Large Lot Residential zoned land at 1,000m² and retain the minimum lot size of 2ha for the RU4 Primary Production Small Lots zoned land.

GD claims that at present the site has development potential to create approximately 47 lots. The proposed amendment would allow for additional 69 lots thus providing a total of 116 lots on the site.

GD have not provided an indicative plan of subdivision for the land using the current planning controls or proposed planning controls demonstrating the number of lots claimed. Initial assessment by Council staff suggests that the subject land currently has a development potential of approximately 43 lots and the proposed amendment would create the potential for approximately 107 lots. Notwithstanding this, for the purposes of this report GD's figure of 47 and 116 lots has been adopted.

Applicant's Justification of Proposal

GD has provided the following reasons in support of the planning proposal:

- *The proposal will provide significant public infrastructure in the form of a 900m section of the Pitt Town FER at no cost to the community.*
- *Construction of the Pitt Town FER and designated bus transport road is dependent upon this planning proposal.*
- *The risk to residents of Pitt Town in terms of flooding will be significantly reduced.*
- *The FER will assist the State Emergency Service and reduce the risk to life during flood evacuation.*
- *The proposal will facilitate additional housing opportunities in an area of high amenity with access to services.*
- *The proposal will provide a variety of cheaper housing choices, consistent with government and Council policy.*
- *The land is already zoned R5 Large Lot Residential, therefore there will be no change in character.*
- *The proposal will make use of existing infrastructure, therefore no additional infrastructure is required.*
- *There are no adverse environmental and visual impacts arising from this planning proposal.*
- *The proposal is consistent with all relevant State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.*

Assessment

Metropolitan Plan for Sydney 2036 and Draft North West Subregional Strategy

The aim of *Metropolitan Plan for Sydney 2036* (the Metro Plan) is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. A number of objectives and actions have been identified in the *Metropolitan Plan for Sydney 2036*.

The draft North West Subregional Strategy (dNWSS) requires the provision of new housing in existing urban areas, focused around centres and corridors. This is to take advantage of existing services such as shops and public transport.

The dNWSS classified Pitt Town as a neighbourhood centre. This classification gives an indication as to what the function of the Pitt Town centre was at the time of preparing the Strategy and is not intended to be a set classification to limit the growth or expansion of the centre, and may be modified slightly as long as it is part of a sustainable strategy for the LGA. Given the current Pitt Town centre's population the Hawkesbury Residential Land Strategy (RLS) states that the centre has the ability to grow to the upper level limit of the Small Village category by 2031, and therefore the HRLS identifies Pitt Town as a small village.

The following objectives and actions of the Metro Plan and actions of the dNWSS are of primary relevance to the Planning proposal:

Metropolitan Plan for Sydney 2036

- Objective B1* To focus activity in accessible centres.
Action B1.1 Plan for centres to grow and change over time.

The land is located within the Pitt Town Development Area and therefore the planning proposal will enable increased housing opportunities and hence improve the viability of the existing centre.

- Objective D1* To ensure an adequate supply of land and sites for residential development.
Objective D2 To produce housing that suits our expected future needs.
Action D1.1 Locate at least 70% of new housing within existing urban areas and up to 30% of new housing in new release areas.
Action D2.1 Ensure local planning controls include more low rise medium density housing in and around smaller local centres.

The planning proposal seeking subdivision of the land into 116 residential lots will enable the expansion of the existing residential area to the north-east of the Pitt Town Small Village Centre. It will also enable relatively affordable housing in proximity to the existing small village centre to meet future needs.

Draft North West Subregional Strategy

- Action 1.3.1* North West Councils to plan sufficient zoned land to accommodate their local government housing target in their principle LEPs.
Action C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.

The land is already zoned for residential purpose to meet the Hawkesbury's housing target set by the dNWSS. The proposal provides the opportunity to create approximately 116 residential allotments in proximity to the Pitt Town Small Village Centre within the timeframe of the Metropolitan Plan and Subregional Strategy.

Hawkesbury Residential Land Strategy

In May 2011, Council adopted the Hawkesbury residential Land Strategy (HRLS). This Strategy is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies. The HRLS is based on best practice models of sustainable development and provides guidance on locations and types of future residential development within the LGA.

The HRLS guides future residential development within the LGA, with the aim of accommodating approximately 5,000 and 6,000 new dwellings (based on projected demand) by 2031. The HRLS seeks to locate much of the future growth within existing areas to minimise fragmentation of agricultural land, demand on public infrastructure and impacts on environmental sensitive and scenic landscape areas accordance with the Metro Plan. Therefore the Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres.

With respect to Pitt Town the HRLS states that:

'The future development has previously been addressed by the Department of Planning in 2008 as part of a Part 3A Concept Approval, which is considered to supply Pitt Town with an adequate supply of zoned residential land for the duration of the HRLS. Pitt Town has longer term development potential in zoned areas'.

Hence, the HRLS does not envisage further development of the Pitt Town Development Area beyond that provided for by the Part 3A approval, in the short term.

Hawkesbury Local Environmental Plan 2012

The land is currently zoned part R5 Large Lot Residential and part RU4 Primary Production Small Lots under HLEP 2012, and the planning proposal does not seek to change these zonings. The current Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 applies to the subject land. As shown on Attachment 4 to this report a minimum of 2500m² lot size applies to part of the land zoned R5 Large Lot Residential and 2ha minimum lot size applies to the remaining area of the land zoned RU4 Primary Production Small Lots.

GD claims that subdivision of the land under current provisions of HLEP 2012 into 47 lots with minimum 2500 lot size is not an economically viable development and therefore GD seeks to amend the lot size map to allow 1,000m² minimum lot size on the land to yield additional 69 lots thus producing a total of 116 lots (see Attachment 8).

The minimum lot size for R5 zoned land within the Pitt Town Development Area ranges from 1,000m² to 10,000m², therefore the proposed 1,000m² minimum lot size for the land is considered consistent with minimum lot sizes for the R5 zoned land. However, the planning proposal does not provide an appropriate justification as to how and why such a minimum lot size for that part of the land zoned R5 Large Lot Residential, located approximately 2kms away from the Pitt Town Small Village Centre, or why it is strategically significant in terms of the provision of housing within the LGA.

Section 1.3 of '*A guide to preparing planning proposals*' published by the Department of Planning and Infrastructure in October 2012 (the Guidelines) states that:

'A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding'.

Section 117 Directions

Section 117 directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The key Section 117 directions are as follows:

1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of the land. This direction requires Council not to rezone land from a rural zone to a residential, business, industrial, village or tourist zone and not to contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Part of the land is zoned RU4 Primary Production Small Lots. The planning proposal seeks an amendment to the lot size map as it relates to the R5 zoned land. Hence, it does not propose any zoning changes or contain provisions to increase the permissible density of land within the RU4 zoned area. It is therefore considered the planning proposal is consistent with this Direction.

1.3 Mining, Petroleum Production and Extractive Industries

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

The planning proposal does not seek to rezone the land. According to 'Plan1- Mineral Resources Audit of Hawkesbury City August 2011' issued by the NSW Department of Trade and Investment (DT&I's) the subject site is not located within any identified resource areas, potential resources areas or transitional areas within the Hawkesbury LGA. There are no known existing mines, petroleum production operations or extractive industries in the area subject to the planning proposal or in the vicinity. Given existing residential zoning of the land, the current development on the land and the immediate locality, it is considered that the future development of the land for residential purposes would not further restrict development potential or create land use conflict beyond that which currently exists.

Notwithstanding this the planning proposal would need to be referred to DT&I for comment.

3.1 Residential Zones

The objectives of this Direction are to:

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal does not seek to reduce the amount of residential land but rather provide for additional 69 lots on the land through an amendment to the lot size map of HLEP 2012 and hence assist Council in achieving its housing targets. The site has reasonable access to the required services to accommodate the proposed development on the land. Therefore, it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

The planning proposal seeks only an amendment to Lot Size Map Sheet LSZ_008C of HLEP2012 and the current part R5 Large Lot Residential and part RU4 Primary Production Small Lots zoning of the land is to remain unchanged. Both these zones permit carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

ORDINARY MEETING

Meeting Date: 10 March 2015

Direction 3.4 Integrated 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,*
- (b) *increasing the choice of available transport and reducing dependence on cars,*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

The DP & I's guidelines "*Integrated Landuse and Transport*" seeks to improve the integration of land use and transport planning.

The planning proposal seeks to subdivide approximately 15.5ha of residential land into 116 residential lots within proximity to the Pitt Town Village Centre and support the efficient and viable operation of both rail and road transport networks in the area. The proposal will enable the expansion of the existing Pitt Town residential area and thereby it would help improve local business/retail activities and employment opportunities and support growth and change of the existing small village centre.

It is considered that the proposed planning proposal is generally consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- (a) *to 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) *to encourage sound management of bush fire prone areas.*

A small area of the subject land in the south-eastern corner is identified as bush fire prone land. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in accordance with section 57 of the Act, and take into account any comments so made.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in HLEP 2012 for the R5 Large Lot Residential and RU4 Primary Production Small Lots zones.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

'Metropolitan Plan for Sydney 2036', which is one of the issues taken into consideration in the early part of the assessment of the Planning Proposal, establishes that the planning proposal is consistent with this Plan.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I are satisfied that the proposal is:

- (a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- (d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

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

State Environmental Planning Policy No. 55 Remediation of Land

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

ORDINARY MEETING

Meeting Date: 10 March 2015

The site is currently being used mainly for residential purposes. GD states that the land was used for agriculture for many years prior to 1976 and in 1979 approximately 2.5ha of sand was extracted with Council's approval. In April 2006 Council approved filling of part of the site. Given the previous use of the site for agricultural and land fill purposes there may be a potential that the site may be contaminated according to *Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines*. However, at present this has not been investigated by the proponent or by Council.

The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas - SEPP 19

The aim of SEPP 19 is to protect and preserve bushland within the urban areas.

The majority of the site is free of any significant vegetation and the planning proposal ensures that any significant vegetation within the site are appropriately retained and protected by Clause 5.9 of HLEP 2012 and the Preservation of Trees and Vegetation chapter of the DCP.

State Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997)

The aim of State Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP No 20) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, agriculture, rural-residential development and metropolitan strategy.

It is considered that the planning proposal achieves satisfactory compliance with the relevant provisions of SREP No 20 (No. 2 - 1997). Further detailed consideration of these matters can be addressed at the development application stage.

State Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1997)

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

Economic Feasibility of Subdivision

It appears that the main justification of GD for the planning proposal is that under the current provisions of the LEP and Section 94 contributions plan subdivision of the land is not economically feasible hence subdivision of the land will not occur as forecast and the proposed FER in the DCP will not be completed.

Prior to examining GD's claim the following summary of past, current and future lot yields is provided:

Prior to Amendment 145 - the land had no subdivision potential because the minimum lot size applying to the land was 2ha.

Upon gazettal of Amendment 145 - the land had a lot density of 2 lots per hectare therefore creating a development potential of approximately 29 lots.

Part 3A approval - the land has a minimum lot size of 2500m² therefore creating a development potential of approximately 47 lots.

ORDINARY MEETING

Meeting Date: 10 March 2015

Current planning proposal - proposed minimum lot size of 1,000m² thereby creating a development potential of approximately 116 lots

GD has provided the following table showing indicative costs and return for a subdivision of Lots 1, 2, 3 and 4 DP 1057585 (approximately half of the land subject to the planning proposal) into 23 lots under the current minimum lot size requirements.

Cost Component	Estimated Cost
Legal fees, taxes and contributions	\$1,265,449
Development costs (roads etc.) including contingency	\$4,020,783
Survey costs	\$25,000
Agents fees, bank charges and interest	\$1,914,008
Total Cost	\$7,225,240
Sales (avg. \$521,000 per lot)	\$11,983,000
Return	\$4,757,760

GD claims that the return from selling the four properties as they are (i.e. the “no development” option) would be \$4,654,000 (this is based on GD’s assessment of a likely sale price). Hence, the difference in return between “no development” and “development” under the current minimum lot size provisions is marginal at best i.e. only \$103,760.

Therefore, GD seeks to amend the lot size map to a 1,000m² minimum lot size thus enabling an additional yield of 69 lots to create a total of 116 lots. GD states that a subdivision allowing 1,000m² lots should be permitted to provide additional housing opportunities and facilitate the construction of the Pitt Town FER.

GD has not provided a detailed cost breakdown or justification of likely sales figures to accompany the above table. Detailed economic modelling of existing and proposed minimum lot sizes was requested of GD prior to lodgement of the planning proposal. GD has not provided this information and in their planning proposal states that it is not appropriate for the purposes of the planning proposal to disclose the individual cost detail. Whilst it is agreed that the individual cost detail is inappropriate to disclose, there is a need for the applicant (GD) to provide sufficient detail in the planning proposal to support the assertion that the site is not economic to develop under the current planning controls. In the absence of this economic justification it is not possible to check, in detail, the veracity of GD’s claims and hence support the planning proposal in its current form.

