



IRF23/458

## Gateway determination report – PP-2022-1673

---

4 Hall Street, Pitt Town

March 23

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2022-1673

Subtitle: 4 Hall Street, Pitt Town

---

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 23) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

|          |   |           |
|----------|---|-----------|
| <b>1</b> | <b>Planning proposal.....</b>                             | <b>1</b>  |
| 1.1      | Overview.....   | 1         |
| 1.2      | Objectives of planning proposal .....                     | 1         |
| 1.3      | Explanation of provisions .....                           | 1         |
| 1.4      | Site description and surrounding area.....                | 2         |
| 1.4.1    | Heritage Conservation Area and Nearby Heritage Items..... | 3         |
| 1.5      | Mapping.....  | 4         |
| 1.6      | Background .....  | 5         |
| <b>2</b> | <b>Need for the planning proposal .....</b>               | <b>6</b>  |
| <b>3</b> | <b>Strategic assessment .....</b>                         | <b>6</b>  |
| 3.1      | Region Plan .....   | 6         |
| 3.2      | District Plan .....                                       | 7         |
| 3.3      | Local.....  | 9         |
| 3.4      | Local planning panel (LPP) recommendation.....            | 10        |
| 3.5      | Section 9.1 Ministerial Directions .....                  | 10        |
| 3.6      | State environmental planning policies (SEPPs) .....       | 13        |
| <b>4</b> | <b>Site-specific assessment .....</b>                     | <b>14</b> |
| 4.1      | Environmental.....  | 14        |
| 4.2      | Social and economic.....                                  | 15        |
| 4.3      | Infrastructure .....                                      | 15        |
| <b>5</b> | <b>Consultation.....</b>                                  | <b>16</b> |
| 5.1      | Community .....   | 16        |
| 5.2      | Agencies.....   | 16        |
| <b>6</b> | <b>Timeframe .....</b>                                    | <b>16</b> |
| <b>7</b> | <b>Local plan-making authority .....</b>                  | <b>16</b> |
| <b>8</b> | <b>Assessment summary .....</b>                           | <b>16</b> |
| <b>9</b> | <b>Recommendation.....</b>                                | <b>17</b> |

**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                                  |
|---|
| Planning Proposal (July 2022)                               |
| Detailed Site Investigation by WSP (June 2021)              |
| Council Report (13 September 2022)                          |
| Council Resolution (13 September 2022)                      |
| Hawkesbury Local Planning Panel Resolution (18 August 2022) |
| Site Plan (February 2022)                                   |
| Indicative Building Footprint (March 2022)                  |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |   |
|---------------------------------|---|
| <b>LGA</b>                      | Hawkesbury  |
| <b>PPA</b>                      | Hawkesbury City Council   |
| <b>NAME</b>                     | 4 Hall Street Pitt Town   |
| <b>NUMBER</b>                   | PP-2022-1673  |
| <b>LEP TO BE AMENDED</b>        | Hawkesbury LEP 2012   |
| <b>ADDRESS</b>                  | 4 Hall Street, Pitt Town  |
| <b>DESCRIPTION</b>              | Lot 1 DP 89958  |
| <b>RECEIVED</b>                 | 27/09/2022  |
| <b>FILE NO.</b>                 | EF22/13126  |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The proposal seeks to enable the redevelopment of the site to deliver a residential dwelling.

The planning proposal contains objectives and intended outcomes that clearly and adequately explain the intent of the proposal.

