

Your Ref:

Our Ref: LEP3/00 & LEP3/03

17 December 2003

The Regional Co-ordinator
Sydney Region West
Department of Infrastructure Planning and Natural Resources
PO Box 404
PARRAMATTA NSW 2124

Dear Mr Driscoll

Draft Local Environmental Plan 3/03(Amendment 145) - Pitt Town

Reference is made to your letter dated 3 September 2003 in relation to the Pitt Town Urban Investigation Area, the inclusion of 30 Mitchell Road, the investigation reports and section 54 Notification.

The comments made in your letter are noted and the following information is provided for your consideration and information.

1. Background

As you are aware Council at its meeting of 10 June 2003 resolved as follows:

*"1. The Pitt Town Local Environmental Study be adopted.
2. A Master plan and Local Environmental Plan be prepared based on the medium Growth Scenario Option 2 yielding a total of up to 690 (six hundred and ninety) lots within the Pitt Town Investigation Area using the following criteria that:*

- (a) there be no lots in the 400 - 600 square metres range;*
- (b) the lot size in the Rural Village areas be 750 - 1000 square metres;*
- (c) the area shown as minimum 5000 square metres be altered to 4000 square metres;*
- (d) the NPWS and the Heritage Office be requested to continue negotiations on the Bona Vista site (to the east shown as Vegetation Conservation) with the lot density being 5 per hectare;*
- (e) the areas in the north and east of the investigation area shown as Rural Urban Fringe (5000 square metres) be expressed as a lot density of 2.5 per hectare; and*
- (f) plans for river access and recreational facilities be considered as part of the plan of management for this development.*

3. The Pitt Town steering committee continue as an advisory committee to assist

RC031216.I01-s64

Council on the preparation of the Master plan and draft Local environmental plan for the development of Pitt Town.

4. The remainder of the land at Mitchell Place Pitt Town located above the 20 metres Australian Height Datum is included with the Pitt Town Urban Investigation area at the same density being as the surrounding lots.

5. A further report be prepared on:

(a) A consultation, communication and involvement strategy which would address the structure and functionality of the Steering Committee, as well as the preparation of the next stage of the rezoning process; and

(b) budget implications.

6. An independent evaluation of the SES report be sought, given the large variation in the methodology employed by the SES."

Your Department was subsequently notified of this resolution and you subsequently informed Council of the need to prepare a new section 54 Notice and additional studies to incorporate the land at 30 Mitchell Road. As result, Council at its meeting of 9 September 2003 resolved as follows:

That:

- 1. A draft local environmental plan be prepared in accordance with the Environmental Planning and Assessment Act to finalise the zone of the Pitt Town Urban Investigation Area as shown on the attached map.*
- 2. The Department be notified in accordance with section 54 of the Environmental Planning and Assessment Act 1979.*
- 3. Connell Wagner be requested to prepare an addendum to the Pitt Town Local Environmental Study to address the land at 30 Mitchell Place, Pitt Town by 30 September 2003, at a cost of up to \$8,000.00 (eight thousand dollars).*
- 4. The offer by the owner of 30 Mitchell Place, Pitt Town to pay up to \$8,000.00 (eight thousand dollars), as a contribution to the addendum, be accepted.*

2. 30 Mitchell Road Pitt Town

As indicated in the Council resolution, Connell Wagner were engaged to prepare an addendum to the Pitt Town Local Environmental Study to include 30 Mitchell Road.

The report was completed in November 2003 and concludes that the property has no environmental barriers to its conversion to subdivision. It also states that the inclusion of the land would not generate any significant impacts.

3. Pitt Town Advisory Committee

You may also be aware that Council at its meeting of 8 July 2003 resolved to form an Advisory Committee to oversee the preparation of the Masterplan, Section Plan, draft

Local Environmental Plan and Development Control Plan. The Committee's membership consists of the following:

- Four Councillors (including the Mayor)
- Six community members
- A member from the National Trust, Hawkesbury Branch.
- Council staff

4. Section 34 Consultation

The National Parks and Wildlife Service (NPWS) were consulted under Section 34 and Section 62 of the Environmental Planning and Assessment Act 1979 Act prior to the draft LEP being prepared. A copy of their submission is attached for your assistance.

