

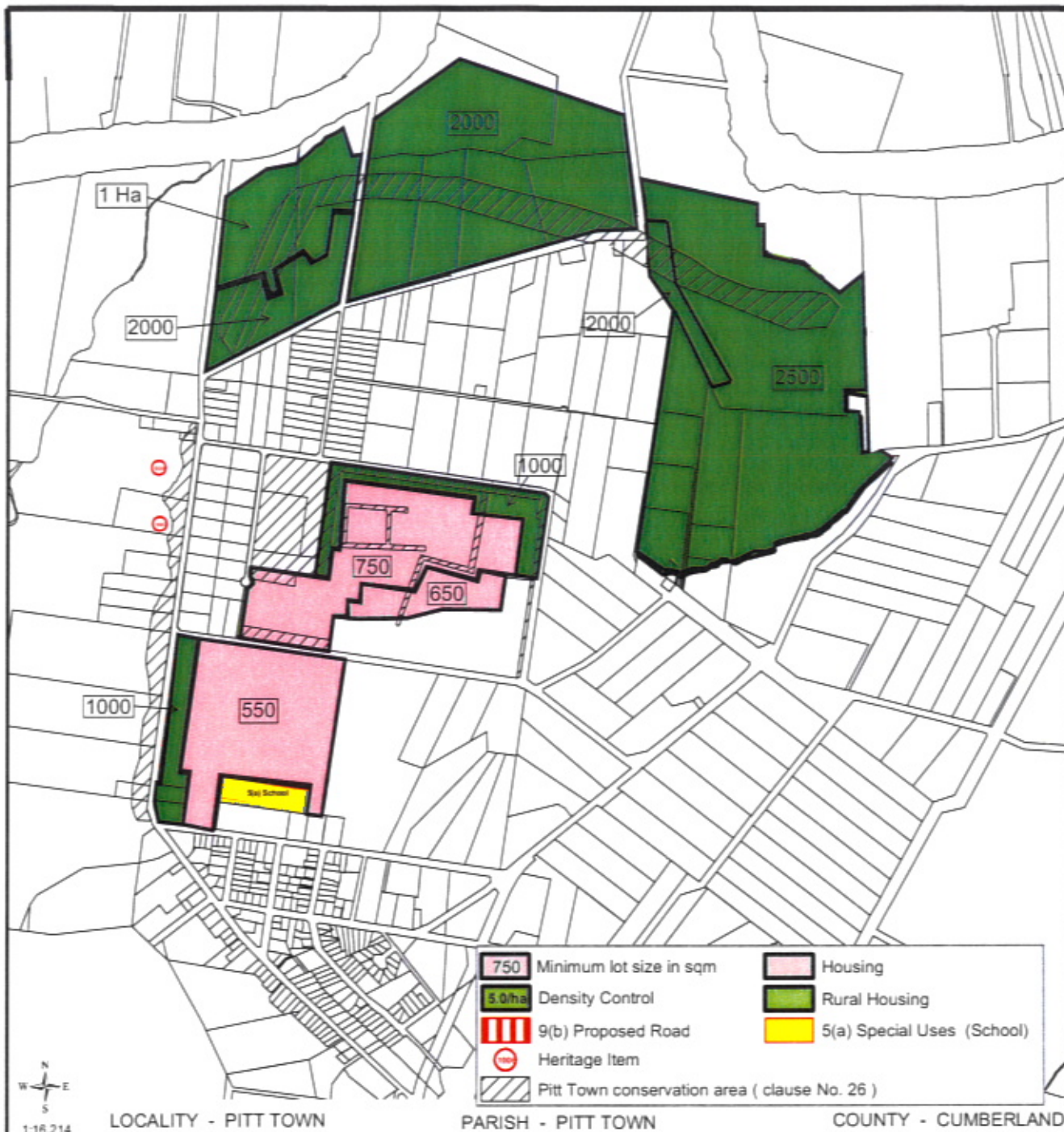
Annexure A – Regional Location Plan

THE HAWKESBURY VALLEY
New South Wales
Australia



Annexure B – Proposed Zoning Plan / Amendment to Hawkesbury Local Environment Plan 1989

