

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 August 2019

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 145 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map, Lot Size Map and Height of Buildings Map and Application for Biodiversity Certification - Jacaranda Ponds, Glossodia - (95498, 124414, 136783)**

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number:	LEP001/18
Property Address:	103, 123, 211, 213, 361 Spinks Road, 11 James Street, 3 Derby Place and 746A and 780A – 780C Kurmond Road ,Glossodia
Applicant:	Celestino Pty Ltd
Owner:	E J C Glossodia Private Limited
Date Received:	Originally 27/03/2018, Revised 12/07/2019
Current Minimum Lot Size:	1,000m ² , 2,000m ² and 4,000m ²
Proposed Minimum Lot Size:	No changes to the current minimum lot sizes - reconfiguration of the current minimum lot size areas in line with the proposed residential zonings only
Current Zone:	Part R2 Low Density Residential, part R5 Large Lot Residential, part RE1 Public Recreation and part SP2 Infrastructure
Proposed Zone:	Rezoning of part R5 and part RE1 land to E2 Environmental Conservation, reconfiguration of the current R2, R5 and RE1 zonings and rezoning of part of SP2 zoned land to part R2 and part RE1
Current Maximum Height of Buildings:	10M
Proposed Maximum Height of Buildings:	No change to the current 10m maximum height of buildings - reconfiguration of the current 10m maximum height provision in line with the proposed residential zonings only
Site Area:	185.3Ha
Key Issues:	<ul style="list-style-type: none">◆ Proposed E2 Environmental Conservation Area◆ Application for Biodiversity Certification◆ Proposed RE1 Public Recreation areas◆ Need for new Draft Local Voluntary Planning Agreement and site specific Development Control Plan prior to community consultation

Recommendation:

That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Proceed with the planning proposal to amend the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential, public recreational, environmental conservation and infrastructure purposes as follows:

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- a) Amend the Land Zoning Map to:
 - (i) Rezone part of the subject site containing significant vegetation to E2 Environmental Conservation to provide better protection for the existing vegetation and achieve an improved ecological outcome for the subject site,
 - (ii) Rezone surplus SP2 Infrastructure zoned land to part R2 Low Density Residential and part RE1 Public Recreation, and
 - (iii) Reconfigure the existing R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation zoned land to enable approximately 580 residential lots on the subject site.
 - b) Amend the Height of Buildings Map to reconfigure the current 10m maximum permissible height provision corresponding to the proposed residential land within the subject site.
 - c) Amend the Lot Size Map corresponding to the proposed Land Zoning Map
3. Forward the planning proposal to the Department of Planning, Industry and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
 4. Prepare and submit an Application to the Minister for Energy and Environment for Biodiversity Certification over the subject site.
 5. Delegate to the General Manager of Council the signing of an application for Biodiversity Certification.
 6. Note that in the event that the planning proposal receives a Gateway Determination to proceed, community consultation not occur until such time as a Draft Voluntary Planning Agreement and site specific Development Control Plan have been prepared and endorsed by Council.

EXECUTIVE SUMMARY:

Council is in receipt of an applicant initiated planning proposal from Celestino Pty Ltd (the applicant) which seeks to amend the Hawkesbury Local Environmental Plan 2012.

On 27 March 2012, Council considered a report on the planning proposal to rezone 185.3Ha of land in Glossodia known as 'Jacaranda Ponds' from RU1 Primary Production to part R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation and SP2 Infrastructure. Council resolved to prepare and submit a planning proposal to the Department of Planning and Infrastructure.

On 19 December 2014, the Hawkesbury Local Environmental Plan (Amendment No 5) was gazetted to provide for:

- Residential purposes to create approximately 580 residential lots with three different minimum lot sizes of 1000m², 2000m² and 4,000m².
- Public open spaces including two large parks known as 'Village Green' and 'Lakeside Park' and walking and cycling network enabling passive recreation opportunities.
- Required infrastructure services to support the future residential development.
- Retention of the two large dams on the subject site that provide aquatic and bird- life habitat.

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Subsequent to the above, Council was approached by the current applicant, Celestino Pty Ltd regarding a revised planning proposal. The basis of the request was a desire to rezone part of the subject site containing critically endangered species and endangered ecological communities to E2 Environmental Conservation to enable an improved ecological outcome for the subject site whilst enabling development of the subject site for residential, public recreational and water recycling purposes.

Council Officers considered the matter, provided Councillors with a briefing and in February 2019 referred the revised planning proposal to the Hawkesbury Local Planning Panel for their consideration.

In March 2019, the Hawkesbury Local Planning Panel provided comments in relation to the revised planning proposal, which included the following points:

- The planning proposal not be supported at that stage.
- Any planning proposal for the site be considered holistically with relevant VPAs, biodiversity and DCP provisions included with all proposed LEP amendments.
- The desired character of the site be described so as to inform the planning framework – particularly landscape character and density of the area.
- The proposed planning framework needs to respond to site constraints – particularly flooding and vegetation retention.
- Council reconsider the areas and location of open space and the management of ecological management regimes. The location of the open space be relocated to be central to the area and accessible.

As a consequence of the above, the revised documentation was lodged with Council on 12 July 2019.

Council Officers have reviewed the documentation and are now presenting the details to Council for consideration.

A comparison of the Original and Revised proposal can be summarised as follows:

Element	Current Zoning	Proposed Revised Zoning	Change
Site Area	185.3Ha	185.3Ha	No Change
Total Lots	580	580	No Change
R2 Low Density Residential	33.4Ha	85.1Ha	51.7 Ha increase
R5 Large Lot Residential	94.7ha	37Ha	57.5 Ha decrease
RE1 Open Space	44.7Ha	52.6Ha	7.9 Ha increase
E2 Environmental Conservation	0Ha	9.6Ha	9.6 Ha increase
SP2 Infrastructure	12.4Ha	0.8Ha	11.6 Ha decrease
Land for Bio Certification	0Ha	143.72Ha	143.72 Ha increase
Land for Conservation	0Ha	28.12Ha	28.2 Ha increase
VPA	\$17.4M (for 580 lots)	New VPA required	New VPA required

As detailed in the Discussion section of this report, the current Local Voluntary Planning Agreement was negotiated and endorsed by Council as part of the planning proposal associated with the current zoning of the subject site. Given the current Voluntary Planning Agreement was negotiated more than 4 years ago, and with a different masterplan, it is not considered to be unreasonable to require a new Voluntary Planning Agreement given a number of changes. It is also noted that there is a separate Voluntary Planning Agreement between the developer and the NSW State Government.

Negotiation and preparation of a Draft Voluntary Planning Agreement is a complex matter requiring careful consideration of a number of matters. If Council is supportive of the revised proposal, a new Draft

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Voluntary Planning Agreement - based on the revised concept masterplan will be developed after any Gateway Determination to proceed with the planning proposal, but before consultation with the community. Considerations for a new Draft Voluntary Planning Agreement will include, but not be limited to:

- Transport
- Traffic Management including intersections
- Active Transport linkages to Glossodia Village
- The upgrade / expansion of Community Facilities in Glossodia Village
- A Drainage Management Charge to reflect the cost of maintaining the drainage system
- Recreation and Open Space areas where ongoing maintenance is not funded through a Biocertification process

As this matter has an extensive history, comprising many elements, the Officers report is divided into the following sections to assist in its explanation and consideration:

1. Subject Site	Pages 16 - 19
2. Detailed History	Pages 19 - 21
3. Revised Proposal	Pages 21 - 27
4. Planning Considerations and Comments	Pages 27 - 54
5. Biodiversity Certification Assessment Report and Strategy	Pages 54 - 60
6. Discussion	Pages 61 - 63
7. Consultation	Page 63
8. Fit for the Future	Page 63
9. Conclusion	Pages 63 - 64

REPORT

Context and Background

1. Subject Site

The subject site is comprised of 11 properties as shown in Table 1, and has an area of approximately 185.3 Ha.

Figure 1 indicates the location of the subject site which is approximately 11km by road from Windsor via Windsor Bridge, and 12km from Richmond via the Richmond Bridge.

Table 1: Property Details

Property	
Lot & Dp Nos.	Street Address
Lot 2 DP 533402	103 Spinks Road, Glossodia
Lot 52 DP 1104504	123 Spinks Road, Glossodia
Lot 19 DP 214753	211 Spinks Road, Glossodia
Lot 20 DP 214753	213 Spinks Road, Glossodia
Lot 75 DP 214752	361 Spinks Road, Glossodia
Lot 3 DP 230943	11 James street, Glossodia
Lot 44 DP 214755	3 Derby Place, Glossodia
Lot 50 DP 751637	746A Kurmond Road, Freemans
Lot 1 DP 784300	780A Kurmond Road, North Richmond
Lot 2 DP 784300	780BKurmond Road, North Richmond
Lot 3 DP 784300	780C Kurmond Road, North Richmond

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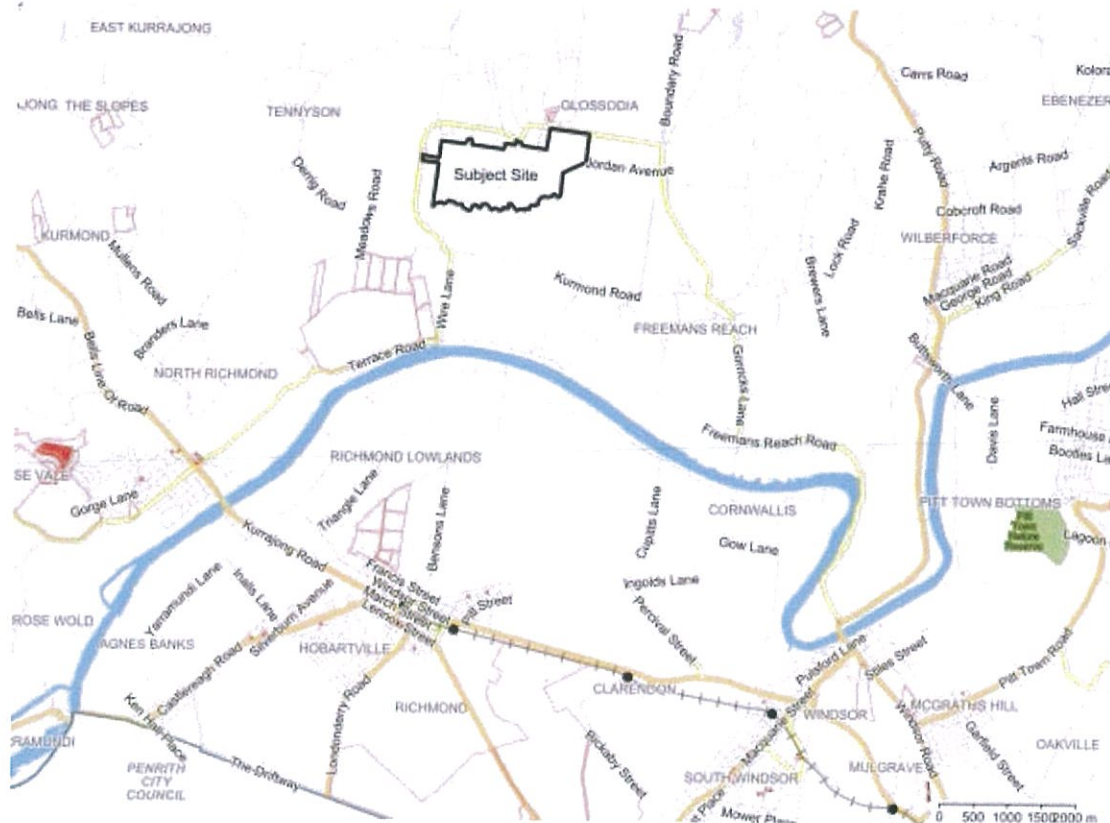


Figure 1: Subject Site Location

Figure 2 highlights that the subject site is irregular in shape, and currently contains a free range egg production farm consisting of 10 sheds within the North-Western part of the subject site, a chicken rearing farm consisting of 24 sheds within the South-Western part of the subject site, eight dwellings and ancillary farm buildings, and the remainder of the subject site is cleared and undeveloped with sparse tree coverage.

The subject site also contains eight dams, significant vegetation and endangered habitat, but the majority of the subject site is cleared and undeveloped.

The subject site is undulating and varies in elevation and generally falls in a North-South direction towards Currency Creek. The subject site contains a ridgeline running east-west through the northern part of the subject site.

Currency Creek which forms the southern boundary of the subject site and bounded by a riparian vegetation corridor provides habitat for riparian fauna and holds aquatic fauna. Figure 2 shows three unnamed watercourses in red circles which are tributaries of Howes Creek run from north to south at the northern boundary.

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Figure 2: Three Unnamed Watercourses



Figure 3: Subject Site

The subject site is not subject to flooding from the Hawkesbury River, and the extent of flooding for the 1 in 100 year flood event is generally limited to the riparian corridor along Currency Creek.

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As illustrated in Figure 4 below, the subject site is bounded by Spinks Road and low-density residential land to the north, Currency Creek to the south, primary production/rural agricultural land to the east, and Spinks Road and primary production/rural agricultural land to the west.

The subject site is located immediately adjoining the existing Glossodia Residential Community which is the second largest residential community west of the Hawkesbury River within the Hawkesbury Local Government Area behind the North Richmond Residential Community.

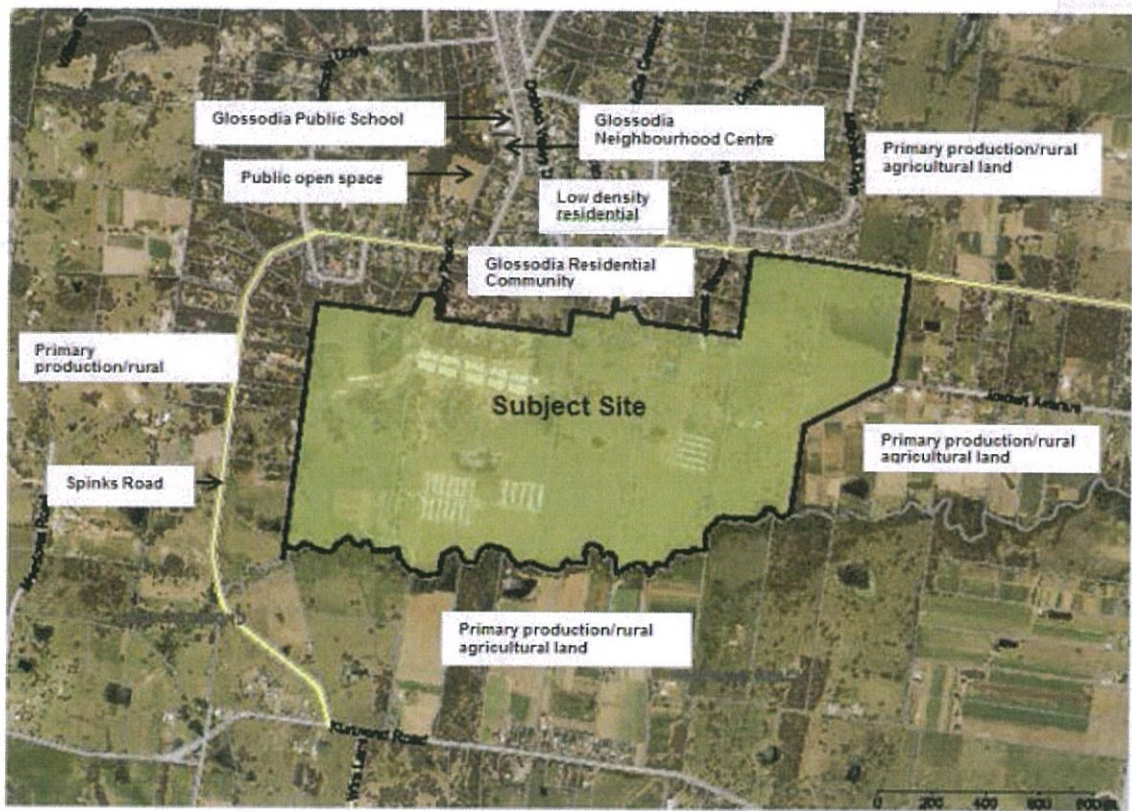


Figure 4: Subject Site and Surrounds

As shown in Figure 4 above, the subject site is surrounded by a mix of land uses including residential, primary production/rural agricultural land uses, public open spaces, schools and retail uses, but North of the subject site beyond Spinks Road is predominantly residential. Figure 4 also shows that the subject site is located within a reasonable walking distance (approximately 700m) to the existing Glossodia Neighbourhood Centre.

2. Detailed History

- | | |
|------------|--|
| 12/04/2010 | Council received a planning proposal from E J Cooper & Sons Pty Ltd to rezone part of the subject site from rural to residential purposes and retain the existing egg production farm. |
| 26/07/2011 | Council considered a report on the planning proposal and resolved to defer the matter pending consideration of the "Policy for Provision of Infrastructure for Rezoning Matters" report which had been deferred from the Ordinary Meeting of 26 July 2011. |
| 29/11/2011 | Council considered a report on the planning proposal and resolved not to support the planning proposal in its current form and advise the applicant to prepare and submit a revised planning proposal addressing the issues raised including topography, wastewater, ecology, traffic and the removal of the existing egg production farm. |

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- 27/03/2012 Council considered a report on the revised planning proposal. Council resolved to prepare and submit a planning proposal to the Department of Planning and Infrastructure for a Gateway Determination and commence Voluntary Planning Agreement negotiations with the applicant and other relevant parties if the Department of Planning and Infrastructure determined that the planning proposal is to proceed.
- 27/07/2012 A Gateway Determination advising Council to proceed with the planning proposal was received from the Department of Planning and Infrastructure.
- 18/09/2012 Consultation on the planning proposal with relevant government agencies identified in the Gateway Determination commenced.
- 12/07/2013-
14/08/2013 Consultation on the planning proposal with the Community undertaken.
- 4/02/2014 Council considered a report on the outcome of consultation on the planning proposal. Council resolved to forward the planning proposal to the Department of Planning and Infrastructure for making of the proposed amendment to the Hawkesbury Local Environmental Plan 2012 to give effect to the planning proposal. Council also resolved to prepare and finalise a Voluntary Planning Agreement and report to Council prior to public exhibition.
- 12/02/2014 The planning proposal was forwarded to the Department of Planning and Infrastructure for making of the proposed amendment to the Hawkesbury Local Environmental Plan 2012.
- 19/12/2014 The Minister for Planning made the Hawkesbury Local Environmental Plan (Amendment No 5).
- 24/02/2015 Council considered a report on the draft Voluntary Planning Agreement and resolved to place the draft Voluntary Planning Agreement on public exhibition and report back to Council following public exhibition.
- 13/03/2015-
17/04/2015 The draft Voluntary Planning Agreement was placed on exhibition.
- 26/05/2015 Council considered a report on the outcome of consultation on the draft Voluntary Planning Agreement and resolved to endorse the exhibited draft Voluntary Planning Agreement and delegate the execution of the Voluntary Planning Agreement under the Seal of Council to the General Manager.
- 27/03/2018 Council received a new planning proposal from Celestino Pty Ltd seeking rezoning part of the subject site containing critically endangered species and endangered ecological communities to E2 Environmental Conservation to enable an improved ecological outcome for the subject site whilst enabling development of the subject site for residential, public recreational and water recycling purposes. There was subsequently a series of meetings with relevant Council Officers with various amendments made to the planning proposal.
- 21/02/2019 The Hawkesbury Local Planning Panel considered a report on the planning proposal and advised not to support the planning proposal in its current form and provided comments on the following issues:
- Proposed reconfiguration of existing residential land
 - Character of the Glossodia Village
 - Location of R5 Large Lot Residential land along the northern boundary of the subject site
 - Functionality of narrow open spaces and their locations
 - Retaining of Grey Box – Forest Red Gum grassy woodland on R5 zoned land

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- A walkable and liveable community
- Lot orientation and density
- Village Green Park
- A central village accommodating uses such as general store and childcare centre
- Biodiversity
- Infrastructure and public transport
- Flooding and evacuation

12/06/2019 Application for Biodiversity Certification of the subject site was received from the applicant.

