

6TH July 2015.

Department of Planning and Environment

23-33 Bridge Street

Sydney 2001.

Dear Sir / Madam.

**PROPOSED PLANNING AGREEMENT
LOT 11, DP 1021340, PITT TOWN
HAWKESBURY LOCAL GOVERNMENT AREA.**

We make the following comments on behalf of the Pitt Town Residents Group (PTRG) in reference to the above matter.

The PTRG has always held the position that the subdivision and development of land to the north of Pitt Town represented the unacceptable overdevelopment of a small rural Macquarie Town.

We consider the provision of a developer monetary contribution calculated at just \$10,500.00 per residential allotment to be wholly inadequate in light of the total cost of State and Regional Transport Infrastructure required for development at Pitt Town.

As the 2006 Pitt Town Planning Agreement includes commitments towards regional infrastructure to the value of \$16.5 million, this proposed monetary contribution in 2015 of only \$10,500 per lot (plus index.) can hardly be realized as making satisfactory arrangements under Clause 6.8 of the HLEP 2012.

Following the September 2013 Ministerial Direction that required Hawkesbury City Council to cease levying all State and Regional Infrastructure from the 2008 Section 94 Contributions Plan the drafting of subsequent Planning Agreements should now make up all funding deficits.

We make the following points

Removal of Section 94 Contributions.

We question as to whether there was the need for the Planning Minister to even issue a direction to Hawkesbury City Council to *'cease levying for the Pitt Town bypass, interim bus service and Mulgrave railway station parking under the Pitt Town chapter of its Contribution Plan as these are items of State Infrastructure and are not the responsibility of Council to deliver'*.

If the Minister had read all of Section 7A.12 referred to in the Direction Notice, it can be seen at page 35 of the 2008 Section 94 Contributions Plan that *'All contributions for State and regional transport infrastructure shall be held in trust by the Council until called upon by the relevant State Government agency responsible for the provision of the infrastructure'*.

It light of the explanation given at page 35 it would appear that the Ministerial Direction was uncalled for.

It can be seen that Council was only collecting and holding contributions in trust for the relevant State Government agencies that would later deliver these infrastructure items.

Draft Planning Agreement Contributions Deficit.

When the Planning Minister declared the Pitt Town Residential Precinct (PTRP) a Major Project, the then Department of Planning, in conjunction with consultant Newplan, Urban Planning Solutions and council staff, prepared the 2008 Section 94 Contribution Plan for Hawkesbury City Council.

The plan contained additional contribution funding for State and Regional Transport Infrastructure comprising Mulgrave Railway Station parking, 2 years interim bus service and the partial funding of the Pitt Town Bypass calculated at \$8,005.58 per lot for 893 lots.

It was also directed that the remainder of funding required for the Pitt Town Bypass would apply to 246 lots in the Central, Cattai and Thornton East Precincts not already subject to voluntary agreements and that these contributions of \$24,796.75 per lot would be administered by way of extra Section 94 contributions.

The total of these contributions were calculated in 2008 to raise a minimum \$ 13,248,979.97.

With 489 lots already approved, this draft contribution of \$10,500 when applied across the remaining 406 lots will collect just \$4,263,000.00 (plus index.) under Planning Agreements resembling the one now on exhibition.

With the collection of State and Regional Infrastructure contributions deleted from the new 2015 Section 94 Contributions Plan there will be a deficit of \$8,985,979.97 in funds necessary to provide the transport infrastructure already promised to the local community.

Clearly this Draft Vermont Quays Planning Agreement, the Cleary and Cattai Planning Agreements already exhibited and any similar subsequent plans will fail to collect the funding required for State and regional transport infrastructure at Pitt Town.

Clarification of Planning Agreements applying to Pitt Town.

We are also aware that in September 2013 Hawkesbury City Council was directed to return Bank Guarantees to the Johnson Property Group (JPG) for the sum of \$514,980.00 that had been collected for items of State infrastructure.

The Department indicated that they were *'currently renegotiating the terms of the JPG Planning Agreement to ensure it is consistent with contributions funding policies of the NSW Government'*.

Although some 23 months have passed we are not aware of any renegotiated JPG Planning Agreement being in place apart from this draft Planning Agreement for the western part of the Blighton Precinct now on exhibition.

There needs to be confirmation as to whether there is a renegotiated JPG Planning Agreement in place that applies to the already developed precincts which addresses the value of the returned

Bank Guarantees and outstanding contribution funding for State and regional transport infrastructure.

Uneven Monetary Contributions .

It appears there will also be levying of unequal developer contributions.

The repealed 2008 Section 94 Pitt Town Contributions Plan in conjunction with the 2006 Pitt Town Agreement allowed for levying of similar 'per lot' contribution amounts across the development.

With the adoption of the 2015 Pitt Town Section 94 Contributions Plan and this proposed \$10,500 per lot monetary contribution there will be different 'per lot' contribution amounts being levied across the development.

This would not appear to be a fair and equitable contribution arrangement.