Source: JPG



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

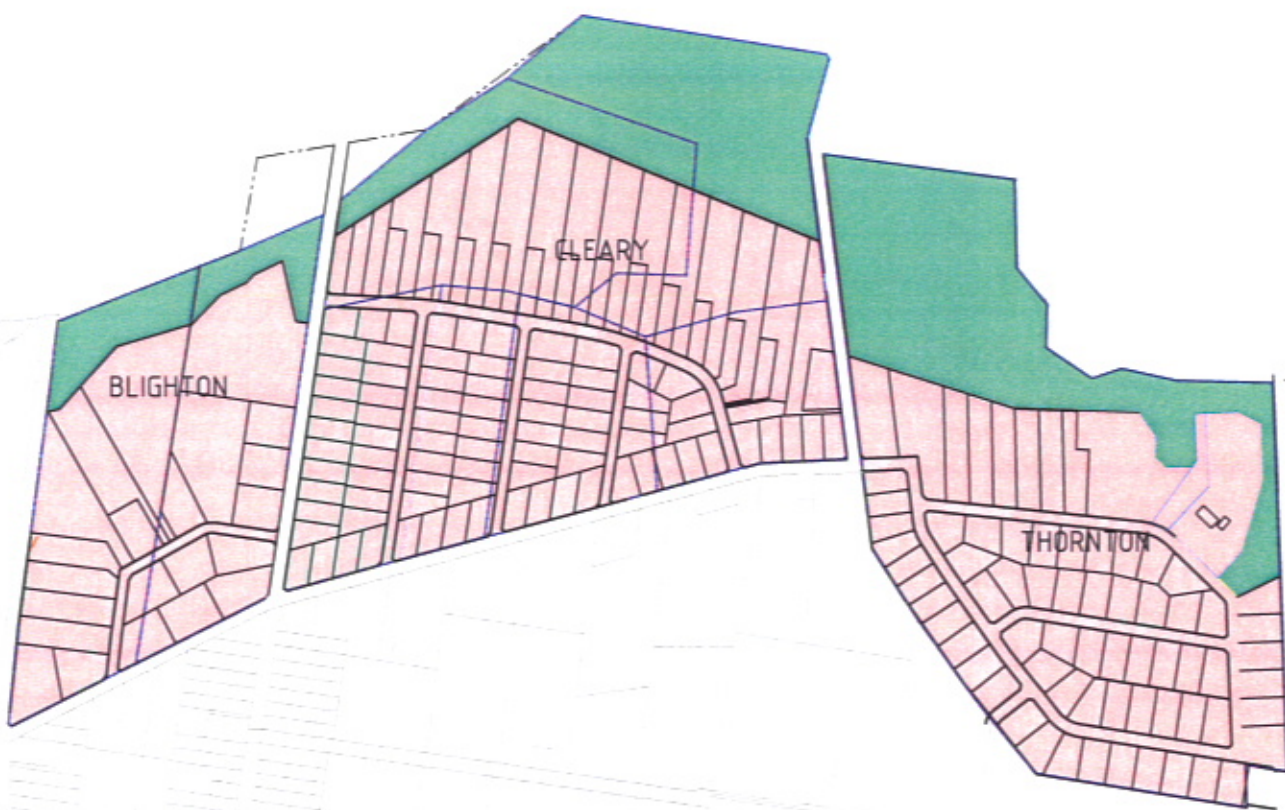
CITY OF **HAWKESBURY**

DRAFT LOCAL ENVIRONMENTAL PLAN 1989 (AMENDMENT NO. 1)

DRAWN BY:	DATE:	STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989
SUP. DRAFTSPERSON:		
PLAN OFFICER:		
COUNCIL PLAN NO: LEP 3/03		
DEPT. FILE NO:		CERTIFICATE IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS GENERAL MANAGER: DATE:
GOVT. GAZETTE OF:		

Annexure C – Proposed Plan of Subdivision for Project Approval

Source: JPG



Annexure D – Section 54 Letter concerning Amendment 155 to Hawkesbury Local Environmental Plan 1989 – further rezoning at Pitt Town

Source: Hawkesbury City Council

Hawkesbury City Council

Your Ref:

Our Ref: CN:9217 & Amendment 155

10 6 SEP 2007

4 September 2007

Mr G Moore
Johnson Property Group
PO Box A1308
SYDNEY SOUTH NSW 1235

366 George Street
(PO Box 146)
Windsor NSW 2756
Phone: 02 4580 4444
Facsimile: 02 4580 4400
DX: 8801 Windsor

Dear Mr Moore

Amendment 155 to Hawkesbury Local Environmental Plan 1989 - further rezoning at Pitt Town.

Reference is made to your revised submission dated 29 May 2007 seeking further rezoning at Pitt Town.

As you are aware, Council at its meeting of 31 July 2007 resolved as follows:

That:

1. Council resolve, under the provisions of Section 54 of the Environmental Planning and Assessment Act, 1979, to amend the Hawkesbury Local Environmental Plan 1989 to rezone land at Pitt Town, identified as "Pitt Town Investigation Area" in the "Pitt Town Local Environmental Study", prepared by Connell Wagner, dated April and November 2003, to permit urban and rural housing. Such amendment to permit up to 473 additional allotments to that proposed under Hawkesbury LEP (Amendment No. 145).
2. Preparation of the draft LEP above will be subject to:
 - a) No allotments to be created being less than 750m².
 - b) That the Johnson Property Group enter into a Deed of Agreement with Council to fully fund the preparation and processing of the draft LEP for Pitt Town. The Deed of Agreement is to clearly state that Council retains full control of the process.
 - c) Prior to the public exhibition of the draft LEP, the Johnson Property Group is to provide, in writing, a commitment from the Roads and Traffic Authority (RTA) that the construction of the Pitt Town by-pass will be completed, either by the RTA or Johnson Property Group, prior the release of any allotments generated from this rezoning.

Where people make the difference.

All communications to be addressed to the General Manager
P.O. Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
E-mail: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm

- d) *The developer, Johnson Property Group, is to be responsible for the provision of water and sewer infrastructure provision to provide for a maximum yield in Pitt Town of a total of 1,405 allotments.*
 - e) *The developer, Johnson Property Group, is to be responsible for the provision of the flood evacuation route to provide for the existing allotments in Pitt Town and the additional 473 allotments permitted by this LEP amendment.*
 - f) *That negotiations with Johnson Property Group for a Planning Agreement be entered into as proposed in the Johnson Property Group rezoning application amendment dated 29 May 2007.*
 - g) *Road widths remaining as per the existing Pitt Town Development Control Plan.*
3. *Development within the Pitt Town locality should not exceed the "High Growth Scenario", total of 1,405 allotments, as shown in the "Pitt Town Local Environmental Study", prepared by Connell Wagner, dated April and November 2003.*
4. *Council notify the Department of Planning of its resolution to prepare the LEP amendment and request that Delegations be issued to permit Council to place the draft LEP on public exhibition.*

A copy of the report and resolution is enclosed for your records.