12/07/2019 Council received a revised planning proposal that addressed the Hawkesbury Local Planning Panel's comments.

3. Revised Planning Proposal

The revised planning proposal seeks to:

- Rezone part of the R5 Large Lot Residential and RE1 Public Recreation zoned land to E2 Environmental Conservation and reconfigure part of the RE1 Public Recreation zoned land containing significant vegetation and endangered habitat within the subject site to achieve an improved ecological outcome for the subject site.
- Rezone SP2 Infrastructure zoned land (other than a small area of SP2 zoned land at the south-eastern corner of the subject site proposed for a water recycling facility) along Currency Creek corridor to part R2 Low Density Residential and RE1 Public Recreation.
- Reconfigure the R2 Low Density Residential, the remainder of R5 Large Lot Residential land and RE1 Public Recreation zoned land to yield approximately 580 residential lots on the subject site.

The key elements on the planning proposal are as follows:

- Amendments to the Land Zoning, Height of Buildings and Lot Size Maps
- Village Green along the Currency Creek
- Lakeside Park at the North-Eastern corner of the subject site
- Integrated pedestrian and cycle network

These are discussed in detail below:

Proposed Amendments Land Zoning Map

Figure 5 below, shows the current zoning of the subject site which is zoned part R2 Low Density Residential, part R5 Large Lot Residential, part RE1 Public Recreation and part SP2 Infrastructure (Sewerage System) under the Hawkesbury Local Environmental Plan 2012.

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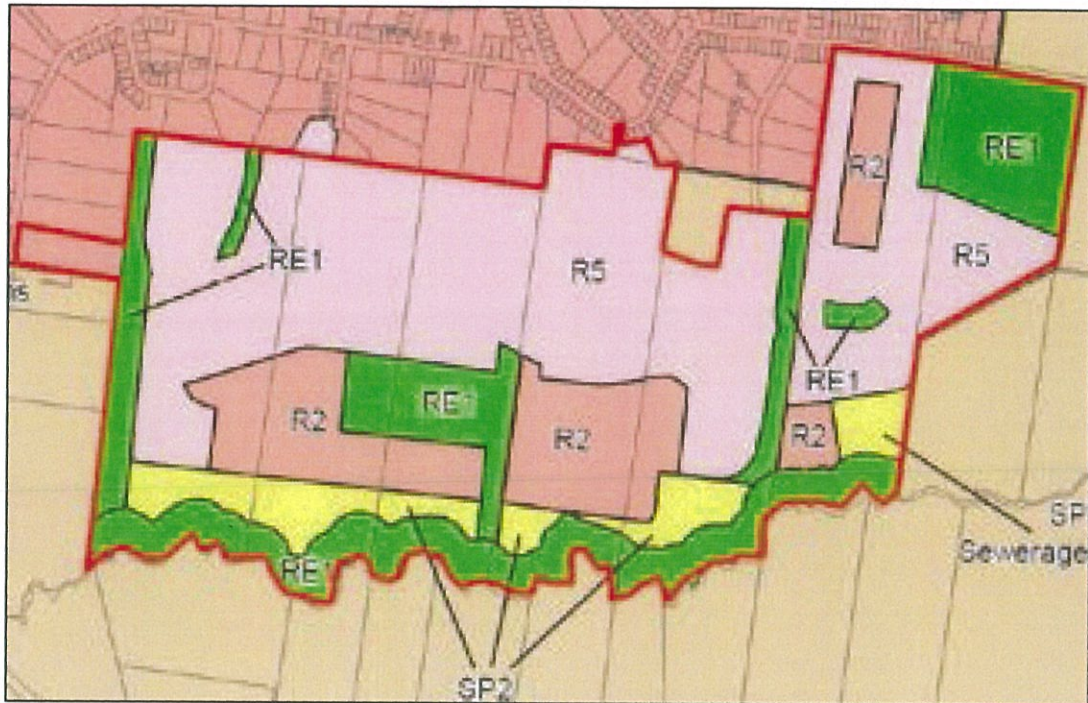


Figure 5: Current Land Zoning Map

The planning proposal seeks to amend the Land Zoning Map (Map Ref No. 3800_COM_LZN_008C) of the Local Environmental Plan 2012 through reconfiguration of the existing R2, R5 and RE1 zoned land areas within the subject site as shown in Figure 6 below.

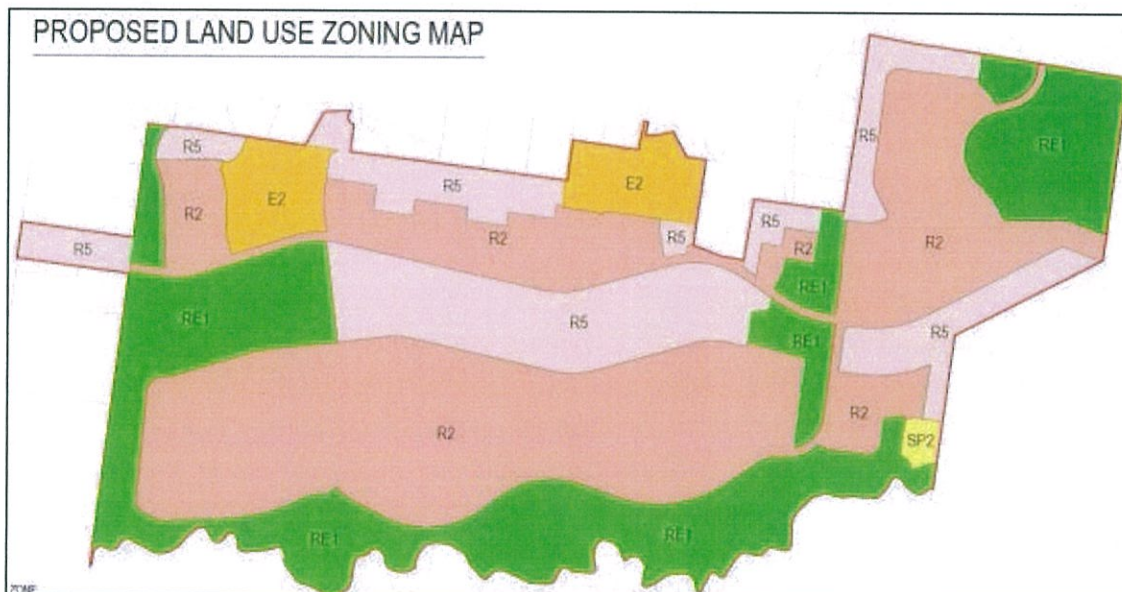


Figure 6: Proposed Revised Land Zoning Map

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Figure 7 below highlights the changes between current and proposed revised zonings.

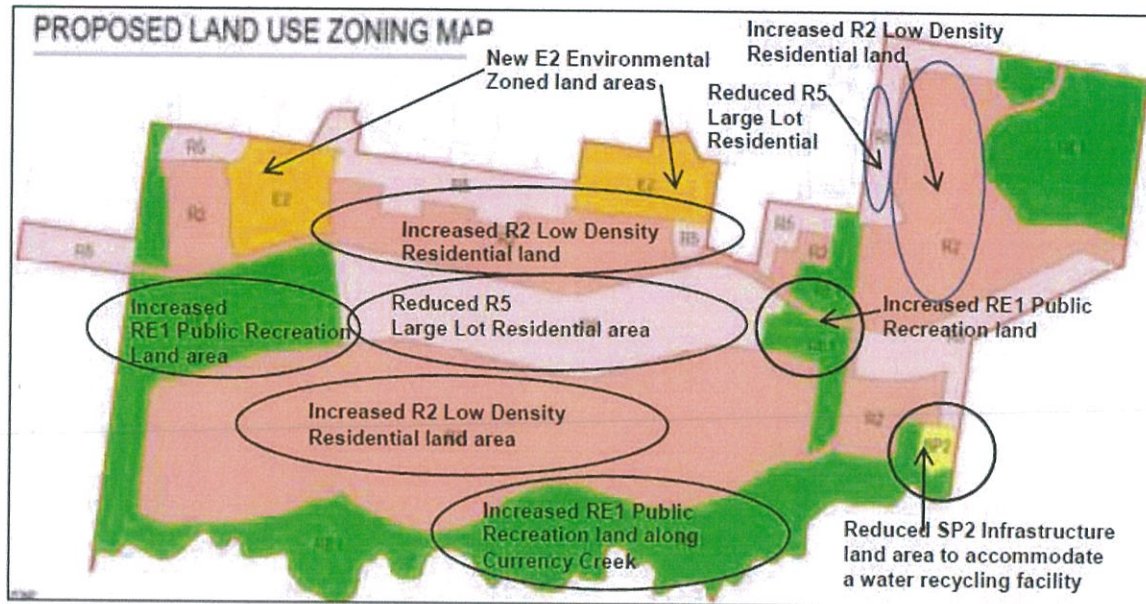


Figure 7: Highlighted Changes between Current and Proposed Revised Zonings

Proposed Amendments to Lot Size Map

Figure 8 highlights that the 1,000m² (U1) minimum lot size provision applies to R2 Low Density Residential land and 2,000m² (V1) and 4,000m² (W) minimum lot size provisions applying to R5 Large Lot Residential land within the subject site.

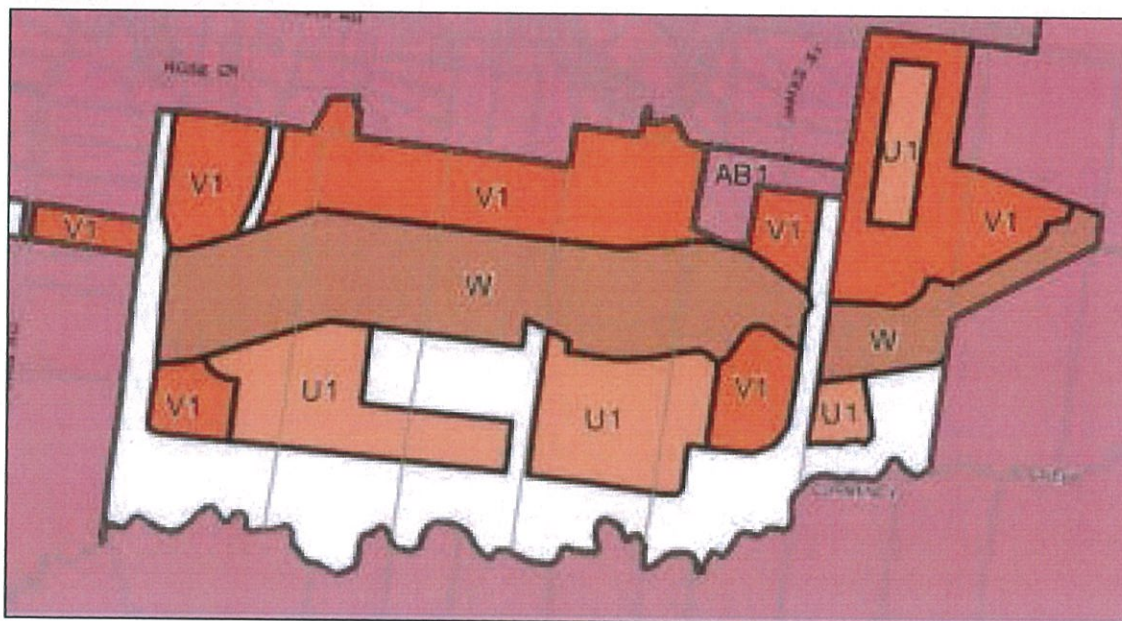


Figure 8: Current Lot Size Map

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Figure 9 below highlights that the 1,000m² (U1) minimum lot size provision applies to the proposed R2 Low Density Residential land and 2,000m² (V1) and 4,000m² (W) minimum lot size provisions applying to the proposed R5 Large Lot Residential land within the subject site.

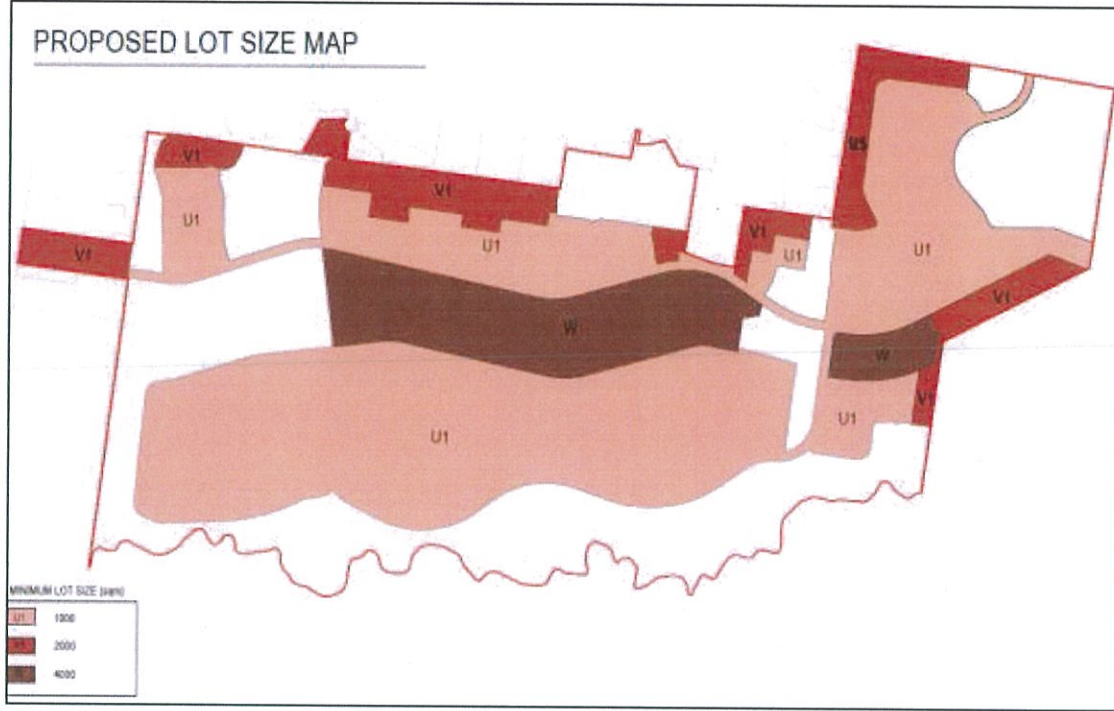
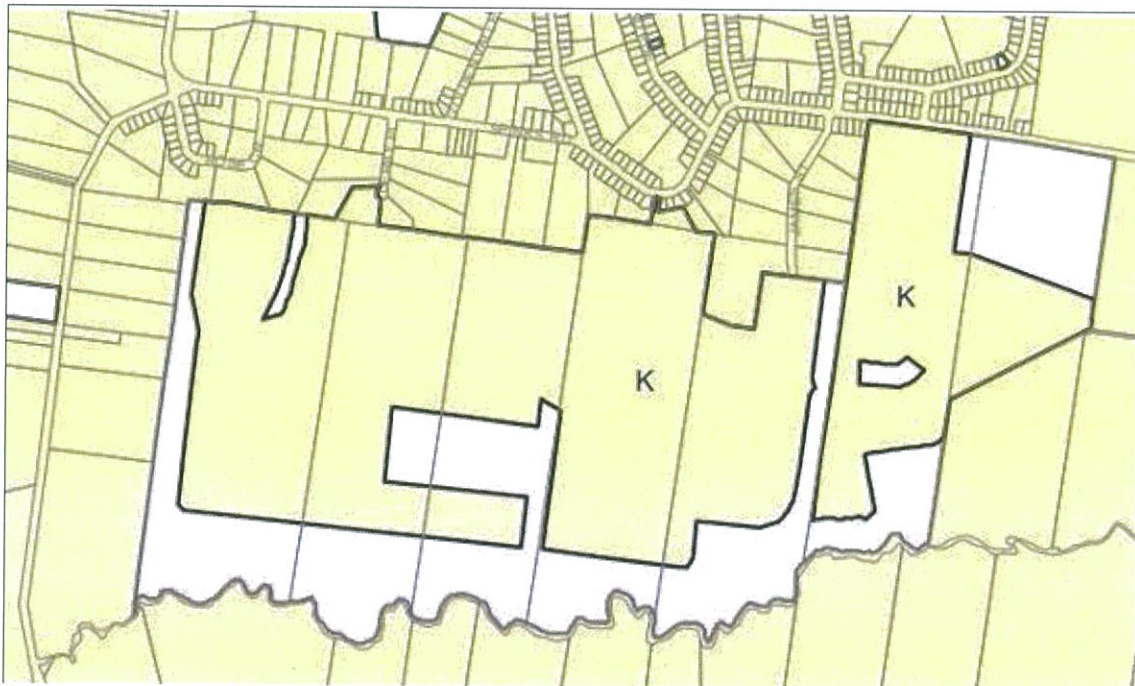


Figure 9: Proposed Revised Lot Size Map

Proposed Amendments to Height of Buildings Map

Figure 10 below, highlights the 10m maximum height provision applies to all residential land within the subject site.