GD’s total costs equate to approximately \$314,000 per lot and the estimated sale price of \$521,000 appears to be derived by recent sales of land within the Pitt Town Development Area. Recent information obtained from UrbanGrowth NSW (formally Landcom) suggest that, in general terms, for a sale price of \$521,000 the per lot development costs should be about \$261,500, per lot cost of land acquisition about \$156,300 and per lot developer’s margin (profit) about \$104,200. If UrbanGrowth NSW’s indicative figures were applied to a 23 lot subdivision of Lots 1, 2, 3 and 4 DP 1057585, the developer’s margin (profit) would be about \$2.4M.

Finally, it is noted that Council has issued a number of development consents for subdivision of land within the Pitt Town Development Area to other developers, large and small, and at present GD is the only developer to claim that subdivision of the land under the existing LEP controls is not economically feasible.

The likely percentage increase of the lot yield on the land under the proposed minimum lot size of 1,000m² compared with the current 2,500m² minimum lot size would be approximately 146%. The planning proposal fails to demonstrate and provide sound justification of the land’s and /or the location’s strategic importance in the provision of housing within this small village centre to support such a significant increase of lot yield on this land.

DP&I guidelines for planning proposals require that applications must demonstrate the strategic merit of the proposed amendment to the LEP proceeding. It is considered the planning proposal in its current form does not demonstrate sufficient merit to proceed for a gateway determination.

Section 1.3 of the Guidelines states that:

'A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding'.

Flood Evacuation Route (FER)

As shown in Attachment 6 to this report the proposed FER runs along the site in a north-south direction and partly in an east-west direction through the site. The proposed north - south running FER will connect the future FER extension of Hall Street to the north-west and Mitchell Road to the south. Future FER extension of Wells Street to the east will connect with the north-south running FER.

GD argues that the planning proposal has the following advantages:

- *Since there is an inadequate mechanism for funding of the flood evacuation route for Pitt Town this application will provide funding for the construction of the FER.*
- *The flood evacuation route will assist the State Emergency Services (SES) and reduce the risk to life during flood evacuation.*
- *The developed land in C, D, E, part F, G and H precincts rely on the FER.*
- *Currently under the present controls the construction of the FER is totally dependent on the development of the subject land*
- *A significant section of the Pitt Town FER (some 900m in length) will be constructed at no cost to the community. The subdivision works would include the construction and dedication of the section of the FER which runs through the land.*
- *The FER is not funded by public funds or developer contribution, and this critical piece of public infrastructure will not be built unless this planning proposal proceeds.*

GD's claim that that there is an inadequate mechanism for the funding of the FER is incorrect. The funding of the FER is to be provided partly from Section 94 contributions and by developers who develop land that fronts the FER. Section 7A, Catchment 5 - Pitt Town Residential Precinct of the Section 94 Plan and Appendix 1 to S.94 Plan make provision to fund part of the FER. As shown in Attachment 9 to this report the proposed Section 94 road works does not include the section of FER running though the site in a north-south direction and partly an east-west direction. As is Council's standard practice this section of the FER is to be provided by the developer upon subdivision of the land. It seems that the applicant's justification for the increased lot yield is entirely based on the emotive issue of providing the FER rather than on other planning merits.

Traffic and Public Transport

The site has a single frontage and access to Mitchell Road.

The planning proposal does not include a traffic report or a statement to explain the likely traffic generation and impacts on the local road network and how the increased traffic volume of the proposed development would be accommodated within the existing or the future upgraded local and regional traffic network. The planning proposal only provides a statement stating that the future development would generate 684 additional daily vehicle trips based on average 9 daily vehicle trips specified in the RTA's 'Guide to Traffic Generating Developments, October 2002'

ORDINARY MEETING

Meeting Date: 10 March 2015

Public transport is limited to the Blacktown Busway Route 664 service via Oakville and Pitt Town between Windsor and Wisemans Ferry. Mulgrave and Windsor Railway Stations are the closest stations to the site and they are located approximately 8 and 10 kms away from the site respectively.

Should Council resolve to proceed and forward the proposal to DP&I for a gateway determination it is recommended that the planning proposal mention the need for a referral to the Roads and Maritime Services (RMS).

Flora and Fauna

The Biodiversity Protection Map of the LEP 2012 shows some significant vegetation in the south-east corner and along eastern and north-western boundaries. However, recent site investigation reveals that the majority of the site is covered with exotic pasture grasses with some scattered regenerating Acacias.

It is noted along the eastern boundary Radiata pines have been planted as a windbreak consistent with other plantings throughout Pitt Town's historic orchard growing areas.

Although the land in its current state has limited ecological value from a biodiversity perspective, a flora and fauna report may be required to satisfy the legislative requirements of the Act, as threatened biodiversity has been recorded in the locality.

Should Council resolve to proceed with the planning proposal the applicant may be advised to provide a flora and fauna report.

Flooding

The area of the site that is the subject of the planning proposal is situated above 1 in 100 year ARI flood level.

Topography

According to Council's slope mapping the land is relatively flat, being generally less than 6%. A very narrow strip of land with a steep slope, generally in excess of 15% is located along the western boundary of both Lots 1 and 2 DP 1057585. The Sustainability Criteria of the HRLS recommends that urban development be limited to areas with a slope of 15% or lower. It is considered that the land is relatively free of significant slope constraints and the land is suitable for residential development.

Character of the Area

The area surrounding the site has a mix of lot sizes ranging from small residential lots of 450m² -1,000m², large residential lots ranging from 2,000m² - 2ha and rural lots of 10ha. Lots immediately to the north are generally 2,000m² - 2,500m², lots immediately east are 2,500m² and the lots immediately south and west are 2ha (see Attachment 9). Given larger 10ha rural lots north-east of the site and smaller lots (ranging from 450m² - 1,000m²) within the Pitt Town small village centre south-west of the site, it is considered that the proposed 1,000m² lots within the site somewhat act as a transition between these two areas with distinct visual characters. Further future development of the site for low density residential development will blend with the surrounding large lot residential and rural residential development.

Services

It is considered that the site has a reasonable access to the required services. However, the proposal provides very limited information on services to demonstrate its environmental capability to accommodate the proposed development. The proposal only states that the proposal will make use of existing and proposed infrastructure and arrangements will be made with the relevant service providers for reticulated water and sewer, electricity and telecommunications.

Agricultural Land Classification

The site consists of Class 3 land. The NSW Land and Water Conservation's 1988 Agricultural Suitability Classification System describes Class 3 as follows:

Class 3 - Moderately productive lands suited to improved pasture and to cropping within a pasture rotation. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard or soil structural breakdown limit the frequency of ground disturbance, and conservation or drainage works may be required.

Given the site is already zoned and used for residential purposes and predominant residential character of the immediate surrounding area it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise. GD advises that the site has been previously used for low intensity grazing and rural residential activities.

Heritage Significance

None of the subject properties are identified as a heritage item/property in Schedule 5 Environmental Heritage of HLEP 2012 or located within the Pitt Town Conservation Area. The Pitt Town Heritage Map of HLEP 2012 identifies the Pitt Town small village including the subject land as potential archaeological sites and places of Aboriginal significance. Appropriate development conditions ensuring no adverse impacts on potential archaeological sites could be imposed in future development approvals for land within Pitt Town Heritage Map area.

Possible Amendments to Council's Plans

Should Council resolve to proceed with the planning proposal, HLEP 2012, the DCP and Section 94 Contributions Plan 2008 would need to be amended as explained below:

HLEP 2012 - As shown in Attachment 8 the current lot size map would need to be amended to apply the proposed 1,000m² minimum lot size for the land.

DCP - It is envisaged that the following amendments to Chapter 4 Pitt Town Part E of the DCP and certain administrative amendments to Part A Introduction would be required:

- Amendment to Figure E4.2 - Development Plan
- Amendment to Figure E4.3 - Development Precincts - Currently minimum lot size of 1,000m² applies only to Precinct B. If the minimum lot size for the land in Precinct E was to be changed as 1,000m² Precinct E boundary would need to be changed to accommodate Precinct B for the subject land.
- Amendment to Figure E4.4 - Road Hierarchy
- Amendment to Figure E4.5 - Flood Evacuation Route

S94 Plan - if the subject land was to be included in the S94 plan amendments to the current Section 7A Catchment 5 - Pitt Town Residential Precinct and Appendix 1 would need to be made.

Conformance with Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction statements.

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

ORDINARY MEETING

Meeting Date: 10 March 2015

- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

and is consistent with the nominated strategy in the Community Strategic Plan, being:

- Encourage affordable, diverse and quality housing solutions in serviced areas.

and is consistent with the nominated goal in the Community Strategic Plan, being:

- Housing is available and affordable for the population whilst retaining agricultural and heritage values of the area.

Conclusion

The assessment of the planning proposal to amend Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 to allow subdivision of part of the land zoned R5 Large Lot Residential into 116 lots with minimum lot size of 1,000m² reveals that the site is free of any major development constraints. However, the planning proposal does not clearly demonstrate the strategic significance of the proposal or adequately demonstrate that development of the land under Council's current controls is not economically viable.

It is therefore recommended that a planning proposal not be supported in its current form.

Should the applicant be able to provide sufficient strategic and economic justification (i.e. more than statements that the current minimum lot size is uneconomic to develop, as information available to Council does not support such statements) for the decrease in the minimum lot size and increased lot yield, the planning proposal could be reconsidered. If the economic and strategic justification is satisfactory the planning proposal could be supported.

Financial Implications

The applicant has paid the fees required by Council's Revenue Pricing Policy for the preparation of a local environmental plan. Should the proposal not proceed a partial refund of those fees would apply.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.
2. Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council.

ORDINARY MEETING

Meeting Date: 10 March 2015

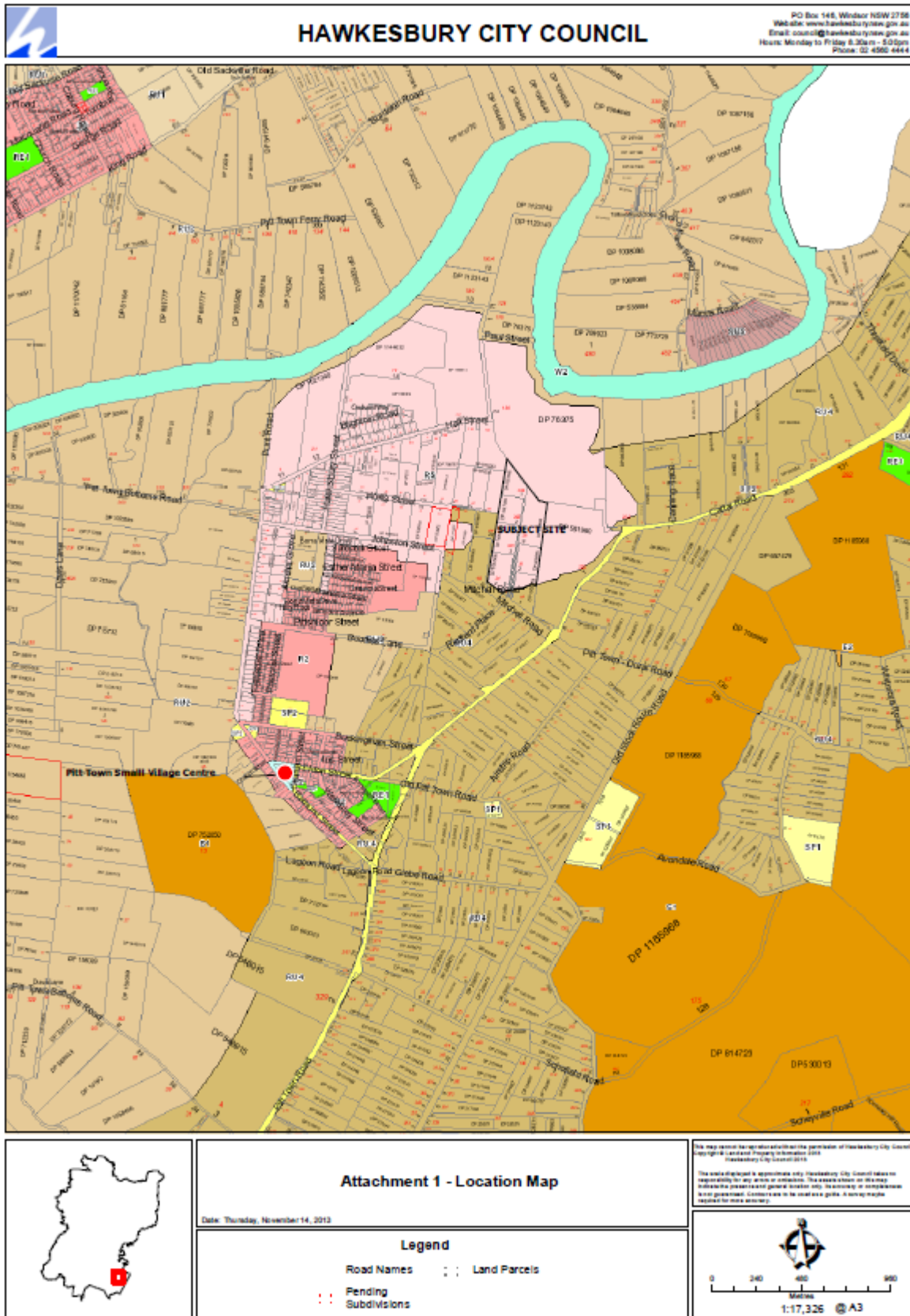
ATTACHMENTS:

- AT - 1** Location Map
- AT - 2** Subject Site
- AT - 3** Current Zoning of the Immediate Surrounding
- AT - 4** Extract of Lot Size Map 3800_COM_LSZ_008C of HLEP 2012
- AT - 5** Precincts within Pitt Town Development Area
- AT - 6** Flood Evacuation Route
- AT - 7** Aerial View of the Immediate Surrounding
- AT - 8** Extract of the Proposed Lot Size Map
- AT - 9** Extract of Section 94 Plan - Proposed Road Works

ORDINARY MEETING

Meeting Date: 10 March 2015

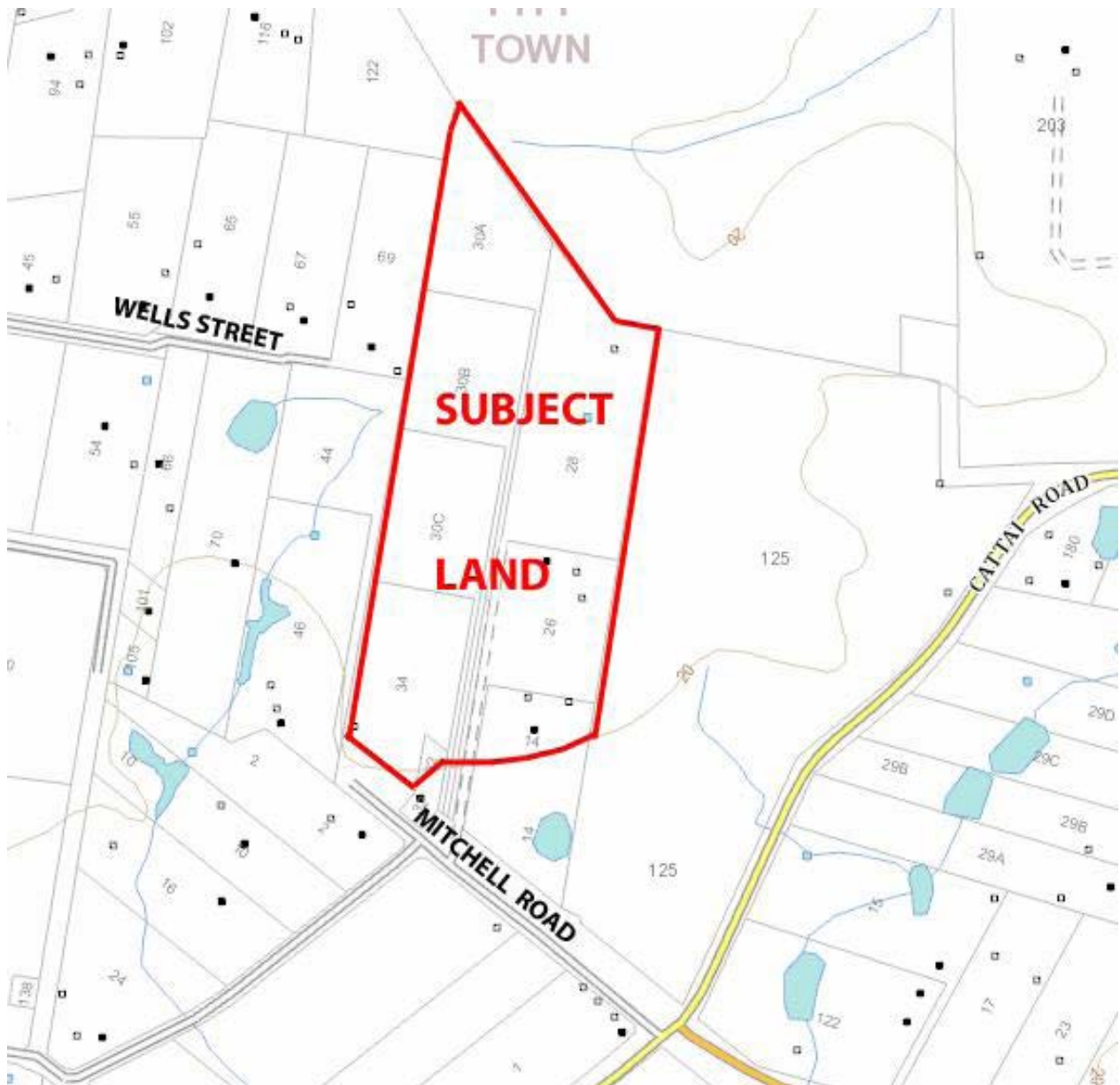
AT - 1 Location Map



ORDINARY MEETING

Meeting Date: 10 March 2015

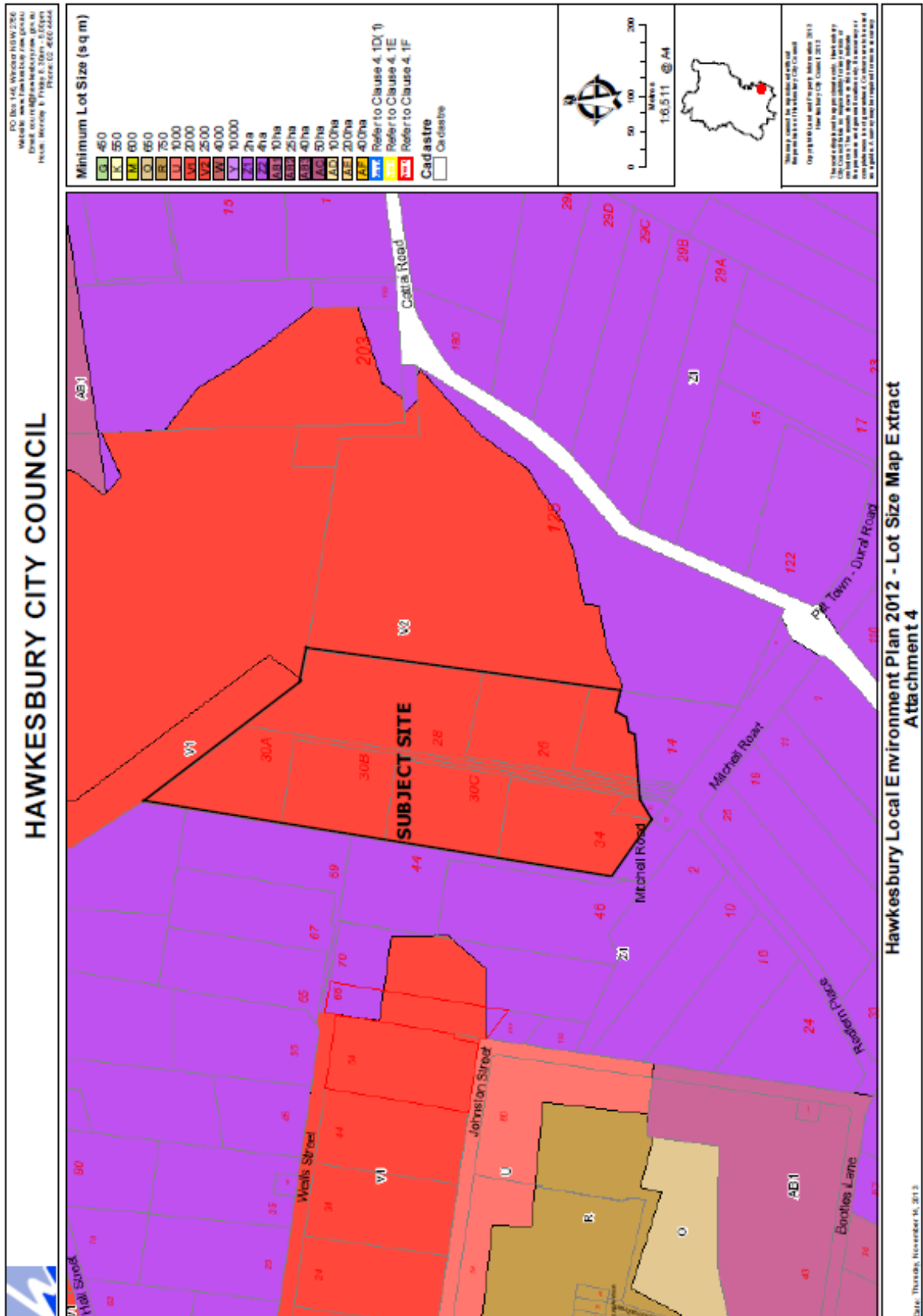
AT - 2 Subject Site



ORDINARY MEETING

Meeting Date: 10 March 2015

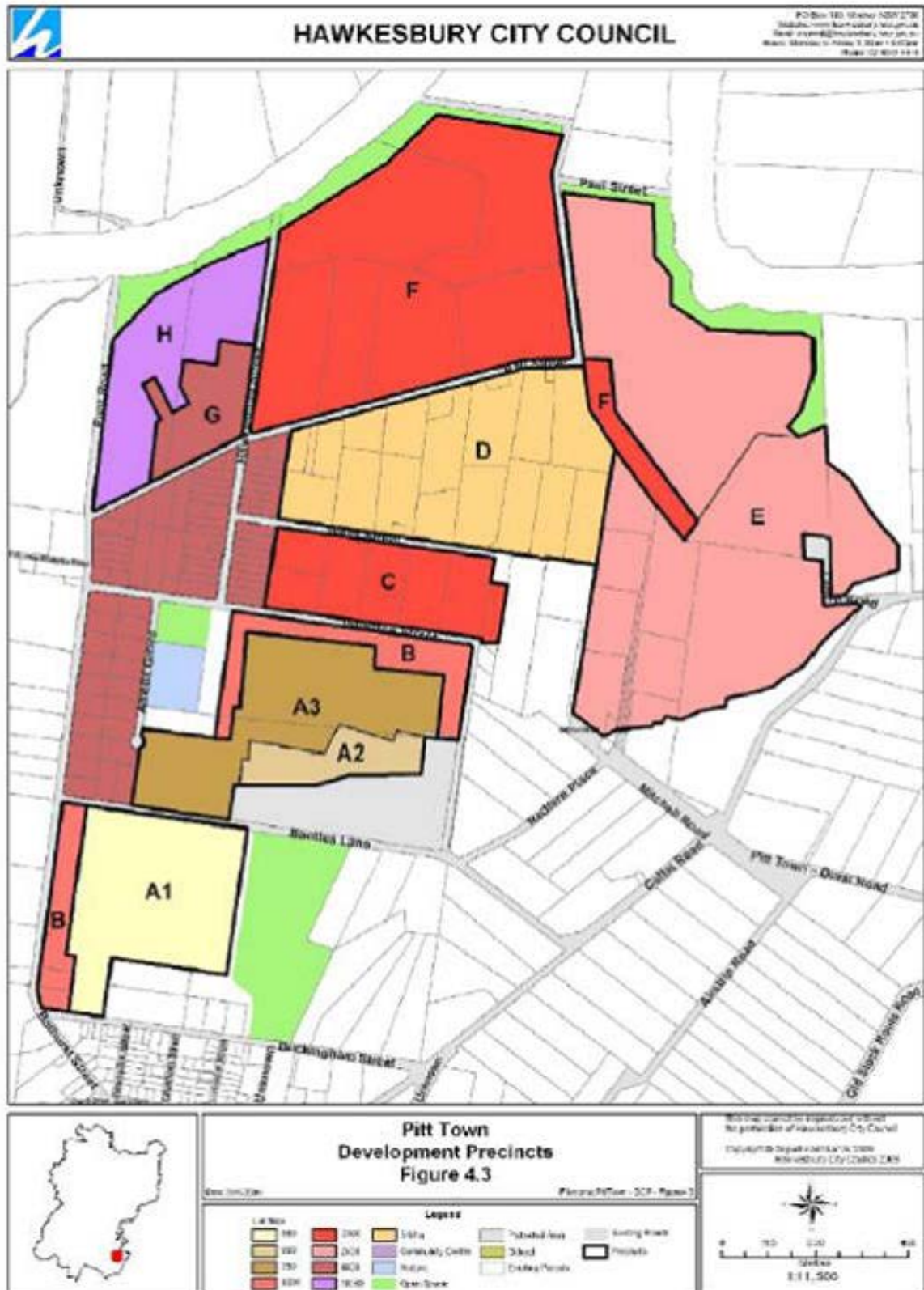
AT - 4 Extract of Lot Size Map 3800 COM_LSZ_008C of HLEP 2012