The matter has now been forwarded to the Department of Planning under the provisions of section 54 of the Environmental Planning and Assessment Act 1979 for consideration.

It is hoped that this information assists you.

Yours faithfully

RT Cumming
Rachel Cumming
Senior Strategic Planner

Direct Line: (02) 4560 4546

ACTION ITEM

ADOPTED

At the ORDINARY Meeting held on 31 July 2007

User Instructions

To view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

Resolved Items Action Statement

Action is required for the following item as per the Council Decision or Resolution Under Delegated Authority.

ITEM: CP - Pitt Town Investigation 2006 - Independent Report - (95498)

Previous Item: 41, Ordinary (13 March 2007)
214, Ordinary (12 September 2006)

Mr Martin Sharp, Mr Ian Johnston, Mr Wayne Gerahty and Mr John Hagar, proponents, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Bassett, seconded by Councillor Books.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Bassett, seconded by Councillor Books

That:

1. Council resolve, under the provisions of Section 54 of the Environmental Planning and Assessment Act, 1979, to amend the Hawkesbury Local Environmental Plan 1989 to rezone land at Pitt Town, identified as "Pitt Town Investigation Area" in the "Pitt Town Local Environmental Study", prepared by Connell Wagner, dated April and November 2003, to permit urban and rural housing. Such amendment to permit up to 473 additional allotments to that proposed under Hawkesbury LEP (Amendment No. 145).
2. Preparation of the draft LEP above will be subject to:
 - (a) No allotments to be created being less than 750m².

- (b) That the Johnson Property Group enter into a Deed of Agreement with Council to fully fund the preparation and processing of the draft LEP for Pitt Town. The Deed of Agreement is to clearly state that Council retains full control of the process.
 - (c) Prior to the public exhibition of the draft LEP, the Johnson Property Group is to provide, in writing, a commitment from the Roads and Traffic Authority (RTA) that the construction of the Pitt Town by-pass will be completed, either by the RTA or Johnson Property Group, prior the release of any allotments generated from this rezoning.
 - (d) The developer, Johnson Property Group, is to be responsible for the provision of water and sewer infrastructure provision to provide for a maximum yield in Pitt Town of a total of 1,405 allotments.
 - (e) The developer, Johnson Property Group, is to be responsible for the provision of the flood evacuation route to provide for the existing allotments in Pitt Town and the additional 473 allotments permitted by this LEP amendment.
 - (f) That negotiations with Johnson Property Group for a Planning Agreement be entered into as proposed in the Johnson Property Group rezoning application amendment dated 29 May 2007.
 - (g) Road widths remaining as per the existing Pitt Town Development Control Plan.
3. Development within the Pitt Town locality should not exceed the "High Growth Scenario", total of 1,405 allotments, as shown in the "Pitt Town Local Environmental Study", prepared by Connell Wagner, dated April and November 2003.
4. Council notify the Department of Planning of its resolution to prepare the LEP amendment and request that Delegations be issued to permit Council to place the draft LEP on public exhibition.

Councillors Paine, Rasmussen and Williams requested that their names be recorded as having voted against the motion.

ITEM: CP - Pitt Town Investigation 2006 - Independent Report - (95498)

Previous Item: 41, Ordinary (13 March 2007)
214, Ordinary (12 September 2006)

REPORT:

Background

Council at its meeting of 13 March 2007 considered a report concerning the submission received from the Johnson Property Group in August 2006 seeking further rezoning at Pitt Town. The report outlined the assessment of the independent planning consultant, Neil Selmon Consulting Services Pty Ltd and the key issues for Council's consideration. It was recommended that Council adopt the findings of the Neil Selmon Report and not amend Hawkesbury Local Environmental Plan 1989 to allow additional residential development at Pitt Town.

At this meeting Council resolved:

"That Council:

- 1. Conduct a site inspection at Pitt Town.*
- 2. Request further advice from the Department of Planning after the State Election on 24 March 2007 and the subsequent appointment of the Minister for Planning."*

In accordance with the above resolution a letter was sent to the Director General of the Department of Planning on 4 April 2007. On 1 May 2007 a meeting was convened by the Department of Planning and attended by the Director General of the Department of Planning, senior Departmental staff, a NSW Heritage Office representative, representatives of the Johnson Property Group, Hawkesbury Council Mayor, Deputy Mayor and senior staff. The Department undertook to provide further advice in relation to Council's resolution. Despite following up this matter on a regular basis, to date a response has not been received from the Department of Planning.

An amended proposal was submitted by the Johnson Property Group on 29 May 2007 and was referred to Neil Selmon Consulting Services for assessment. The proposal now requests Council to resolve to prepare a Local Environmental Plan to allow for a total of 1107 allotments. The initial submission sought approval for a total of 1265 allotments.

A site inspection was carried out on 5 July 2007 and attended by nine Councillors, the Director of City Planning and the Senior Strategic Planner.

Selmon Consulting Services Pty Ltd

Mr Selmon's report was lodged with Council on 23 July 2007 and should be considered as an addendum to the February 2007 Selmon report. Both reports are attached to this Business Paper for Council's consideration.