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Figure 10: Current Height of Buildings Map

Figure 11 below, highlights the 10m maximum height provision is proposed to apply to residential land within the subject site.

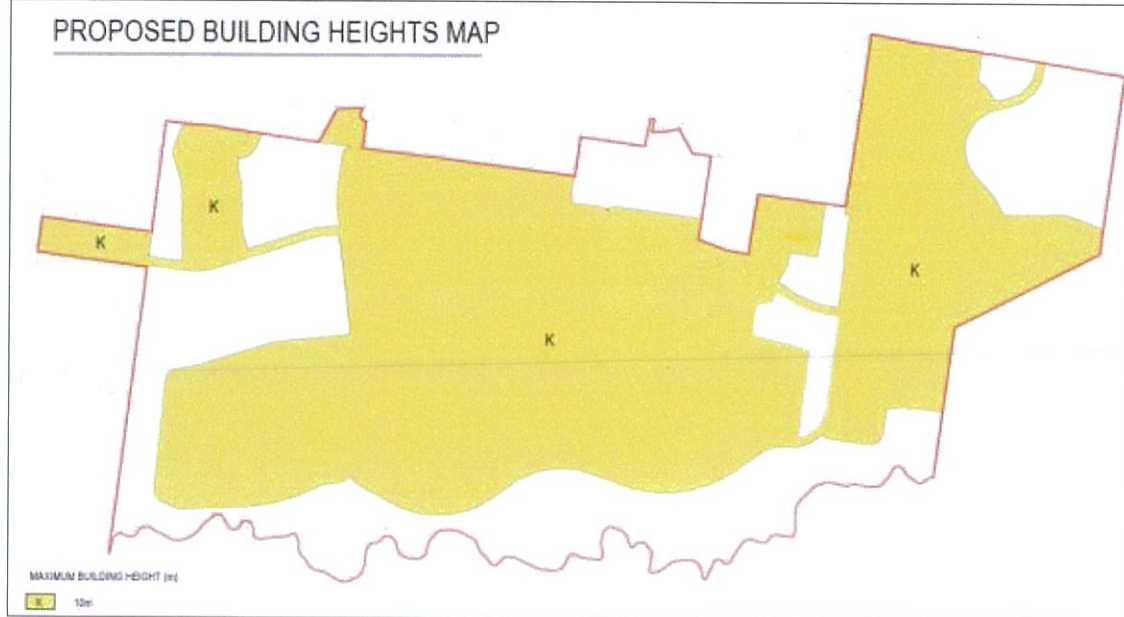


Figure 11: Proposed Revised Heights of Building Map

Proposed Open Space

As shown in Figure 12, the planning proposal enables two large public open spaces/parks referred to as 'Village Green' and 'Lakeside Park' in the executed Local Voluntary Planning Agreement and additional RE1 Public Open Space zoned land within the subject site to provide diverse recreational opportunities for the existing and future Glossodia Residential Community. The proposed E2 Environmental Conservation land will also provide some passive recreational opportunities.



Figure 12: Proposed Village Green and Lakeside Park

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Village Green

The proposed Village Green adjacent to the Currency Creek riparian corridor provides improved accessibility, amenity, recreational opportunities, walkability and connectivity (both visual and physical) between the existing Glossodia Residential Community and the future residents on the subject site. It will also enable efficient use of the land area along the Currency Creek corridor for open space purposes and integrated cycle and pedestrian network connecting the existing and future Glossodia Residential Community.

Lakeside Park

The proposed Lakeside Park comprising of a large dam, a small playground, a junior skate park, two picnic shelters, community amenities, footpaths and vegetation located at the North-Eastern corner of the subject will provide active and passive recreational opportunities for the existing and future Glossodia Residential Community.

Access to Open Spaces/recreational Opportunities

As shown in Figure 13, a total of 95% of the future residential community within the subject site will be within 400m/5 minute walk of open space, and the remaining 5% of future residents will have access to open space within the subject site within 500m in line with the requirement of the NSW Government Architect's draft 'Open Space for Recreation' Guide (July 2018).

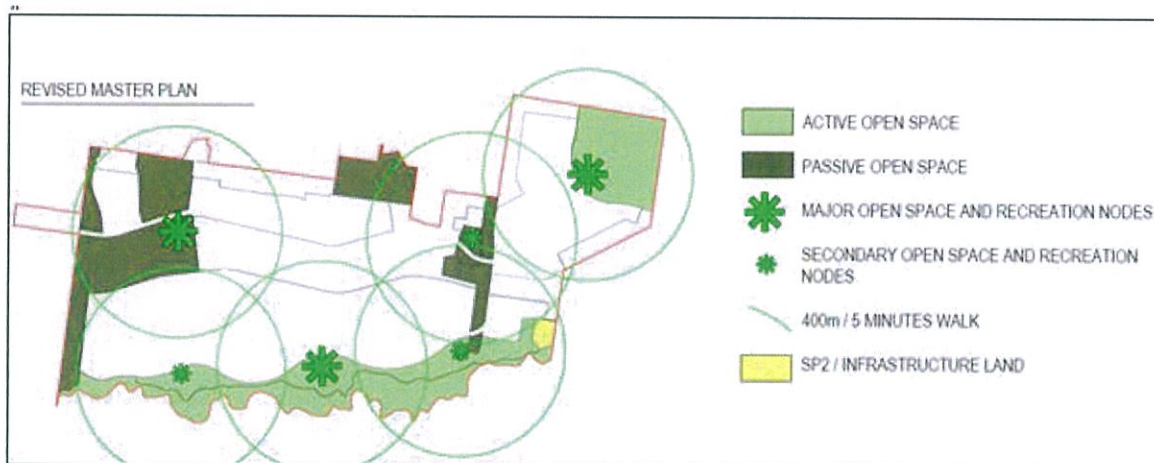


Figure 13: Access to Public Open Space/ Recreation Opportunities

Integrated Cycle and Pedestrian Network

One of the original design development principles or the objectives is to facilitate integration and expansion of the existing Glossodia Residential Community into the future residential community on the subject site. The planning proposal aims to achieve this objective mainly through the provision of future cycle and pedestrian network.

However, given the existing Glossodia Residential Community is located immediately north of the subject site there is an opportunity for its integration into the existing Glossodia Residential Community. However, as shown in Figure 14, the Concept Masterplan enables the connectivity between the existing Glossodia Residential Community and the future residential community on the subject site through the following linkages.

1. Spinks Road East – connection from the future collector road via Lakeside Park
2. James Street – future potential connection along the existing James Street
3. Spinks Road Central – connection through future E2 Environmental Conservation zoned land
4. Derby Place – potential connection through the existing James Derby Place

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5. Spinks Road West – connection from the central collector road to Spinks Road.



Figure 14: Proposed Cycle and Pedestrian Network

4. Planning Considerations and Comments

The following section discusses the consistency of the planning proposal with the relevant State and Local planning framework, strategic merits, and site specific merits and subject site's suitability and capability to achieve the intended outcomes of the planning proposal.

Greater Sydney Region Plan, 'A Metropolis of Three Cities'

On 18 March 2018, the NSW Government released *A 'Metropolis of Three Cities'* – the Greater Sydney Region Plan. The Greater Sydney Region Plan, along with Transport for NSW's *Future Transport 2056*, and Infrastructure NSW's *State Infrastructure Strategy 2018-36* provide a vision for Greater Sydney as a Metropolis of Three Cities- the Western Parkland City, the Central River City and the Eastern Harbour City.

This strategic framework aims to transform land use and transport patterns and boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth to all of its residents.

The emerging Western Parkland City with the Western Sydney Airport and Badgerys Creek Aerotropolis as a catalyst for the city cluster will grow a strong trade, logistics, advanced manufacturing, health, education and science economy and be the most connected place in Australia. It will produce knowledge-intensive jobs close to new well-designed neighbourhoods.

Liveability for residents will be key – such as more trees to provide shade and shelter and walkable neighbourhoods within easy reach of shops and services.

The objectives and metrics of 'A Metropolis of Three Cities' are based on ten (10) Directions:

1. A city supported by infrastructure;
2. A collaborative City;
3. A city for people;
4. Housing the city;

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5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city; and
10. A resilient city.

Direction 4: Housing the City – giving people housing choices

Direction 4 requires councils to investigate opportunities for supply and a diversity of housing particularly around centres to create more walkable neighbourhoods. Objectives 10 and 11 of the Plan include:

Objective 10: Greater Housing Supply - Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's population. It needs to ensure steady supply of market housing in locations well supported by existing or planned services and amenity with an emphasis on public transport access.

The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. By 2056, it is anticipated that significant further housing supply will be required to meet Greater Sydney's continued strong population growth.

Objective 11: Housing is more diverse and affordable – It is important that the supply of housing delivers the type of housing that communities and places need as they grow and change. A diversity of housing types, sizes and price points can help improve affordability.

The planning proposal enabling approximately 580 residential lots with different lots sizes, housing diversity and increased housing choice within a reasonable walking distance to the existing Glossodia Neighbourhood Centre and supporting more walkable neighbourhoods is considered to be generally consistent with Direction 4 Housing the City and objectives 10 and 11 of the Plan.

Direction 8: A City in its landscape – valuing green spaces and landscape

Objectives 27 and 31 of the Greater Sydney Region Plan include:

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced – The relationship of riparian vegetation, habitat and waterways is important and multifaceted in that it also provides water quality and amenity outcomes. Achieving positive outcomes for biodiversity and waterway health can be more challenging when riparian corridors are in fragmented private ownership. Public ownership and maintenance of riparian corridors improves the management of habitat, vegetation and waterway health.

Objective 31: Public open space is accessible, protected and enhanced – Investigate opportunities to provide new open space so that all residential areas are within 400m of open space. Provide walking and cycling links for transport as well as leisure and recreational trips.

The planning proposal seeks to rezone land areas containing significant vegetation within the subject site from R5 Large Lot Residential and RE1 Public Recreation to E2 Environmental Protection and RE1 Public Recreation to provide better protection over the existing vegetation and achieve improved biodiversity outcomes for the subject site. Therefore, the planning proposal is considered to be generally consistent with Objective 27 of the Plan. The proposed E2 and RE1 zoned land and the existing riparian corridor along Currency Creek zoned RE1 Public Recreation within the subject site will be dedicated to Council when development of the subject site occurs. Council ownership of the riparian corridor will enable effective management of the riparian corridor, and thereby improve the management of habitat, vegetation and waterway health.

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Metropolitan Rural Area

The Greater Sydney Region Plan and the Western City District Plan identify the whole Hawkesbury Local Government Area (except the Vineyard Precinct in the North West Growth Area) as a Metropolitan Rural Area as shown in Figure 15. Objective 29 of The Greater Sydney Region Plan is to protect and enhance the environmental, social and economic values in rural areas.

The Greater Sydney Region Plan states that:

“Urban development’ is not consistent with the values of the Metropolitan Rural Area. This Plan identifies the Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban area, including existing Growth Areas and urban investigation areas associated with the development of the Western Sydney Airport. This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area. From time to time, there may be a need for additional land for urban development to accommodate Greater Sydney’s growth but not at this stage. Future region plans will identify if additional areas of land in the Metropolitan Rural Area are required for urban development.

Restricting urban development in the Metropolitan Rural Area will help manage its environmental, social and economic values, help to reduce land speculation, and increase biodiversity from offsets in Growth Areas and existing urban areas.

The distinctive towns and villages of the Metropolitan Rural Area offer opportunities for people to live and work in attractive rural or bushland settings, close to a major city. They provide focal points for local communities and rural industries. They contain scenic and cultural landscapes which are important to the history and character of Greater Sydney, and are popular with tourists and visitors.

Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the values of the surrounding landscape and rural activities.”

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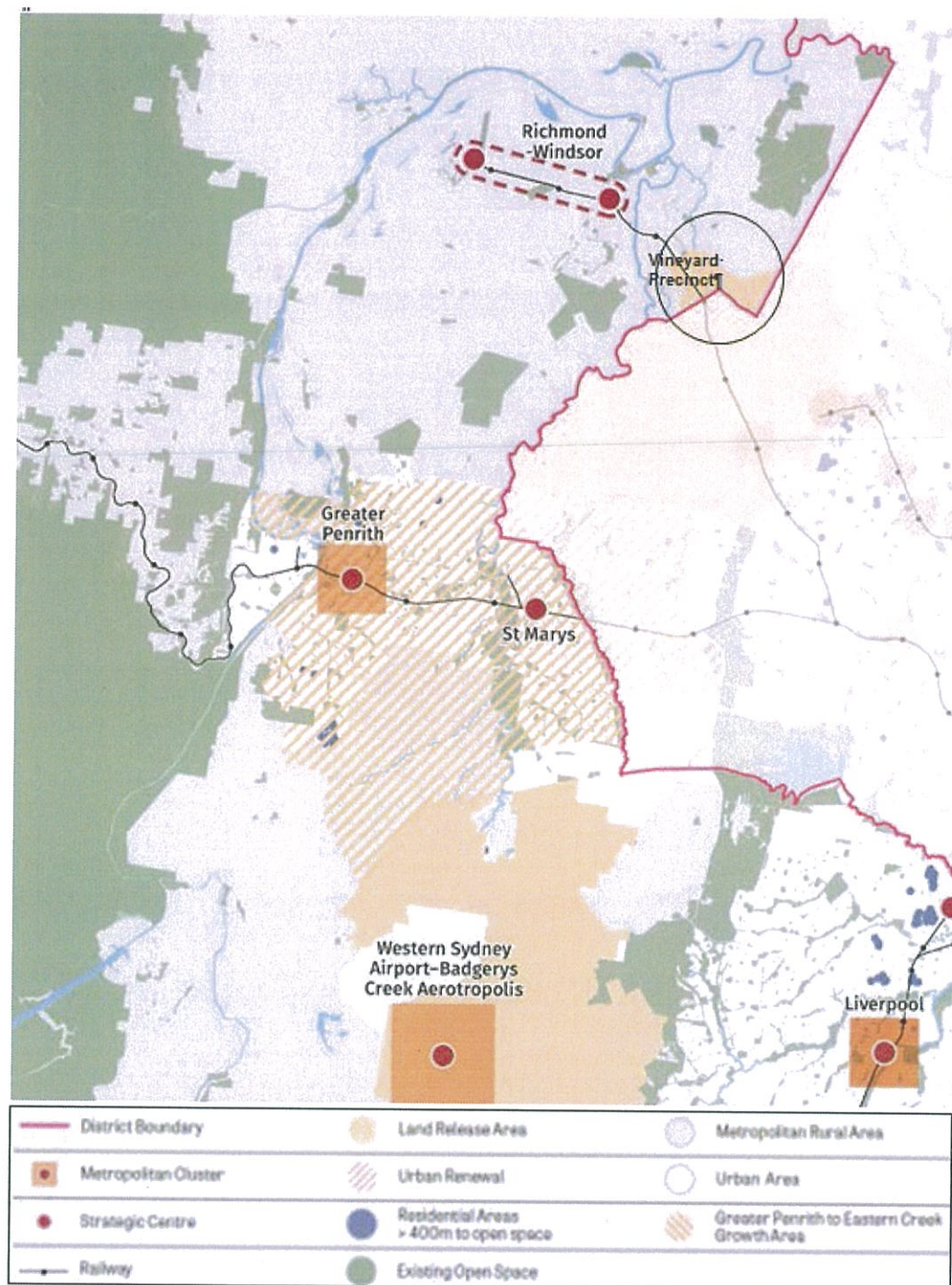


Figure 15: Metropolitan Rural Area

The subject site is located immediately south of the existing Glossodia Rural Village and is already zoned for residential purposes. The objective or the intended outcome of the planning proposal is to provide better protection for the existing vegetation and achieve an improved ecological outcome for the subject site through rezoning of part of the subject site to E2 Environmental Conservation and RE1 Public Recreation and reconfiguration of the remainder of the subject site zoned part residential, open space and infrastructure.

The planning proposal intends to retain the current residential lot yield on the subject site which is approximately 580 lots, and therefore there would be no increase of future dwellings on the subject site.

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Whilst the planning proposal is enabling improved ecological outcomes, development of a site specific Development Control Plan with appropriate development provisions as outlined in the Assessment Section of this report will ensure that any future development of the subject site will retain all significant natural and landscaping features, views and vistas that are worthy of preservation to maintain the existing character and amenity on the subject site.

The Land Resource Assessment undertaken by GSS Environmental which accompanies the planning proposal reveals that soils on the subject site are generally of fair (Class 3) to poor (Class 4) agricultural quality. They are not ideally suitable for cultivation or cropping and are highly susceptible to erosion.

Also, the planning proposal enabling the expansion of the Glossodia Residential Community will help respond to demand for growth, improve viability of the existing Glossodia Rural Village, increased opportunity for people to live and work in attractive rural or bushland settings within 30 minutes to both Windsor and Richmond identified as Strategic Centres in the Greater Sydney Region Plan and maintain the existing character of the locality.

Therefore the planning proposal is considered to be generally consistent with the Greater Sydney Region Plan.

Western City District Plan (District Plan)

The Western City District Plan sets out planning priorities and actions for improving the quality of life for residents of Western City District as the District grows and changes. The Western City District Plan is a bridge between regional and local planning.

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly Local Government Areas. The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Western City District Plan also assists Councils to plan for, and support growth and change, and aligns their local planning strategies to place-based outcomes. It guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.

The Western City District Plan focuses on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District. Relevant Objectives, Strategies and Actions from A *Metropolis of Three Cities* are embedded in each of the Planning Priorities, to integrate the Western City District's challenges and opportunities with the Greater Sydney vision of the metropolis of three cities.

The Western City District Plan identifies a 5-year (2016 – 2021) housing target of 1,150 dwellings for the Hawkesbury Local Government Area. It also identifies a minimum 20-year dwelling target of 184,500 for the Western City District, in order to support the forecasted district population of approximately 464,000 by 2036.

Of relevance to this planning proposal are the following directions and objectives of the District Plan:

Directions for Liveability: Housing the city- giving people housing choice - Planning Priority W5 – Providing housing supply and choice and affordability with access to jobs, services and public transport, Objective 10 – Greater housing supply and Objective 11 – Housing is more diverse and affordable.

