

**Planning Proposal
To Rezone Certain Land at
North Bligh Park**

Hawkesbury City Council

Planning Proposal to Rezone Certain Land at North Bligh Park

Part 1: Objectives or intended outcomes of the proposed instrument

The intended outcome of the proposed instrument is to rezone certain land at North Bligh Park, primarily zoned Mixed Agriculture to Housing zone under Hawkesbury Local Environmental Plan 1989 (HELP 1989). This is to enable development of the area for future residential purposes close proximity to existing public infrastructure, and the expansion of the established Bligh Park and South Windsor residential areas to the north and south respectively (see Attachment 1). A concept subdivision plan showing how the land will be developed for approximately 700 residential allotments has been attached as part of the Planning Proposal (see Attachment 3). It also seeks to include some retail/commercial facility within the area as "development for certain additional purposes" in Schedule 3 of the Hawkesbury Local Environmental Plan 1989 (HELP 1989).

Part 2: Explanation of the provisions that are to be included in the proposed instrument

The proposed instrument includes an amendment to:

- the Hawkesbury Local Environmental Plan 1989 map in accordance with the proposed zoning map shown in Attachment 1; and,
- the definition of "the map" in Clause 5 of the Hawkesbury Local Environmental Plan 1989 to include appropriate reference to this instrument.

Part 3: Justification for objectives, outcomes and provisions and the process for their implementation

Introduction

The subject area is located between the existing residential areas of Bligh Park and South Windsor. The size of the area is approximately 103 hectares and consists of 32 allotments zoned Mixed Agriculture, fronting Woods Road, Berger Road and Fairey Road and one 6(b) Open Space (Proposed Recreation) allotment fronting Berger Road (see Attachment 1).

The area is predominantly characterised by 2 hectare allotments (see Attachment 1). Currently a few single dwellings, outbuildings and a poultry farm occupy the land. Also part of the land is used for grazing, growing vegetables and hydroponic gardens.

To the south of the subject land is the existing Bligh Park residential area, to the west and north is the South Windsor residential and industrial areas and to the east is some Mixed Agriculture allotments. The other surrounding land uses within a walking distance to the site are Windsor Park Primary School, Bligh Park reserves, South Windsor light industrial area (see Attachment 1).

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The draft North West Subregional Strategy 2007 identifies a 5,000 additional dwelling target for Hawkesbury Local Government Area by 2031. In line with the Subregional Strategy's dwelling target for Hawkesbury, the Draft Hawkesbury Residential Strategy 2009 (yet to be exhibited) identifies a number of strategic centres and locations within the LGA to be the focus of future residential activities.

Given the subject area is located close proximity to existing services including public transport system and other community infrastructure the draft Residential Strategy identifies the area between Windsor and Bligh Park as a potential corridor of higher density urban development. The subject area is located within the identified urban development corridor, and the Planning Proposal which seeks to rezone the area to Housing Zone will enable Council to realise the abovementioned dwelling target

identified in the draft Subregional Strategy.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered the planning proposal is the best means of achieving the intended outcome.

Given the majority of the properties within the subject area with smaller lot sizes and fragmented ownership, the current use of the area for little agriculture close proximity to local industries/businesses, public services and facilities is considered not appropriate. The Planning Proposal which seeks to rezone the area bounded by the Bligh Park residential precinct to the immediate south and South Windsor residential precinct to immediate west and north to Housing Zone to provide increased housing opportunities close proximity to existing public infrastructure is logical and appropriate. This is considered as the best use of the area to achieve the desired outcomes consistent with the draft Subregional Strategy and the draft Hawkesbury Residential Strategy (2009).

3. Is there a net community benefit?

The Planning Proposal will enable increased housing choice and opportunities to the local community close proximity to existing local businesses/services, public transport system, community services and amenities. It will also enable the diversity of housing in the area with new residents to support local businesses and some local construction jobs related to the future residential development in the area.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Draft North West Subregional Strategy sets out a broad planning framework and a number of key directions for the long-term development of the region, guiding government investment and linking local and state planning issues. One of the key directions for the subregion is to meet employment and housing capacity targets within the region.