5. Section 62 Consultation

Pursuant to Section 62 of the Act the draft plan was referred to the following public authorities:

- AGL Gas Company (NSW)
- Deerubin Aboriginal Land Council
- Department of Education
- Department of Housing
- Department of Mineral Resources
- Environment Protection Authority
- Integral Energy
- Hawkesbury Sports Council
- National Parks and Wildlife Service
- NSW Agriculture
- NSW Ambulance Service
- NSW Fire Brigade
- NSW Heritage
- NSW Police
- NSW Rural Fire Service
- NSW Tourism Commission
- Roads and Traffic Authority
- Rural Fire Service
- State Emergency Service
- Wentworth Area Health Service
- Sydney Water
- Department of Community Services
- Catholic Education Commission

Adjoining councils were notified and included Penrith City Council, Blacktown City Council, Rysltone Shire Council, Singleton Council, Baulkham Hills Shire Council, Blue Mountains City Council Cessnock Council, Gosford Council, Lithgow Council and Hornsby Shire Council.

6. Submissions

Responses were received from the NSW Rural Fire Service, Department of Infrastructure, Planning and Natural Resources, NSW Heritage, Sydney Water, Integral Energy, Department of Mineral Resources, NSW Agriculture, NSW Police, Rail Estate, Department of Education and Training, Department of Housing, Roads and Traffic Authority, State Emergency Service, Hawkesbury Sports Council, Wentworth Area Health Service and the National Parks and Wildlife Service. The requirements of each of these agencies are summarised in the document attached to this letter. A copy of each submission is also attached for your assistance.

As result of the Section 62 Consultation it was determined that additional work was required as follows:

- a) Site selection for additional land for school
- b) Decision re location of recreation areas
- c) Investigation of housing affordability
- d) Transport Management and Accessibility Plan
- e) Consideration in road network and traffic study
- f) Formation of WSUD working group - DIPNR, Sydney Water, EPA, developer and HCC
- g) Detailed demographic profile
- h) Effects flood water on waste water infrastructure
- i) Health Impact Assessment.

The Pitt Town Advisory Committee considered the submissions received and it was agreed that the additional work could be covered in five separate studies. The Committee adopted to carry out the following additional studies:

1. Traffic and Transport
2. Heritage
3. Social Impact Assessment
4. Water Cycle Management Study
5. Section 54 report on revised investigation area

It is also noted that a review of the report prepared by the State Emergency Service was also undertaken as previously resolved by Council.

The additional work was carried out and is addressed in detail in the attached Council report. Enclosed for your assistance are the following documents:

- Pitt Town Local Environmental Study, Addendum and appendices
- Minutes of the Pitt Town Advisory Committee
- Relevant Council reports

- Preliminary Transportation Assessment
- Review of SES report prepared by Molino Stewart
- Social Impact Overview

As indicated in your letter dated 12 November 2003, the Water Cycle Management Study and Health Impact Assessment can be carried out prior to the Section 69 report being completed and the plan being finalised.

7. Council resolution

Council considered the section 62 submissions and the deliberation of the Pitt Town Advisory Committee at its meeting of 9 December 2003 resolved as follows:

That:

1. *The Committee be thanked for their participation and requested to continue to advise Council on the outcomes of the exhibition.*
2. *The Pitt Town Advisory Committee recommended master plan be adopted as the basis of the preparation of the draft local environment plan, Development Control Plan and section 94 plan (664 additional lots).*
3. *A draft local environmental plan be prepared in accordance with the Environmental Planning and Assessment Act 1979 and the Best Practice guidelines (prepared by the former Department of Urban Affairs and Planning) to be based on the map recommended by the Pitt Town Advisory Committee.*
4. (a) *The draft local environmental plan be forwarded to the Department of Infrastructure Planning and Natural Resources for certification under section 65 of the Environmental Planning and Assessment Act 1979.*
(b) *The General Manager be delegated authority to commence exhibition of the LEP upon receipt of the section 65 certificate.*
5. *The Community Consultation Strategy be adopted.*
6. *The draft local environmental plan be placed on public exhibition for a period of 60 (sixty) days.*
7. *The flood evacuation route be raised to the 1 in 100 level and the costs associated be attributed to the developer.*
8. *Negotiations continue for the development of the river bank lands with an intention of integrating provisions of the facilities into the early stages of the subdivision.*
9. *The fence line to the south of Bona Vista to be on the northern side of the road.*
10. *For the protection of the vegetation conservation area, a conservation agreement is required.*
11. *Roads in the Housing zone area shall have sufficient sealed carriageway width to allow for on-street parking, and, where appropriate, for the operation of bus routes.*
12. *The Development Control Plan for the Housing zone area will be formulated with regard to the characteristics of the existing village and will allow for kerb and guttering as well as for houses of either 1 (one) or 2 (two) storeys.*
13. *Should Amendment 130 not be gazetted then a further report be provided in*