The report recommends that:

- 1. In the absence of any amended advice from the Department of Planning regarding acceptable parameters for an amendment to existing planning controls, Council not resolve to prepare a draft LEP pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to alter the planning controls affecting the Pitt Town Investigation Area, as proposed in the 29 May 2007 submission from the Johnson Property Group.*

2. *Should Council resolve to undertake a review of development densities at Pitt Town, such review should include all of the land in the Pitt Town Investigation Area and have regard to the issues raised by relevant agencies and the community, including but not limited to the boundary of any subsequent LEP amendment, the significant heritage values of the Pitt Town cultural landscape, the limitations imposed by the need to safely evacuate existing and future residents should this be required in time of flood, and the funding and provision of appropriate infrastructure to service the level of additional population that any such review may recommend.*
3. *Council advise the applicant, Department of Planning and NSW State Emergency Service of its decision.*

Options for Dealing with Pitt Town

There are several options available for Council to consider in relation to the future planning for Pitt Town.

Option 1

Proceed with the most recent proposal submitted by the Johnson Property Group. The land included in the proposal to allow for further development is based on land ownership/control, that is the land controlled by the Johnson Property Group and not on sound planning principles. It is unlikely that this option will be supported by the Department of Planning and the NSW Heritage Office as it is contrary to best practice.

Option 2

Develop Pitt Town in accordance with Amendment 145. The land was rezoned in August 2006, generally consistent with Council's original Master plan for the locality and the original proposal by the Johnson Property Group, to allow residential development and has the potential for approximately 631 lots. Facilities and services have been provided for this level of development, including open space, road and intersection upgrades, community facilities and regional infrastructure. This option is essentially a "do nothing" option.

Option 3

Investigate ways of achieving higher densities within the current footprint of Amendment 145 as indicated in the Selmon Report. This option would have further regard to heritage and flooding issues; utilising higher densities adjacent to the existing village; giving consideration to the proposed North West Subregional Plan (due for exhibition in October 2007); and using the Pitt Town Local Environmental Study (prepared by Connell Wagner on behalf of Council) and the growth scenarios in that study for strategic justification for change. Much of this work would be undertaken as part of the Landuse Strategy work that Council has already resolved to commence.

This option is the preferred option in this case as the density review can then be reviewed on sound planning principles and practice (as preferred by the Department of Planning) rather than being driven by the interests of a single or minority group of land owners.

Conclusions

On 18 August 2006 the Minister of Planning gazetted Amendment 145 to Hawkesbury Local Environmental Plan 1989. This amendment provides for approximately 631 additional lots adjacent to the village of Pitt Town and was based on the Local Environmental Study, consultation with the community and negotiation with various government agencies.

Amendment 145, the Hawkesbury Development Control Plan, Section 64 and Section 94 Plan contain suitable provisions for services and facilities for the predicted number of allotments. If more development proceeds, it stands to reason that more services and facilities would be required. The

decision to allow more development should be based on sound town planning principles, including good urban design. The promise of additional services and facilities is not suitable justification for allowing further development beyond the footprint of Amendment 145.

Increasing the lot yield may result in a reduced per lot contribution, however, this must be balanced against several key factors, including whether there is a real need for more development at Pitt Town or whether infrastructure funding could be more efficiently utilised in other locations in the Hawkesbury LGA and Northwest Metropolitan subregion; 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. Council will recall that throughout the process of preparing Amendment 145, the community was clearly divided on whether the level of change was acceptable or not.

There seems to be some community support for the current proposal by the Johnson Property Group. However, it is unclear what information that the community has used as a basis for that support. To date the original and amended rezoning application by Johnson Property Group (JPG) has not been publicly exhibited by Council and the proposed infrastructure provision and costing provided by JPG has not been fully reviewed by Council staff as there has been no resolution by Council to proceed with the rezoning. This is particularly the case in relation to the Pitt Town by-pass. The applicant has proposed a Planning Agreement with Council to provide a range of infrastructure including the by-pass. However, the by-pass road is not Council owned and is controlled by the RTA. In this case the applicant cannot enter into such an agreement as Council is not the owner or consent authority for that infrastructure. Until all the detail is agreed upon for a Planning Agreement, which has not yet been finalised, supporting the application on proposed infrastructure provision alone would be premature.

Given the above considerations and the detailed assessment contained within the Selmon Report it is recommended that Council not resolve to prepare a new draft local environmental plan to allow further residential development at Pitt Town.

Conformance to Strategic Plan

The proposal does not conform to the Strategic Plan.

Funding

There are no funding implications for the independent assessment as the costs were met by a Deed of Agreement.

Should Council resolve to prepare a new draft local environmental plan to allow further development at Pitt Town, staff resources to undertake other work within the City Planning Division will be affected, including the Employment Land Strategy, the Land Use Strategy and preparation of the standard LEP Template

The cost to Council for the provision of additional services and facilities and the ongoing maintenance of new assets has not been fully investigated. The applicant has proposed a Planning Agreement for the provision of local infrastructure, but the actual costings of the items listed in the draft agreement have not been fully investigated. Nor has the cost to complete a review of the Water Management Plan, Development Control Plan, Section 94 Plan and related documents. This work is significant, substantial and integral to the preparation of a new draft local environmental plan

RECOMMENDATION:

That:

1. The report of independent town planner, Neil Selmon Consulting Services Pty Ltd be received.

2. Council resolve not to prepare a draft local environmental plan pursuant to section 54 of the Environmental Planning and Assessment Act 1979 to alter the planning controls affecting the Pitt Town investigation area as proposed in the 29 May 2007 submission from the Johnson Property Group.
3. Council advise the applicant, Department of Planning and NSW State Emergency Service of its decision.
4. Council review densities using the Connell Wagner Local Environmental Study as a basis in Pitt Town as part of the Landuse Strategy work following finalisation of the North West Subregional Strategy by the State Government.