The planning proposal enabling approximately 580 residential lots provides increased housing supply, choice and affordability within a reasonable walking distance (approximately 800m) to the established Glossodia Neighbourhood Centre. This centre meets the residents day-to-day shopping needs, and provides local services and jobs. As such, the planning proposal is considered to be generally consistent with the directions for liveability and Objectives 10 and 11 of the Western City District Plan.

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Directions for a city in its landscape – Planning Priority W14 - protecting and enhancing bushland and biodiversity

The planning proposal's consistency with protecting and enhancing bushland and biodiversity is addressed under the Objective 27 of the Greater Sydney Region Plan.

In May 2011, Council adopted the Hawkesbury Residential Land Strategy 2011 which provides Council with a strategic framework to accommodate between 5,000 to 6,000 dwellings within the Hawkesbury Local Government Area by 2031. Based on an opportunities and constraints analysis across the Hawkesbury Local Government Area, the Hawkesbury Residential Land Strategy 2011 identifies five areas including Glossodia with high opportunity for future development subject to further investigations to determine the suitability and ability of these areas to support additional or new housing development.

As illustrated in Figure 16 below, the subject site is part of the Glossodia Investigation Area, and therefore the planning proposal seeking to amend the Hawkesbury Local Environmental Plan 2012 to provide additional housing opportunities on the subject site is considered to be consistent with the Hawkesbury Residential Land Strategy 2011.

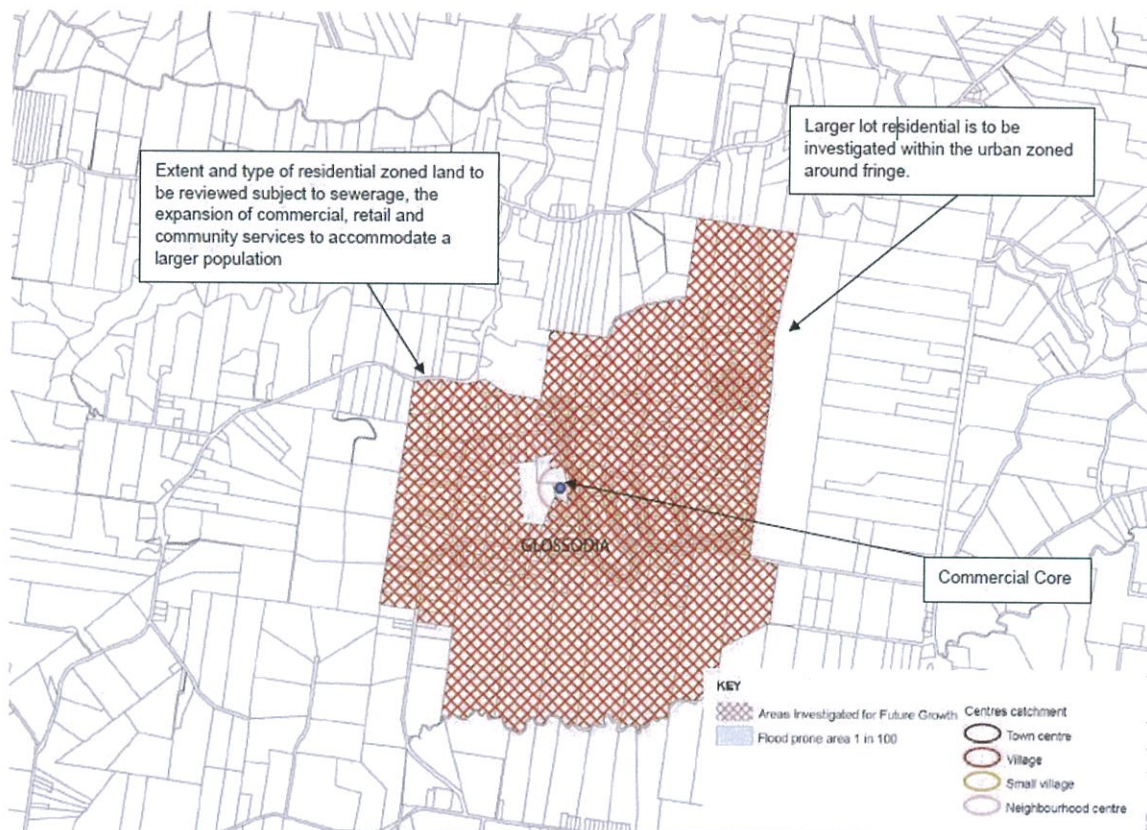


Figure 16: Hawkesbury Residential Land Strategy 2011

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Hawkesbury Local Environmental Plan 2012

Table 2 below, provides a comparison between the current zoning and the proposed zoning of the subject site.

Table 2: Proposed Revised Zoning vs Current Zoning

Zone	Land Area			
	Proposed (Ha)	Existing (Ha)	Increase (Ha)	Decrease (Ha)
R2 Low Density Residential	85.1	33.2	51.9	
R5 Large Lot Residential	37	94.7		57.7
RE1 Public Recreation	52.6	44.8	7.8	
SP2 Infrastructure	0.8	12.4		11.6
E2 Environmental Conservation	9.6	0	9.6	

Rezoning of land to E2 Environmental Conservation

As shown in Table 2, the planning proposal seeks the rezoning of 9.6ha of land containing ecological communities and critical habitat within the subject site to E2 Environmental Conservation. The proposed E2 Environmental Conservation zoned land subject to Biodiversity Certification will be dedicated to Council. The proposed rezoning of that land to E2 Environmental Conservation which is identified as a biobank site facilitating permanent conservation of significant vegetation on that land and thereby enables improved ecological outcome for the subject site.

Rezoning of 9.6ha of the subject to E2 Environmental Conservation to enable an improved ecological outcome for the subject site is considered to have merit.

Rezoning of SP2 zoned land

The planning proposal states that ongoing design development and technological advances in the infrastructure service sector has resulted in reduced spatial requirements for onsite sewage systems.

As a result, the planning proposal seeks to consolidate the current SP2 Infrastructure zoned land area within the subject site into a single area at the South-Eastern corner of the subject site.

This will accommodate a water recycling facility to treat waste water within the subject site and supply recycled water for non-potable uses such as toilet flushing, irrigation and washing.

Given the above, the planning proposal seeks to rezone 11.6ha of surplus SP2 Infrastructure land to part R2 Low Density Residential and part RE1 Public Recreation. However, the rezoning of surplus SP2 Infrastructure land is reliant upon the approval of the Independent Pricing and Regulatory Tribunal for a *Water Industry Competition Act 2006* (NSW) agreement to enable the installation and operation of a water recycling facility at the South-Eastern corner of the subject site to treat waste water at the subject site and supply recycled water for non-potable uses such as toilet flushing, irrigation and washing. The application for a *Water Industry Competition Act 2006* licence is currently being assessed by the Independent Pricing and Regulatory Tribunal.

Increased RE1 Public Recreation land

The proposed rezoning will result in an overall increase of 7.8ha of RE1 Public Recreation land within the subject site due to rezoning of part of the existing SP2 Infrastructure and R5 Large Lot Residential zoned land. The proposed RE1 Public Recreation land will be dedicated to Council as part of a Local Voluntary Planning Agreement for the subject site. Given the Council ownership of this land, Council will be able to protect significant vegetation on this land while providing appropriate recreational opportunities. The

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planning proposal enabling increased RE1 Public Recreation zoned land within the subject site and thereby enabling increased recreational opportunities is considered to have merit.

Increased R2 Low Density Residential land

The proposed rezoning will result in an overall increase of 51.9ha of R2 Low Density Residential land within the subject site due to rezoning of part of the SP2 Infrastructure, R5 Large Lot Residential and RE1 Public Recreation land to R2 Low Density Residential. Rezoning of RE1 Public Recreation zoned land to R2 Low Density Residential is inconsistent with Section 9.1 Directions (Formerly Section 117 Directions) which is discussed in the Assessment Section of this report.

The proposed rezoning of approximately 21.5ha of R5 Large Lot Residential land containing significant vegetation to E2 Environmental Conservation (approximately 8.9ha) and RE1 Public Recreation (approximately 12.6ha) is to provide for the improved protection of the significant vegetation and achieve a better ecological outcome over the subject site. Therefore, the planning proposal is seeking increased area of R2 Low Density Residential land through reconfiguration/rezoning of part of R5 Large Lot Residential land and rezoning part of SP2 Infrastructure land to yield 580 residential lots on the subject site equivalent to the potential lot yield under the current zoning of the subject site. This approach ensuring an improved ecological outcome for the subject site whilst enabling 580 residential lots on the subject site the same as the potential lot yield under the current zoning is considered to be a better land use outcome and is worthy of support.

Section 9.1 Directions (Formerly Section 117 Directions)

Section 9.1 (formerly Section 117) Directions are issued by the Minister for Planning and apply to planning proposals.

Section 9.1 Directions require certain matters to be complied with and/or require consultation with government agencies during the preparation of a planning proposal.

However, these Directions permit variations subject to meeting certain criteria. The principal criterion for variation to a Section 9.1 Direction is consistency with an adopted Local or Regional Strategy.

Discussion on the planning proposal's consistency with relevant key Section 9.1 Directions is outlined below.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Direction 1.3 (3) states that:

This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) *Prohibiting the mining of coal or other minerals, production of petroleum, or wining or obtaining of extractive materials, or*
- (b) *Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.*

The planning proposal is consistent with Direction 1.3 as the subject site is not located within an Identified Resource Area, Potential Resource Area or the Transition Area which is adjacent to Identified Resource Areas as identified by mineral resource maps provided by the NSW Resource & Energy Division of NSW Trade & Investment.

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Additionally, the subject site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)*. Regardless of the above comments, should the planning proposal proceed and receive a Gateway Determination, the NSW Department of Planning, Industry and Environment will be consulted in accordance with Direction 1.3(4), during the relevant government agency consultation period.

Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

Directions 2.1(4) and 2.1 (5) states that:

- “(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (5) A planning proposal that applies to land within an environmental protection zone or land otherwise identified for environment protection purposes in a Local Environmental Plan must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change of a development standard for minimum lot size for a dwelling in accordance with clause (5) of the Direction 1.5 “Rural Lands”.*

The primary objective of this planning proposal is to rezone land areas containing critically endangered and endangered ecological communities under the *Biodiversity Conservation Act 1995* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* within the subject site to E2 Environmental Conservation to provide improved protection of the vegetation.

The subject site is currently not identified for environmental protection purposes in the Hawkesbury Local Environmental Plan 2012 and does not contain an environmental protection zone. Therefore Direction 2.1(5) is not relevant to the planning proposal.

Given the above, the planning proposal is considered to be consistent with Direction 2.1.

Direction 3.1 Residential Zones

The objectives of this Direction are to:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) To minimise the impact of residential development on the environment and resource lands.*

The planning proposal will enable development of the subject site for residential purposes and provide the local community with increased housing choice and opportunities adjacent to the existing Glossodia Residential Community, in relatively close proximity to the existing Glossodia Neighbourhood Centre.

The subject site has access to all required infrastructure services other than a reticulated sewerage system. The applicant has engaged Flow Systems to design and construct an appropriate sewerage system/ water recycling facility to accommodate future residential development on the subject site.

Areas of land containing critically endangered and endangered ecological communities and endangered habitat will be rezoned to E2 Environmental Conservation to provide improved protection for these environmentally sensitive areas within the subject site.

Given the above, the planning proposal is considered to be consistent with Direction 3.1 - Residential Zones.

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Direction 3.3 Home Occupation

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The proposed R2 Low Density Residential and R5 large Lot Residential zones within the subject site permit carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating 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,*
- (b) *increasing the choice of available transport and reducing dependence on cars,*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

The subject site is located within a reasonable walking distance to the Glossodia Neighbourhood Centre which generally serves the Glossodia Residential Catchment's day-to-day needs and provides some local jobs. This will assist to reduce the heavy use of the private vehicles by the local residents. Additionally, the planning proposal will enable improved viability of the existing public service in the area.

Give the above circumstances, the planning proposal is considered to be generally consistent with this Direction.

Direction 4.1 Acid Sulfate 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 sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning and Environment.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.

The subject site is identified as containing "Class 5 acid sulfate soils on the Acid Sulphate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the Local Environmental Plan 2012 which has been prepared in accordance with the 'Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils' Planning Guidelines adopted by the Director General.

The planning proposal is considered to be consistent with Direction 4.1 as the subject site is only affected by Class 5 Acid Sulfate Soils.

Direction 4.3 Flood Prone Land

Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline

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on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.

A Flood Study undertaken in 2016 using Two-dimensional Unsteady Flow modelling to assess the flood behaviour within and adjoining the subject site against both the 1% Annual Exceedance Probability and the Probable Maximum Flood events has concluded that:

- As shown in Figure 17, the extent of the 1% Annual Exceedance Probability flood is generally limited to the riparian corridors along Currency Creek. Residential development is not proposed within this portion of the subject site and therefore it is not considered to adversely impact the proposed development envisioned under this planning proposal.
- As shown in Figure 18, the Probable Maximum Flood event generates minor flooding within the Southern part of the subject site. Adverse impacts to residential development are considered negligible due to their proximity to flood free land and evacuation routes.

It should be noted that the majority of the subject site is already zoned for residential purposes to yield approximately 580 lots on the subject site.

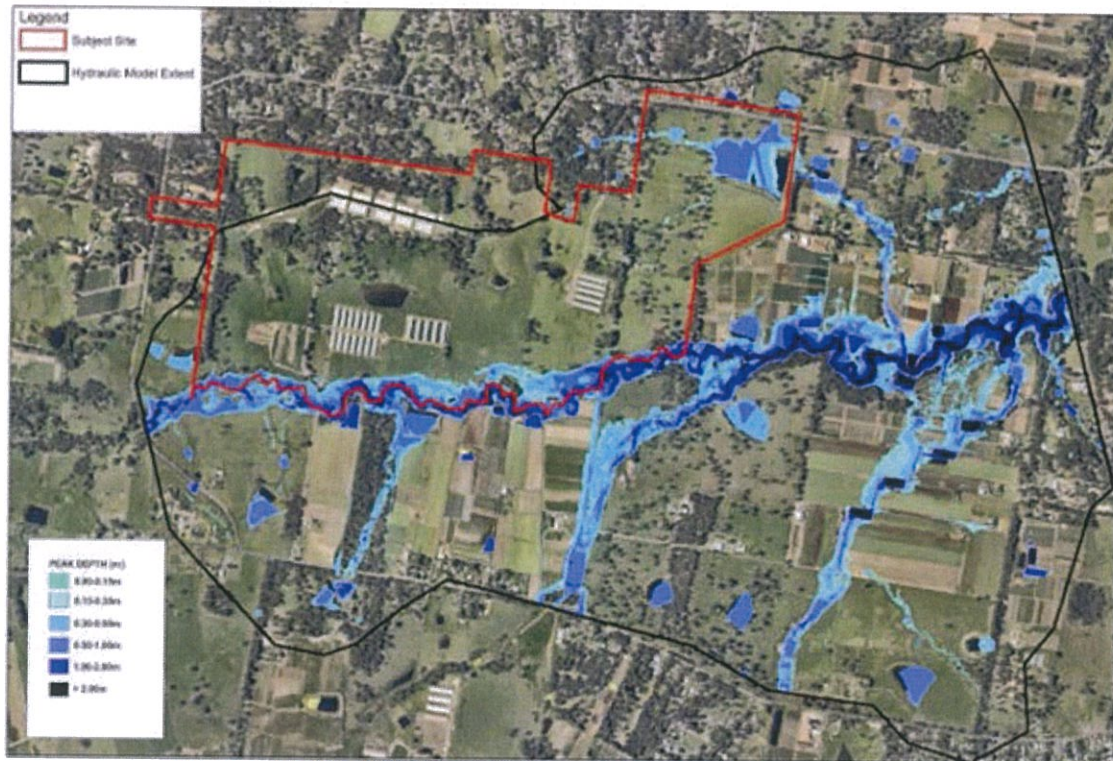


Figure 17: 1% AEP Flood Extent and Depth under Existing Conditions

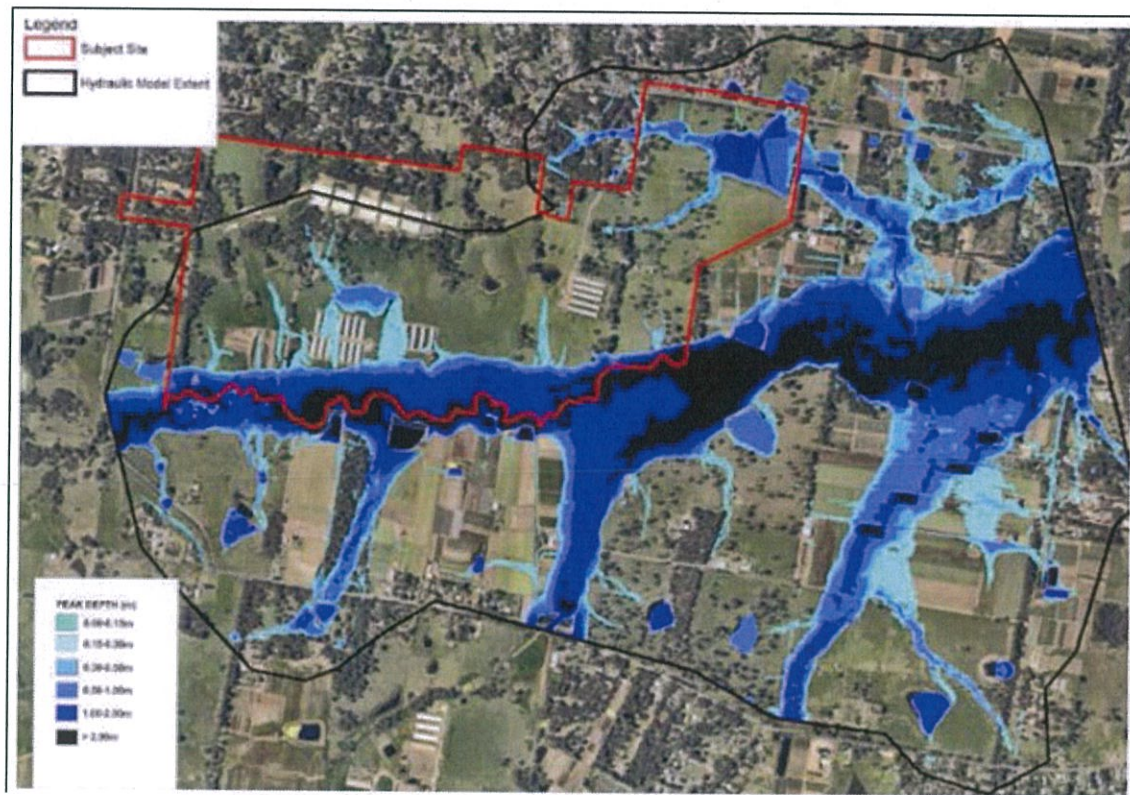


Figure 18: Probable Maximum Flood Extent and Depth under Existing Conditions

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.*

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

The subject site is identified as being bushfire prone, containing Vegetation Category 3 on the NSW Rural Fire Service's Bushfire Prone Land Map. The planning proposal is accompanied by a Bushfire Assessment Report prepared by Eco Logical Australia Pty Ltd. The Report concludes that a number of measures such as setbacks from bushfire vegetation, access and egress from the subject site through a well-designed road system detailed in the planning proposal reduces risk from bushfire to an appropriate level and a level that meets or exceeds the deemed to satisfy bushfire protection requirements for NSW.

