

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 30 October 2018

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PLANNING DECISIONS

Item: 251 **CP - Pitt Town Community Precinct - (95498, 96328)**

Division: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to inform Council of preliminary consultations for the Pitt Town Community Precinct, and to seek Council approval for the preparation of a planning proposal to facilitate the development of the Community Precinct.

EXECUTIVE SUMMARY:

The Hawkesbury Section 94 (now known as Section 7.11) Contributions Plan 2015 includes provision for the construction of community facilities, recreational buildings and park improvements within the Pitt Town Release Area.

Council has acquired 9.95 hectares of land on Fernadell Drive for this purpose and this site is referred to in this report as the Pitt Town Community Precinct. The Precinct is made up of two sections of land divided by Fernadell Drive refer to (Figure 1). A 4,299m² section of land to the west of Fernadell Drive has been identified as the site for a proposed community centre, with the balance of 9.5 hectares to the east and north of Fernadell Drive, identified as the site for a recreation and sporting facilities and referred to as Fernadell Park.

Council has commenced consultation with residents of Pitt Town on the development of concept plans for the Precinct. During these preliminary discussions, the option of constructing a single multi-function community, recreation and sporting facility was canvassed and provisionally endorsed. Under this option, the 4,299m² community centre site would no longer be required for public amenity purposes and could potentially be sold with sale proceeds reinvested in additional community facilities for the Pitt Town community. This report outlines the process that would be required to be implemented should Council resolve to proceed down this path.

The report also identifies a need for Council to prepare a planning proposal to rezone the Pitt Town Community Precinct from its current RU2 – Rural Landscape zone to a RE1 – Public Recreation zone. The rezoning is required as the current RU2 zone does not permit the construction of a community or recreation facility. The report outlines the zoning history of the site.

The report notes that the requirement for the rezoning is not anticipated to be an impediment to progressing the planning and proposed development of the Pitt Town Community Precinct to advance the timely delivery of community facilities for residents of Pitt Town. To this end, the report also proposes that Council commence the preparation of a comprehensive Master Plan, and details Plan of Management, for the Precinct to be informed by extensive community consultation.

RECOMMENDATION SUMMARY:

The report recommends:

- That Council commence the preparation of a planning proposal to rezone land for the Pitt Town Community Precinct to enable the construction of the community facilities.

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- The reclassification of the previously proposed community centre site from Community Land to Operational Land under the Local Government Act, 1993, to facilitate its future sale for the purpose of raising revenue for the Pitt Town community.
- That Council commence the preparation of a comprehensive Master Plan and Plan of Management for the Precinct.

REPORT:

The Hawkesbury Section 94 Contributions Plan 2015

The Hawkesbury Section 94 Contributions Plan 2015 includes provision for land acquisition for community facilities, recreational buildings and park improvements within the Pitt Town Release Area.

The schedule of land acquisition for the Pitt Town Release Area includes a 9.95 hectare parcel of land (Lot 6028 DP 1169449) set aside for Fernadell Park and the proposed Pitt Town Community Centre.

The land parcel is divided by Fernadell Drive with the 4,299m² community centre site lying to the west of Fernadell Drive as shown in Figure 1. This land parcel is currently zoned RU2 – Rural Landscape and is classified as Community Land under the Local Government Act, 1993. In 2015, Council acquired the lot that makes up the proposed community centre site and Fernadell Park at a cost of \$5.78M.

The Hawkesbury Section 94 Contributions Plan 2015 also includes an allocation of \$3.1M for the construction of a community centre and \$4.4M for the development of Fernadell Park. The total contribution to be collected for these community facilities is \$7.5M. As at 30 June 2018, Council has collected \$3.95M of this total contribution and these funds are held within the Section 94 Reserve.

Council is currently in the process of reviewing and updating The Hawkesbury Section 94 Contributions Plan 2015 for a report to Council to seek approval for the public exhibition of the updated Plan.



Figure 1 : Location of land parcels acquired for recreational and community facilities Pitt Town Release Area (Pitt Town Community Precinct)

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Planning for the Pitt Town Community Precinct

In June 2018, as part of its 'Connecting with our Community' town meetings, Council gave an undertaking to consult with the residents of Pitt Town on the development of concept plans for the Pitt Town Community Centre and Fernadell Park (the Pitt Town Community Precinct). Council has allocated \$100,000 in the 2018/2019 Operational Plan to facilitate this process.