## 1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Hawkesbury LEP 2012 (HLEP) with the proposed changes outlined in **Table 3** below.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

**Table 3 Current and proposed controls**

| Control                        | Current                 | Proposed                 |
|--------------------------------|-------------------------|--------------------------|
| Zone                           | SP2 Water Supply System | R5 Large Lot Residential |
| Maximum height of the building | N/A                     | 10m                      |

|                     |     |          |
|---------------------|-----|----------|
| Minimum lot size    | N/A | 4,000sqm |
| Number of dwellings | 0   | 1        |

## 1.4 Site description and surrounding area

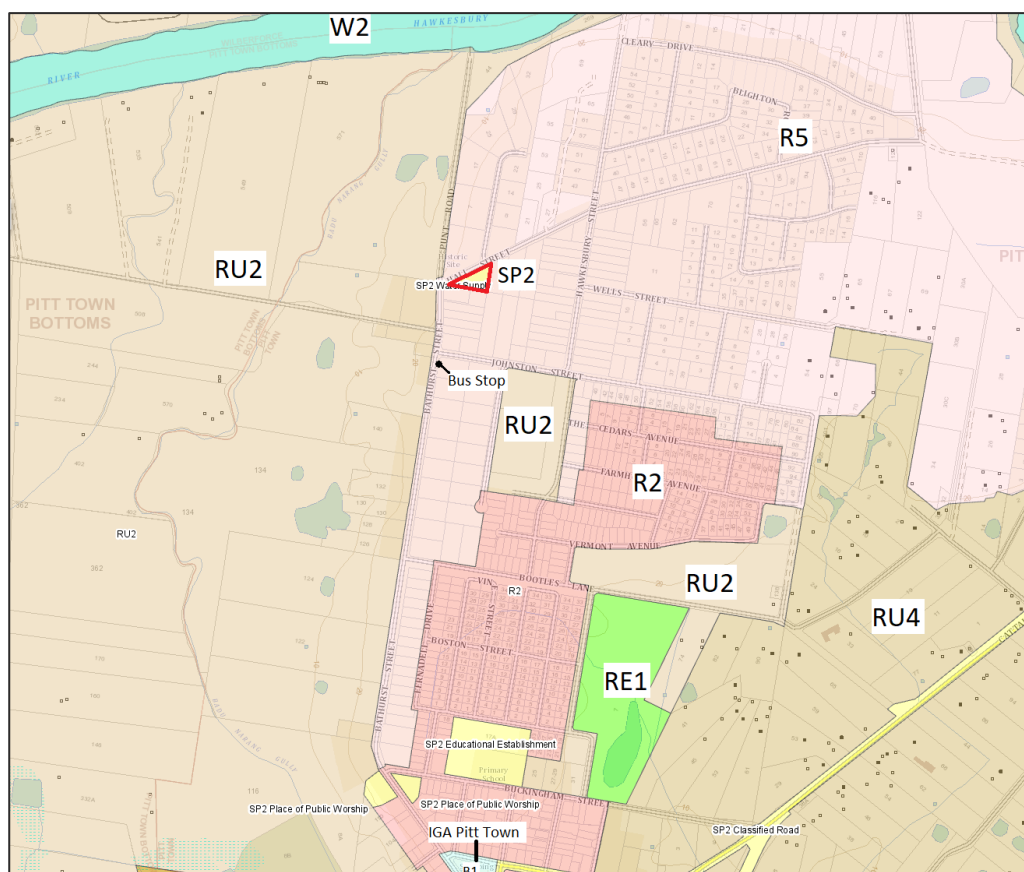
The subject site is located at 4 Hall Street, Pitt Town and is legally described as Lot 1 DP 89958.

It is a triangular shaped site of approximately 3,603sqm and has a street frontage of approximately 130m (**Figure 1**). The site is currently vacant. It previously contained water storage equipment and was used to supply water to the local area.

The site is located 630m south of Hawkesbury River. The dominant surrounding zoning is R5 Large Lot Residential and with RU2 Rural Landscape land on the opposite side of Bathurst Street/Punt Road to the west. The nearest bus stop is on Bathurst Street, 200m from the site (**Figure 2**).