ATTACHMENTS:

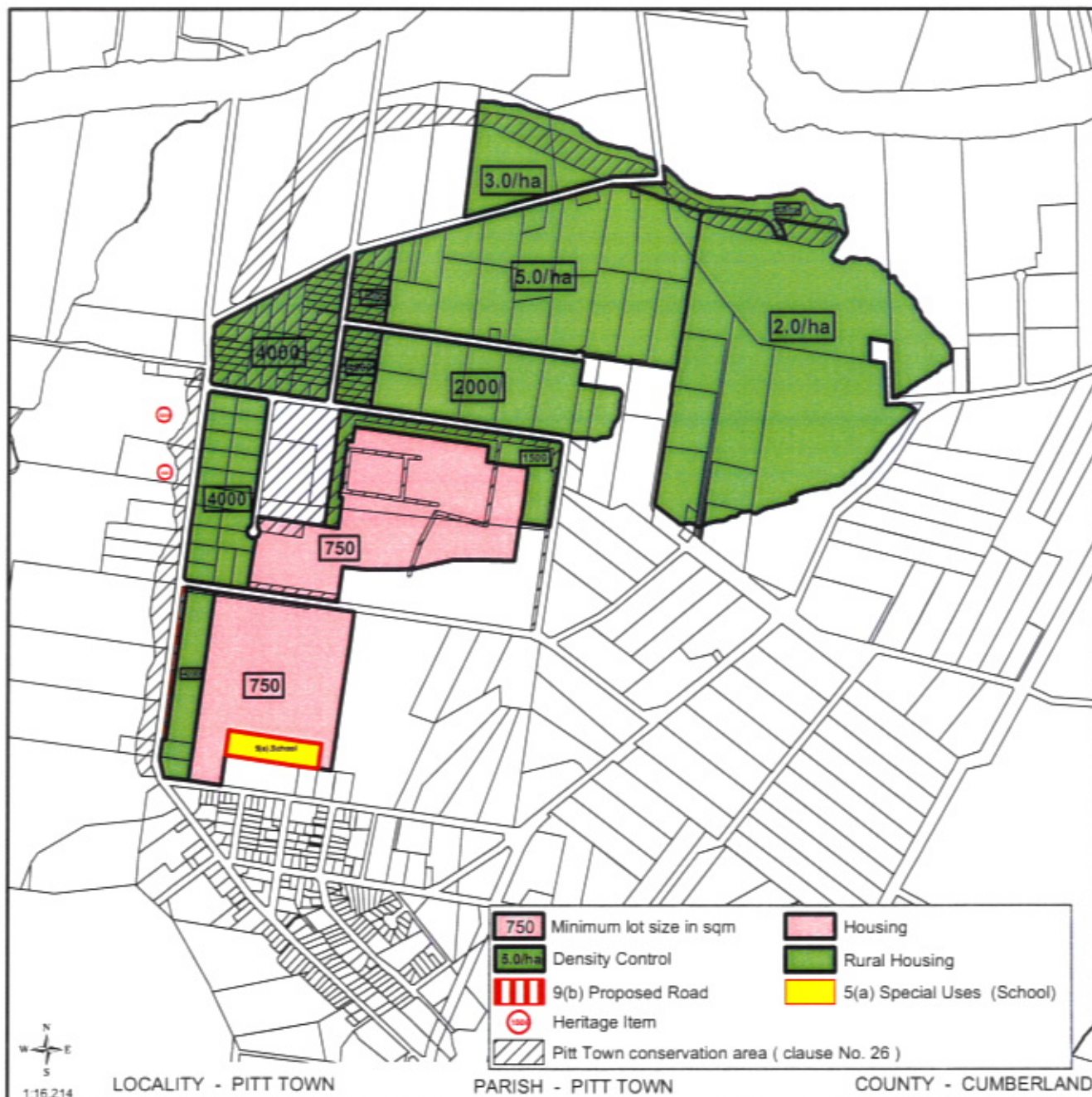
AT - 1 Second Selmon Report - July 2007 - *(Distributed Under Separate Cover)*

AT - 2 First Selmon Report - February 2007 - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Annexure E – Hawkesbury Local Environmental Plan (Amendment No 145)

Source: Hawkesbury City Council



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF **HAWKESBURY**

DRAFT

LOCAL ENVIRONMENTAL PLAN 1989

(AMENDMENT NO. 145)

DRAWN BY: T.JOHNSON DATE: 14/09/2004

SUP. DRAFTSPERSON: T.JOHNSON

PLAN OFFICER: R.CUMMING

COUNCIL PLAN NO: LEP 3/03

DEPT. FILE NO:

GOVT. GAZETTE OF:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989

CERTIFICATE IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS
GENERAL MANAGER: DATE:

Annexure F – Draft Design Guidelines

Source: JPG



- Building Guidelines should be read in conjunction with Local L.E.P & D.C.P

1.0 FACADE

1.1 Typical lots:

- residences are to reflect modern contemporary design, complimenting the existing architecture of Pitt Town
- 'mock' styles and/or period designs (i.e Federation, Colonial) will not be permitted

1.2 Corner lots:

- the house facade should reflect similar architectural language from both street frontages
- be well articulated
- max. wall length of 5m with min. 1 wall break to secondary frontage. (min. 400mm step as wall break)
- two storey must have min. 50% single storey element to secondary frontage e.g pergola or verandahs.