relation to seeking exemption from SEPP5 in Pitt Town.

A copy of this report is also attached for your information. As indicated in item 3, Council has resolved to prepare a new draft local environmental plan that corresponds with the Masterplan adopted by Council. Accordingly, a revised Section 54 Notice is attached.

8. Preparation of the draft local environmental plan

The draft local environmental plan has been prepared based on the Local Environmental Study, the section 62 consultations and the Council resolution. Attached is copy of the draft local environmental plan and map.

Two versions of the draft instrument have prepared in response to the fixed lot size requirements of the adopted growth scenario and the NSW Heritage Office. Version A proposes to amend State Environmental Planning No. 1 such that it does not apply to the Pitt Town area. Version B defines the Pitt Town Subdivision as the subdivision of land affected by Amendment No. 145 and uses the map to indicate the lot sizes and density controls.

9. Exhibition of the draft local environmental plan

The draft local environmental plan is now ready for public exhibition and it would be appreciated if you would issue the section 65 certificate to allow public exhibition of the draft plan.

The adopted community consultation strategy is also enclosed for your assistance and Council has resolved to exhibit the plan for a period of 60 days

Thank you for your continued assistance with this matter and if you have any questions please do not hesitate to contact either myself on the number below or Rachel Cumming on (02) 4560 4546

Yours faithfully

Malcolm Ryan
Director, Environment and Development

Direct Line : (02) 4560 4540

Summary of submissions received under section 62 of the Environmental Planning and Assessment Act 1979.

Agency	Matters for LEP	Change to Growth Scenario
NSW Rural Fire Service	<ol style="list-style-type: none"> 1. Planning for Bushfire Protection 2001. 2. 2.Asset Protection Zone incorporating Inner and Outer areas. 3. Provisions for: <ul style="list-style-type: none"> • two access to link road or fire trail network • water supply for fire fighting • minimise perimeter of area of land interfacing the hazard. • controls on placement of combustible materials • ensure bushfire haz reduction in not prohibited in AZP. 	No
Department of Infrastructure Planning and Natural Resources	<ol style="list-style-type: none"> 1. Transport Management and Accessibility Plan 2. Revised report to cover all Investigation Area (including Mitchell Place) incorporating: <ul style="list-style-type: none"> • local demand issues • Servicing Strategy • Cost to Govt to provide infrastructure • Capacity of social and physical infrastructure to support extension. • social and community impacts • Impact on cultural heritage • Flooding and flood evacuation • Total Vehicle Kilometres Travelled • Measures for reducing car dependency • Water cycle management study • Sustainability of incremental development • SREP 20. 	See comments in Council report
NSW Heritage	<ol style="list-style-type: none"> 1. Potential state heritage significance of Bona Vista, Pitt Town landscapes and Pitt Town township. 2. Identified heritage values should be used to inform LES and LEP process. 	See comments in Council report