**Figure 1 Subject site (source: SIX Maps, October 2022)**



**Figure 2 Zoning and surrounding context (source: ePlanning Spatial Viewer, October 2022)**

#### 1.4.1 Heritage Conservation Area and Nearby Heritage Items

The site is identified as within the Pitt Town Conservation Area under Schedule 5 of the HLEP 2012 and on the HLEP 2012 Heritage Map. It is also affected by Clause 6.9 Additional requirements for subdividing in Pitt Town Heritage Area because it is identified as a Potential Archaeological Site and Potential Place of Aboriginal Heritage Significance on the HLEP 2012 Pitt Town Heritage Map. **(Figure 3).**

Adjoining the site to the east at 14-18 Hall Street is local heritage item I297 known as ‘Cleary’s House’ comprising a dwelling house.

Opposite the site, to the northwest at 1 Punt Road is local heritage item I310 a Former Manse and Farmhouse.





Figure 3 HLEP 2012 Heritage Map (left) and HLEP 2012 Pitt Town Heritage Map (right) (site identified with green outline)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land use zones maps, Building Height Map and Minimum Lot Size map (**Figure 4**).

The intent of the planning proposal is clear. However, for consistency, prior to exhibition the planning proposal should be updated to ensure that the site is clearly identified on all the maps and figures. A Gateway condition has been included to this effect.





*Proposed zoning map amendment*



*Proposed Building Height Map*



*Proposed amendment to the Minimum Lot Size Map*

**Figure 4 Proposed mapping amendments (source: Planning Proposal, July 2022)**

## 1.6 Background

The planning proposal was initiated by Sydney Water because it found the site to be underutilised and surplus to present and future need. The above ground steel reservoir which used to occupy the site was demolished in 2020 and Sydney Water contacted Council in 2021 to discuss rezoning the land as part of a housekeeping amendment. Council advised that the rezoning would require a separate planning proposal and Sydney Water engaged Planning Direction Pty Ltd to prepare the planning proposal on their behalf.

On 18 August 2022 Sydney Water addressed the Hawkesbury Local Planning Panel seeking advice on the proposal. The Panel advised that the matter should proceed to Gateway assessment, subject to assurance of a connection to the sewer system. (See section 3.4 of this report.)

On 1 July 2022 Planning Direction Pty Ltd, on behalf of Sydney Water, submitted the planning proposal to Hawkesbury Council for assessment.

On 13 September 2022, Council resolved to support the proposal with a requirement that connection to a sewer system is provided, prior to amending the LEP.

On 27 September 2022, Council lodged the planning proposal for Gateway assessment.

## 2 Need for the planning proposal

The planning proposal has been initiated by Sydney Water, which has identified the site as surplus land and seek to rezone the site for residential purposes so it can be sold.

The intended outcomes of the proposal cannot be delivered under the current planning framework and are not appropriate for a housekeeping amendment. The planning proposal is required to amend the LEP.

## 3 Strategic assessment

The planning proposal states that it is consistent with the Hawkesbury Local Housing Strategy (LHS) 2020 and the Greater Sydney Region Plan - *A Metropolis of Three Cities* (March 2018) because it helps address Sydney's growth through increased housing supply.

### 3.1 Region Plan

The site is within the Greater Sydney Region and is subject to the Greater Sydney Region Plan - *A Metropolis of Three Cities* (March 2018). **Table 4** below provides an assessment of the planning proposal against relevant aspects of the Plan.

**Table 4 Regional Plan assessment**

| Regional Plan Objectives   | Justification  |
|--|--|
| Objective 6 – Services and infrastructure meet communities' changing needs | <p>Objective 6 seeks to efficiently deliver public social infrastructure which meets the needs of the community.</p> <p>The proposed rezoning will facilitate the redevelopment of a surplus and underutilised public land parcel, for an additional dwelling.</p> <p>The proposal is consistent with Objective 6.</p> |
| Objective 10 – Greater housing supply                                      | <p>Objective 10 seeks to provide suitable housing.</p> <p>The proposed rezoning will facilitate the redevelopment of a surplus and underutilised public land parcel, for an additional dwelling.</p> <p>The proposal is consistent with Objective 10.</p>  |