1.3 Roof:

- pitch: 24 degree pitch min.
- eave: 450 min
- material: metal roofing or flat profile roof tiles only
- large areas of unarticulated roofing are to be avoided

1.4 Garage:

- No carport or similar structures allowed
- 1m behind front building line i.e closest wall of house.
- Panel lift doors only
- No roller doors or decorative panel lift doors permitted
- cedar coloured slim line doors are encouraged
- decorative windows to garage doors are not permitted

1.5 Verandah/Porch:

- min 30% of the width of the house frontage
- min. 2m wide
- ornate timber posts & fibre cement columns are not permitted. Simple timber posts or brick piers are to be used

1.6 material and finishes:

- materials & colours should 'wrap around' the house and terminate at a wall break, or a downpipe.
- natural shades ranging from light earth tones to darker greys, greens browns as well as natural stone materials.
- Approved materials:
 - weatherboard - natural/stain/paint (medium to dark tone colours only)
 - cement render
 - natural stone or similar
 - feature tiles encouraged
 - cedar boarding encouraged for gable treatments (or timber look)
 - monotone brickwork

2.0 LANDSCAPING

2.1 landscape:

- all landscaping must be completed within 6 months of house completion

2.2 driveway

- concrete driveways are not permitted
- gravel, pebbles, volcanic rock, blue metal, bitumen or paved driveway are accepted

2.3 letterbox design:

- must be simple in design & compliant to Australia Post (Please refer to Australia Post brochure for details)
- post and lace style letterboxes are not permitted
- letterboxes should be incorporated into the front fencing where applicable
- should reflect the same materials as the house

2.4 fencing:

typical lot

there are 3 types of fencing to front boundaries only:

- post and open timber rails
- post and wire with top rail
- planting
- side and rear fencing to be 1.8m lapped timber