Therefore, the planning proposal is considered to be generally consistent with this Direction.

However, following receipt of a Gateway determination from the Department of Planning, Industry and Environment advising Council to proceed with the planning proposal, consultation on the planning proposal will be undertaken with the NSW Rural Fire Service to ensure compliance with *Planning for Bushfire Protection 2006*, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions in accordance with the Direction.

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Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that Local Environmental Plan provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

The planning proposal is considered to be consistent with Direction 6.1 as it does not contain provisions requiring the concurrence, consultation or referral of future development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.2 Rezoning for Public Purposes

Direction 6.2 states that:

"A planning proposal must not create, alter or reduce existing zonings of reservations of land public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)".

The planning proposal rezones approximately 7.7ha of RE1 Public Recreation zoned land to R2 Low Density Residential, and is inconsistent with this Direction. The planning proposal states that the proposed rezoning of the subject site will enable a net increase of 7.8ha of open space land within the subject site and the proposed open space arrangement within the subject site is better than the current open space arrangement as it enables 95% of the future population within the subject site to access open space within 400m/5 minute walk, and the remaining 5% of the future population to have access to open space within 500m. The planning proposal states that the net increase of open space land within the subject site and the proposed open space arrangement provides improved access to open space, the inconsistency with this Direction is considered to be justified.

However, following receipt of a Gateway determination from the Department of Planning, Industry and Environment advising Council to proceed with the planning proposal, advice will be provided by the Department in terms of this Direction.

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Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal is consistent with Direction 6.3 as the proposal seeks an amendment of the Hawkesbury Local Environmental Plan 2012 to amend the Land Zoning, Building Height and Lot Size Maps only and does not intend to propose any site specific provisions.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

The objective of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in 'A Plan for Growing Sydney'.

The planning proposal is considered to be consistent with Direction 7.1 as it is generally consistent with relevant State Plans and Policies including Greater Sydney Region Plan, 'A Metropolis of Three Cities'.

State Environmental Planning Policies

The State Environmental Planning Policies most relevant to the planning proposal include:

- *State Environmental Planning Policy No. 19 - Bushland in Urban Areas*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)*
- *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*

The planning proposal's consistency with the relevant State Environmental Planning Policies is outlined below.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

The general aim of State Environmental Planning Policy No. 19 is to protect and preserve urban bushland within the urban areas. Section 10 of State Environmental Planning Policy No. 19 states that:

"When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall

- (a) *Have regard to the general and specific aims of the Policy, and*
- (b) *Give priority to retaining bushland, unless it is satisfied that significant environmental or social benefits will arise which outweigh the value of the bushland."*

The planning proposal seeking rezoning of land areas containing significant vegetation to E2 Environmental Conservation is considered to be generally consistent with the general aims of State Environmental Planning Policy No. 19 as well as specific provisions in relation to preservation of bushland.

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 requires consideration as to whether or not land is contaminated, and if so, it needs to assess the suitability of the land for future permitted uses in its current state or whether it requires remediation. State Environmental Planning Policy No. 55 requires Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

A preliminary Site Investigation Assessment undertaken by JBS Environmental Pty Ltd concludes that the subject site is suitable for the proposed development on the subject site.

However, if the planning proposal is to proceed, the Department of Planning, Industry and

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Environment will consider this as part of the Gateway Determination, and if required will request further information/consideration of this matter. The planning proposal is considered to be generally consistent with this State Environmental Planning Policy No. 55.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)

The primary aims of Sydney Regional Environmental Plan No. 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The subject site is not within the vicinity of land described in Schedules 1, 2 and 5 of the Sydney Regional Environmental Plan No. 9. The planning proposal is therefore considered to be consistent with the Sydney Regional Environmental Plan No. 9.

Regardless of the above comments, should the planning proposal proceed and receive a Gateway Determination, the NSW Department of Planning, Industry and Environment will be consulted in accordance with Direction 1.3(4), during the relevant government agency consultation period.

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

Sydney Regional Environmental Plan No. 20 aims to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy: impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically, Sydney Regional Environmental Plan No. 20 encourages Council to consider a range of matters including the following matters when assessing planning proposals:

- Rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna).
- Develop in accordance with the land capability of the site and do not cause land degradation.
- Consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater.
- Have due regard to the nature and size of the site when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.
- Protect the habitat of native aquatic plants.
- Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors.
- Give priority to agricultural production in rural zones.
- Consider any adverse environmental impacts of infrastructure associated with the development concerned.

An assessment of the planning proposal outlined in this report reveals that the subject site is suitable and capable of yielding approximately 580 residential lots with no adverse amenity or environmental impacts.

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Therefore, it is considered that a future residential development on the subject site has the potential to satisfy the relevant provisions of Sydney Regional Environmental Plan No. 20.

Should the plan be made to give effect to the planning proposal, the above matters can be further considered at the development application stage.

Subject Sites' Capability and Environment Capacity

The following section assesses the Subject Sites' Capability and Environment Capacity.

Topography

The subject site is undulating and varies in elevation and generally falls in the North-South direction towards the Currency Creek. A steep sloping section of the subject site, generally in excess of 15%, passes through the middle of the site in an east-west direction. Land in the southern portion of the site towards Currency Creek is relatively flat, being generally less than 6%. Land in the north-eastern portion of the site has a moderate slope, generally 6-10%.

The Sustainability Criteria of the Hawkesbury Residential Land Strategy recommends that urban development be limited to areas with a slope of 15% or lower. As shown in Figure 19, a steep sloping section generally in excess of 15% passes through the middle of the site in an east-west direction.

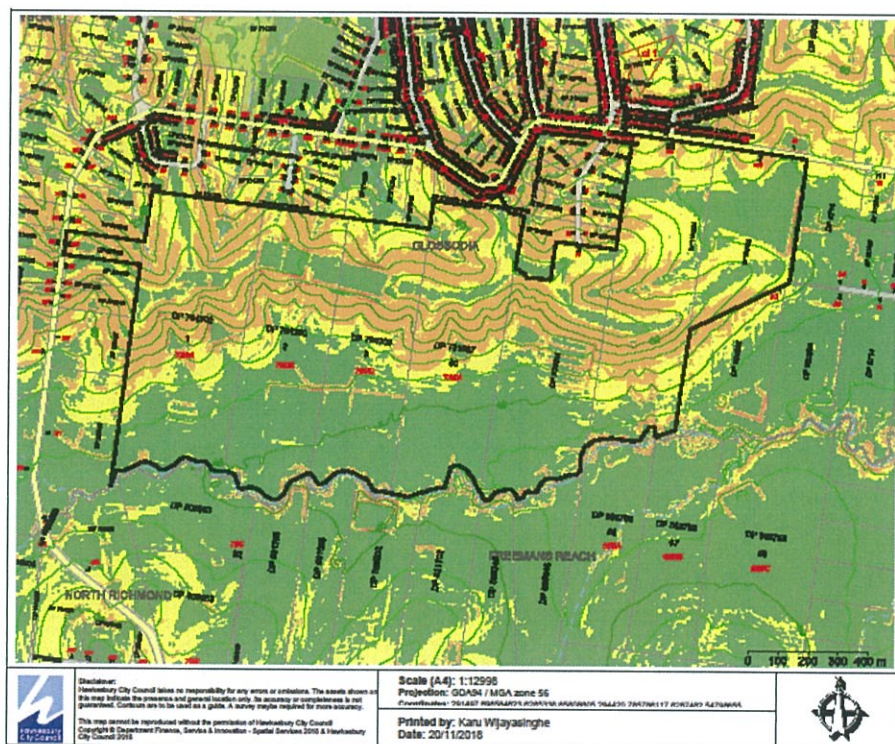


Figure 19: Slope Map

The land areas proposed for residential purposes within the subject are generally consistent with the Sustainability Criteria of the Hawkesbury Residential Land Strategy.

Public Infrastructure and Services

The Infrastructure Services Assessment Report (December 2018) prepared by Cardno received in support of the planning proposal concludes that the subject site has easy access to all the required infrastructure

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services including electricity, telephone and reticulated water to accommodate the planned residential development on the subject site.

The applicant has engaged Flow Systems Operations Pty Ltd to design and construct appropriate onsite sewer system/ recycling water service centre known as Glossodia Local Water Centre to support the planned residential development on the subject site.

The proposed facility does not require development approval under Part of the *Environmental Planning and Assessment Act, 1979* in accordance with *State Environmental Planning Policy (Infrastructure) 2007*. Therefore, Flow Systems Operations Pty Ltd has prepared and submitted a Review of Environmental Factors for the proposed Glossodia Local Water Centre on the subject site to IPART for an environmental assessment under Part 5 of the *Environmental Planning and Assessment Act, 1979*.

However, if the planning proposal is to proceed, relevant public agencies such as Sydney Water, Integral Energy, AGL and Telstra Corporation would need to be consulted about the planning proposal following receipt of a Gateway Determination from the Department of Planning, Industry and Environment advising to proceed with the planning proposal. This will be to receive advice on the adequacy and any need for augmentation of the existing infrastructure to support future development on the subject site.

Flora and Fauna

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas/patches of land along the northern and western boundaries and middle of the subject site as 'endangered ecological community' and some parts of land within the subject site as 'connectivity between remnant vegetation' as illustrated in Figure 20 below.



Figure 20: Extract of Biodiversity Map

Council vegetation mapping records the site as containing Shale Sandstone Transition Forest, Shale Plains Woodland, Western Sydney Dry Rainforest, and unclassified vegetation.

Shale/Gravel Transition Forest which is listed as a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and under the *Environment Protection and Biodiversity Conservation Act 1999*.

The planning proposal is accompanied by a Flora and Fauna Assessment Report (November 2018) prepared by Eco Logical Australia Pty Ltd. Field surveys undertaken for the Report have confirmed the

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presence of four vegetation communities on the subject site shown in Table 3 below. However, only Alluvial Woodland and Cumberland Plain Woodland are considered to have ecological values.

Table 3: Existing Onsite Flora

Flora	Plant Community Equivalent	Listing	Approximate area (ha)
Cumberland Plain Woodland (Shale Plain Woodland)	Grey-Box – Forest Red Gum grassy woodlands on flats of the Southern Cumberland Plain, Sydney Basin Bioregion	Critically endangered ecological community under the EPBC Act and BC Act.	29.84
Alluvial Woodland	Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin	Endangered ecological community under the BC Act.	7.29
Cleared land	N/A	N/A	147.30
Planted natives	N/A	N/A	0.74

Figure 21 below illustrates the locations of the four vegetation communities on the subject site. The Assessment report also identifies six different fauna species on the subject site which include Cumberland Plain Land Snails, Little Bent-wing Bat, Eastern Bent-wing Bat, Eastern Free-tail-bat, Southern Myotis and Grey-headed Flying-fox.

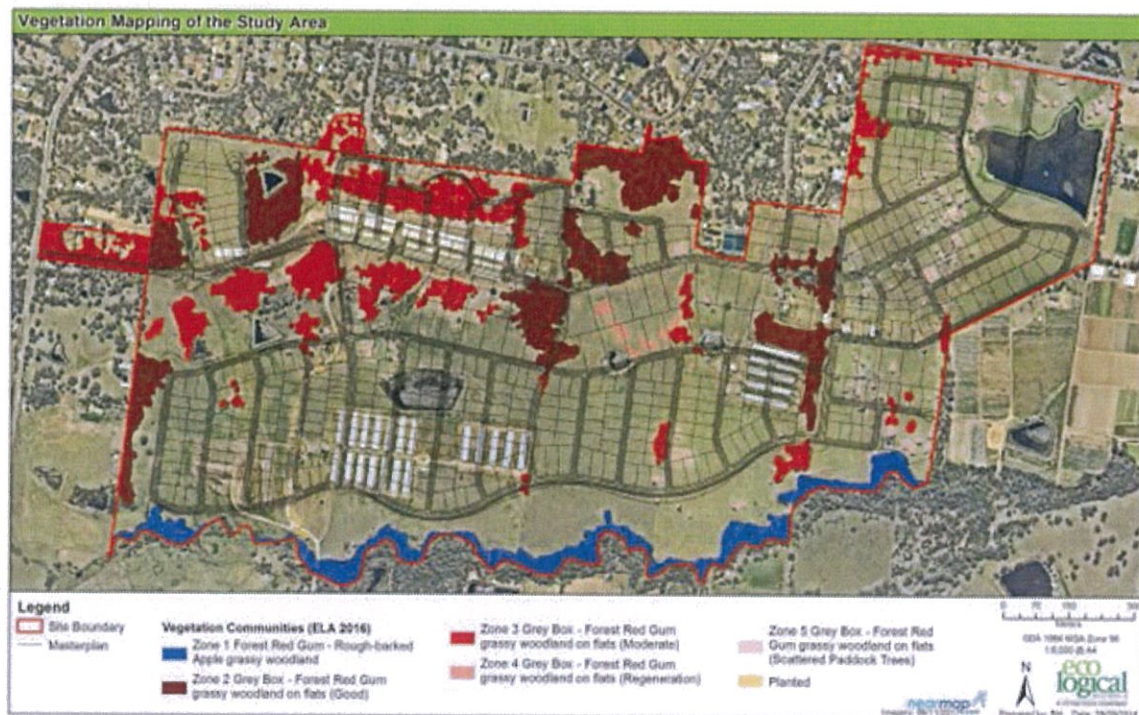


Figure 21: Location of Existing Vegetation

Cumberland Plain Woodland and Alluvial Woodland provide potential habitat for Cumberland Plain Land Snails. They also provide foraging and roosting for threatened microbat species.

Therefore, the rezoning of land areas containing these endangered ecological communities to E2 Environmental Conservation for their improved protection is considered to have merit.

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Site Access and Public Transport

There are three primary routes providing access to the subject site from Windsor and Richmond within the Hawkesbury LGA, and the Greater Sydney Metropolitan area as illustrated in Figure 22 below.

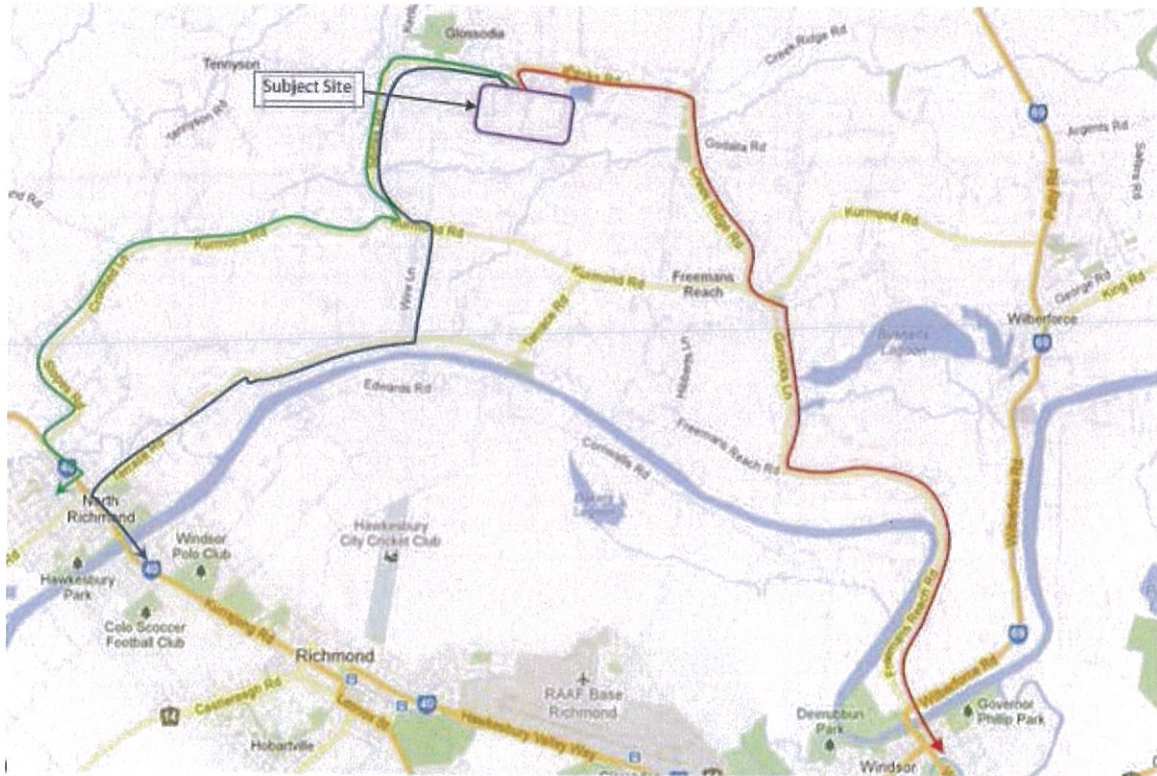


Figure 22: Primary Access to the Subject Site

Primary Routes indicated in Figure 22 are as follows:

- To Windsor, via Creeks Ridge Road, Gorricks Lane, Freemans Reach Road, Wilberforce Road and the Windsor Bridge over the Hawkesbury River as demarcated in red
- To Richmond Town Centre via Spinks Road, Wire Lane, Terrace Road, Bells Line of Road and the North Richmond Bridge over the Hawkesbury River as demarcated in blue
- An alternative route for local traffic North Richmond via Spinks Road via Kurmond Road, Slopes Road, Crooked Lane and Bells Line of Road as demarcated in green.

The current vehicular access to the subject site is from Spinks Road via Creek Ridge Road and Kurmond Road. Putty Road which becomes Wilberforce Road, and then Windsor Road provides vehicular access to Kurmond Road across the Hawkesbury River from Windsor and southward towards the M7 Motorway and Greater Sydney.