|   |   |
|---|---|
| Objective 13 – Environmental heritage is identified, conserved, and enhanced                | <p>Objective 13 seeks to identify, manage, and interpret heritage places and stories so they can be experienced by current and future generations.</p> <p>The site is located within a Heritage Conservation Area, is adjacent to a local heritage item, is near to another local heritage item, and has been identified as a Potential Archaeological Site and Potential Place of Aboriginal Heritage Significance.</p> <p>The existing heritage provisions in the Hawkesbury LEP 2012 and Hawkesbury DCP 2022 will ensure potential impacts of development on heritage items and heritage conservation areas are mitigated.</p> <p>The planning proposal is consistent with the Objective 13.</p> |
| Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced | <p>Objective 27 seeks to protect and enhance biodiversity and to protect vegetation.</p> <p>The proposal does not seek to remove trees or vegetation and does not seek to reduce open space or green links.</p> <p>The proposal is generally consistent with Objective 27.</p>  |
| Objective 28 – Scenic and cultural landscapes are protected                                 | <p>Objective 28 seeks to protect and enhance scenic and cultural landscapes and views.</p> <p>The proposal seeks to facilitate redevelopment of a small vacant site in an established large lot residential area. It is not expected to negatively impact scenic and cultural landscapes.</p> <p>The proposal is generally consistent with Objective 28.</p>  |
| Objective 37 – Exposure to natural and urban hazards is reduced                             | <p>This objective seeks to limit development in areas exposed to natural hazards and to manage flood risk in the Hawkesbury-Nepean Valley. For completeness, it is recommended that the planning proposal is updated to Address the <i>Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy</i>.</p> <p>The site is in an area identified as being affected by flooding and bushfire. See sections 3.5 and 4.1 of this report which discuss how the proposal addresses these hazards.</p>  |

## 3.2 District Plan

The site is within the Western City District and is subject to the Western City District Plan (March 2018). **Table 5** below provides an assessment of the planning proposal against relevant aspects of the Plan.

Table 5 District Plan assessment

| District Plan Priorities   | Justification   |
|--|---|
| W5 – Providing housing supply, choice and affordability with access to jobs, services and public transport | <p>Priority W5 seeks to deliver diverse and affordable housing supply in the right locations through the implementation of housing strategies and targets.</p> <p>The proposal seeks to facilitate infill development of one additional dwelling in a rural area. The district plan states that rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth.</p> <p>Any potential inconsistency is considered minor and justified because the subject site is a single lot in an established large lot residential area, relatively close to a local centre, and is unlikely to be viable for agricultural uses.</p>   |
| W6 – Creating and renewing great places and local centres, and respecting District's heritage              | <p>Priority W6 seeks to implement a place-based and collaborative approach to planning and to identify, conserve and enhance environmental heritage.</p> <p>The site is identified as within the Pitt Town Conservation Area under Schedule 5 of the HLEP 2012 and on the HLEP 2012 Heritage Map. It is also affected by Clause 6.9 Additional requirements for subdividing in Pitt Town Heritage Area because it is identified as a Potential Archaeological Site and Potential Place of Aboriginal Heritage Significance on the HLEP 2012 Pitt Town Heritage Map.</p> <p>The site is currently vacant and intended development is for low scale residential use. Future development would need to be appropriately designed and sited to be sympathetic to the heritage values of the area.</p> <p>The existing heritage provisions in the Hawkesbury LEP 2012 and Hawkesbury DCP 2022 will ensure potential impacts of development on heritage items and heritage conservation areas are mitigated.</p> <p>The Department is satisfied that heritage and local character will be suitably addressed as the development stage and the planning proposal is consistent with Priority W6.</p> |
| W17 – Better managing rural areas  | <p>Priority W17 seeks to protect and enhance rural areas by limiting urban expansion.</p> <p>The site is located within a Metropolitan Rural Area.</p> <p>The planning priority allows for limited growth of rural-residential development where there are likely to be no adverse impacts on local amenity and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.</p> <p>Any potential inconsistency is considered minor and justified because the subject site is a single lot in an established large lot residential area and is relatively close to a local centre. The site is unlikely to be viable for agricultural uses and the proposed future use is unlikely to impact nearby rural land uses.</p> <p>The proposal is consistent with Priority W17.</p>  |
| W20 – Adapting to the impacts of urban and natural hazards and climate change                              | <p>Priority W20 seeks to respond to the impacts of climate change, minimise exposure to natural hazards, mitigate the urban heat island effect, and manage flood risk.</p> <p>The site is in an area identified as being affected by flooding and bushfire on the site. See sections 3.5 and 4.1 of this report which discuss how the proposal addresses these hazards.</p>   |