In September 2018, Council staff met with representatives of the Pitt Town Progress Association to commence the community engagement process. The Association provided Council with a summary of design suggestions and expectations collected from residents for community facilities in Pitt Town (Attachment 1). At this meeting, Council tabled a preliminary concept design for Fernadell Park noting that the plan was intended to provide a starting point for the development of a more detailed Master Plan for Fernadell Park, which would be subject to community consultation. The draft concept plan was based on Council's *Regional Open Space Planning and Design Guidelines* for a district level parkland and sporting facility.

During these discussions, the option of combining the Section 94 funds available for community facilities, recreational facilities and park improvements was canvassed with the intention of constructing a single multi-function centre to be located on Fernadell Park. Council was advised that this option was one that had been previously canvassed by the Pitt Town Progress Association.

As part of this option, the 4,299m² community centre site would no longer be required for public amenity purposes and could potentially be sold in the future with the sale proceeds reinvested in community facilities within the Pitt Town Release Area. Council has obtained legal advice indicating that this course of action would be possible subject to Council meeting the relevant provisions of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993, as covered later in this report.

The Pitt Town Progress Association supported this proposal but requested that if possible consideration should be given to using the community centre site for a senior's housing development.

The Association also expressed a strong preference for the timely delivery of the planned community facilities for Pitt Town. It was agreed that a further meeting with the Association would be held following Council's determination regarding the proposal for an integrated, multi-functional community precinct model to enable Council staff and the Association to develop a community engagement plan to inform residents and seek their views on the development of the Pitt Town Community Precinct.

The Association also endorsed Council's proposed application under the NSW Greater Sydney Sports Facility Fund for a \$4M additional funding contribution towards the Pitt Town Community Precinct which, if successful, would expand the proposed scope of works for the Precinct.

Requirement for Rezoning

As shown in [Figure 2](#), Fernadell Park incorporating the adjoining community centre site is currently zoned RU2 – Rural Landscape. The RU2 zoning was established in 2012 following the conversion of the 1989 Hawkesbury Local Environment Plan (HLEP) into the current 2012 HLEP.

Under the HLEP 1989, the land was zoned EPA - Environmental Protection – Agricultural Protection (Scenic). This EPA zoning was one of only 3 of the 21 zones in the HLEP 1989 where a community or recreational facility was not permissible. The conversion of the 1989 EPA zone into the 2012 RU2 zone retained this prohibition.

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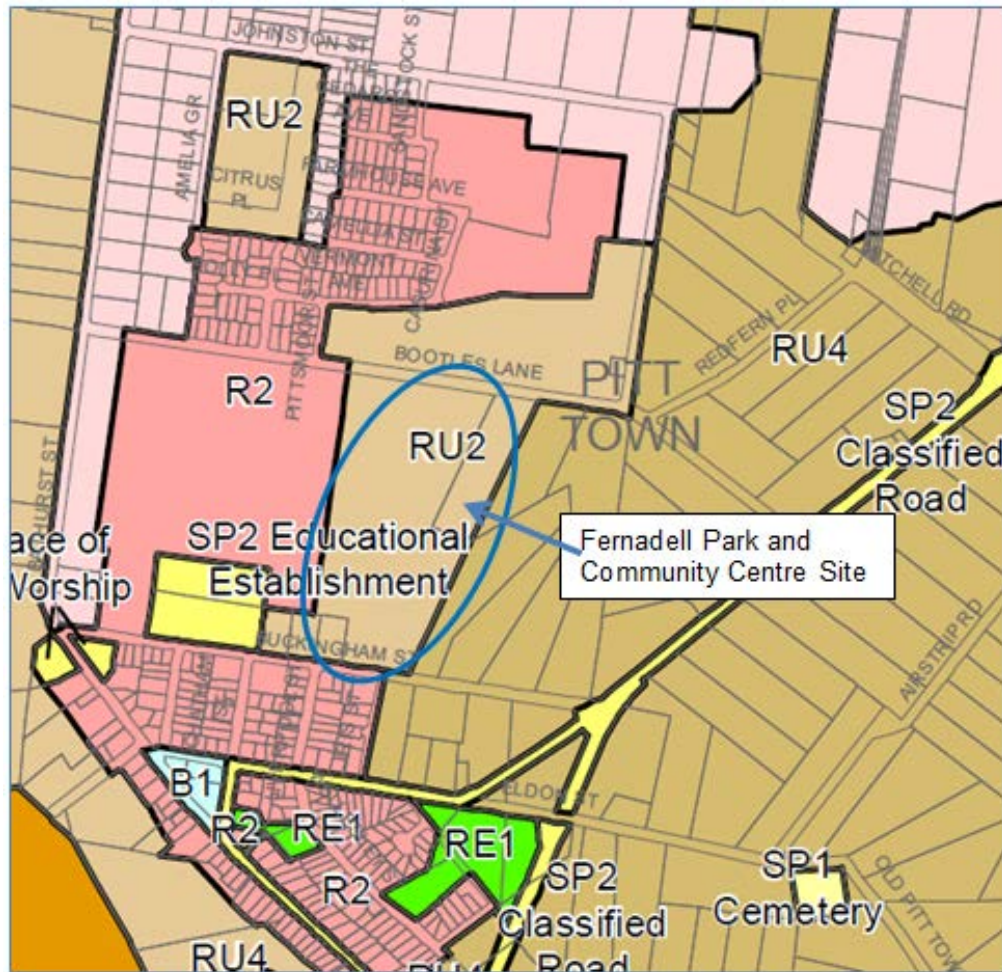