Alternatively, Hawkesbury Valley Way provides vehicular access to the subject site from Kurmond Road via Richmond.

The planning proposal is accompanied by a Traffic and Transport Statement (December 2018) prepared by Arup which recommends the provision of upgrades to roads and intersections of the local road network in order to provide for safe and efficient capacity for access to the subject site.

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An assessment of the impacts of this development, based on likely development staging as at 2017 is incorporated in the scenarios that are being tested in Councils traffic model. This will provide an assessment of broader traffic network effects.

Whilst the executed Local Voluntary Planning Agreement referred to earlier makes provision for the required upgrades to local road network, the executed State Voluntary Planning Agreement makes provision for the required upgrades to the state road network. It is considered necessary to review and amend the executed Voluntary Planning Agreements to assess the adequacy of the current provisions to support the proposed development on the subject site.

Internal Road Network and Active Transport

The proposed main collector road runs in an East-West direction and connects to Spinks Road at its western and northern ends, and to the internal road network. There are key avenues and streets with 2.5m wide multipurpose pathways and special landscape treatments within the subject site as shown in Figure 23 below. This also highlights the active transport links to the existing Glossodia Village.



Figure 23: Proposed Road Network

Public Transport

Glossodia has limited access to a public transport system which is serviced by WestBus Route 668 which travels between Richmond-Windsor and Windsor-Richmond via Glossodia and Wilberforce. The bus service is infrequent and does not provide many day time travel options outside of peak hours. This bus route serves both Richmond and Windsor Railway Stations, providing access to the T1 Western Line and subsequently rail access across Greater Sydney.

The Concept Masterplan proposes a main bus route through the subject site with five bus stops connecting to Spinks Road at its western and northern ends to provide public bus service within 400m walking distance from future residences within the subject site. However, the improved bus service is heavily relied upon the State Government.

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Flood Evacuation

A Flood Evacuation Evaluation prepared by Molino Stewart and received in support of the planning proposal concludes that:

- In light of the flood modelling prepared by Cardno, it is unlikely that dwellings will need to be evacuated in floods up to and including the 1% AEP event.
- In the event of large flood events, approximately 20 dwellings within the subject site may experience above floor flooding. This flooding would not be life threatening and would largely result in evacuation by foot on a rising gradient to the next-door property to reach the land above the Probable Maximum Flood. A small number of dwellings (four dwellings) would require evacuation by walking through flood waters in the most extreme floods. It is predicted these residents would be isolated in their homes for less than two hours.
- Residents whose dwellings would be subject to flooding during extreme flooding events can find suitable and temporary accommodation with neighbours.

Those that cannot find accommodation with friends and family would be able to access an official evacuation centre at either Hawkesbury High School, Freemans Reach or Colo High School, although they may have to wait until Currency Creek flood levels drop to below the crest of Spinks Road.

In terms of potential regional flood impacts within the Hawkesbury – Nepean Valley, and particularly regional flood evacuation, the proposal does not increase the residential population of the subject site above what the current zoning provisions provide for i.e. approximately 580 lots.

Stormwater Management

A Stormwater Management Strategy prepared by Cardno was received in support of the planning proposal. The Strategy includes appropriate provisions consistent with relevant statutory controls for stormwater quality and quantity management.

The Strategy proposes the incorporation of catchment-wide (end-of-line) stormwater treatment devices including gross-pollutant traps, bio-retention systems and a constructed wetland within the extent of the dam and the north-eastern corner of the subject site.

The on-site detention basins are proposed adjacent to each bio-retention system to ensure quality stormwater management.

Character of the Area

The area surrounding the subject site has a mix of lot sizes ranging from small residential lots of 550m² to 1,000m², large residential lots of approximately 4,000m², rural-residential lots of 1ha to 2ha, and rural lots of 10ha and greater. The current Glossodia Village is predominantly characterised by lots smaller than 600m² that are the most visually prominent lots fronting the streets within the Glossodia Village. Also, lots smaller than 600m² form 42% of the total lots within the Glossodia Village. Therefore the current Glossodia Village is predominantly characterised by suburban style dwelling on smaller lots, streetscapes, small setbacks and driveways mainly along local streets creates somewhat urban character as shown in Figure 24 below.

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Figure 24: Typical Local Road Frontage (with Average 18M Frontage) – Glossodia Village

The lots immediately adjoining the subject site to the north and east are generally 1ha – 2ha, lots immediately to the south are typically 10ha – 16ha, and lots immediately to the west range from 2ha to 10ha. Most adjoining properties to the west and north contain a substantial coverage of open woodland with dwellings and outbuildings located amongst the woodland vegetation. Separation between adjoining dwellings is typically 40m to 80m.

One of the key development principles of the subject site is the expansion of the existing Glossodia Village to the south with its integration to the future Jacaranda Ponds residential development.

With the introduction of a mix of 1,000m², 2,000m² and 4,000m² lots within the future residential development on the subject site will not only help reduce the dominance of the smaller lots <600m² within the existing Glossodia Village, but also enable increased housing choice in the locality. It will also help lessen an urban character influenced by the highest percentage of smaller lots <600m² and create a semi-rural character consistent with the immediate vicinity as shown in Figure 25 below.



Figure 25: Typical local Road Frontage (with Average 25M Frontage) – Jacaranda Ponds

Therefore, the planning proposal enabling residential lots with three different minimum lot sizes of 1,000m², 2,000m² and 4,000m² is not considered to be inconsistent with the character of the locality, particularly given the existing zoning.

Given surrounding properties to the east and south are typically used for agricultural purposes such as grazing, turf farming and market gardening, dwellings, outbuildings and native vegetation is sparse. The planning proposal enabling residential lots with three different minimum lot sizes of 1,000m², 2,000m² and 4,000m² is not considered to be inconsistent with the character of the locality, particularly given the existing zoning.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 4 (other than a small land area near the North-Western corner shown as being Agriculture Land Classification 3) on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

- “4. Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.”

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- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*"

The subject site is located adjacent to the existing Glossodia Residential Community. The Hawkesbury Residential Land Strategy has already given consideration to the issue of the loss of productive agricultural land and has identified as an investigation area for future expansion of the existing Glossodia Residential Community. It should also be noted that the subject site has already been rezoned for residential purposes.

In addition, it is noted that the Land Resource Assessment undertaken by GSS Environmental which accompanies the planning proposal reveals that soils on the subject site are generally of fair (Class 3) to poor (Class 4) agricultural quality. They are not ideally suitable for cultivation or cropping and are highly susceptible to erosion.

Riparian Zone Assessment

The Department of Primary Industry requires the provision of a vegetated riparian zone, in accordance with the *Water Management Act 2000* adjacent to creek channels in order to provide a protective buffer between existing aquatic habitat and land use development.

Watercourses are classified into four broad categories such as 1st, 2nd, 3rd and 4th order watercourses. Currency Creek which runs along the Southern boundary is classified as a 4th order water stream and requires 40m vegetated riparian zone either side of the Creek. The three unnamed streams which run north to south at the northern boundary are classified as 1st order streams and require a minimum of 20m vegetated riparian zone. The planning proposal provides the required vegetated buffers to Currency Creek and the three unnamed watercourses.

Given the above, the planning proposal seeking an amendment to the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential purposes is considered to be justified.

Heritage

The planning proposal is accompanied by a Heritage Impact Statement prepared by GML Heritage Pty Ltd. The Statement provides an assessment of the Aboriginal and historical archaeological potential of the subject site based on site investigations and consultation with registered Aboriginal stakeholders. Site investigations undertaken by GML Heritage Pty Ltd in 2009 have identified four potential Aboriginal archaeological sites within the subject site. The planning proposal states that the subject site's significant and ongoing use for farming and agriculture throughout the 19th and 20th Century determined it had little potential to contain items of non-Aboriginal archaeological significance.

A further site investigation has been carried out in 2017 to reassess the previously identified Aboriginal archaeological sites and to review current site conditions. This revealed that there has been no significant change to the subject site since the original assessment in 2009 with the subject site continuing its ongoing use for farming and grazing purposes.

Site Specific Development Control Plan

Figure 26 below illustrates a Concept Masterplan received from the applicant informing how the subject site will be developed. It also depicts the locations of certain recreational facilities that are to be provided on the subject site as per the executed Local Voluntary Planning Agreement. The Concept Masterplan consisting of layout plans depicts the following:

- Proposed 580 residential lot layout on the subject site
- Internal road system including roundabouts and road widths

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- Proposed East-West Collector Road
- Future road and pedestrian links connecting the existing Glossodia Residential Community and the Glossodia Neighbourhood Centre
- Internal pedestrian/cyclist paths
- Views and vistas
- Village Green Park/public open space along Currency Creek riparian corridor
- Lakeside Park at the North-East corner of the subject site
- Locations of the proposed recreational facilities and amenities
- Street/avenue trees



Figure 26: Concept Masterplan

Extracts of the Concept Masterplan showing the proposed open space network, cycleway network, locations of the proposed recreational facilities and amenities, viewpoints, recreational facilities and Village Green Park are illustrated in Figures 27- 32 below.



Figure 27: Proposed Open Space Network

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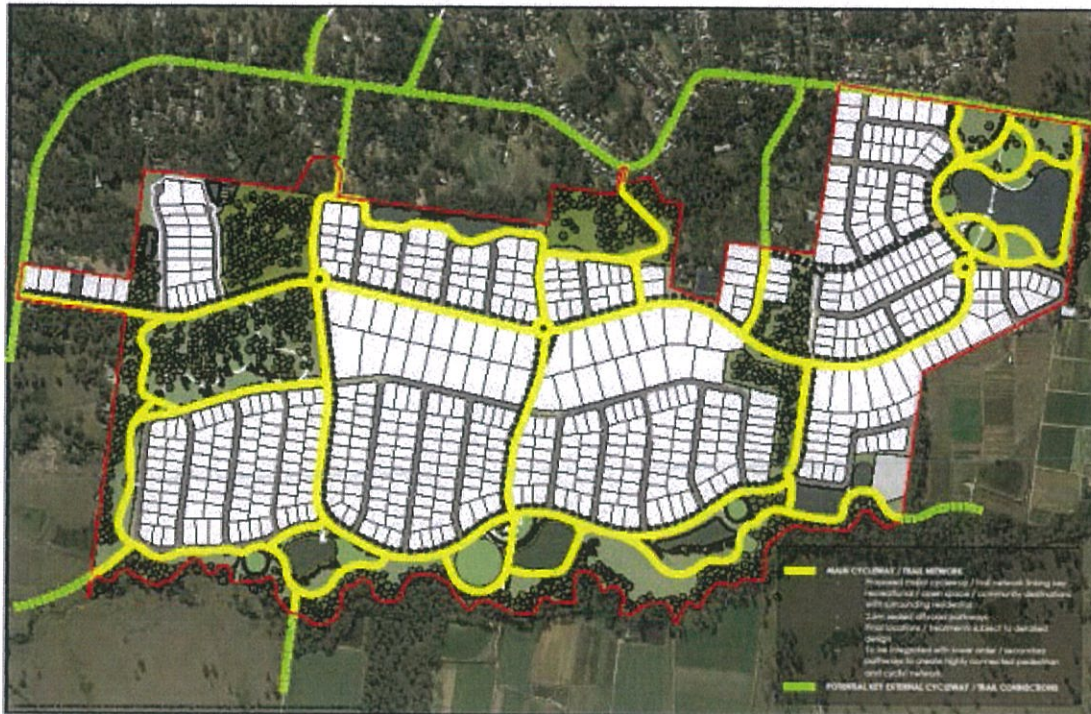


Figure 28: Proposed Cycleway Network



Figure 29: Locations of Proposed Recreational Facilities and Cycleway Network

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Figure 30: Proposed Ridgeline Outlooks/View Points



Figure 31: Proposed Recreational Facilities and Landscaped Areas

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Figure 32: Village Green Park and Currency Creek Open Space Corridor

However, the Concept Masterplan is for Local Voluntary Planning Agreement and information purposes only, and the planning proposal is to amend the Hawkesbury Local Environmental Plan 2012 to enable E2 Environmental Conservation zoned land containing significant vegetation, 580 residential lots, and open space land on the subject site. The executed Local Voluntary Planning Agreement makes provision for some recreational facilities and amenities within the large open space land at the North-Eastern corner of the subject site referred to as 'Lakeside Park' and open space corridor along Currency Creek referred to as 'Village Green'. The proposed amendments to the Hawkesbury Local Environmental Plan 2012 and the Local Voluntary Planning Agreement provisions alone are not considered to be sufficient to provide development guidance to deliver an environmentally sustainable and quality residential development that fulfils the expectations of the current and future Glossodia Residential Community and harmonise with the existing environment with no adverse environmental, social and visual impacts.

The executed Local Voluntary Planning Agreement is complementary to *Hawkesbury Local Environmental Plan 2012* (Amendment No 5) which was gazetted on 19 December 2014 to give effect to the previous planning proposal enabling approximately 580 residential lots on the subject site. Given the new planning proposal enables a different residential lot layout along with changed local road/pedestrian networks and open space provisions and locations, a new Draft Voluntary Planning Agreement is considered to be necessary to assess the adequacy and the appropriateness of the current provisions in the Voluntary Planning Agreement to support the intended development on the subject site.

In order to enable an environmentally sustainable and quality residential development on the subject site with no adverse impacts on the amenity of the locality, a site-specific Development Control Plan for Jacaranda Ponds incorporating appropriate objectives and development provisions should be developed in consultation with Council.

This new Development Control Plan chapter may incorporate appropriate objectives and sections including any development precincts within the subject site and development provisions including controls for

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subdivision, urban design, open space, storm water management, access and movement network, road designs including widths, street trees, utilities/services, built forms and character, safety and surveillance. The new site specific Development Control Plan chapter for Jacaranda Ponds needs to be prepared and be made available at the time of the consultation on the planning proposal.

5. Biodiversity Certification Assessment Report and Strategy

In June 2019, a Biodiversity Certification Assessment Report and Strategy for Jacaranda Ponds prepared by Eco Logical Australia Pty Ltd was received from the applicant. The purpose of the Biodiversity Certification Assessment is to obtain biodiversity certification of the subject site proposed for residential, open space and infrastructure purposes from the Minister for Energy and Environment. Biodiversity is conferred by the Minister for Energy and Environment if the conservation measures proposed in the biodiversity application result in an overall improvement or maintenance in biodiversity values.

Biodiversity Certification Assessment Area

Following site surveys, Eco Logical Australia Pty Ltd has undertaken a biodiversity certification assessment of the subject site in accordance with the requirements of the Office of Environment and Heritage's Biodiversity Certification Assessment Methodology. The Biodiversity Certification Assessment Area of the subject site is comprised of the following three land areas as shown in Table 4 and Figure 33 below.

- Land area proposed for biodiversity certification – impacts on native vegetation and threatened species habitat in this area 'requires' biodiversity credits.
- Land areas proposed for conservation – a commitment to manage these areas for conservation 'generates' biodiversity credits.
- Land areas where the current land use will be maintained and remain unchanged (known as "Retained Lands") – neither requires nor generates biodiversity credits.

As shown in Table 4, the proposed development area with an area of 143.72ha within the subject site is subject to biodiversity certification assessment, and native vegetation occupies 17.28ha of the proposed development area. The total land area proposed for conservation (biobanking) shown in green in Figure 33 within the subject site is 28.12ha.

Table 4: Biodiversity Certification Assessment Area

Type of Land Area	Area (Ha)	Area of Existing Native Vegetation Area (Ha)
Land proposed for Biodiversity Certification (proposed development area)	143.72	17.28
Land proposed for conservation	28.12	15.54
Retained Land (not included in the assessment)	13.19	4.2
Total	185.03	37.02

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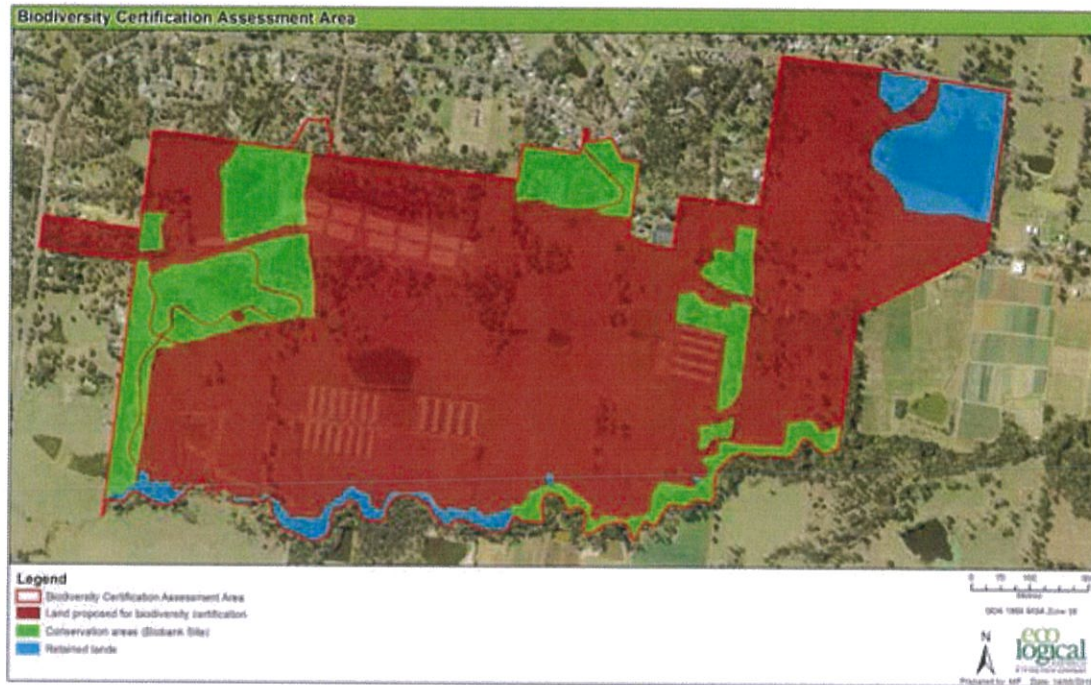


Figure 33: Biodiversity Certification Assessment Area

The Biodiversity Certification Assessment Area encompasses a total area of 185.03ha, and is comprising of 37.02ha of biometric vegetation types including Grey Box – Forest Red Gum grassy woodlands on flats of the Cumberland Plain and Forest Red Gum – Rough Barked Apple grassy woodland on alluvial flats of the Cumberland Plain. They are equivalent to the Critically Endangered Ecological Community Cumberland Plain Woodland listed under the NSW *Biodiversity Conservation Act 2016* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The remaining 148.01ha of the subject site which is subject to the Biodiversity Certification Assessment contains exotic/planted vegetation, dams, existing buildings and tracks.