### 3.3 Local

The site is within the Hawkesbury local government area and is subject to Hawkesbury Council's local plans and strategies. Council's report states that the planning proposal is consistent with the relevant local plans and strategies.

**Table 6** below includes an assessment of the planning proposal against the relevant local plans and strategies.

The Department is satisfied that the relevant local strategic plans has been appropriately considered.

**Table 6 Local strategic planning assessment**

| Local Strategies  | Justification  |
|---|--|
| Hawkesbury Local Strategic Planning Statement (LSPS) 2040 | <p><u>Council's Assessment</u></p> <p>The proposal is consistent with community-based planning priorities targeted at preserving the local heritage and character of the Hawkesbury's towns and villages, whilst improving housing stock.</p> <p>Additionally, being infill development on cleared underutilised land, the biodiversity and environmental value of the area is not compromised by the ensuing development.</p> <p><u>Department's Assessment</u></p> <p>The Department is satisfied that the Hawkesbury LSPS 2040 has been considered.</p>   |
| Hawkesbury Local Housing Strategy 2021                    | <p><u>Council's Assessment</u></p> <p>Considering the subject site is above the 1:100 ARI flood level and is free of other constraints, it is considered a suitable site for a dwelling.</p> <p>Additionally, the proposal is consistent with the objectives of the R5 Large Lot Residential Zoning because the local character is retained, and no impacts on local infrastructure is expected. An R5 Large Lot Residential zoning would therefore be appropriate for the subject site.</p> <p><u>Department's Assessment</u></p> <p>The Department is satisfied that the Hawkesbury Local Housing Strategy 2020 has been considered. The issue of flooding is considered in more detail in section 4.1 of this report.</p> |
| Hawkesbury Rural Lands Strategy 2021                      | <p><u>Council's Assessment</u></p> <p>The Strategy acknowledges that the negatives of rural living, such as cost of service provision and conflicts with rural production, often outweigh the positives. However, on this site these negative factors are largely mitigated because the subject site sits within an existing R5 Zoned area.</p> <p>Additionally, most necessary services are available to the subject site and the lot size is too small to be used for agricultural purposes.</p> <p><u>Department's Assessment</u></p> <p>The Department is satisfied that the Hawkesbury Rural Lands Strategy 2021 has been considered.</p>   |

Hawkesbury  
Community  
Strategic Plan  
2022-2042

#### Council's Assessment

The planning proposal is consistent with the community outcomes and objectives of the Hawkesbury Community Strategic Plan 2022-2042.

#### Department's Assessment

The Department is satisfied that the Hawkesbury Community Strategic Plan 2022-2042 has been considered.

## 3.4 Local planning panel (LPP) recommendation

The Hawkesbury LPP considered the planning proposal on 18 August 2022. The Panel advised that the matter be forwarded to Gateway for consideration, subject to ensuring there is a connection to the sewer system. The Panel's advice is provided at **Attachment G**.