corner lot

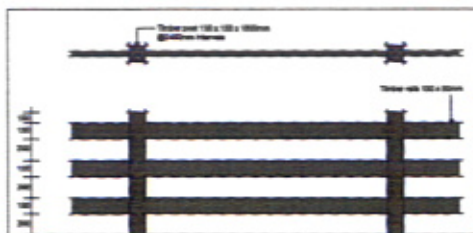
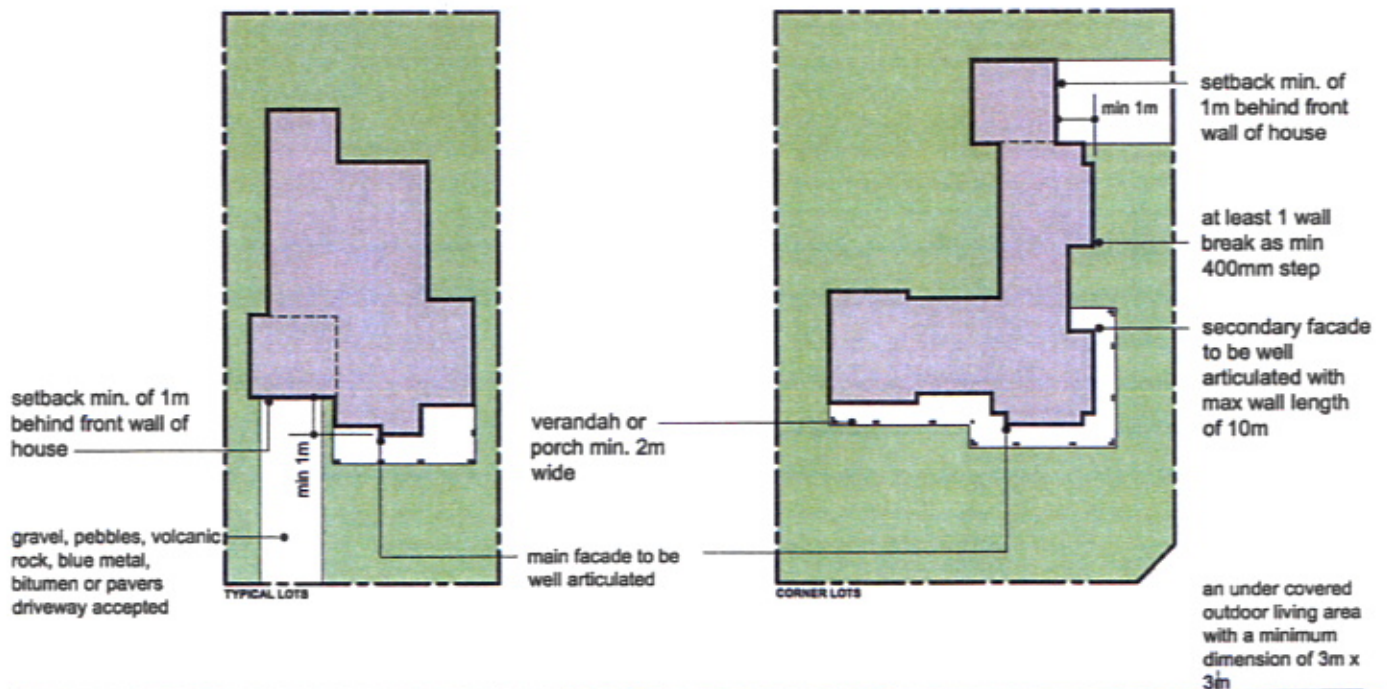
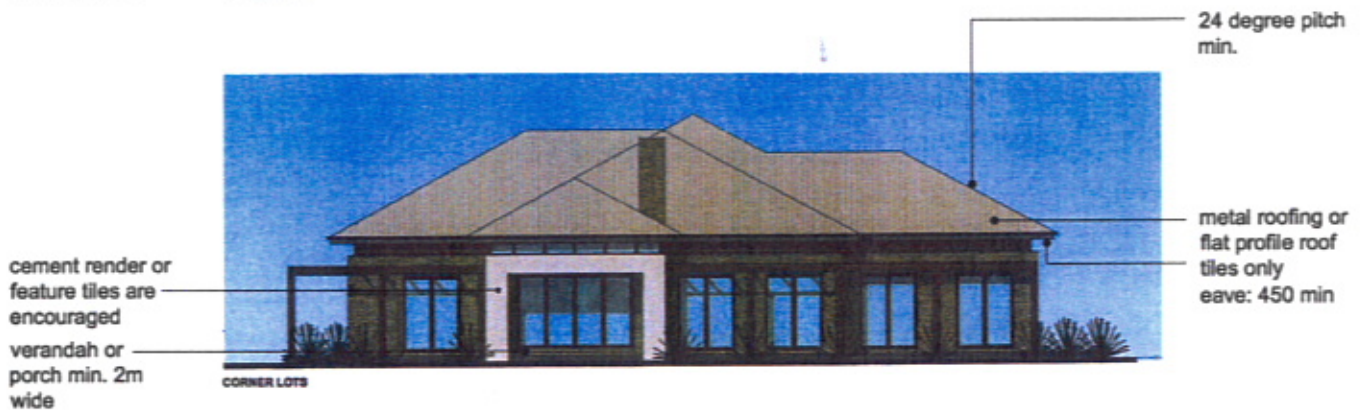
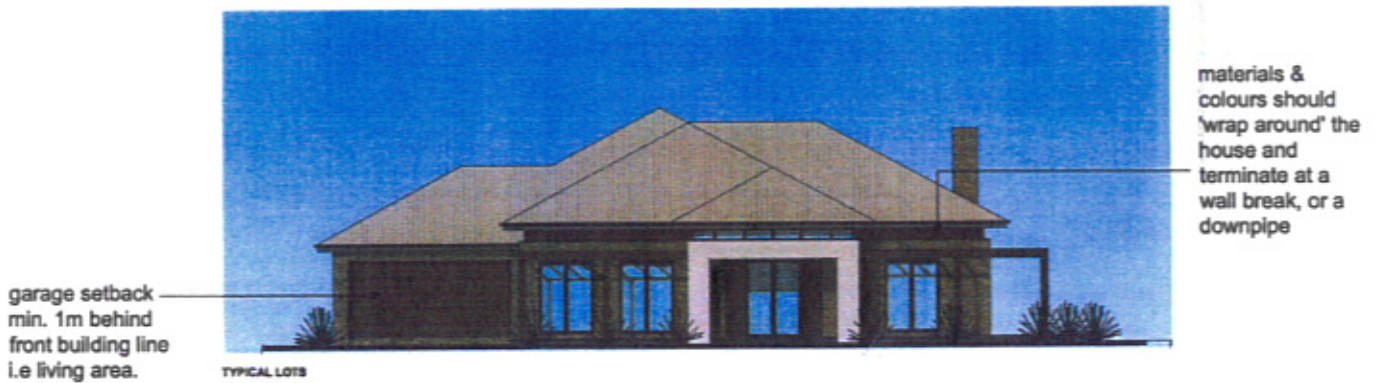
- fencing facing the secondary street should be a maximum of 40% of the boundary length
- one step of 600mm is encouraged



Pitt Town Draft design guidelines

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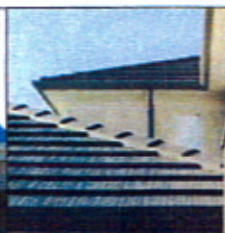
PAGE 2