ORDINARY MEETING

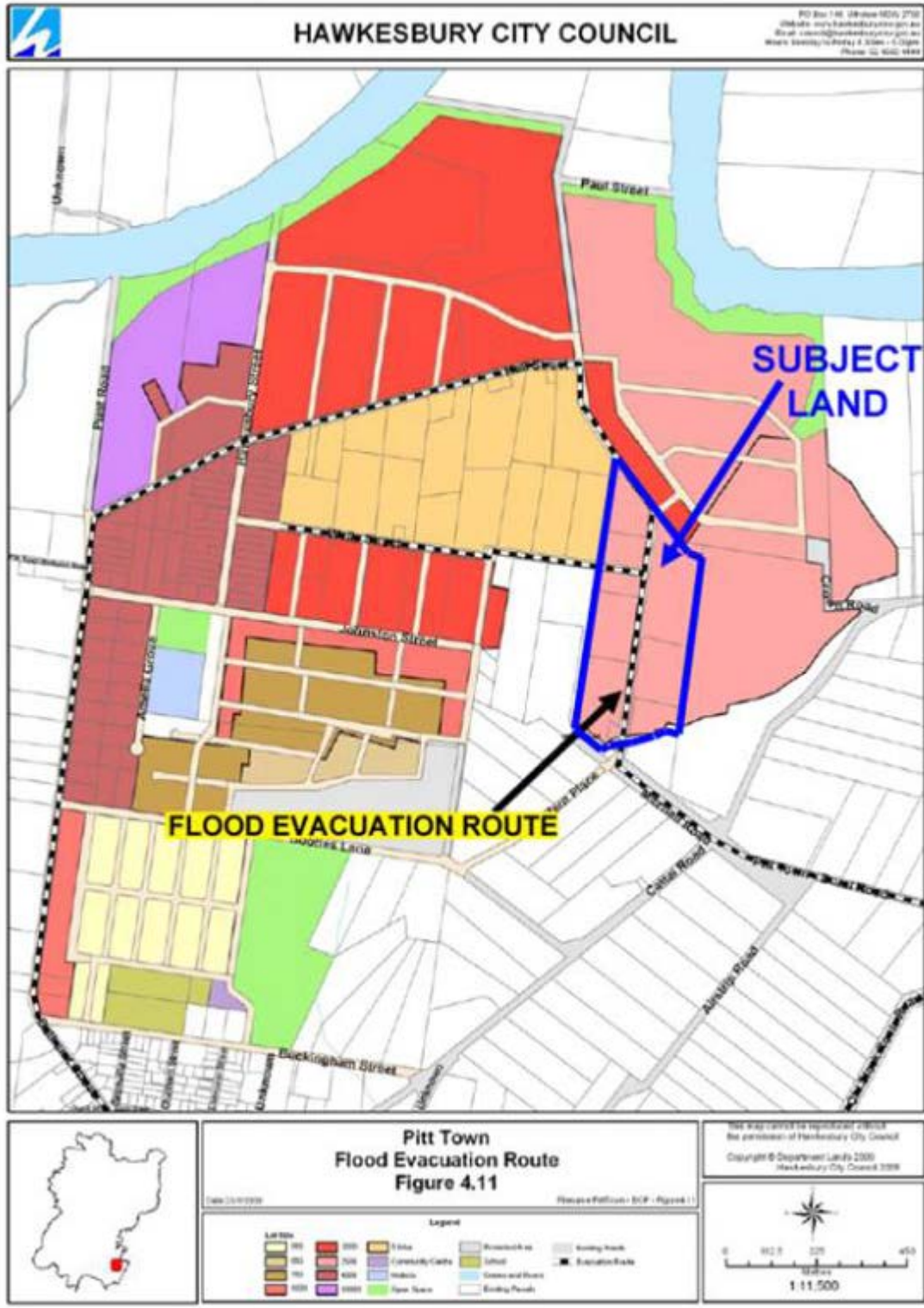
Meeting Date: 10 March 2015

AT - 5 Precincts within Pitt Town Development Area



AT - 6 Flood Evacuation Route

Figure E4. 11: Flood Evacuation Route



ORDINARY MEETING

Meeting Date: 10 March 2015

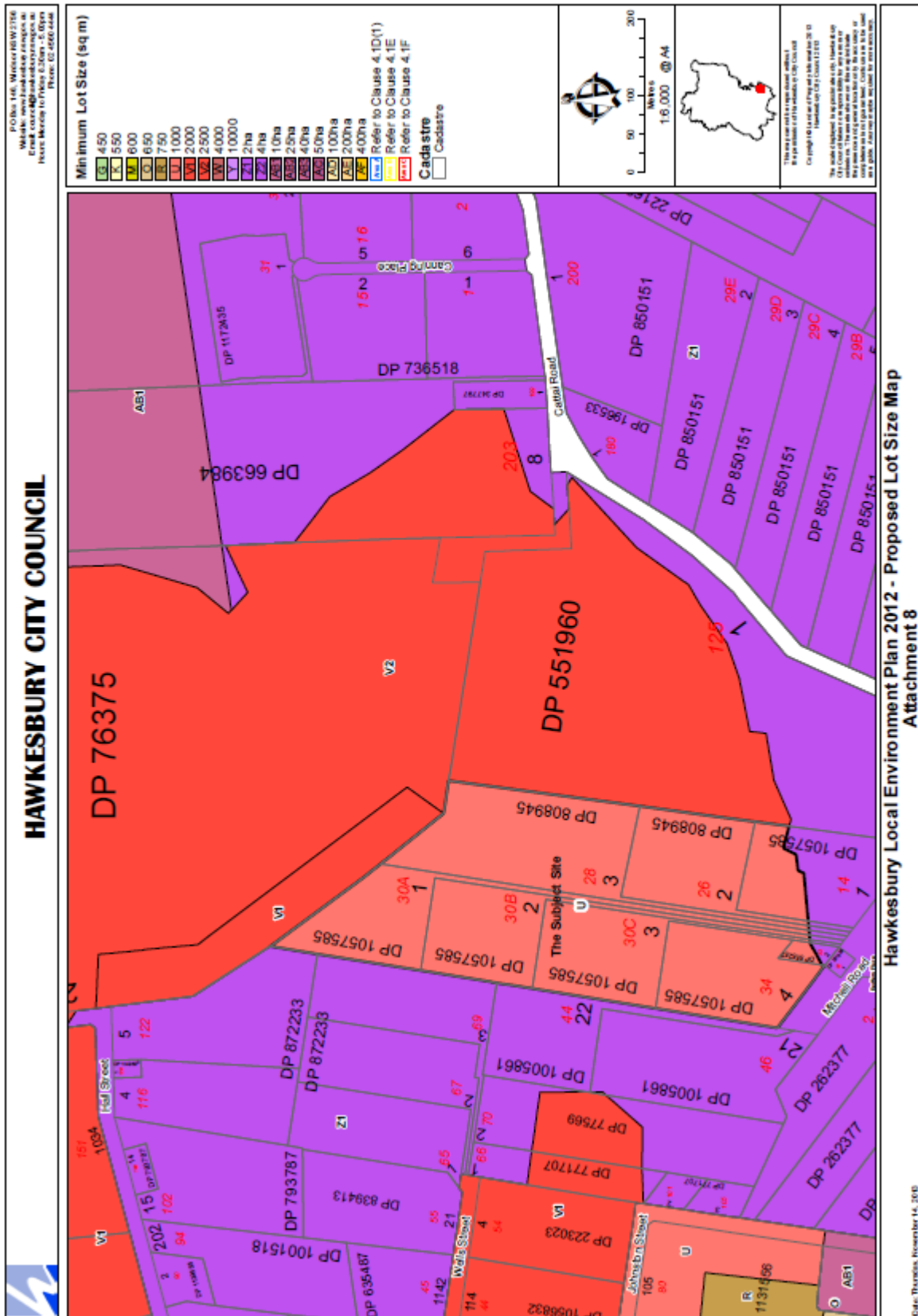
AT - 7 Aerial View of the Immediate Surrounding



ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 8 Extract of the Proposed Lot Size Map



ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 9 Extract of Section 94 Plan - Proposed Road Works



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

Resolution

ITEM 233: CP - Planning proposal - Amendment to Hawkesbury Local Environment Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498)

Mr Bassam Ghantous addressed Council, speaking against the item.

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

That:

1. Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.
2. Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council.

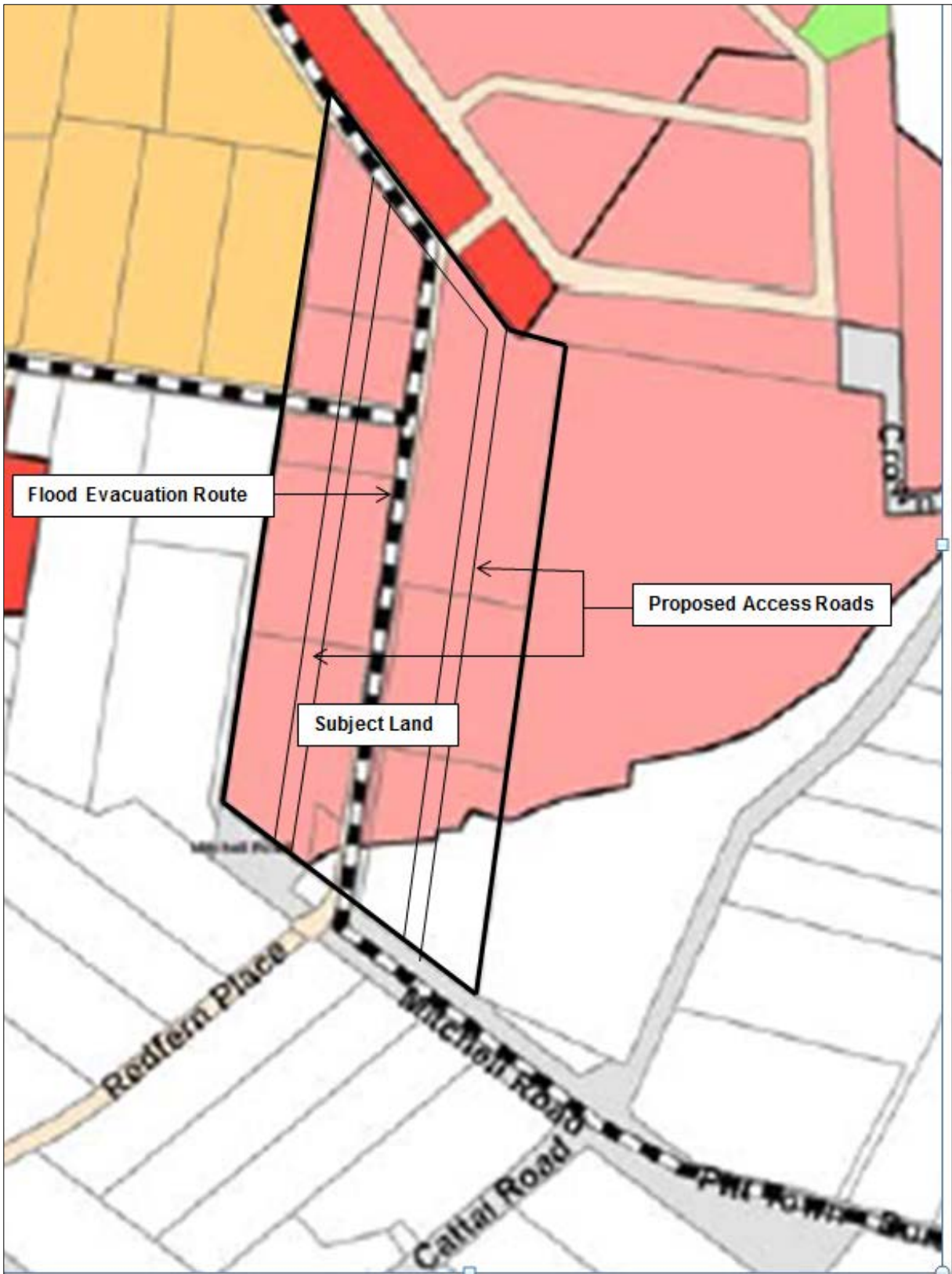
In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