	<p>Advice focuses on broader heritage issues.</p> <p>3. Management of Heritage Values:</p> <ul style="list-style-type: none"> *Draft Heritage Items *Views *Pitt Town Bottoms and Escarpment *Pitt Town Road Layout *Orchard and Rural Setting <p>4. Fernadell - retention of windbreaks, fencelines, cottages. Retention of trees along Bathurst Street. No objections to proposed densities. 2000-3000sqm lots along Bathurst st. Area behind school for open space to provide buffer to village.</p> <p>5. Bona Vista - Area fronting Johnston St to be retained to reinforce curtilage of BV. High significance veg to be retained, some development in moderate and low significance could occur. Readability of colonial roads. Additional open space reserve system around BV. Innovative housing design. 750-1000sqm lots not supported.</p> <p>6. Vermont (Area C) - significant views to be retained. Innovative housing design.</p> <p>7. Area D - Retention of tree line. Archaeological investigation of Blighs Farm. Scenic Protection. Decision to be deferred until further work.</p> <p>8. Archaeological provisions in LEP.</p> <p>9. Design Guidelines</p>	
Sydney Water	<ol style="list-style-type: none"> 1. Correction of errors in LES 2. 15km of new main required 3. Discussions required with Integral re power supply or proposed booster pump. 4. Water Sensitive Urban Design 5. Water conservation Measures 6. WSUD working group 7. System independent to proposed 3 town sewer 	No
Integral Energy	<ol style="list-style-type: none"> 1. Pitt Town located between 2 zone substations (Cattai & Windsor). 2. 690 lots requires 4.5-5.5MVA 3. Currently insufficient supply. 4. Augment Windsor and Cattai or new substation. 5. 5. No problems in supplying power to the area. 	No

NSW Agriculture	1. Maximise lot yield 2. Use larger lots to retain some agriculture 3. Transition requirements for existing agriculture 4. Recreational facilities near agriculture should be planned to minimise conflict.	No
NSW Police	1. Proposed road enhancements essential for road safety and emergency vehicles. 2. Safety of bicycle paths	No
Rail Estate	1. Provision of bus services to Mulgrave and Windsor Station.	No
Department of Education Training	Total of 3 ha required for expansion of school.	Yes
Department of Housing	Provision of a variety of housing types including affordable housing.	No
Hawkesbury Sports Council	Provision of recreation facilities Active Open Space: 2 Soccer ovals 2 synthetic cricket wickets Amenities Carparking	Yes - see comments in Council report
Wentworth Area Health Service	Possible Health Impact Assessment to ascertain effects of proposal on the health of a community. 2. Detailed Demographic Profile. 3. Effect of flood water and waste water infrastructure. 4. Discourage on site effluent disposal. 5. Investigation of ongoing monitoring at recreational water quality in HN River. 6. Use of rainwater tanks for non potable uses - toilet and gardening.	See comments in Council report
Department of Mineral Resources	No objection	No
Hornsby Council	No comments at this stage, however requested consistency with Consistency of the proposal with regional strategies including HNRiver Blueprint and Healthy Rivers Commission.	No
Penrith Council	No objection	No
National Parks and Wildlife Service	1. Sufficient information to proceed with Masterplan and LEP 2. Conservation and management of natural and cultural heritage 3. Use of appropriate zoning	See comments in Council report

	<p>4. Vegetation conservation area:</p> <ul style="list-style-type: none"> • Supports area identified in LES as a vegetation conservation area ie High, medium and low ecological value <p>5. Vegetation conservation area zoned for biodiversity purposes ie Environment Protection zone</p> <p>6. Options for Management:</p> <ul style="list-style-type: none"> • Dedication as public reserve and/or Voluntary Conservation Agreement • Community Title <p>7. Land uses consistent with conservation</p> <p>8. No low density development</p> <p>9. Adequate buffers</p> <p>10. Located outside vegetation conservation area:</p> <ul style="list-style-type: none"> • Bushfire APZ • Infrastructure for water management and utilities • Flood evacuation measures eg roads <p>11. Area protected from direct and indirect impacts</p> <p>12. South east corner of vegetation conservation area to be covered by LEP and managed</p> <p>13. Long Neck Lagoon:</p> <ul style="list-style-type: none"> • No adverse impacts on ground and surface hydrological systems • Further investigation of on ground and surface hydrological systems • Measures to avoid or mitigate impacts eg specific requirements for on-site water management, water retention structures and tree planting. 	
Roads and Traffic Authority	<p>Traffic Management and Accessibility Plan (TMAP) required</p> <p>TMAP to investigate:</p> <ul style="list-style-type: none"> • Regional impact of proposed rezoning – costing, timing, and funding responsibilities • Appropriate provisions of public transport • Reduction in vehicle trips 	No

	<ul style="list-style-type: none">• Not to affect road widening and timing for construction of the road widening scheme.• Issues raised in Planning Focus Meeting	
State Emergency Service	<ul style="list-style-type: none">• No new issues to raise• Concerned about interpretation of flooding information• Flood evacuation manageable but considered to be an on-going risk resulting from urban growth• Modeling indicates evacuation possible but not a low risk• SES cannot sign off on acceptability of risk• Community consultation must resolve issues of risk acceptance SES prepared to assist in process/forum to explain flooding risks	No

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The following information is provided in accordance with the section 54(4) of the Environmental Planning and Assessment Act 1979 and Clause 9 of the Environmental Planning and Assessment Regulation 2000.