POST AND TIMBER RAIL FENCE DETAIL



COLORBOND ROOFING



FLAT PROFILE ROOF TILES



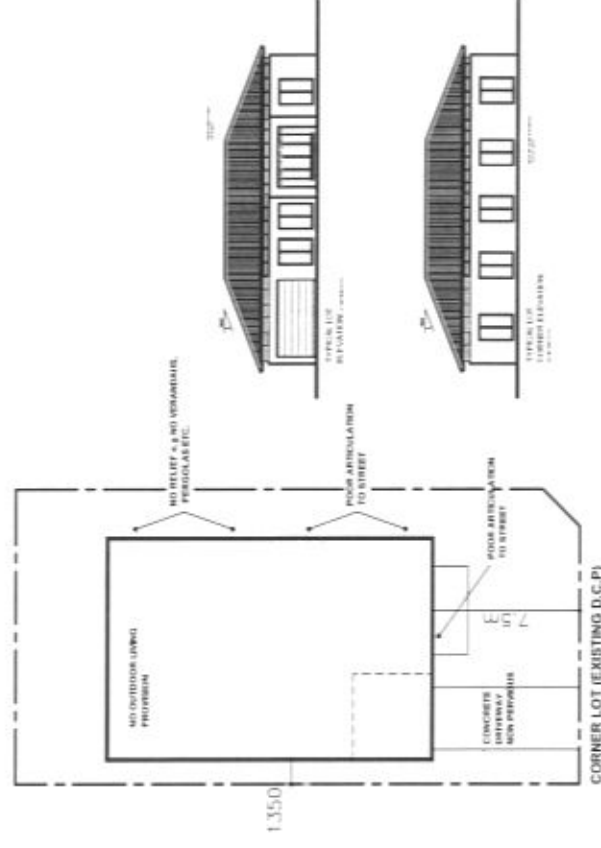
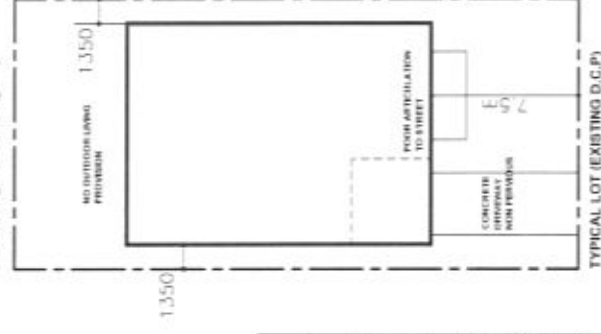
CEDAR BATTENS



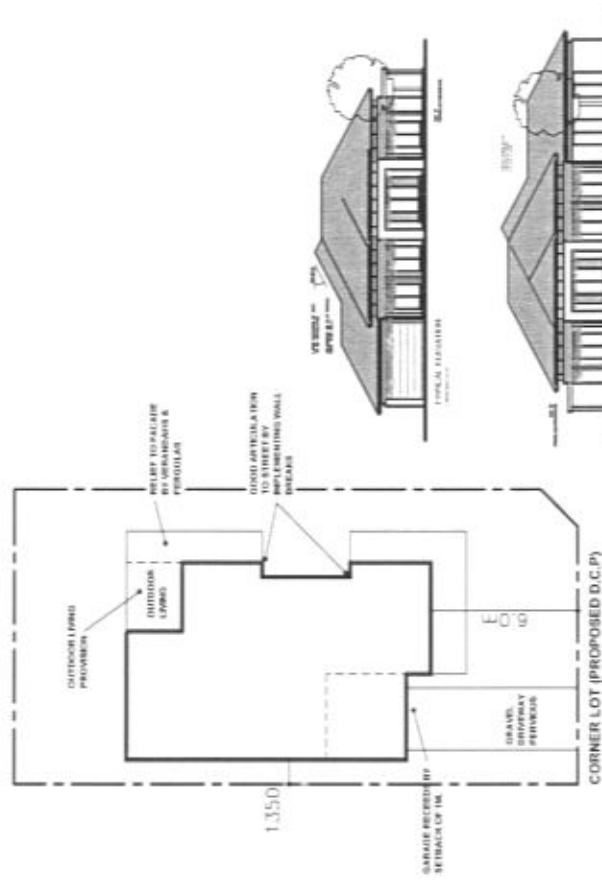
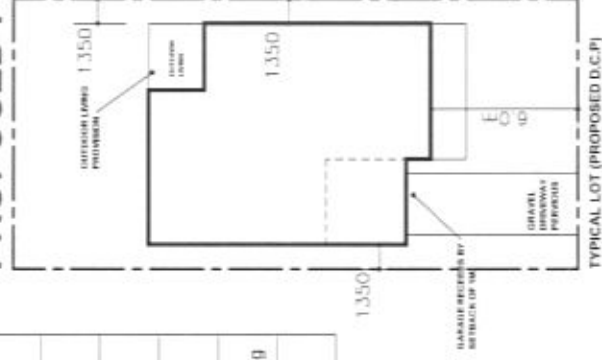
ALFRESCO - OUTDOOR LIVING

AREAS OF CHANGE TO THE HAWKESBURY D.C.P PART D & E - SPECIFIC DEVELOPMENT.

EXISTING :



PROPOSED :



Item	existing	proposed	reference
site coverage%	45% (750m2)	60%	Part E 4.4 Building setbacks
front setback	8m (750m2)	6.0m	Part D 1.4 Setbacks
side setback	3m (750m2)	1.35m (single) 1.35m (double)	Part E 4.4 Building setbacks
alternate side setback	1m (750m2)	1.35m (single) 1.35m (double)	Part E 4.4 Building setbacks
rear setback	8m (750m2)	6m	Part E 4.4 Building setbacks
garage setback (from house)	2m	1m	Part E 4.4 Building setbacks
corner lot articulation	n/a	1 skip min. @ 400mm	n/a
main roof pitch	n/a	24° min.	n/a
eave	n/a	450mm	n/a
outdoor living	n/a	3m x 3m	n/a
driveway material	sealed	granular material	Part D 1.9 Car Parking
building height envelope	1.8m height the 45° off boundary	remove	Part D 1.3 Height

Pitt Town Draft design guidelines

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Annexure G – Plan of Blighton and Surrounds

Source: Land and Property Information NSW