The draft Subregional Strategy contains housing targets for all relevant LGAs and the subregion as a whole. According to these targets, Hawkesbury would need to meet 5,000 additional dwelling target within the LGA by 2031.

Therefore, Council is required to plan for sufficient land and infrastructure to achieve housing capacity targets. In line with this housing target, the Hawkesbury Residential Strategy (2009) has identified various potential target sites and areas including North Bligh Park within the LGA for future residential purposes. The current planning proposal is therefore consistent with the aims and objectives of both the Subregional Strategy and the draft Residential Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

On 13 October 2009 Council adopted Hawkesbury Community Strategic Plan (HCSP). The HCSP contains five different themes, and one of the themes is known as 'Looking after people and place' which deals with Hawkesbury's character, lifestyle and housing. The vision for this theme is:

In 2030 we want Hawkesbury to be a place where we have a community in which the area's character is preserved and lifestyle choices are provided with sustainable planned, well serviced development, within strongly connected, safe and friendly neighbourhoods.

The Directions that accompany this vision include:

- *Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.*

- *Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to maintain metropolitan gateways.*
- *Have development on both sides of the river supported by appropriate physical and community infrastructure.*

The proposal is consistent with the HCSP's Strategy of:

- *Prepare Residential Strategy.*

The proposal is consistent with the HCSP's Goals of:

- *Accommodate at least 5,000 new dwellings to provide a range of housing options (including rural residential) for diverse population groups whilst minimising environmental footprint.*

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Relevant SEPPs that are applicable to the site are:

State Environmental Planning Policy No 1-Development Standards

State Environmental Planning Policy No 4 - Development Without Consent and Miscellaneous Exempt and Complying Development

State Environmental Planning Policy No 6 - Number of Storeys in a Building

State Environmental Planning Policy No 19 – Bushland in Urban Areas

State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2—1997)

It is considered that the planning proposal is consistent with the abovementioned SEPPs.

In terms of Clause 6 (1) of State Environmental Planning Policy No 55—Remediation of Land it is considered that:

- (a) given the current and past uses of the properties within the subject area for a range of agricultural and residential purposes there is the potential that the subject area may be contaminated however, at present this has not been investigated in detail by the proponent or by Council; and,
- (b) if the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the 4(b) zone is permitted to be used; and,
- (c) if the land requires remediation to be made suitable for any purpose for which land in the Housing zone is permitted to be used, Council is satisfied that the land will be so remediated before the land is used for that purpose. This can be dealt with at Development Application stage for any subsequent development of the land.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

Direction 3.1 Residential Zones

Direction 3.1 requires the inclusion of appropriate provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market;
- (b) make more efficient use of existing infrastructure and services;
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe; and
- (d) be of good design.

The Planning Proposal will enable the increased housing choice and opportunities close proximity to the existing community infrastructure and services including the public transport system for the local community. The accompanied concept subdivision plan shows how the area will be developed for approximately 700 residential allotments that would minimise potential development of land at the urban fringe for urban purposes. The increased residential opportunities close proximity to existing services and facilities will not only enable the efficient use of these facilities and services and the improved viability of the public transport system, but also to minimise potential development of land at the urban fringe for urban purposes.

The subject area is adequately serviced with water and sewerage, and has the capacity to develop the area for future residential purposes.

The proposed allotment sizes, configuration, orientation of allotments and access arrangements to them are consistent with the existing subdivision character and development patterns in the established residential areas in Bligh Park and South Windsor.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The proposed rezoning of the subject area close proximity to the existing local businesses, facilities and services will provide improved and easy access to jobs and services by walking, cycling and public transport, reduce the reliance of private cars and make viable the existing public transport in the area. It is considered that the proposed LEP is consistent with this Direction.

Direction 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. The subject area is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps having a probability of containing acid sulphate soils, as shown on Acid Sulphate Soils Planning Maps held by the Department of Planning. As the area is not located within 500 metres of another classification, acid sulphate soils risk assessment may not be required.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

In accordance with the Floodplain Development Manual 2005, Council engaged Bewsher Consulting Pty Ltd to prepare the Flood Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury LGA in June 2010, and it is expected to be completed late 2011 or early 2012. The implementation of the Hawkesbury Flood Risk Management Plan will enable effective development and management of flood prone land with minimal impact of flooding on individual owners and occupiers of flood prone property and reduction in private and public losses resulting from major floods. In the interim Council resolved to proceed with the Planning Proposal due to its prolonged history and many attempts to rezone the area.