Figure 2: Map - Land Zonings Pitt Town

Land Use Table: RU2 Zone

Permitted without consent

Bed and breakfast accommodation; Environmental protection works; Extensive agriculture; Home occupations

Permitted with consent

Agriculture; Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities

Prohibited

Any development not specified above.

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The particulars of permitted developments under the RU2 Rural Landscape zones are summarised below.

Despite the clear intent of the Section 94 Plan, the land has retained the elements of its previous pre-2012 zoning under which a community or recreational facility is a prohibited development. This anomaly was not picked up during the conversion of the 1989 HLEP into the 2012 HLEP.

Advice from the Manager Strategic Planning indicates that under the current RU2 zoning, it will not be possible for Council to construct a community or recreational facility on the land that Council has acquired for this purpose. Therefore, a planning proposal to rezone the land from RU2 – Rural Landscape to RE1 - Public Recreation will need to be prepared to facilitate the timely development of the Pitt Town Community Precinct.

The planning proposal would be reported to the Hawkesbury Local Planning Panel for advice prior to being reported to Council in order to seek approval to submit the planning proposal to the Department of Planning and Environment for a Gateway determination.

Reclassification and Development of Community Centre Site

Should Council determine to proceed with the proposal for an integrated, multi-functional community precinct model, then, as outlined above, the community centre site would no longer be required for a public amenity purpose and could be sold with sale proceeds reinvested in community facilities for Pitt Town. Based on legal advice this would require:

1. the preparation of an amended Section 94 (now Section 7.11) Development Contribution Plan as provided for under Clause 32 of the Environment and Planning Assessment Regulation 2000, which would effectively delete the requirement for Council to retain the community centre site for a public amenity purpose. The amended Plan would be reported to Council and placed on public exhibition. Council is currently in the process of updating the Section 94 Contributions Plan 2015, and the amendment to the Plan, as outlined above, could be dealt with as part of that process;
2. the inclusion within the proposed rezoning planning proposal of a provision to reclassify the 4,299m² community centre site from Community Land to Operational Land and amend the minimum lot size map to accommodate a lot of this size;
3. a public hearing into the proposed reclassification of the community centre site as required under Sections 29 and 47G of the Local Government Act, 1993;
4. a rezoning to facilitate the future development of the community centre site. Based on advice from the Manager Strategic Planning it is proposed that the community centre should retain its current RU2 zoning. Due to unresolved flood evacuation issues, it is unlikely that approval would be granted to amend the RU2 zone to a residential or other zone to permit the intensification of development outcomes for the site beyond a single residential dwelling (assuming that a low-impact, residential type development would be community's and Council's preferred permissible development outcome).

Progressing Planning for the Pitt Town Community Precinct

The requirement for the rezoning will not necessarily be an impediment to progressing the planning and proposed development of the Pitt Town Community Precinct to advance the timely delivery of community facilities for residents of Pitt Town as advocated by the Pitt Town Progress Association.

Council has set aside \$100,000 in the 2018/2019 Operational Plan to prepare initial concept plans for the Pitt Town Community Precinct. It is proposed that these funds be supplemented through a quarterly review budget adjustment to draw down additional available funds from the Pitt Town Section 94 Reserve to facilitate the preparation of a more comprehensive Master Plan and detailed Plan of Management for the Precinct informed by extensive community consultation.