Figure 34 and Table 5 below shows the extent and condition of Grey Box - Forest Red Gum grassy woodland and Forest Red Gum - Rough Barked Apple grassy woodland within the subject site.

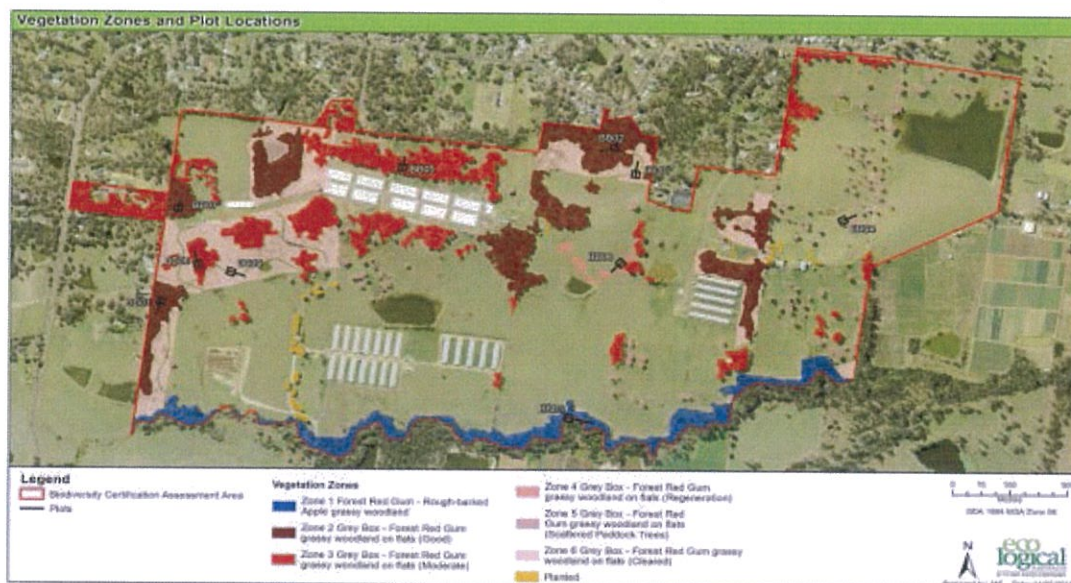


Figure 34: Biometric Vegetation Types within the Subject Site

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Table 5: Vegetation Types & Conditions within the Biodiversity Certification Assessment Area

Biometric Vegetation Type	Biometric Condition	Ancillary Code	Area (Ha)
Forest Red Gum - Rough-barked Apple grassy woodlands on alluvial flats of the Cumberland Plain	Low	Exotic understorey	6.82
Grey Box- Forest Red Gum grassy woodlands on flats of the Cumberland Plain	Low	Good	12.52
Grey Box- Forest Red Gum grassy woodlands on flats of the Cumberland Plain	Low	Moderate	14.39
Grey Box- Forest Red Gum grassy woodlands on flats of the Cumberland Plain	Low	Regeneration	0.53
Grey Box- Forest Red Gum grassy woodlands on flats of the Cumberland Plain	Low	Scattered paddock trees	2.76
Total			37.02

As shown in Table 5 above, 37.02 of biometric vegetation within the subject site has been divided into six different vegetation zones based on its site value scores. The subject site contains a total of 30.2Ha of Grey Box and 6.82Ha of Forest Red Gum with Low biometric condition, and 12.56Ha of cleared land previously occupied by Grey Box needs to be regenerated.

Red Flagged Areas within the Subject Site

Grey Box – Forest Red Gum grassy woodlands on flats of the Cumberland Plain, Sydney Basin Bioregion has been identified as breeding habitat for Southern Myotis which is identified as a threatened and vulnerable species. Grey Box – Forest Red Gum grassy woodlands also has been identified as an over-cleared vegetation type (>70% of original extent in the Catchment Management Authority cleared). Therefore, Grey Box is 'red-flagged' when in moderate to good condition under the Biodiversity Certification Assessment Methodology. As shown in Table 5 above, all six Biometric Vegetation zones within the subject site have been identified as 'Low' condition given the site value scores for those zones have been less than 34/100. Accordingly, no vegetation zones within the subject site have been red flagged. It should be noted that site value score of a vegetation zone in biodiversity certification assessment area is determined by a specific equation in Section 3.6.2 of the Biodiversity Certification Assessment Methodology.

According to the Biodiversity Certification Assessment Methodology, development of land should avoid any red flagged areas on that land. However, a red flag variation request satisfactorily addressing all the criteria specified Section 2.4 of the Biodiversity Certification Assessment Methodology can be prepared and submitted as part of the Biodiversity Certification Assessment Application for the approval of the Minister for Energy and Environment. However, such variation request must receive a prior approval from the Office of Environment and Heritage.

Figure 35 below shows the red flagged areas within the subject site, and the total red flagged area is 28.13Ha.

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Figure 35: Red Flagged Areas within the Subject Site

However, according to the Biodiversity Certification Assessment Report and Strategy, 8.68Ha of the red flagged area would be affected by the future development of the subject site. Therefore, a red flag variation request has been prepared and included as part of the Biodiversity Certification Assessment Report and Strategy by Eco Logical Australia Pty Limited.

The red flagged variation request will be assessed and approved by the Office of Environment & Heritage prior to conferring the Biodiversity Certification by the Minister for Energy and Environment.

The Office of Environment and Heritage advised Council that the applicant's red flag variation request was approved in principle, and this means the variation request included as a part of the Biodiversity Certification Assessment Report and Strategy can be forwarded to the Minister for Energy and Environment.

Ecosystem Credits

The Biodiversity Certification Assessment Methodology provides for different levels of protection and management of conservation land require different number of credits.

The Biodiversity Certification Assessment Report and Strategy states that the subject site will be developed in four stages as shown in Figure 36 below.

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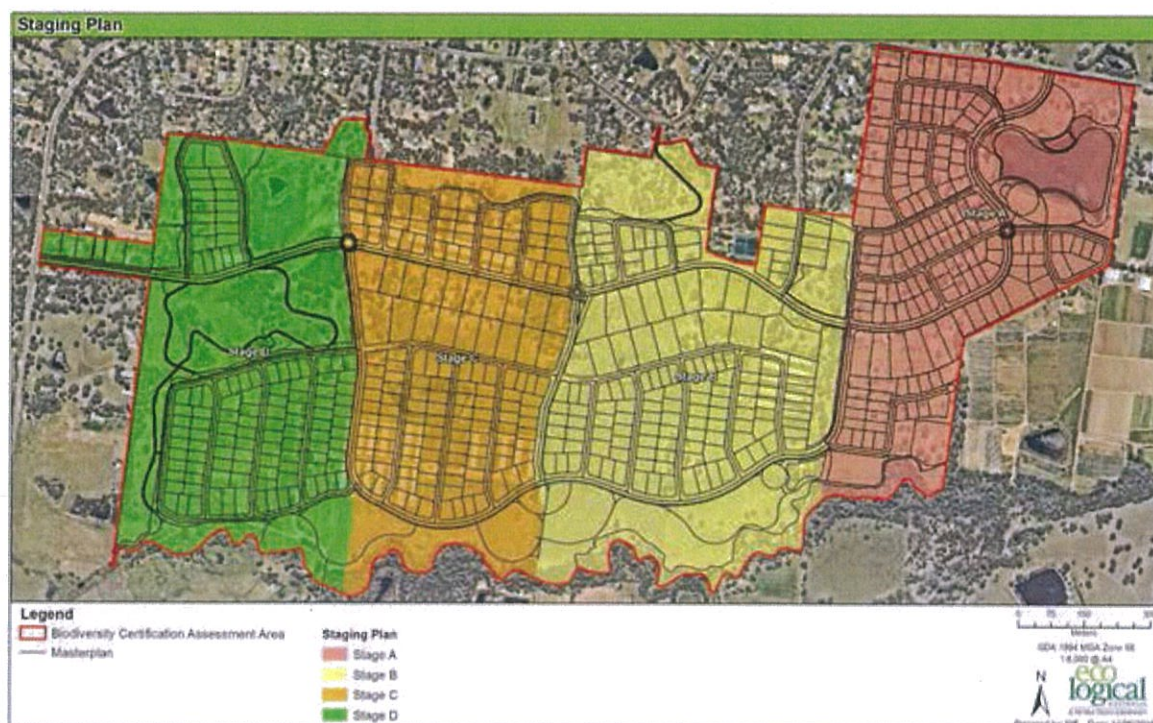


Figure 36: Staged Development of the Subject Site

Ecosystem credits have been calculated for the future loss of native vegetation resulting from each stage of the proposed residential development on the subject site, credits required and credits available on-site for the retirement of ecosystem credits as shown in Table 6 below.

Table 6 below indicates that 278 credits will be required for the retirement of ecosystem credits, and the proposed 100% permanently managed and funded conservation measures within the Biodiversity Certification Assessment Area will be able to generate 324 ecosystem credits. The Biodiversity Certification Assessment Report and Strategy states that the resultant 46 surplus credits will be retired as a condition of Biodiversity Certification.

Table 6: Proposed Staged Development and Retirement of Ecosystem Credits

Stage	Timeframe (Years)	Area of Vegetation Affected (Ha)		Credits Required	Credits Generated On-site	Deficit /Surplus
		Grey Box	Forest Red Gum			
A	2021 2 Years	2.97	0	48	98	50.00
B	2023 1.5 Years	4.28	0	69	42	-27.00
C	2025 1.5 Years	6.93	0	111	184	23.00
D	2026 1 Year	3.08	0.02	50		
Total		17.26	0.02	278	324	46.00

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Species Credits

Species credit requirements have been calculated for Cumberland Land Snail and Southern Myotis which have been recorded in the Biodiversity Certification Assessment Area and mapped with species polygons for likely habitat. Site surveys/field studies undertaken by Eco Logical Australia Private Ltd have found no other threatened fauna or flora species requiring species credits. Table 7 below shows that a total of 42 species credits for Cumberland Land Snail and 668 credits for Southern Myotis will be required for the certification of the subject site, and the land areas proposed for conservation within the subject site will generate 49 and 114 credits respectively.

Table 7: Species Credits

Habitat	Credits		
	Required	Generated	Credit Status
Cumberland Plain Land Snail	42	49	+ 7
Southern Myotis	668	114	- 554

As shown in Table 7 above, there will be a deficit of 554 Southern Myotis species credits and a surplus of seven Cumberland Plain Land Snail credits. The Biodiversity Certification Assessment Report and Strategy states that the deficit of 554 Southern Myotis species credits will be secured through offset conservation measures outlined below.

The Biodiversity Certification Assessment Report and Strategy states that the subject site will be developed in four stages as shown in Figure 36 above, and 350 credits out of the 554 credit deficit have already been secured from two registered biobank sites and an agreement has been reached with the owner of the two registered biobank sites to transfer the agreed credits after July 2019. The remaining 204 credits will be secured prior to the commencement of Stage C.

These credits will be able to satisfy all credit requirements for Stages A, B and part of C.

Based on the proposed four-staged development of the subject site, the Biodiversity Certification Assessment Report and Strategy has calculated the corresponding area of habitat affected, credits required, credits generated and credits available (from on-site and off-site) for retirement of Southern Myotis with respect to each stage of the proposed development as shown in Table 8 below.

Table 8: Proposed Staged Development and Retirement of Southern Myotis Species Credits

Stage	Timeframe (Years)	Area of Habitat Affected (Ha)	Credits Required	Credits Available		
				On-site	Off-site	Deficit
A	2021 2 Years	1.18	91	61	30	0
B	2023 1.5 Years	3.54	272	0	272	0
C	2025 1.5 Years	3.2	246	53	193	0
D	2026 1 Year	0.76	59	0	59	0
Total		8.68	668	114	554	0

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Biocertification Agreement

The following parties will need to enter into the Biocertification Agreement:

- Celestino Pty Ltd
- EJC Glossodia Pty Limited
- Frank George Pace
- Pace Land Holdings Private Limited
- Hawkesbury City Council
- The Minister for Energy and Environment

Initial Comments on the Biodiversity Certification Assessment Report and Strategy

The Biodiversity Certification Assessment Report and Strategy prepared by Ecological Australia Pty Ltd was forwarded to the Environment, Energy and Science Group for (formerly Office of Environment & Heritage) of the Department of Planning, Industry and Environment for their initial comments. It should be noted that the Office of Environment & Heritage was abolished on 1 July 2019, and its responsibilities and functions have been transferred to the Environment, Energy and Science Group of the Department of Planning, Industry and Environment.

The Environment, Energy and Science Group of the Department of Planning, Industry and Environment provided the following advice/comments on the Biodiversity Certification Assessment Report and Strategy:

- It is preferable but not essential that the planning proposal and the Biodiversity Certification Application and supporting documentation are exhibited together so that the public can see what is proposed for development and conservation.
- It should be noted that the Environment, Energy and Science Group of the Department of Planning, Industry and Environment preference for biobank sites to be zoned E2 Environmental Conservation so that the land use zoning in the Hawkesbury Local Environmental Plan 2012 reflects the conservation value of the biobank sites.
- Council must complete and lodge the Biodiversity Certification Application prior to 25 August 2019 if the Jacaranda Ponds site is to be assessed under the savings and Transitional arrangements under the repealed *Threatened Species Conservation Act 1995*.
- The biodiversity Certification Application must be signed by the accredited assessor and Council as the applicant.
- Council must also submit the following with the completed Biodiversity Certification Application Form:
 - (i) A Biodiversity Certification Strategy, which details the conservation measures that will improve or maintain biodiversity values in accordance with Biodiversity Certification Assessment Methodology.
 - (ii) A Biodiversity Assessment Report, which documents the biodiversity values of land proposed for Biodiversity Certification and any Offsets arrangements.
- The Environment, Energy and Science Group of the Department of Planning, Industry and Environment does not have any statutory timeframes and will advise Council when the Biodiversity Certification Application is ready for public exhibition.
- The Environment, Energy and Science Group of the Department of Planning, Industry and Environment concurred with the Consultant's high level assessment of the Red Flagged Variation Request.

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6. Discussion

Hawkesbury Local Planning Panel's Advice

The Hawkesbury Local Planning Panel recommended that the planning proposal not be supported at this stage and advised to provide additional information and address certain issues including the proposed residential and open space land areas and biodiversity, lot sizes and density. In response, the revised planning proposal received from the applicant in July 2019 has adequately addressed the relevant issues. Further, the revised planning proposal provides explanations/justifications for some issues raised by the Hawkesbury Local Planning Panel why the applicant's proposed approaches would be more effective as outlined in Attachment 2 of this report. These explanations/justifications are considered to be warranted. As outlined in Attachment 2 of this report, the revised planning proposal has adequately and appropriately addressed the relevant issues raised by the Panel.

The Panel also recommended that any planning proposal for the subject site be considered holistically with relevant voluntary planning agreements, biodiversity and a Development Control Plan included with all proposed amendments to the Local Environmental Plan 2012.

The current Local Voluntary Planning Agreement came into effect in January 2017 in support of the development of the subject site for residential purposes will be reviewed in line with the revised planning proposal. Also the Biodiversity Certification Assessment Report and Strategy received from the applicant is also reported to Council for consideration.

Metropolitan Rural Area

The Greater Sydney Regional Plan states that rural residential development is not an economic value of the Metropolitan Rural Area, and further rural residential development in the Metropolitan Rural Area is generally not supported. Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. Urban development is not consistent with the values of the Metropolitan Area.

The Western City District Plan also states that rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth.

It is noted however that both the Greater Sydney Region Plan and the Western City District Plan do not define what is meant by the term 'urban development', but the Greater Sydney Region Plan generally refers to it as housing as shown in the following extract of the Greater Sydney Regional Plan.

"Urban development is not consistent with the values of the Metropolitan Rural Area. This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area, including existing Growth Areas and Urban investigations areas associated with the development of the Western Sydney Airport"

As previously mentioned the whole Hawkesbury Local Government Area (other than the Vineyard Precinct in the North-West Growth Area) is identified as a Metropolitan Rural Area. This means, any Council or an applicant initiated planning proposal seeking rezoning of land for residential purposes will generally not be supported by the Greater Sydney Commission and the Department of Planning, Industry and Environment. However, the subject site is no longer a rural zoned land, and is already zoned for residential purposes to enable approximately 580 residential lots on the subject site through the gazettal of Hawkesbury Local Environmental Plan 2012 (Amendment No. 5) on 19 December 2014.

As detailed in the early part of the report, the planning proposal seeks to rezone part of the subject site containing significant vegetation to E2 Environmental Conservation through reconfiguration of the existing R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation and SP2 Infrastructure land within the subject site to achieve improved ecological/environmental outcome and yield 580 residential lots on the subject site equivalent to the current potential lot yield of the subject site. Should the Department of Planning, Industry and Environment advise Council not to proceed with the planning proposal, the

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Developer will still be able to develop the subject site for residential purposes under the current development provisions ie. without the improved ecological outcomes that are proposed in this planning proposal. It is considered that there is no valid justification either for the Department of Planning, Industry and Environment or the Greater Sydney Commission not to support the planning proposal.

Proposed water recycling facility

The proposed rezoning of surplus SP2 Infrastructure land enabling development of that land for residential and public open space purposes is considered to be an improved economic and environmental use of the subject site and is considered to be worthy of support. However the support can only be given following the Independent Pricing and Regulatory Tribunal's approval for the a *Water Industry Competition Act 2006* (NSW) license agreement for the subject site enabling the installation and operation of a water recycling facility at the south-eastern corner of the subject site to treat wastewater at the subject site and supply recycled water for non-potable uses such as toilet flushing, irrigation and washing.

Therefore, the planning proposal can only be finalised upon the receipt of a written evidence confirming the Independent Pricing and Regulatory Tribunal's approval of the *Water Industry Competition Act 2006* (NSW) license agreement for the subject site from the applicant.

Local Voluntary Planning Agreement

The current Local Voluntary Planning Agreement was negotiated and endorsed by Council as part of the planning proposal associated with the current zoning of the subject site. Given the current Voluntary Planning Agreement was negotiated more than 4 years ago, and with a different concept masterplan, it is not considered to be unreasonable to require a new Voluntary Planning Agreement given a number of changes.