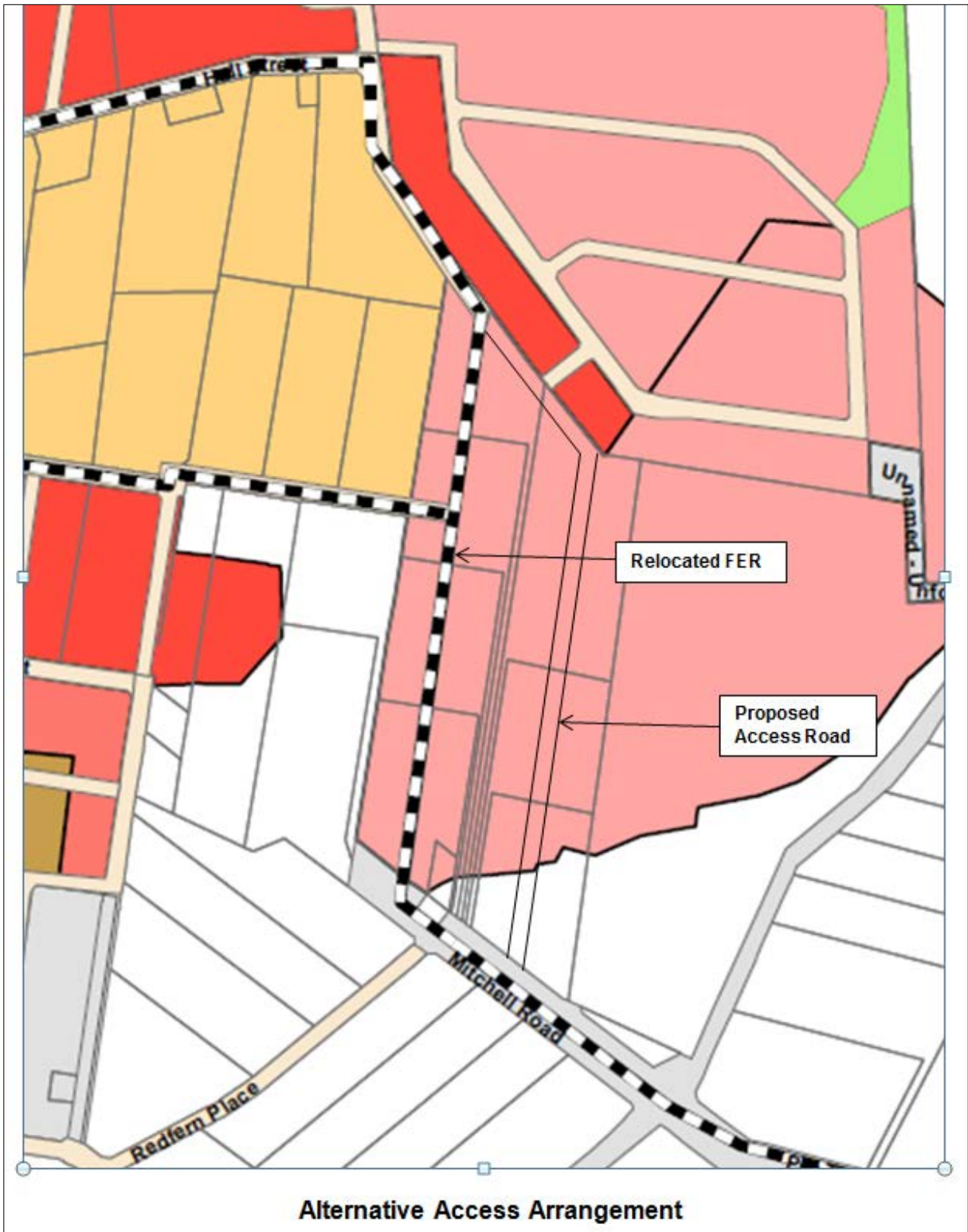
Councillor Conolly was not in the Chamber when the vote was taken.

The Motion was carried.

AT - 2 Applicant's Proposed Access Arrangement for Subdivision of the Land



AT - 3 Alternative Access Arrangement for Subdivision of the Land

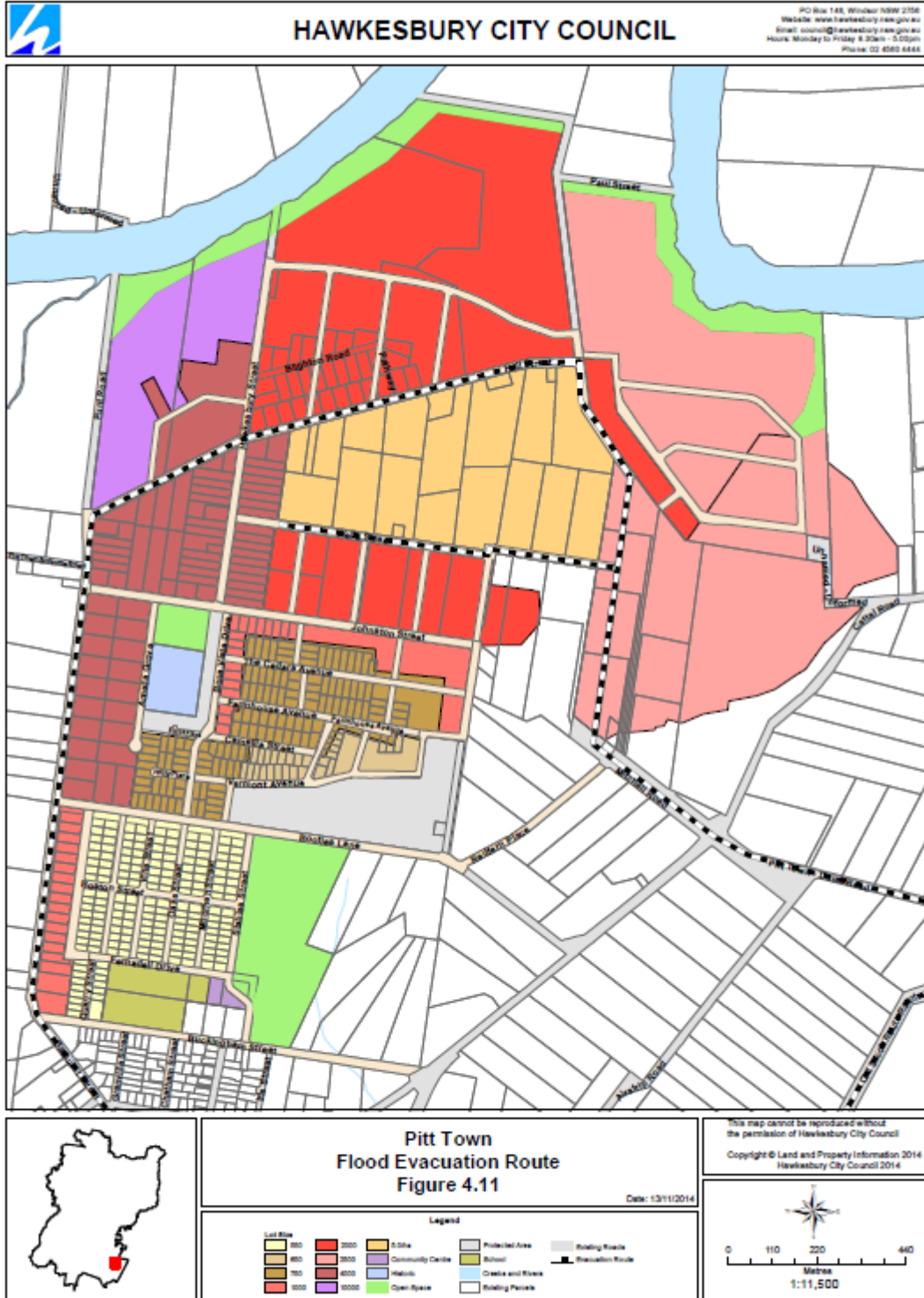


ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 4 Amended Figure 4.11 - Flood Evacuation Route

Chapter 4 Pitt Town, Part E of the DCP



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

INFRASTRUCTURE SERVICES

Item: 34 **IS - Change of Dates - Bridge to Bridge Power Boat Race - (95495, 79354, 73829)**

Previous Item: 9, Ordinary (3 February 2015)

REPORT:

Executive Summary

An application has been received from the Upper Hawkesbury Power Boat Club to amend their Bridge to Bridge Power Boat Race day to Saturday, 23 May and Sunday, 24 May 2015.

As the event is held annually and creates a positive flow on benefits to the community, it is recommended that change in date be approved subject to the conditions already resolved by Council.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The Upper Hawkesbury Power Boat Club applied to Council to hold their Bridge to Bridge Power Boat Race on Saturday, 2 May and Sunday, 3 May 2015 and the Power Boat Spectacular on Saturday, 19 September and Sunday, 20 September 2015. Council resolved, inter alia, at its Ordinary meeting held on 3 February 2015 that:

"Approval be granted to the Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Reserve for the 2015 Bridge to Bridge Power Boat Race to be held on Saturday, 2 May and Sunday, 3 May 2015."

The Upper Hawkesbury Power Boat Club has since contacted Council staff requesting that their date for the 2015 Bridge to Bridge Power Boat Race be changed to 23 and 24 May 2015. The reason is the volunteer groups working at the event have a major training weekend on 2 and 3 May 2015 and thus would not be available to help the event if it was raced that weekend. Event organisers have looked to see if they could keep the original date but this has proved not to be viable.

No other events are planned for the 23 and 24 May 2015 and thus the park is available.

It is recommended that the change in date be approved subject to the conditions already resolved by Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

Financial Implications

There are no financial implications arising as a result of this report.

ORDINARY MEETING

Meeting Date: 10 March 2015

RECOMMENDATION:

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for “exclusive use” of Governor Phillip Reserve for the 2015 Bridge to Bridge Power Boat Race to be held on Saturday, 23 May and Sunday, 24 May 2015.
2. The approvals be subject to the following conditions/documents:
 - a) Council’s general park conditions.
 - b) Council’s fees and charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) The Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised further alternative dates, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

Item: 35 **IS - Extension of Approval for Markets at Governor Phillip Reserve and Richmond Park - (95495, 79354, 127235, 129069)**

Previous Item: 282, Ordinary (27 August 2013)
68, Ordinary (11 March 2014)

REPORT:

Executive Summary

Council previously approved applications from both Richmond Fresh Food and Eclectic Markets and Events to hold markets in Richmond Park and Governor Phillip Reserve.

Both markets have expressed interest in extending their approvals for another year. Both markets have been popular and have caused minimal impact to the parks.

It is recommended that approvals for both markets be extended until June 2016 with reviews to take place that balance commercial and community issues.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Council previously approved applications by Richmond Fresh Food to hold weekly Saturday growers markets at Richmond Park and Eclectic Markets and Events to hold monthly Saturday markets at Governor Phillip Reserve respectively. Both approvals were for an initial period of one year from the date of commencement.

Richmond Fresh Food has applied to extend their approval for one year. The Eclectic Markets and Events have also indicated their interest in extending their tenure. Both markets have been popular and have caused little damage to the parks.

Council fields enquiries from time to time from various parties interested in operating markets or similar events on these and other Council lands. Whilst it is not Council's role to favour one operator over another the nature of markets is such that they involve the development of a business that requires marketing and brand development that relies upon a degree of surety of location. Whilst it can be argued that there is a public benefit with both the activation of the parks and the provision of a goods and services, this needs to be weighed against any private gains that may accrue to an operator/commercial entity. To address this it is recommended that an extension of time be offered to the current operators to assist in establishing commercial viability and that this then be reviewed after a period of time, in the same way that any incentives or allowances offered under a commercial lease would. In these circumstances it is suggested that this review occur in June 2016, and that this would give the current operators fair and reasonable notice of Council's intent to seek a balance between a fair return for use of community owned land, the benefits to the community and an equitable and transparent process for existing and potential users of these sites.

In regard to the allocation of times the current arrangements allow for variations to avoid conflicts with other events and users and this can be managed at an administrative level. This would also include granting approvals for holding of twilight markets at specific times.

It is recommended that both markets be approved for their markets to be extended until June 2016. Assessment of the operations would be undertaken prior to any further renewal.

ORDINARY MEETING

Meeting Date: 10 March 2015

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.

Financial Implications

No significant financial implications arise from these requests. Richmond Fresh Food are currently invoiced on a per stall basis and Eclectic Markets and Events are invoiced on a daily hire basis. This may be reviewed and would be reported separately after consultation with operators.

RECOMMENDATION:

That:

1. Richmond Fresh Food be given approval to hold a weekly growers market on Saturdays at Richmond Park for a period up to 30 June 2016.
2. Eclectic Markets and Events Market be given approval to hold a monthly market at Governor Phillip Park for a period up to 30 June 2016.
3. The General Manager be given authority to negotiate up to four evening markets per year, if required by each applicant.
4. The approvals be subject to the following:
 - a) Council's general park conditions.
 - b) Council's fees and charges.
 - c) The Richmond Park and Windsor Foreshore Plans of Management.
 - d) Satisfactory management of conflict with other users.
 - e) Council reserving the right to suspend the use where conflicts of use arise.
5. The market operators be advised that it is Council's intent to review these approvals to ensure a balance between community and commercial issues, prior to any further extension of approvals.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

Item: 36 **IS - Road Naming Proposal Seniors Living Development North Richmond
(Kingsford Smith Village and Ron Middleton VC Gardens) - (95495, 79346)**

REPORT:

Executive Summary

The seniors living development at North Richmond known as Kingsford Smith Village and Ron Middleton VC Gardens involves the creation of a number of new private roads.