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These documents would be required to be prepared prior to the construction of any proposed facility. Their preparation will provide the opportunity for residents to meaningfully participate in the planning and design of their community precinct.

While a community or recreational facility cannot be commenced before the proposed rezoning, the RU2 Zone does permit the development of a 'recreation area' which is defined as:

"a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)."*

Council could therefore reasonably commence the staged implementation of the Master Plan should the Plan be complete before the rezoning planning proposal is finalised. The current RU2 zone would permit the landscaping, sporting fields, park amenities, and playground elements of the Master Plan to be delivered.

In addition, the preparation and lodgment of a Development Application for the multi- function community/recreational facility component of the Master Plan could be commenced once Council has approved a rezoning planning proposal for submission to the Department of Planning and Environment for a Gateway determination.

Policy considerations

Council should have regard to the relevant provisions of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993, in determining its position in relation to the proposals outlined in this report. The report recommendations are consistent with the legal advice Council has received about its obligations in relation to these matters.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The report outlines a number of statutory processes which carry with them a requirement for community notification, consultation and public hearings as well as broader community consultation requirements for the preparation of plans for the design of community facilities.

Preliminary consultation has been undertaken with the Pitt Town Progress Association and it is proposed that following Council's determination of the matters in this report, that further meetings be held with the Association to develop and implement a community engagement strategy to inform residents and seek their views on the development of the Pitt Town Community Precinct.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Community

2.3 Community partnerships continue to evolve

- 2.3.1 Encourage and facilitate community partnerships.
- 2.3.2 Support and expand active volunteering.
- 2.3.3 Advocate and facilitate constructive and productive partnerships with residents, community groups and institutions.

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- 2.3.4 Develop opportunities for active involvement of residents in the management of parks and public spaces in the Hawkesbury.
- 2.4 Community wellbeing and local services
 - 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.
 - 2.4.2 Provide flexible services that can adapt to changing community needs and service demands.
- 2.5. Cultural Development and Heritage
 - 2.5.1 Encourage and support all residents to participate in all aspects of community, cultural and civic life.
 - 2.5.2 Provide community and cultural services through a range of affordable and accessible facilities.
 - 2.5.3 Recognise, conserve and promote the area's history and heritage for current and future generations.

Discussion

The allocation of funding for the construction of the Pitt Town Community Precinct provides an opportunity for Council to work with residents and community agencies to design and plan for facilities to increase the provision of services and facilities for the community.

Council has commenced consultation with representatives from the Pitt Town community who have expressed a desire to work closely with Council to bring about the timely delivery of contemporary and quality community facilities to meet the current and projected needs of the community. The proposals outlined in this report speak to that aim. They reflect the documented ideas and expectations of residents as provided to Council, and are consistent with legal advice that Council has received.

Financial Implications

The matters raised in this report have direct financial implications. The report recommends the preparation of a planning proposal to rezone the land, and a comprehensive Master Plan for the Pitt Town Community Precinct including a related Plan of Management. Funding of \$100,000 has been allocated in the 2018/2019 Operational Plan to progress planning for the Precinct. It is likely that these funds will be insufficient to cover the additional requirements outlined in this report and the increased expenditure will need to be addressed as part of a Quarterly Budget Review. However, the additional funding required can be drawn down from the relevant Pitt Town Section 94 Reserve and will not materially impact on Council's 2018/2019 budgetary position.

The report also notes that Council is seeking additional external investment for the Pitt Town Community Precinct by way of a \$4M grant application under the NSW Greater Sydney Sports Facility Fund which will augment the available Section 94 funds for this project.

Fit For The Future Strategy Considerations

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future benchmarks. The proposal has no resourcing implications outside of Council's adopted Long Term Financial Plan and will enable Council to sustainably manage community assets in accordance with the scheduled program of works in the Long Term Financial Plan.

The proposal to construct a single, multi-function centre in Fernadell Park, rather than two buildings in close proximity to each other has the capacity to generate operational and asset maintenance efficiencies over the long term. The proposed sale of the community centre site will also generate additional one-off revenue for reinvestment in community facilities for the benefit of the residents of Pitt Town. These outcomes are consistent with Council's Fit for the Future Strategy.