Contributions Should Fund 'catch-up Infrastructure.

When development at Pitt Town was proposed for just 631 lots, it was excluded from the Urban Development Program (UDP) for the reason that urban expansion was to be for local growth only.

'Cabinet in Confidence' documents supported by the N A Hemmings QC 2005 Report of Independent Review Panel obtained under FOI confirmed *'that the proposal should be consistent with the recent Cabinet decision that no future areas outside of the NW and SW Growth Centres should be rezoned to urban unless strict development and sustainability criteria are met and that such development should self-fund all regional infrastructure costs including any agreed backlog'*.

'Cabinet in Confidence' documents also confirmed that the proposed 631 lot development would give rise to a regional infrastructure levy of approx. \$73,534.00 per lot if catch-up infrastructure for road improvements were also funded.

In light of the fact the development has increased to 895 lots and council now proposing additional rezoning with the potential to add several hundred more lots it is now even more imperative that new planning agreements must include levies to cover all funding including 'catch-up' infrastructure funding.

Pitt Town By-pass Construction.

Roads and Traffic Authority (RTA) documentation in 2005 noted additional traffic generated by a 631 lot development along the current road alignment through the centre of Pitt Town *'is likely to raise serious road safety concerns'* and recommended that the construction of the bypass be carried out as a first priority by the JPG as 'works in kind' and provide an offset against a monetary contribution.

Now that development has increased to 895 lots the need of a Pitt Town bypass estimated in 2005 to cost \$12.1 million is even more important for the personal safety of the community.

More concerning is the fact that due to the removal of funding, the bypass will not be built.

Funding for the Pitt Town By-pass was being levied under the 2008 Pitt Town Section 94 Contributions Plan until it was stopped by Ministerial Direction without any alternate funding arrangement being initiated.

Full Disclosure of Infrastructure Items.

The draft planning agreement now on exhibition states that the Developer will make monetary contributions for the provision of designated State public infrastructure within the meaning of clause 6.8 of the HLEP 2012 which further describes designated State public infrastructure as (a) State and regional roads and (b) land required for regional open space.

The 2006 Pitt Town Planning Agreement includes a list of actual road infrastructure items that was agreed would be required to support the development at Pitt Town.

This draft planning agreement only offers the broad description of designated State public infrastructure.

The PTRG believes that as a result of the significant changes that have taken place in regard to both the removal and reduction of contributions to be collected, it is now time for the actual items of designated state public infrastructure that will be constructed at Pitt Town to be made public.

Full Disclosure of Funding Calculations.

As this is now the third planning agreement that proposes a monetary contribution of just \$10,500.00 per residential allotment the details of how this contribution amount was calculated should also be disclosed.

There has been no 'present day' infrastructure costings released in this draft planning agreement or any recent planning documents.

Infrastructure cost figures and subsequent calculations provided here are taken from 2005 estimates delivered some ten years ago.

The application of this draft contribution levy to the remaining undeveloped lots in addition to the 2006 Pitt Town Planning Agreement now represents a levy of just \$23,205.59 per lot when applied across 895 lots.

This compares to a levy calculated to be \$51,843.52 per lot needed to cover the 2005 cost of regional infrastructure including 'catch-up' infrastructure.

It is quite apparent that due to the reduced funding collected under this draft plan, which it appears will be applied across the remaining development precincts, there will be a considerable deficit in funding needed for all State and regional infrastructure.

The disclosure of cost estimates and funding arrangements were freely disclosed in the drafting of the 2006 Pitt Town Planning Agreement and associated planning documents.

In light of the precedent set at that time these latest draft planning document should also provide the corresponding details.

Timing of Infrastructure Construction.

There is the need to indicate an appropriate and acceptable timeframe for the delivery of infrastructure items and to properly inform the community as to just when the different items of State and regional infrastructure will be constructed and made available to use.

Conclusion.

The whole process of preparing new draft planning agreements for Pitt Town should be re-visited and re-assessed in company with an up to date assessment and costing by the Roads and Maritime Services of all State and Regional Infrastructure including 'catch-up' infrastructure necessary for this residential development.

Unless the NSW State Government has already committed Treasury to provide all the missing infrastructure funding needed for the development at Pitt Town then this draft planning agreement should not be supported.

This draft planning agreement fails to provide the funds necessary for the adequate provision of infrastructure needed by the community and fails to achieve the public purpose.

The PTRG considers that the monetary contribution set out in the draft planning agreement to be both inappropriate and insufficient to cover the cost of infrastructure needed for the safe and proper development of Pitt Town.

As a consequence this draft planning agreement will fail to promote the objects of planning legislation or co-ordinate the orderly and economic use and development of land at Pitt Town.

Adoption of this draft planning agreement does not provide the certainty, transparency and fairness that the community deserves.

We do not believe the exhibited draft Planning Agreement promotes the public interest for the reasons explained above.

Yours Sincerely,


Phillip Dunesky

Chair,

Pitt Town Residents Group

c/o 203 Cattai Rd

Pitt Town 2756