The NSW Addressing Policy states that Local Government, regardless of custodianship, are the Road Naming Authority for Private Roads and are responsible for endorsing the authoritative road name and ensuring it is approved by the NSW Geographical Names Board (GNB) and gazetted in the NSW Government Gazette.

Road names have been proposed for the development and are based on the theme of aviation from the World War II era. The proposed road names have been concurred to by the GNB.

This report therefore recommends that the attached list of road names for the Kingsford Smith Village and Ron Middleton VC Gardens be adopted for use and a notice to be placed in the NSW Government Gazette officially naming the roads.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The seniors living development at North Richmond known as Kingsford Smith Village and Ron Middleton VC Gardens (Aged Care Facility) is a Community Title development (DP 270758), that involves the creation of ten private roads. This development is part of DA852/08.

The NSW Addressing Policy states that Local Government, regardless of custodianship, are the Road Naming Authority for Private Roads and are responsible for endorsing the authoritative road name and ensuring it is approved by the GNB and gazetted in the NSW Government Gazette.

Names for the development have been submitted to Council and are based on the theme of aviation from the World War II era and are linked with the Village being a RSL Life Care Service as well as its close proximity to the RAAF Base at Richmond. Council staff have reviewed and vetted various proposed names for conformance to the NSW Addressing Policy and the Principles of Road Naming prior to submitting the proposed names to the GNB for their concurrence.

ORDINARY MEETING

Meeting Date: 10 March 2015

The GNB has concurred to the proposed names and these names are listed below and are outlined in the road naming layout plan contained in Attachment 1 to the report:

- Caribou Avenue
- Catalina Way
- De Havilland Way
- Iroquois Drive
- Lancaster Way
- Pathfinder Way
- Runway Street
- Southern Cross Drive
- Spitfire Way
- Wirraway Close

As the attached road names for Kingsford Smith Village and Ron Middleton VC Gardens at North Richmond have been concurred to by the GNB, as conforming to the NSW Addressing Policy and the Principles of Road Naming, it is recommended that these names be adopted for use and a notice to be placed in the NSW Government Gazette officially naming the roads.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use

Financial Implications

There are no financial implications arising from this matter.

RECOMMENDATION:

That:

1. Council, as the road naming authority adopt the use of the road names, outlined in the road naming layout plan contained in Attachment 1 to the report, for the private roads within the Kingsford Smith Village and Ron Middleton VC Gardens at North Richmond.
2. A notice is to be placed in the New South Wales Government Gazette officially naming the private roads.

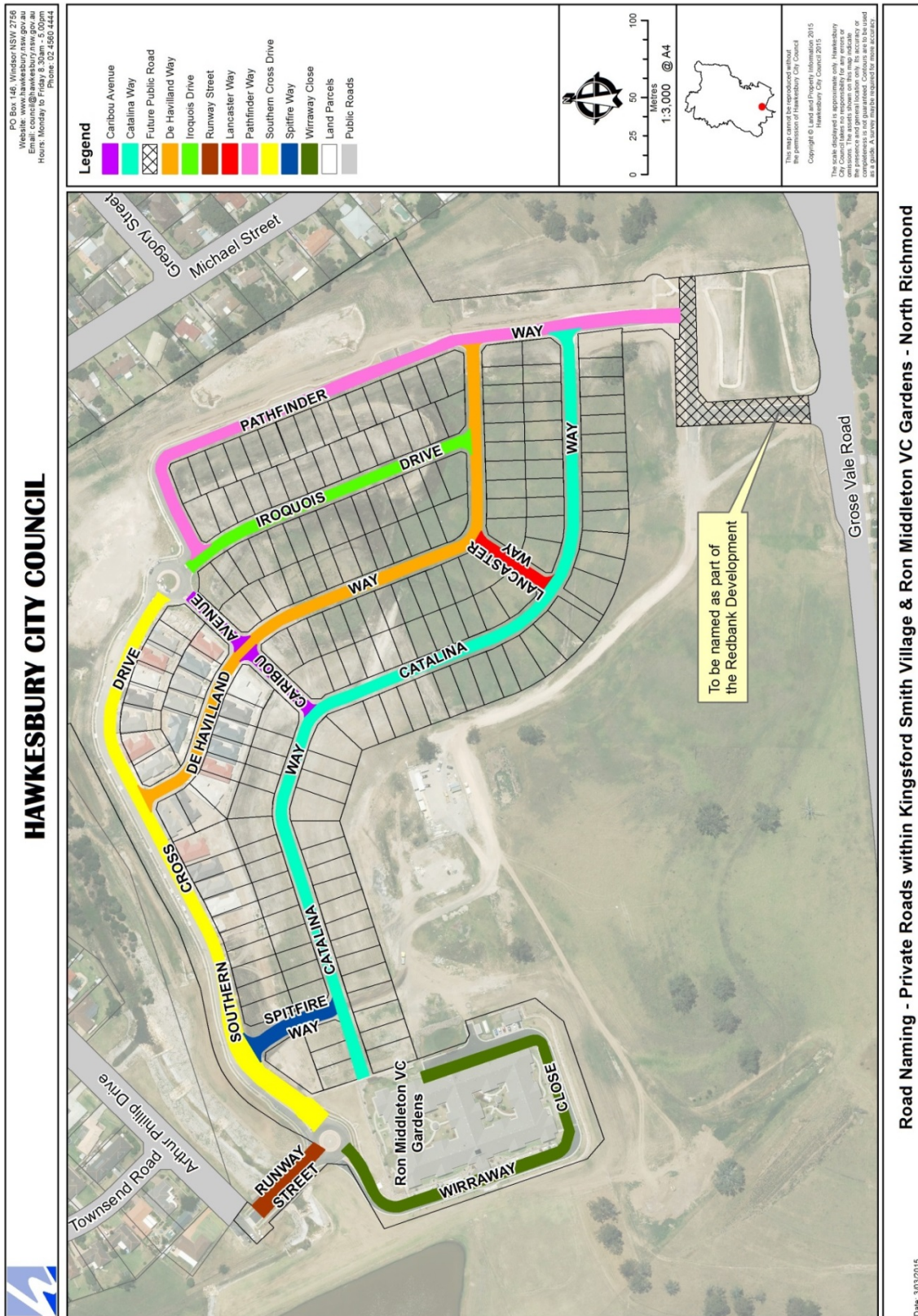
ATTACHMENTS:

AT - 1 Road Name Plan – Kingsford Smith Village North Richmond

ORDINARY MEETING

Meeting Date: 10 March 2015

AT 1 – Road Name Plan – Kingsford Smith Village North Richmond



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 March 2015

SUPPORT SERVICES

Item: 37 **SS - Affordable Housing Options - (95496, 96328)**

Previous Item: 27, Ordinary (24 February 2015)

REPORT:

Executive Summary

This report is being re-reported to Council following its consideration at the Councillor Briefing Session held on 3 March 2015.

This report outlines the outcome of investigations into possible options for pursuing affordable housing partnerships with Wentworth Community Housing (WCH) and developers. The drafting of the report has been included as an output measure for an action identified within the 2014/2015 Operational Plan. The report includes some background information on affordable housing and outlines two options for possible affordable rental housing partnerships for Council's consideration. It proposes that these options be considered for possible inclusion into a proposed Affordable Housing Policy, currently under consideration. It also proposes that further investigation be undertaken in relation to the option of entering into an Affordable Rental Housing Partnership with a Community Housing Provider, based on the possible development of a parcel of Council owned land, classified as Community land under the Local Government Act 1993.

Consultation

At this time, the issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Should Council determine to further pursue the options identified in the report, there will be a requirement for community consultation in accordance with statutory requirements.

Background

In recent years, Council has considered a number of reports into homelessness and the related issue of affordable housing. In considering these matters, Councillors have expressed an interest in identifying a mechanism or policy which might provide a practical framework for achieving affordable housing outcomes for residents of the Hawkesbury. Consequently, Council's 2014/2015 Operational Plan included the following action:

"5.1 Explore Council and private land with potential for development for community housing in partnership with Wentworth Community Housing and developers."

The outcome measure for this action was the preparation of a report for Council's consideration. A draft report to this effect was prepared and included in the Business Paper for the meeting of the Human Services Advisory Committee, held on 5 February, 2015. This action was taken, given that the Committee had co-ordinated the preparation of the recently adopted Hawkesbury Homelessness Action Plan, which included an action to investigate options and mechanisms for the funding of affordable housing.

The Committee subsequently resolved to receive the information within the report, and to request that Council give consideration to the affordable rental housing partnerships outlined in the report, and for these options to be considered for incorporation into an Affordable Housing Policy.

Housing Affordability and Affordable Housing

Housing Affordability refers to a person's ability to meet the costs of renting or purchasing a dwelling. A measure of housing affordability is the percentage of household income required to meet rental or mortgage payments – where these payments exceed 30% of household income, a household is said to be experiencing housing stress. However, this is a relative measure - actual levels of housing stress will vary depending on the financial circumstances of the purchaser or renter. The key determinant of absolute housing stress is the level of disposable income a person or household has after meeting their housing costs.

For this reason the most commonly used and accepted measure of housing stress is based on household income. The National Centre for Social and Economic Modeling (NATSEM) defines housing stress as those households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs. Housing stress is particularly acute for private renters, single-person households where the occupant is under 65, and low income households.

Housing Stress in the Hawkesbury

Applying the NATSEM indicator of housing stress to the 2011 census results, shows that in 2011, 2,467 low income households within the Hawkesbury were experiencing housing stress (almost half of all low income households). Of these low income households, 1,520 were in rental stress, while 947 households were in mortgage stress. A significantly higher level of rental households were experiencing housing stress - securing affordable rental housing is a challenge faced by most low income households. The lack of affordable rental housing pushes people into marginal forms of housing (boarding houses, long-term caravan parks) which makes it difficult for them to access safe and secure accommodation and exposes them to risk of homelessness. For these reasons, affordable housing programs generally focus on boosting the supply of affordable rental housing.

The Supply of Affordable Rental Housing and Social Housing

Governments offer incentives to developers and housing providers to build and manage affordable rental housing. The National Rental Affordability Scheme (NRAS) provides an incentive to developers and community housing organisations to construct affordable rental housing. Under the NRAS, a developer or community housing organisation receives a fixed amount of funding (\$10,000 per year per dwelling unit over a 10 year period). The provider is then required to rent the property to households on low to moderate incomes at 80% of the market rate. In practice it is generally not-for-profit community housing providers who either manage the NRAS properties constructed by developers, or who directly fund and construct affordable rental housing through a mix of equity and debt.

Notwithstanding the incentives offered for affordable rental housing, it is often the case that a portion of the equity injected into an affordable housing project by a not-for-profit community housing provider, occurs by way of a cash grant from government, or the transfer or long term lease of land, which enables the provider to secure a loan facility against the value of the property to raise the funds required to construct the development. Within this framework, the supply of affordable housing remains market driven with developers and community housing agencies requiring a return on their capital investment to generate sufficient income to service the debts raised against these properties.

Social (Public) Housing refers to housing owned by government or a community housing provider where a tenant pays a fixed rent of 20% of their income. In contrast to affordable housing, the supply of social housing is reliant on ongoing government investment (in the form of rental subsidies) and cannot realistically be supplied by the market. Social housing can however be integrated into mixed housing developments (a mixture of social, affordable and market rental housing) provided that the revenue streams from the housing development are sufficient to subsidise the social housing component of the development.

Developing additional community housing in the Hawkesbury

Given the above factors, the success of a viable affordable housing partnership in the Hawkesbury will be dependent on some level of financial assistance. Without this assistance, it is unlikely that the current property market can deliver an affordable rental housing outcome, with a sufficient rental income stream to service the debt required to construct the housing and meet day-to-day and life-cycle property costs.

In practice, the financial subsidies provided to community housing organisations, to enable them to construct and manage affordable rental housing, have occurred by way of:

- Direct financial grants (from state/federal governments or by local government from developer levies or other planning agreements); and or
- through the long-term peppercorn lease of land, or the direct transfer of suitable land, which enables a not-for-profit community housing organisation to secure a loan facility to raise the funds required to construct affordable rental housing on the land in question.

These options provide the funding mechanism which makes an affordable rental housing project viable by either an up-front cash injection, or the provision of land at no cost which enables a community housing organisation to raise the balance of equity and debt required to make affordable rental housing, economically viable for both tenants and the housing provider.

Affordable Rental Housing Options

There are two possible options which Council could consider should it wish to further pursue the provision of an affordable rental housing outcome for residents of the Hawkesbury.