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Planning Decision

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

Conclusion

The report highlights a number of planning issues that will need to be resolved to progress the planning for the Pitt Town Community Precinct and the timely delivery of community facilities. The proposal to commence a comprehensive Master-planning process will also support the active participation of the residents of Pitt Town in this process. The report also canvasses options which would deliver additional community facilities for the benefit of residents. These outcomes are consistent with a number of strategies within the Hawkesbury Community Strategic Plan 2017-2036.

RECOMMENDATION:

That Council:

1. Approve the preparation of a planning proposal to rezone the Pitt Town Community Precinct site (Lot 6028 DP 1169449) from RU2 – Rural Landscape to RE1 – Public Recreation to enable the construction of a multi-function community, recreational and sporting facility.
2. Include within the planning proposal the provision to reclassify the 4,299m² community centre site on Fernadell Drive from Community Land to Operational Land under the Local Government Act, 1993, and amend the minimum lot size map to accommodate a lot this size.
3. Include within the planning proposal the provision to retain the current RU2 – Rural Landscape zone for the community centre site.
4. Include within the proposed update of the Section 94 Contributions Plan 2015, a provision to delete the requirement for Council to retain the 4,299m² community centre site on Fernadell Drive for a public amenity purpose.
5. Commence the preparation of a Master Plan and Plan of Management for the Pitt Town Community Precinct.
6. Further consult with the Pitt Town Progress Association to develop and implement a community engagement strategy to inform residents and seek their views on the development of the Pitt Town Community Precinct.
7. Note the \$4M grant application under the NSW Greater Sydney Sports Facility Fund seeking additional external investment for the Pitt Town Community Centre.

ATTACHMENTS:

- AT - 1** Pitt Town Community Centre proposed design elements and facilities - Pitt Town Progress Association Inc. 25 August 2018.

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AT - 1 Pitt Town Community Centre Proposed Design Elements and Facilities - Pitt Town Progress Association Inc. 25 August 2018.

**Pitt Town Progress Association Inc.
Pitt Town Community Centre**

Updated 25/8/2018

Background

A community centre at Pitt Town was included as part of the original development plans around 2005. Since then approximately 1,000 new families have moved to the area with an equivalent number of land purchasers contributing to facilities and infrastructure via various levies and developer contributions. Residents have waited far too long for delivery of infrastructure and community facilities. They have a reasonable expectation for the speedy delivery of a quality community centre that meets the current and projected needs and wants of the community.

The following details come from the Hawkesbury City Council Section 94 Contributions Plan 2015:

3.1.7 Community facilities

Future development in the Pitt Town Catchment will generate the need for a new local community facility.

A 4,299m² site to the north of the Pitt Town Public School will accommodate the facility. The location of the proposed facility is shown in Figure 7.