## 3.5 Section 9.1 Ministerial Directions

**Table 7** below includes an assessment of the planning proposal against the relevant Section 9.1 Ministerial Directions.

**Table 7 9.1 Ministerial Direction assessment**

| Directions                                  | Consistent / Not Applicable | Reasons for Consistency or Inconsistency  |
|---|-----------------------------|---|
| <b>1.1 Implementation of Regional Plans</b> | Consistent                  | Direction 1.1 seeks to give legal effect to the visions, land use strategy, goals, directions and actions contained in Regional Plans<br><br>Consistency with the Regional Plan is discussed in sections 3.5 of this report.  |
| <b>1.4 Site Specific Provisions</b>         | Consistent                  | Direction 1.4 seeks to discourage unnecessarily restrictive site specific planning controls.<br><br>The planning proposal seeks to rezone the site to an appropriate existing zone and does not contain unnecessarily restrictive site specific planning controls.<br><br>The planning proposal is consistent with the Direction. |



| Directions                       | Consistent / Not Applicable | Reasons for Consistency or Inconsistency   |
|----------------------------------|-----------------------------|--|
| <b>3.2 Heritage Conservation</b> | Consistent                  | <p>Direction 3.2 seeks to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is identified as within the Pitt Town Conservation Area under Schedule 5 of the HLEP 2012 and on the HLEP 2012 Heritage Map. It is also affected by Clause 6.9 Additional requirements for subdividing in Pitt Town Heritage Area because it is identified as a Potential Archaeological Site and Potential Place of Aboriginal Heritage Significance on the HLEP 2012 Pitt Town Heritage Map.</p> <p>The site also adjoins a heritage item known as 'Cleary's House' (I297) located on the site's eastern boundary. It is also near to a Former Manse and Farmhouse (I310), located northwest of the site at 1 Punt Rd.</p> <p>The site is currently vacant. The proposal seeks to rezone the site for residential purposes and does not propose to amend any existing heritage provisions.</p> <p>The existing heritage provisions in the Hawkesbury LEP 2012 and Hawkesbury DCP 2022 will ensure potential impacts of development on heritage items and heritage conservation areas are mitigated.</p> <p>The planning proposal is consistent with the Direction.</p> |
| <b>4.1 Flooding</b>              | Inconsistent                | <p>Direction 4.1 seeks to ensure that development of flood prone land is consistent with the applicable policies and that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Flood mapping for the site shows does not show affectation by 1% flood events but it is mapped as affected in PMF flood events.</p> <p>The Planning Proposal is generally consistent with Direction 4.1. However, further information is required to comprehensively address flood affectation and evacuation, as discussed further in section 4.1 of this report.</p>  |

| Directions                                  | Consistent / Not Applicable | Reasons for Consistency or Inconsistency   |
|---|-----------------------------|--|
| <b>4.3 Planning for Bushfire Protection</b> | Inconsistent                | <p>Direction 4.3 seeks 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 encourage sound management of bush fire prone areas.</p> <p>Part of the subject site is identified within the vegetation buffer zone of the Bushfire Prone Land map. The proposal should be updated prior to exhibition to include maps and address this direction.</p> <p>Direction 4.3 also requires consultation with NSW Rural Fire Service (RFS).</p> <p>Gateway conditions have been included to this effect.</p>  |
| <b>4.4 Remediation of Contaminated Land</b> | Consistent                  | <p>Direction 4.4 seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is accompanied by a detailed site investigation which identified the site as containing low levels of heavy metal contamination. The investigation also discovered surface asbestos which was removed during the sampling process.</p> <p>The report states that the site can be made suitable for the proposed residential use. It recommends an 'emu pick' of the site surface for any remaining asbestos fragments prior to sale.</p> <p>The planning proposal is consistent with the Direction.</p> |
| <b>4.5 Acid Sulfate Soils</b>               | Consistent                  | <p>Direction 4.5 seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The site is identified as potentially containing Class 5 acid sulfate soils in the Hawkesbury LEP 2012.</p> <p>The Department is satisfied that the intended residential use is unlikely to cause significant impacts on the water table in relating to acid sulfate soils and that an acid sulfate study is not required at this stage.</p> <p>The planning proposal is consistent with the Direction.</p>   |