Option 1 – Affordable Housing Partnerships on private land

Under this option, Council would negotiate an affordable rental housing agreement with developers of larger residential developments (i.e. 100 lots or more). In broad terms, the mechanics of the agreement would involve increasing the nominal lot yield for a development by 1% to 2%. The additional lots would be developed with the required earthworks, utility connections, sewer works, etc. to permit the construction of housing. The developer would retain some of the developed lots where the sale value of the retained lots is equal to the costs of the development of the total number of additional lots (i.e. at a break even cost for the developer). The balance of the additional lots would be dedicated for affordable rental housing.

The title of the lots would generally be transferred to a community housing provider (CHP) at no cost, to enable the CHP to leverage a debt facility to fund the construction of dwelling units, which would be owned and managed by the CHP under a long-term affordable rental housing agreement. Alternatively, the developer would sell the additional housing lots, with net sales proceeds remitted to Council, to sit in a dedicated affordable rental housing facility. Council would then enter into a partnership, with a CHP to deliver an affordable housing outcome elsewhere in the Hawkesbury. The funds within the facility would be offered to the CHP on the basis that the CHP would co-invest (a mix of equity and debt) to fund an affordable rental housing project.

As an example, if applied to a proposed residential housing development of 1,000 lots, such an agreement would see the development of a further 10 lots (if the lot yield were to be increased by 1%). The best affordable rental housing outcome would be achieved by locating the additional lots in a R3 (medium density) zone - preferably as a consolidated lot (or lots) which could support a mix of dwelling units in the form of town houses or some other low rise medium density housing option. Alternatively, the net proceeds of the sale of the additional lots, would be remitted to Council to be used as a financial incentive for a CHP to develop affordable rental housing at some other more appropriate location within the Hawkesbury, which is zoned for medium density housing. The latter option may be more appropriate for residential developments which do not contain provision for medium density housing, and/or are not proximate to major town centres.

By way of an example, Penrith City Council has recently entered into an agreement with WCH, broadly along the lines outlined above. Penrith Council has provided \$1M (collected from developers) as a contribution to the development of affordable rental housing units, with a further \$1M provided by the Centre for Affordable Housing. The provision of these funds has enabled WCH to develop a viable and sustainable affordable rental housing proposal for 24 units within the Penrith LGA, at a total cost of \$8.5M, with WCH funding the balance of the construction cost of \$6.5M through a combination of equity and debt.

Option 2 – Affordable Housing Partnerships on Council land

As a local government authority, Council has considerable land holdings. As Council will be aware, this land can be classified as Operational land - which essentially can be sold, leased or developed much in the same way as privately owned land; or Community land, which has restrictions placed on its use in accordance with the Plans of Management (POM) which apply to the land. Community land cannot be sold nor can it be developed, leased or used in ways that are contrary to POM for that land, or the relevant provisions of the Local Government Act 1993.

Council does not have any vacant parcels of Operational land which could potentially be developed for affordable rental housing. In any event, Council derives substantial rental income from its Operational land holdings, which is used to fund the provision of Council services. Accordingly, a prudent and viable affordable rental housing partnership would need to be located on a parcel of Community land.

Council has in excess of 220 parcels of Community land. Most of these parcels are either parks or reserves which contain community, recreational and sporting facilities. Council does, however, have a number of smaller parcels of vacant Community land within urban areas which are little used, contain no facilities, which are maintained by Council with little or no return to residents, and for which no future use has been identified. It may be possible for Council to identify a parcel of Community land with good potential for the development of affordable rental housing. Such a land parcel would need to be in an urban area, preferably in an R3 zone, of a reasonable size (at least 2,000 m²), and in close proximity to a town centre and public transport links. The site would need to be 'surplus to requirements' in that it has no current or projected future use.

Under this option, Council would negotiate an affordable rental housing agreement with a CHP. In broad terms, the mechanics of the agreement would involve Council reclassifying, rezoning and subdividing a parcel of Community land, and then either entering into a long term peppercorn lease with the CHP for the lots created, or transferring all or a number of the lots to the CHP at no cost. The lots would be developed into affordable rental housing by the CHP to be funded by the CHP through a mix of equity and debt. A number of the units constructed (equal to the market value of the land transferred to the CHP by Council) would be vested in Council ownership – for example, if the value of the land is \$1M, then it would own two or three properties out of the 10+ constructed. The CHP could then manage these properties for Council as affordable housing for the long term with the net rental income of these properties remitted to Council. Alternately the CHP might look to purchase these properties from Council over time. In this way, Council (and residents) would receive a return on its investment.

The proposed affordable rental housing partnership would of course be contingent on Council agreeing and seeking approval for the reclassification, rezoning and subdivision of a parcel, or parcels of Community land, and Council undertaking the necessary statutory processes and public consultation, which would be associated with the reclassification process and with amending the LEP and other planning instruments. It would also obviously be prudent to enter into a legal agreement with the CHP, to ensure that Council's interests were protected, that the proposal was compliant with NSW legislation with regard to Public Private Partnerships (PPPs), and that the aim of a long-term affordable rental housing outcome could be achieved.

Comment – the provision and funding of affordable housing

Facilitating the supply of affordable housing is a complex undertaking impacted by a range of interconnected factors. The decline in house purchase affordability, is a structural problem created by house prices growing faster than incomes over the last half century, while over the last few decades reduced investment in public housing has contributed to a reduced supply of low-cost rental housing. While the solutions to these problems are ostensibly beyond the capacity, financial resources, and the remit of local government, the two options identified above, provide a practical and potentially feasible mechanism for increasing the availability of affordable rental housing at a local level. It seems clear that the current residential housing market is unable to deliver affordable housing for people on low to moderate incomes.

The two options outlined in this report are cost neutral to Council.

The first option relies on a small, incremental increase in the development yield for residential developments (of over 100 lots) by adding a minimum of one additional lot for every 100 lots developed. The net value of these additional lots can then be realised, to contribute to the cost of constructing affordable rental housing (either within the development or elsewhere in the Hawkesbury). It could be argued that Council should use the developer levies it already collects to fund affordable rental housing, however, the cap placed on the amount of the levy that can be collected per lot, would effectively mean that Council would be diverting expenditure away from other community facilities provided for the benefit of all residents. Under this option, a substantial portion of the cost of providing affordable housing for people on low to moderate incomes, would be recouped from the tenants themselves, over the longer term, on a 'user pays' basis - the tenant would effectively be funding the cost of their housing through the payment of an affordable rental charge. The experience to date in the Hawkesbury suggests that without such a mechanism, it is unlikely that residential developments can deliver an affordable housing outcome for people on low to moderate incomes.

The second option is based on realising the potential value of under-utilised assets, to contribute to the funding of affordable housing without placing a financial burden on ratepayers. This option also has the potential to generate revenue for Council, which can be used to fund the provision of Council services for the benefit of the community. It also would reduce the cost of maintaining parcels of under-utilised land, which are effectively surplus to requirements. It could be argued that using surplus Community land, 'owned' by the community, to deliver a demonstrable benefit to vulnerable groups within the community, is a socially responsible and effective use of these under-utilised community assets.

Progressing the options

Should Council wish to further pursue one or both of the options outlined in this report, further investigation would need to be undertaken to fully assess the legalities, approval process, consultation requirements and feasibility of the respective options. As a first step, it is proposed, that the two options be referred to Council's Strategic Planning Branch for possible incorporation into an Affordable Housing Policy, as potential mechanisms, which could be considered by Council to support the provision and supply of affordable rental housing for residents of the Hawkesbury.

With respect to Option 2, it is further proposed that Council staff review Council's Community land portfolio to identify an appropriate parcel of land – which is surplus to requirements, and meets the size and locational criteria identified for this option – which could be modelled for an affordable rental housing partnership project. The investigation of a specific site, will enable Council staff to prepare site-specific and detailed advice, as to the feasibility, mechanics, and potential yield of a partnership project. This information could then be considered by Council to determine if it wished to further pursue an affordable rental housing partnership proposal on Community land. In this instance, Council staff would need to further consult with WCH, to establish their appetite for entering into the affordable rental housing partnerships, as outlined in Option 2 within this report.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After people and Place Theme

- Offer residents a choice of housing options that meets their needs while being sympathetic to the qualities of the Hawkesbury.

and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Encourage affordable, diverse and quality housing solutions in services areas.

The proposal also delivers on a number of actions within the Hawkesbury Homelessness Action Plan, adopted by Council on 29 July 2014.

Financial Implications

There are no direct financial implications arising out of this report. Implementing the recommendation will require the allocation of staff hours and resources which will be negotiated in conjunction with normal workload demands.

RECOMMENDATION:

That:

1. The information be received.
2. The affordable rental housing partnerships outlined in this report be referred to Council's Strategic Planning Branch for possible incorporation into an Affordable Housing Policy as potential mechanisms, which could be considered by Council, to support the provision and supply of affordable rental housing for residents of the Hawkesbury.
3. Council staff prepare a further report for Council in relation to a possible affordable rental housing partnership on a suitable parcel of Council owned land, as outlined in Option 2 within the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 38 **SS - Consultants Utilised by Council - 1 July 2014 to 31 December 2014 - (95496, 96332)**

REPORT:

Executive Summary

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council in 2003/2004 and 2004/2005. Subsequently, in recent years, Council has been provided with reports outlining consultants utilised by Council on a six monthly basis.

The purpose of this report is to provide details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2014.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council. The report detailed various consultants, the purpose of the engagement, and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years, Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The table included as Attachment 1 to the report, provides details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2014, detailing the purpose of the consultancies and the amount (excluding GST) paid in this period:

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

This is an information report requested by Council and costs detailed have been met within existing budgets.

RECOMMENDATION:

That the information concerning consultancies utilised by Council during the period July to December 2014 be received.

ATTACHMENTS:

AT - 1 Table of Consultants utilised by Council from 1 July 2014 to 31 December 2014.

ORDINARY MEETING

Meeting Date: 10 March 2015

AT - 1 Table of Consultants utilised by Council from 1 July 2014 to 31 December 2014

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2014
AAM Pty Ltd	EPA Volume Reporting - HWMF	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$13,500.00
Australian Technology Corporation	Design Services – BSS Network	Building Services	Manager Building Services	General Funds	No	\$7,500.00
Barker Ryan Stewart	Design Services – Bridge Replacement Program	Survey, Design and Mapping Services	Manager Design and Mapping	Loan Reserve	No	\$1,080.00
Barnson Pty Ltd	Geotechnical investigation and reporting - St Albans Cemetery	Parks and Recreation	Manager Parks and Recreation	General Funds	No	\$8,400.00
Bewsher Consulting	Flood Risk Advice Butterfly Farm	Development Services	Manager Development Services	General Funds	No	\$33,104.55
BMT WBW Pty Ltd	Estuary Management Plan and Study	Strategic Planning	Director City Planning	General Funds/ Grant Funds	No	\$22,686.00
David Braunstein Consulting	Design and Development Training and documentation	Risk Management	Manager Risk Management	General Funds	No	\$6,800.00
Consulting Earth Scientists Pty Ltd	WMF monthly and quarterly environmental monitoring and Annual Report and Return	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$22,885.01
Environmental Partnership (NSW) Pty Ltd	Landscape architectural fees - McQuade Park	Parks and Recreation	Manager Parks and Recreation	General Funds/ Grant Funds	No	\$4,000.00

ORDINARY MEETING

Meeting Date: 10 March 2015

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2014
Floth Sustainable Building Consultants	DA, CC and tender documentation for Richmond Seniors Centre	Building Services	Manager Building Services	External Reserve	No	\$3,132.50
GLN Planning	Preparation of Draft S94 and S94A Contribution Plans	Community Services	Executive Manager Community Partnerships	External Reserve	No	\$5,320.00
David G Hart Consulting Pty Ltd	Preparation of Report - Workers Compensation Claim Liabilities	Risk Management	Manager Risk Management	General Funds	No	\$6,500.00
Lunney Watt and Associates Pty Ltd	Rental negotiation - Letter of Update Johnson Wing	Corporate Services and Governance	Manager Corporate Services and Governance	General Funds	No	\$700.00
G J McDonald Consulting Engineers	Inspection and certificate for proposed subdivision - Lot 11, Sec 4 DP759096, South Windsor	Corporate Services and Governance	Manager Corporate Services and Governance	General Funds	No	\$1,260.00
OCP Architects	Heritage Advice	Development Services	Manager Development Services	General Funds / Grant Funds	No	\$9,758.00
OHS Services Australia – Minerva Consulting Group	WHS Professional Services	Risk Management	Manager Risk Management	General Funds	No	\$103,665.44
	Preparation for WHS Audit	Risk Management	Manager Risk Management	General Funds	No	\$9,544.50
	Racking Compliance Audit	Risk Management	Manager Risk Management	General Funds	No	\$7,953.75