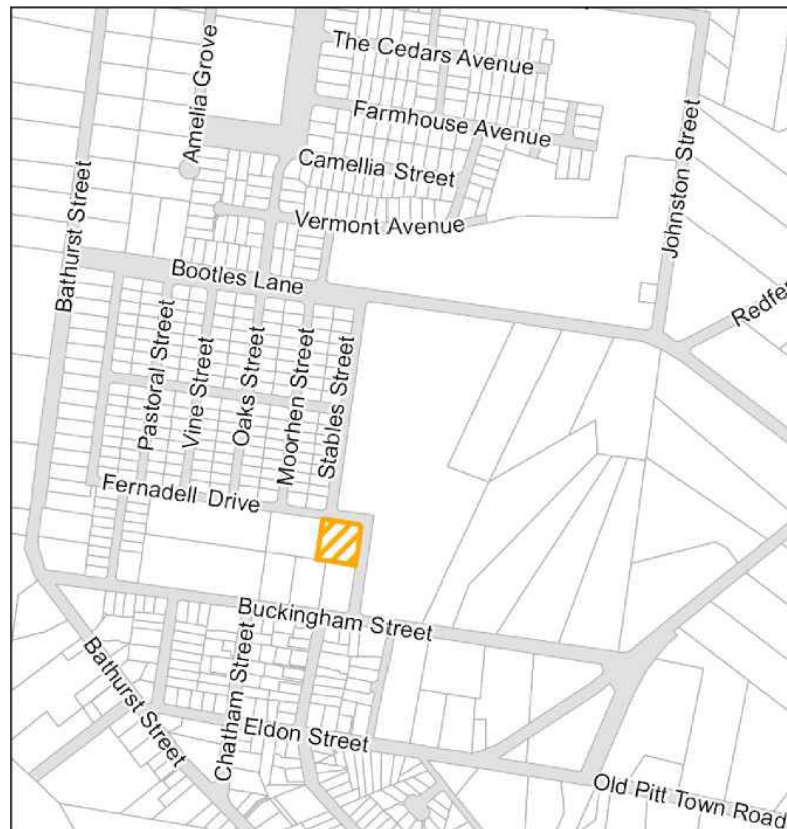


Figure 7 Location of proposed local community facility

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Since the Pitt Town Catchment contributions scheme first commenced in 2005, Council has applied a standard of 0.3 square metres per resident in order to provide for the baseline community facility needs of the future population of the area.

Hence, based on an assumed additional 2,864 persons, the community facility will have an area of not less than 859m². The likely design of this new community facility will be a multi-purpose building that will enable use by different age groups at different times for different purposes.

The anticipated cost of this facility was assessed in the initial contributions scheme in November 2005 as \$1,685,250. However, that assessment was carried out when the anticipated future net additional population for Pitt Town Catchment was 2,020 persons (i.e. a 606m² centre). For the population of Pitt Town Catchment now envisaged (i.e. 2,864 persons) a larger centre is proposed.

A breakdown of the adjusted costs for this facility is shown in Table 6.

Table 6 Community facility costs

Item (for a 606m ² facility)	Estimated Value of Works (Nov 2005)
Construction costs	\$1,200,000
Carpark (50 spaces and lighting)	\$80,000
Landscaping	\$80,000
Application fees and administration costs	\$87,000
Architectural services	\$15,000
Site safety and building security	\$28,000
Utilities	\$45,000
Fit-out	\$70,000
Contingencies (5%)	\$80,250
TOTAL	\$1,685,250
TOTAL (CPI updated for March 2008)	\$1,811,644
ADJUSTED TOTAL FOR A 859m² FACILITY	\$2,567,990
TOTAL (CPI updated for December 2014)	\$3,037,224

The contribution formula for local community facilities in Pitt Town Catchment can be expressed as:

$$\text{Contribution per lot} = (\text{CCf} / \text{T}) + \text{A}$$

Where CCf = the cost of community facilities, in dollars T = the number of additional lots (i.e. 895)

A = Administration cost (\$40 per lot as at November 2005 and adjusted using Sydney CPI)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

The following ideas, suggestions and expectations have come from Pitt Town residents:

General guidelines for design and construction

- Initial site preparation should include retaining walls on the eastern and northern boundaries to provide the largest, level, usable area possible. Council should have required the developer to do this before handing over the land to council.
- The building design should be in keeping with the style and quality of homes in the area, i.e. high quality, modern and attractive.
- Construction should be functional, sturdy, quality materials and aesthetically pleasing.
- Design could reflect the historic aspects of Pitt Town and the future direction of the community.
- Design and building materials should be “low maintenance” and avoid external surfaces that attract birds or other vermin.
- Large capacity rainwater collection & use in landscaping watering
- Large capacity solar electrical system
- Separate air conditioning (heating and cooling) systems for different areas

Range of uses the community foresee

- Community meetings, social events, entertainment functions, private functions, dinners, dances, parties, presentations, play groups, children’s activities, dance classes, exercise groups, talent quests etc.
- The community centre could be a business hub and cater for business meetings, conferences / gatherings, small offices where people can work. It could cater for people who are working from home who may need somewhere to meet clients or work in peace and quiet for a day here and there.
- It should be a place where people can network and gather.
- Emergency accommodation during major flood event.

Facilities to be included

- Main function room (with stage area?), sound, lighting etc. accommodate at least 100 seated
- Smaller function room to accommodate 40 seated
- Meeting room to accommodate 12
- Storage for tables & chairs suitably stored and convenient to area of use
- Casual meeting areas / lounge areas would be important.
- Include an entry area with the facility to display items, such as the honour rolls, the history of our community up until present time, etc.
- Should include a covered alfresco area including BBQ facilities on the eastern side outside the main hall that takes advantage of the views over Fernadell Park (which should be suitably landscaped as part of its development).
- Possible inclusion of a café as in Glenwood Community Hub
- Suitable furniture – tables & chairs, that are practical, sturdy, light and functional
- Kitchen facilities – commercial grade