| Directions                                    | Consistent / Not Applicable | Reasons for Consistency or Inconsistency   |
|---|-----------------------------|--|
| <b>5.2 Reserving Land for Public Purposes</b> | Consistent                  | <p>Direction 5.2 seeks to facilitate public services and facilities by reserving land for public purposes, and to facilitate removal of reservations where the land is no longer required for acquisition.</p> <p>The owner of the subject site, Sydney Water, has advised the site is no longer required for water services infrastructure and is seeking to remove the SP2 reservation and rezone the site to R5 to enable the site to be sold and developed for a single dwelling on a large lot.</p> <p>The planning proposal is consistent with this Direction, as it will facilitate removal of a public purpose reservation. This Direction has not been addressed in the planning proposal and a condition has been added to the Gateway determination requiring that it be addressed.</p>                                   |
| <b>6.1 Residential Zones</b>                  | Consistent                  | <p>Direction 6.1 seeks to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal is consistent with Clause 1 of this direction because it will broaden the choice of building types and locations available in the housing market.</p> <p>Clause 2 of this direction requires planning proposals to ensure land will be adequately serviced before residential development is permitted. A Gateway condition has been included to ensure Council is satisfied with the site servicing arrangements prior to finalisation.</p> |

### 3.6 State environmental planning policies (SEPPs)

**Table 8** below includes an assessment of the planning proposal against the relevant State Environmental Planning Policies (SEPPs).

The proposal is not inconsistent any relevant SEPPs.

**Table 8 Assessment of planning proposal against relevant SEPPs**

| SEPPs | Requirement | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|-------|-------------|----------------------------|--|
|-------|-------------|----------------------------|--|

|                                    |   |     |  |
|------------------------------------|---|-----|--|
| Biodiversity and Conservation 2021 | This SEPP aims to protect the biodiversity values of trees and other vegetation, provide habitat for koalas, enhance the riverine environment of the River Murray and Hawkesbury-Nepean River system, preserve bushland within certain urban areas, prohibit canal estate development, provide healthy water catchments, and protect the Sydney Harbour Catchment area. | Yes | <p>Chapter 2 Vegetation in non-rural areas applies to land within the SP2 Infrastructure and R5 Large Lot Residential zones in the Hawkesbury LGA. The proposal is consistent with Chapter 2 as it is currently vacant land and does not seek to remove trees or vegetation.</p> <p>Chapter 6 Water catchments applies because the site is in the Hawkesbury-Nepean Catchment. The proposal is consistent with Chapter 6 because the intended development is unlikely to have any significant impact on water quality or quantity, aquatic or riparian ecology, flood behaviour, or recreation access.</p> |
|------------------------------------|---|-----|--|

## 4 Site-specific assessment

### 4.1 Environmental

**Table 9** below includes an assessment of the potential environmental impacts associated with the proposal.

The issues relating to flooding and bushfire have been addressed in the Gateway conditions.

**Table 9 Environmental impact assessment**

| Environmental Impact | Assessment   |
|----------------------|--|
| Flooding             | <p>The planning proposal states the subject site is not flood prone. However, publicly available flood mapping for the Hawkesbury-Nepean Valley shows that part of the site is affected in the PMF event.</p> <p>It is noted that the site is a flood island which may be subject to significant periods of isolation during flood events. As such, evacuation requirements should be considered and detailed in the planning proposal.</p> <p>The planning proposal intends to add one residential lot. This does not represent a significant increase in density for the locality.</p> <p>It is recommended that the planning proposal is updated to:</p> <ul style="list-style-type: none"> <li>• Include a map showing the flood affectation, including the PMF event, on the site and overlay the proposed development area to provide an understanding of the affected land area.</li> <li>• Demonstrate evacuation requirements have been considered.</li> </ul> <p>NSW State Emergency Service (SES) should be consulted regarding evacuation requirements.</p> <p>Gateway conditions have been included to this effect.</p> |

## 4.2 Social and economic

The proposal is unlikely to have significant social and economic impacts. There are no identified social or economic issues to be resolved at the planning proposal stage.