ORDINARY MEETING

Meeting Date: 10 March 2015

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2014
The Playground Doctor	Playground Inspections and safety surfacing July – December 2014	Parks and Recreation	Manager Parks and Recreation	General Funds	No	\$5,040.00
Altstadt Consultants	Heritage Advisory Services	Strategic Planning	Manager Strategic Planning	General Funds / Grant Funds	No	\$1,330.00
SGS Economics and Planning	Economic assessment of proposed Entertainment Centre	Development Services	Manager Development Services	General Funds	No	\$12,750.00
SLR Consulting Australia Pty Ltd	Acoustic services regarding noise complaint South Windsor STP	Waste Management	Manager Waste Management	External Reserve	Environment Protection Authority	\$4,520.00
SMEC Australia	Pavement Management Database Review and Analysis	Construction and Maintenance	Manager Construction and Maintenance	General Funds	No	\$12,000.00
Spectra Financial Services	Investment Advisory Services July – December 2014	Financial Services	Chief Financial Officer	General Funds	Office of Local Government	\$8,000.00
Technology One Ltd	IT Consultancy services	Information Services	Manager Information Services	General Funds	No	\$7,282.41
Vital Places Pty Ltd	Prepare and present workshops North Richmond Town Centre	Strategic Planning	Manager Strategic Planning	General Funds	No	\$6,280.00
Tim William Architect	Independent Assessment – Cinema, Mulgrave JRPP	Development Services	Manager Development Services	General Funds	No	\$2,000.00

ORDINARY MEETING

Meeting Date: 10 March 2015

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2014
KD Wood Valuations (Aust) Pty Ltd	Valuation Services for Council owned properties	Corporate Services and Governance	Manager Corporate Services and Governance	General Funds	No	\$19,545.45
Workplace Navigation Pty Ltd	Workers Compensation Management Services June – November 2014	Risk Management	Manager Risk Management	General Funds	No	\$12,800.00
Worley Parsons	Pitt Town Development SMP Review	Strategic Planning	Manager Strategic Planning	General Funds	No	\$10,800.00
TOTAL						\$370,137.61

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING

Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Heritage Advisory Committee - 19 February 2015 - (80242)**

The meeting commenced at 5:30pm in Council Chambers.

Present: Professor Ian Jack, Chairperson
Mr Jonathan Auld, Deputy Chairperson
Councillor Patrick Conolly, Hawkesbury City Council
Mr Glenn Falson, Community Member
Ms Janice Hart, Community Member
Ms Judith Newland, Community Member
Ms Michelle Nichols, Community Member

Apologies: Mr John Miller, Community Member
Ms Carol Roberts, Community Member

In Attendance: Mr Matthew Owens, Hawkesbury City Council
Mrs Shari Hussein, Hawkesbury City Council
Mr Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

APOLOGIES

RESOLVED on the motion of Mr Auld and seconded by Mr Falson that the apologies be accepted.

The Chair advised the Committee of Mr Miller's resignation, stating unfortunately due to ill health he was unable to attend this (his final) meeting. The Chair subsequently recited the contents of a letter he had posted to Mr Miller thanking him for his advice of his intention to resign and acknowledging his invaluable engagement with the history and heritage of the Hawkesbury.

MOTION:

RESOLVED on the motion of Ms Nichols, seconded by Mr Auld.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee:

1. Commend and thank Mr Miller for his contribution to this Committee and for the work he has done on various other historical and heritage causes.
2. Endorse the (tabled) letter the Chair has forwarded to Mr Miller.

ORDINARY MEETING
Reports of Committees

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Auld and seconded by Mr Falson that the Minutes of the Heritage Advisory Committee held on the 27 November 2014, be confirmed.

Attendance Register of Heritage Advisory Committee

Member	27/11/14	19/02/15			
Councillor Patrick Conolly	✓	✓			
Mr Glenn Falson	✓	✓			
Ms Janice Hart	✓	✓			
Mr John Miller	✓	A			
Professor Ian Jack	✓	✓			
Ms Carol Roberts	A (Belated apology)	A			
Mr Jonathan Auld	✓	✓			
Ms Michelle Nichols	A	✓			
Ms Judith Newland	✓	✓			

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

BUSINESS ARISING FROM THE PREVIOUS MINUTES

- Mrs Hussein referred to page 8 of the previous Minutes regarding Mr Miller's request for a report to be brought back to the Committee in relation to the feasibility of Council maintaining the site at Pitt Town Bottoms Road (adjacent to Friendship Bridge).
- In response to Mrs Hussein's reference to Mr Miller's request, Ms Newland advised she had discussed that matter with Mr Miller and suggested the matter be set aside for the time being until she had conferred with the Historical Society, as the Society was not aware of Mr Miller's request (notwithstanding they currently maintain that site).
- The Chair agreed with Ms Newland's suggestion and advised he would liaise with executives of the Historical Society in March and would report back to the next meeting regarding the outcome of that meeting.

SECTION 3 - Reports for Determination

ITEM: 1 HAC - Heritage Grant Funding Applications - (80242)

DISCUSSION:

- Mrs Hussein spoke on each of the grant funding application items listed in the report and advised as part of the funding agreement for Council's heritage advisor, an annual report was to be submitted to the Office of Environment & Heritage regarding the implementation of Council's Heritage Strategy. Mrs Hussein advised as the deadline for that report was 15 May 2015, it would be an opportune time for the Committee to determine a date in May (prior to 15 May) in which to meet and discuss.

ORDINARY MEETING
Reports of Committees

It was agreed a tentative date of 7 May be set and Ms Kozjak would email confirmation of that date to the Committee.

RECOMMENDATION TO COMMITTEE:

That:

1. The information in the report be noted.
2. If any grant funding bids are successful, a further report be provided to the Heritage Advisory Committee.

MOTION:

RESOLVED on the motion of Mr Falson, seconded by Ms Nichols.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information in the report be noted.
2. If any grant funding bids are successful, a further report be provided to the Heritage Advisory Committee.

SECTION 5 - General Business

Cemeteries

- The Chair thanked Mr Auld and Ms Nichols for providing the list of cemeteries to staff for inclusion in the business paper.
- Mrs Hussein advised as cemetery related matters fall within the domain of Council's Infrastructure Services division, she would confer with the relevant staff in that section to gather more information and report back to the Committee.

Councillor Conolly arrived at the meeting at 5:50pm.

Review Sustainability Website

- Mrs Hussein reported work had not commenced on the review of the website as yet.

Unique Identifying Number - UIN

- The Chair referred to an email he had forwarded to staff in relation to his concern regarding Unique Identifying Numbers for heritage items on Council's LEP schedule. The Chair reported the current format of numbering items was causing confusion due to the letter "l" (which prefixes the item number) being misread as a numeral one (1).

ORDINARY MEETING
Reports of Committees

Mrs Hussein responded unfortunately Council did not have a great deal of control over the choice of the letter used as the numbering system was prescribed by the Department of Planning (in its template).

- Ms Nichols advised Council's Cultural Services division had completed its next series of heritage walks around Richmond and details of those four walks had been placed on Council's website. Ms Nichols added the data (on the website) was currently in its raw form, however, staff were in the process of investigating avenues of improving its presentation.
- Councillor Conolly referred to previous discussions around the proposal to incorporate the use of technology (Apps etc.) into Heritage walks and sought an update to be provided at the next meeting.

TABLED CORRESPONDENCE

1. Correspondence dated 17 February 2015 from the Chair to Mr Miller, in relation to Mr Miller's resignation from the Heritage Advisory Committee.



St Andrew's College
ESTABLISHED 1867

19 Carillon Avenue
Newtown NSW 2042

17 February 2015

Mr John Miller
40/25 Chapel Street
Richmond NSW 2753

Dear John

Thank you for your letter advising your intention to resign from the Heritage Advisory Committee.

You will be much missed from this Committee. Your deep engagement with the history and heritage of the Hawkesbury has been invaluable over the years and you can take pleasure and pride in viewing the tangible successes of your advocacy.

I presume that you will be attending the meeting of the Committee on Thursday evening. I shall make some appropriate remarks on that occasion.

Best wishes

Ian Jack, Chair, Hawkesbury Heritage Advisory Committee.

The meeting terminated at 6:04pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 Windsor Bridge - (79351, 105109, 80093)

Submitted by: Councillor Calvert

NOTICE OF MOTION:

That Council:

1. No longer supports the "Option1" bridge proposal for Windsor.
2. Supports the retention of the existing Windsor Bridge and the construction of a third river crossing incorporating an effective bypass.
3. Call on current and future NSW Governments to retrieve the funding that had been allocated for the Option 1 proposal and use this money to:
 - a) Undertake a proper and extensive community consultation process including at least two public meetings.
 - b) Commence construction of the agreed proposal within the next three years.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 24 February 2015

#	Councillor	Question	Response
1	Creed	Sought clarification regarding an email received by Council regarding the rehoming of cats at the Companion Animal Shelter during renovations.	<p>The Director City Planning advised that an email was sent out to all welfare and rescue organisations, informing them that Council was soon to be replacing the roof and installing an air-conditioning system to the Animal Shelter Cattery.</p> <p>This email also advised incorrectly, that if the cat numbers weren't reduced by the following Wednesday, the cats that were due for euthanasia would need to be put to sleep as there would be inadequate space to keep them past their legislated date for holding them.</p> <p>Whilst the request for alternate accommodation for the cats was correct there was never any proposal to euthanise the cats. In this case management had already given instructions to accommodate those cats that couldn't find alternate accommodation on site.</p> <p>The reasons for the error are currently being dealt with by management.</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
2	Williams	Requested that Council investigate removing a car that is situated at an embankment on Upper Colo Road, as it is causing concerns to residents due to potential of flood waters moving it.	<p>The Director City Planning advised that this matter has been investigated and the owner of the vehicle has been contacted. The owner advised that the location of the vehicle would require specialised equipment and may take time to arrange.</p> <p>Council has confirmed its request for the removal of the vehicle in writing with the owner and the matter will be followed up.</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
3	Paine	Requested the numbers of Planning Department staff in 2005 compared to those of 2015.	<p>The General Manager advised that as Council is aware, there have been a number of changes to the Council's organisational structure between 2005 and 2015 affecting staffing numbers, which make a direct comparison difficult. In 2005, the functions of the current City Planning Directorate were spread across two Directorates and Customer Service staff across the organisation have been consolidated into a single Customer Service Section now within the Support Services Directorate. Also, Council has been called upon to provide additional/improved services in this area such as integrated planning and reporting requirements, statutory planning requirements, swimming pool inspections, enhanced food handling activities, etc.</p> <p>In 2015, the broad functions of the City Planning Directorate are covered by the Strategic Planning, Development Services and Environment and Regulatory Services Branches. The Environment and Regulatory Services Branch includes the Environmental Health, Waste Collection and Compliance areas as well as the Companion Animal Shelter. Current staff numbers, excluding the Director and PA, are 46 full time and six part time staff.</p> <p>Staffing numbers in 2005 in respect of the activities undertaken by the current City Planning Directorate, excluding two Directors and two PAs in place at the time as well as Customer Service staff who were subsequently relocated, were 48 full time and 10 part time staff.</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
4	Paine	Sought updated information as to progress on court proceedings with respect to the Richmond Lowlands development.	The Director City Planning advised that as this matter is currently the subject of Court proceedings a separate memorandum providing updated information has been forwarded to all Councillors for information.
5	Calvert	Requested information as to what transport infrastructure would be either provided or improved upon by the developer of the North Richmond Joint Venture as a result of the aged care facility and Redbank Development, west of the River, in the next 12 months.	The Director Infrastructure Services advised that implementation of works within the VPA is dependent on development lot production and release. At this stage it is not possible to confirm the construction timetable.
6	Rasmussen	Enquired if the potholes on The Driftway could be repaired.	The Director Infrastructure Services advised that instructions had been given for the inspection and repairs as necessary.
7	Rasmussen	Requested a progress report on local road treatment by the RMS near North Richmond bridge.	The Director Infrastructure Services advised that RMS has indicated that works at Kurrajong Road/Old Kurrajong Road are scheduled to commence in the second week of March. Further works at Bells Line of Road/Grose Vale Road and Kurrajong Road/Bosworth Street are anticipated to commence in mid 2015.
8	Rasmussen	Enquired if signs have been erected in the Maroota car park to prevent truck parking.	The Director City Planning advised signage was installed on 12 January 2015 prohibiting Heavy vehicles from parking in the Maroota car park. Observations have since been made of heavy vehicles parking in Boundary Road, Maraylya. As the zoning of that area is rural, the parking of trucks / trailers adjacent to Boundary Road is not considered to be contrary to the Australian Road Rules.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
9	Rasmussen	Requested information on the progress of the sale of the Council owned property at Colonial Drive, Bligh Park.	The Director Support Services advised that Council's Solicitors have provided the finalised contracts for the proposed sale of 139 Colonial Drive, Bligh Park. The Request For Tender documentation is currently being finalised. It is anticipated that the tender for the sale of the property will be advertised in late March 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting



ordinary
meeting

end of
business
paper

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