It is noted that this is revised section 54 Notice dated 10 July 2000 as the Pitt Town Investigation area contains additional land.

NOTICE**Terms of Councils Resolution:-**

Council at its meeting of 11 March 2003 resolved the following:

That:

1. *The Committee be thanked for their participation and requested to continue to advise Council on the outcomes of the exhibition.*
2. *The Pitt Town Advisory Committee recommended master plan be adopted as the basis of the preparation of the draft local environment plan, Development Control Plan and section 94 plan (664 additional lots).*
3. *A draft local environmental plan be prepared in accordance with the Environmental Planning and Assessment Act 1979 and the Best Practice guidelines (prepared by the former Department of Urban Affairs and Planning) to be based on the map recommended by the Pitt Town Advisory Committee.*
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13. *Should Amendment 130 not be gazetted then a further report be provided in*

relation to seeking exemption from SEPP5 in Pitt Town.

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

State and Regional Matters:-

Section 117(2) Directions

The plan is inconsistent with the following 117 Directions:

- G2 - Circulars to Council - No, 13
- G7 - Existing General Provisions
- G12 - Environmental Protection Zones
- G25 - Flood Liable land

State Environmental Planning Policies

The plan is generally consistent with the current State Environmental Planning Policies.

Regional Environmental Plans

The plan is consistent with the provisions of Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River (No. 2-1997).

Consultation Procedures:-

Pursuant to Section 62 of the Act the draft plan was referred to the following public authorities:

- AGL Gas Company (NSW)
- Deerubin Aboriginal Land Council
- Department of Education
- Department of Housing
- Department of Mineral Resources
- Environment Protection Authority
- Integral Energy
- National Parks and Wildlife Service
- NSW Agriculture
- NSW Ambulance Service
- NSW Fire Brigade
- NSW Heritage
- NSW Police
- NSW Rural Fire Service
- NSW Tourism Commission
- Roads and Traffic Authority
- Rural Fire Service
- State Emergency Service
- Wentworth Area Health Service
- Sydney Water

24 May 2004

- Department of Community Services
- Catholic Education Commission

Adjoining councils were notified and included Penrith City Council, Blacktown City Council, Rysltone Shire Council, Singleton Council, Baulkham Hills Shire Council, Blue Mountains City Council Cessnock Council, Gosford Council, Lithgow Council and Hornsby Shire Council.

Council has adopted a community consultation strategy which is enclosed for your assistance. The draft local environmental plan will be exhibited concurrently with the draft development control plan and section 94 plan for a period of 60 days

Local Environmental Study-

A Local Environmental Study (LES) has been carried out for the Pitt Town Investigation Area. An addendum to the Local Environmental Study was prepared to include additional land at 30 Mitchell Road.

The LES recommended several growth scenarios for the Pitt Town Investigation Area. Upon completion, and in accordance with section 62 of the Act, the LES was referred to the agencies listed above for comments and requirements for the preparation of the draft local environmental plan. This consultation resulted in changes to the adopted growth scenario and a revised growth scenario was adopted on 6 May 2003.

Additional work has also been carried out, including Preliminary Transportation Assessment, Social Impact Overview, and Management of Heritage Values. The Water Cycle Management Study and Health Impact Assessment can be carried out prior to the Section 69 report being completed and the plan being finalised. It is noted the LES contains requirements for water cycle management sufficient for the decision making to date.

The revised studies are attached for your consideration and information. It is considered that the Pitt Town Local Environmental Study is now complete.

Delegation

Council does not intend to use its delegation in respect of the Section 65 Certificate and Section 69 Report for the draft local environmental plan.

Malcolm Ryan
Director, Environment and Development