## 4.3 Infrastructure

**Table 11** below provides an assessment of the adequacy of existing infrastructure to service the site and the development resulting from the planning proposal.

**Table 11 Infrastructure assessment**

| Infrastructure | Assessment   |
|----------------|--|
| Utilities      | <p>The planning proposal states that all essential services are available to the site. A Gateway condition requires consultation with the relevant utility providers, including Endeavour Energy.</p> <p>The site is connected to the Sydney Water supply. The site is currently not connected to a sewer system.</p> <p>Council's report (<b>Attachment E</b>) states that the proponent is seeking connection to the private reticulated sewer system available in the area and has been in correspondence with the provider. A Gateway condition has been included to ensure Council is satisfied suitable site servicing arrangements can be made.</p> |

## 5 Consultation

### 5.1 Community

The Department recommends a community consultation period of 20 working days, consistent with the Local Environmental Plan Making Guideline (September 2022). This has been included as a Gateway condition.

### 5.2 Agencies

The proposal does not identify which agencies will be consulted.

It is recommended the following agencies and organisations be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service (RFS)
- Relevant utility providers, including Endeavour Energy
- NSW State Emergency Service (SES).

## 6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The planning proposal is classified as 'standard' in the Local Environmental Plan Making Guideline (September 2022). The benchmark timeframe in the Guideline for standard planning proposals is 200 working days from the issued Gateway determination to finalisation.

The Department therefore recommends a time frame of 10 months. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the nature of the proposal, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is the most appropriate means to achieve the intended outcome.
- The planning proposal is generally consistent with the objectives of the applicable strategic plans and strategies.
- The intended development outcome is modest in scale and the planning proposal and is not expected to have any significant adverse environmental, social, economic or infrastructure related outcomes.

Based on the assessment outlined in this report, the proposal must be updated to:

- Ensure that the site is clearly identified on the maps and figures.
- Include additional information in relation to flooding and bushfire
- Address the *Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy*.
- Confirm Council is satisfied that the site will be suitably serviced.



## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistencies with section 9.1 Directions 4.1 Flooding and 4.3 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - Ensure that the site is clearly identified on all maps and figures.
  - Include a map showing the areas affected by the 1% AEP flood event and the PMF flood event overlaid with the proposed development area in the site.
  - Address evacuation requirements and proposed evacuation routes during flood events including council's assessment of the capacity of the regional flood evacuation network.
  - Address the *Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy*.
  - Address Direction 4.3 Planning for Bushfire Protection and to include a map showing the areas of the site affected by the bushfire vegetation buffer zone.
  - Address Direction 5.2 Reserving Land for Public Purposes.
2. Prior to finalisation, Council should be satisfied that the site will be suitably serviced.
3. Consultation is required with the following public authorities and organisations:
  - NSW Rural Fire Service
  - Relevant utility providers, including Endeavour Energy
  - NSW State Emergency Service (SES).
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
5. The timeframe for completing the LEP is to be 10 months from the date of the Gateway determination. Public exhibition of the proposal is to commence by May 2023 and the proposal is to be reported to Council by October 2023.
6. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



24/02/2023

Ian Bignell

Manager, Place & Infrastructure



1/3/2024

Robert Hodgkins

Director, Central Western

Assessment officer

Rachel Hughes

Planning Officer, Agile Planning

(02) 9995 5936