In line with the advice received from the then Department of Urban Affairs and Planning (DUAP) in response to previous rezoning applications for the area, the concept subdivision plan proposes to fill part of the land above the 1-in-100 year flood level to create approximately 190 new residential allotments of the proposed 700 residential allotments. Also in response to the State Emergency Service's (SES) ongoing concerns over the capability of the existing flood evacuation system in the area, a proposed evacuation plan has been submitted as part of the subject rezoning application. This plan attempts to demonstrate that the proposed measures and recommendations contained in the evacuation plan will be able to cope with any major flood events and evacuate the existing and future increased population in the area in a safe and efficient manner.

Consultation will be undertaken following Gateway Determination with the relevant government authorities/bodies.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) 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
- (b) to encourage sound management of bush fire prone areas.

The subject area is identified as bush fire prone land with a mix of Vegetation Categories 1 and 2. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This planning proposal is consistent with this direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The proposal is consistent with this direction as it does not specify any restrictive provisions for future

development on the land other than those already specified in Hawkesbury LEP 1989 for the Housing Zone.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. The planning proposal is consistent with the *Metropolitan Strategy*. One of the objectives of the proposal is to provide opportunities for new dwellings to assist achieve Council's dwelling target under the *Metropolitan Strategy*. This planning proposal is therefore consistent with the NSW Government's Metropolitan Strategy: *City of Cities, A Plan for Sydney's Future*, published in December 2005 ('the Metropolitan Strategy').

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Flora and fauna assessments that accompanied the previous rezoning applications in 2005 or before have concluded that the proposed rezoning of the area for residential purposes would not significantly impact on any threatened flora or fauna or any endangered ecological communities, and the that removal of remnant vegetation from the area is not likely to be significant. These assessments have been undertaken using former "eight part tests" under then Part 5 of the EP & A Act 1979. Now flora and fauna assessments need to be undertaken using "seven part test" under Part 5A of the Act, and there have also been changes to other relevant legislation that classifies flora and fauna as endangered or threatened species. However, should the proposal be supported flora and fauna within the area need to be reassessed to comply with the current provisions.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Detailed reports submitted as part of the previous rezoning applications have established that the subject area has the urban capability to develop the area for residential purposes.

This proposal is likely to have minimal environmental impacts and promote an outcome that will improve the quality of the built environment. Should the amendment to Hawkesbury LEP 1989 be made, all future development that will result from the proposed amendment will be subject to individual development applications. Through this process, any impacts on the environment can be identified and addressed.

10. How has the planning proposal adequately addressed any social and economic effects?

Given the current use of the area for little agriculture and it has been identified as a potential urban development corridor in the draft Hawkesbury Residential Strategy, it is considered that the current zoning of the land is inappropriate and is preventing the land from achieving optimum development, both in terms of residential potential and urban design outcomes. The planning proposal has the potential to achieve better urban design outcomes, provide economic certainty for the owners and opportunity for redevelopment of the site for efficient use of the land, as well as increased housing choice and opportunity for the local community.

Given the above circumstances, it is considered that the Planning Proposal will provide positive community benefits.

The Proposal would not make any significant negative social effects.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The area is well served with the existing public transport infrastructure, roads, and utility services including electricity, telecommunications, water supply and sewer to enable future development on the area for residential purposes.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with the government authorities/bodies as per the Gateway Determination of the proposal under Section 56 of the EP & A Act 1979.

4. Maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

Attached are the following maps:

Locality Map
Subject Area Map
Current Zoning Map
Proposed Zoning Map
Flood Map showing 1-in-100year flood level

5. Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Community consultation would need to be undertaken as per the Gateway Determination.

Attachments:

Attachment 1 – Maps
Attachment 2 – Council report dated 10 August 2010
Attachment 3 – Rezoning application from James Lovell and Associates Pty Ltd June 2010

Dated: 2 September 2010