The applicant intends to dedicate both open space land and the proposed E2 Environmental Conservation zoned land within the subject site to Council. The Hawkesbury Local Planning Panel advised Council to consider its ability to maintain the proposed open space not subject to permanent conservation (biobanking) under the Biodiversity Certification Application. This is considered to be an important resource issue for Council in the long term maintenance and management of public open space areas within the subject site, and needs to be investigated to determine the feasibility of managing this open space land.

Negotiation and preparation of a Draft Voluntary Planning Agreement is a complex matter requiring careful consideration of a number of matters. If Council is supportive of the revised proposal, a new Draft Voluntary Planning Agreement - based on the revised concept masterplan will be developed after any Gateway Determination to proceed with the planning proposal, but before consultation with the community. Considerations for a new Draft Voluntary Planning Agreement will include, but not be limited to:

- Transport
- Traffic Management including intersections
- Active Transport linkages to Glossodia Village
- The upgrade / expansion of Community Facilities in Glossodia Village
- A Drainage Management Charge to reflect the cost of maintaining the drainage system
- Recreation and Open Space areas where ongoing maintenance is not funded through a Biocertification process

Biodiversity Certification application

Biodiversity Certification offers Council a streamlined biodiversity assessment process for areas identified for development at the strategic planning or the planning proposal stage. The process identifies areas of high conservation value at a landscape scale. These areas can be avoided and protected while identifying areas suitable for development. Once the Biodiversity Certification of the subject site is conferred, the proposed residential development on the subject site may proceed without the usual requirements under the *Environmental Planning and Assessment Act, 1979* for site-by-site threatened species assessments.

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Biodiversity Certification of the subject site also provides certainty for both Council and the Developer. Council will also experience some economic benefits from a more streamlined environmental assessment and approval process. Biodiversity certification also benefits the environment.

According to Section 126J(1) of the repealed *Threatened Species Conservation Act 1995*, A Biodiversity Certification application over the subject site can only be made by Council, and the completed application needs to be signed by the General Manager of Council (or delegate) in accordance with Section 377 of the *Local Government Act 1993*. Council by its resolution of 11 December 2012 delegated its plan making functions to the General Manager. However, given the biodiversity certification application process is not within the plan making delegation and is new to Council, a new resolution delegating biodiversity certification application functions to the General Manager needs to be made by Council should Council wish to prepare and submit a Biodiversity Certification application to the Minister for Energy and Environment. It should be noted that there is no application fee for biodiversity certification.

The Biodiversity Certification Application process does not form part of the plan making process, and is not a statutory or Council requirement. Therefore, if the planning proposal proceeds and receives a Gateway Determination, this matter can be considered by Council at a subsequent Ordinary Council Meeting or along with a report on the outcome of consultation on the planning proposal. However, the Biodiversity Certification Application must be publicly exhibited by Council in accordance with Section 126N of the repealed *Threatened Species Conservation Act 1995*.

The commitment to deliver the proposed conservation measures within the subject site will be secured by a Biodiversity Certification Agreement between the Minister for Energy and Environment and Council.

7. Consultation

The planning proposal has not yet been exhibited as Council has not resolved to support and submit the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination. If Council receive advice from the Department of Planning, Industry and Environment to proceed with the planning proposal, it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* and associated Regulations, and as specified in the Gateway Determination.

8. 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 financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted 2018/2019 Operational Plan, which will adversely impact on Council's financial sustainability.

The currently approved plan for this area had cost implications for the management of extensive public land and water. Accordingly, a Fit for the Future strategy was adopted to implement a Special Rate for this development area. Should this Planning Proposal proceed, the strategy will be reviewed as a result of possible funding for the management of these areas being available through Biodiversity Offset funding.

9. Conclusion

The purpose of this report is to consider a revised planning proposal received from Celestino Pty Ltd (the applicant) most recently in July 2019 and previously referred to the Hawkesbury Local Planning Panel for advice. The planning proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential, public recreational, environmental conservation and water recycling purposes.

The report also provides an overview of the Biodiversity Certification Assessment Report and Strategy for the subject site prepared by Eco Logical Australia Pty Ltd and received from the applicant in June 2019. The report also recommends that an Application be prepared and submitted for Biodiversity Certification over the subject site.

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An assessment of the planning proposal contained in this report highlights that the subject site is capable and suitable of accommodating the planned residential development on the subject site. The assessment also reveals that the planning proposal on the subject site has the following strategic and site specific merits:

Strategic Merits

- Consistent with relevant objectives of the Greater Sydney Region Plan – A metropolis of Three Cities
- Consistent with relevant directions and objectives of the Western City District Plan
- Consistent with the Hawkesbury Residential Land Strategy 2011
- Located within the Glossodia Investigation Area identified in the Hawkesbury Residential Land Strategy 2011
- Enables the expansion of the existing Glossodia Residential Community to provide for increased housing and housing choice within a reasonable walking distance to the existing Glossodia Neighbourhood Centre.
- Located within 30 minutes travel distance to the strategic centre of Windsor and Richmond.

Site Specific Merits

- The proposal will provide for improved protection of existing significant vegetation on the subject site and allow part of the subject site for residential, public recreational and water recycling purposes.
- The site is currently zoned to accommodate 580 residential lots, and the proposal reconfigures existing zonings to provide for an increase in RE1 Public Recreation and E2 Environmental Conservation whilst retaining the same lot yield of 580 lots.
- The subject site has a range of natural features such as vegetation, a riparian corridor, watercourses that have been incorporated into the Master Plan in order to create a visually pleasing and liveable environment.
- Large land areas of the subject site that are not suitable for residential purposes provide excellent opportunities to create attractive public open spaces/parks to provide recreational opportunities within 400m/5 minute walk for 95% of the future population on the subject site.
- The Currency Creek corridor provides excellent passive recreational opportunities and a natural buffer to minimise possible land use conflicts between future residential on the subject site and existing rural agricultural uses immediately south of Currency Creek.

It is therefore recommended that:

- The planning proposal be supported and submitted to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- A Biodiversity Certification Application for the subject site be prepared and submitted to the NSW Minister for Energy and Environment for approval.

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.

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RECOMMENDATION:

That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Proceed with the planning proposal to amend the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential, public recreational, environmental conservation and infrastructure purposes as follows:
 - a) Amend the Land Zoning Map to:
 - (i) Rezone part of the subject site containing significant vegetation to E2 Environmental Conservation to provide better protection for the existing vegetation and achieve an improved ecological outcome for the subject site,
 - (ii) Rezone surplus SP2 Infrastructure zoned land to part R2 Low Density Residential and part RE1 Public Recreation, and
 - (iii) Reconfigure the existing R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation zoned land to enable approximately 580 residential lots on the subject site.
 - b) Amend the Height of Buildings Map to reconfigure the current 10m maximum permissible height provision corresponding to the proposed residential land within the subject site.
 - c) Amend the Lot Size Map corresponding to the proposed Land Zoning Map.
3. Forward the planning proposal to the Department of Planning, Industry and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. Prepare and submit an Application to the Minister for Energy and Environment for Biodiversity Certification over the subject site.
5. Delegate to the General Manager of Council the signing of the application for Biodiversity Certification.
6. Note that in the event that the planning proposal receives a Gateway Determination to proceed, community consultation not occur until such time as a Draft Voluntary Planning Agreement and site specific Development Control Plan have been prepared and endorsed by Council.

ATTACHMENTS:

AT - 1 Hawkesbury Local Planning Panel Advice

AT - 2 Table 1: Hawkesbury Local Planning Panel Advice, Revised Planning Proposal and Council Officer Comments

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AT - 1 Hawkesbury Local Planning Panel Advice

**Hawkesbury Local Planning Panel
Planning Proposal Advice**

Item: 001	CP – Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map, Lot Size Map and Height of Buildings Map – Jacaranda Ponds, Glossodia – (95498)
Property Address:	103, 123, 211, 213, 361 Sprinks Road, 11 James Street, 3 Derby Place and 746A and 780A – 780C Kurmond Road, Glossodia
Applicant:	Celestino Pty Ltd
Owner:	E J C Glossodia Pty Ltd
Panel Members:	Alison McCabe (Chair), John Brunton, Deborah Sutherland and Paul Rogers

1.0 Overview

The Planning Proposal has been reported to the Panel in accordance with the Local Planning Panel Direction - Planning Proposals dated 27 September 2018.

The Panel's role is to provide advice to Council as the relevant planning authority for their consideration.

The Panel had the benefit of a detailed site inspection, a detailed report and recommendation from Council officers and a briefing from both Council officers and the applicant.

The Panel also understands that this Planning Proposal is essentially seeking amendments to the planning controls that apply to lands already zoned for some development.

The Panel understands that the changes proposed have arisen out of a number of ecological constraints across the site and changes to the Biodiversity Certification regime.

The Planning Proposal seeks to reconfigure the allocation of land currently zoned:

- R2 Low Density Residential Development.
- R5 Large Lot Residential.
- SP2 Infrastructure.
- RE1 Public Recreation.

The proposal also seeks to introduce an E2 Environmental Conservation zone to the area.

These changes to zoning also require change to the Lot Size Map and Height of Buildings Map.

The Panel understands that the original zoning for this site also included both a local and State Voluntary Planning Agreement (VPA) which will also need to be revisited.

2.0 Strategic Merit

Strategically the decision to change the zoning of the site from rural uses to a mix of residential and predominantly R5 zoned land and recreational uses was made under Hawkesbury Local Environmental Plan 2012 (Amendment No. 5) effective on 19 December 2014.

Attachment 1 of Council Report (13 Aug 2019)

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The Panel notes that the current zoning supports larger areas of R5 zoned land at lot sizes of 2,000m² and 4,000m².
The existing R2 zoned lands support a minimum lot size of 1,000m².

The reorganisation of the zoning results in a greater amount of lands zoned R2 with lot sizes of 1,000m².

The proposed changes essentially alter the nature of the land to a more urban outcome.

The Panel is of the view that the nature of the Village of Glossodia and its edge condition has not been properly considered. While there is some support for changes to zoning to facilitate better ecological outcomes this should not result in a wholesale densification of the remaining parcels of land.

It is not clear from either the current zoning or that proposed, what the character of the area to be developed is anticipated to be, and how it integrates, links or reflects the existing Glossodia Village. This needs to be determined to inform an appropriate planning framework. Similarly the current subdivision which reflects the proposed zoning does not respond to the site constraints.

3.0 Site Specific Merit

3.1 Zoning

The Panel is not convinced that the proposed zonings are the most appropriate to achieve the desired outcome for this proposal. The following issues require further consideration.

- The R5 zone is a large lot residential zone. Sections of the land proposed for inclusion in the zone have value for conservation purposes because they contain Grey Box – Forest Red Gum grassy woodland. This land should be included in a zone that will encourage the retention of the vegetation so that physical links are established between the bio-banking sites with corresponding lot sizes that will facilitate the retention of important vegetation.
- A E4 Environmental Living zone may be suitable for this site if the land uses permitted with consent were restricted to those that would be consistent with the objectives of the zone.
- Extensive areas are proposed for inclusion in the RE1 Public Recreation zone. Some of these areas will require considerable funds for their long term management and maintenance. Council should ensure that adequate resources will be available or the extent of RE1 zoned land should be reduced to that arising from the needs of the development.
- Narrow strips of land around the boundaries of the site in the north east section of the site are zoned R5 Large Lot Residential adjacent existing R2 zoned lands. There is no need for these lots to be included in this zone when the adjacent R2 zone is appropriate. The Lot Size Map should be used to identify the location for lots of different sizes, not the Land Zoning Map.

3.2 Density

- The Lot Size Map should be used to regulate the density of development. All lots should be included on the map. The lot sizes and shape should more closely align with the intended use and density of development expected for each lot and more appropriately respond to the site constraints and retention of vegetation.
- The maps for zoning, lot size and building height in the Local Environmental Plan should be aligned so that the potential for development is concentrated in the less sensitive sections of the land.
- Areas of Grey Box – Forest Red Gum should be retained on lots of greater than 4000m². Lots of 2000m² are generally too small for this purpose. The location, shape and size of the lots should be sufficient to allow for the erection of a house on each lot clear of any bushfire hazard while allowing for the retention of substantial areas of vegetation. The development control plan should nominate the portion of each lot available for buildings and the vegetated portion that will contribute to the band of forest being retained.

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- Lot sizes need to reflect constraints and the desired character of the area and provide for retention of important vegetation.

3.3 Urban Design/Placemaking

The Panel have reviewed the indicative master plan supporting the proposed rezoning for urban design merit and raise the following concerns:

3.3.1 Liveability / Walkability / Placemaking

High levels of liveability are grounded in good placemaking which is when deliberate attention is given in master planning to investment in the human, experiential qualities of a place.

Making Sydney 'liveable' is a key policy objective of the New South Wales state government. The Plan for Sydney "Metropolis of Three Cities" calls for good design with:

"buildings that exhibit design excellence in neighbourhoods that are walkable, cycle friendly, connected to transport and services, and have a mix of land uses to support active healthy and socially-connected communities."

This concept is repeated in the "OUR GREATER SYDNEY 2056 Western City District Plan – connecting communities" which contains a whole chapter on liveability which identifies walkability as a key design criteria:

"Great places are walkable – this means they are designed, built and managed to encourage people of all ages and abilities to walk or cycle for leisure, transport or exercise. This requires fine grain urban form and land use mix at the heart of neighbourhoods. Places that demonstrate these characteristics promote healthy, active lifestyles and social interaction and can better support the arts, creativity, cultural expression and innovation."

Approximately 580 fairly large lots are proposed which could mean between 1,160 (two (2) person households) and 2,320 (four (4) person households) new residents. This represents a sizeable new community.

The Panel does not consider that the Indicative Master Plan will facilitate a walkable, liveable community but rather simply replicates a monotone fully residential area with no "community heart". Open spaces proposed are generally located around the periphery rather than centrally located and accessible to the maximum number of residents to encourage social interaction.

Only approximately 5% of the site is within 800m walking distance of any shops or facilities (which is also up a substantial hill). Proposed parks appear to have been located in areas that have slope or environmental constraints and can be utilised for biobanking rather than on any real placemaking principles.

In order to improve the walkability and hence liveability, to encourage a sense of community and social interaction, the panel recommends that the plan be amended to include:

- A central "village" area to accommodate uses such as general store, childcare centre, etc;
- A more centrally located village green/park associated with village centre uses; and
- Shorter block lengths to enable fine grained pedestrian and cycle movement across the centre of the site.

3.3.2 Lot Orientation

Good lot orientation can increase the energy efficiency of a dwelling, making it more comfortable to live in and cheaper to run.

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Although there is some debate, the general rule for a green field site is to try to maximise north / south oriented lots to maximise access to northern sunlight. We note the Indicative Master Plan contains a majority of east / west oriented lots.

The Panel recommends that the lot layout be reviewed to include more north / south oriented lots to maximise the sustainability of future dwellings within the development and remove the need to skew dwellings on the lots to capture northern aspect for living areas and meet BASIX requirements.

3.4 Open Space

The proposed zoning alters the configuration of the open space and results in an increased amount to be dedicated to Council. It is also understood that some of these lands include EEC's and water bodies.

The extent and configuration of land and the location of some of the open space needs to be further analysed – particularly the linear nature and it's useability for active spaces.

The Panel queries the functionality and location of the space and queries whether all of it needs or should be dedicated to Council.

The open space needs and the character of the area will be a reflection of the amount and configuration of open space and vegetation retained as well as the density proposed.

How much, if any, of the RE1 lands are to be used for stormwater management purposes also needs to be understood.

3.5 Biodiversity Certification

It is understood that the proposal is seeking to achieve a Biodiversity certification across the site and that this involves Council applying for it. While a strategic approach to this issue is welcomed the implications and approach in this case needs to be further analysis by Council.

The Panel notes that approximately 1/3 of the site is identified on the Terrestrial Biodiversity Map as containing significant vegetation and connectivity between significant vegetation.

The Panel is of the view that this issue is yet to be fully resolved and greater detail is required – particularly in respect to what needs to be conserved and the appropriate mechanisms and ongoing management and maintenance regime. This will impact upon lot layout and density.

3.6 Infrastructure

Greater details are required to understand how the site is to be serviced to ensure that sufficient lands are allocated.

3.7 Public Transport

Access to Public Transport is one of the key indicators of sustainable "liveability" and the reality of access to any public transport in this proposal is at best minimal to infrequent and provides no real time travel options for residents both within and outside peak hours.

Public transport and traffic volumes in and around Giossodia, and in particular the site, are evidence of poor access to daily living destinations and the lack of public transport has and will continue to have a negative impact on residents' lived experiences. While current liveability indices usually consider access to daily living destinations – such as food outlets, schools, hospitals, and public transport – traffic is often overlooked.

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Due to limited connectivity of public transport services in the local area, there is significant reliance on the private motor car for transport both within the Glossodia precinct and within the Hawkesbury area as a whole.

Key roads providing access to Hawkesbury LGA include Windsor Road, Richmond Road and Bells Line of Road to the west. All the key roads are identified as crucial for future residential and public transport access to and from the proposal site. The Hawkesbury River also presents constraints for public transport as do the bridge infrastructures crossing the river. Irregular and unreliable bus services currently service the Glossodia and Hawkesbury area, these should be enhanced and in place to key destinations and further transport links, such as rail.

Greater attention is needed to public transport options.

3.8 Flooding and Evacuation

The Hawkesbury LGA is dominated by several river systems, associated with the Hawkesbury and Nepean Rivers with the majority of the urban area of Hawkesbury LGA prone to at least 1:100 year flooding. Flooding is prevalent in areas around the North Richmond, Richmond, Windsor, Wilberforce and Pitt Town and Glossodia areas. Future urban development must address flood evacuation issues and must avoid high risk flood prone areas.

This proposal allows for in the event of large flood events, approximately 20 dwellings within the subject site which experience above floor flooding. This flooding would not be life threatening and would largely result in evacuation by foot on a rising gradient to the next-door property to reach the land above the PMF. This in itself is unsatisfactory from a planning perspective let alone a liveable context.

A small number of dwellings (four (4) dwellings) would require evacuation by walking through flood waters in the most extreme floods. It is predicted these residents would be isolated in their homes for less than two (2) hours. This prediction is pure speculation and potentially places the residents at risk. The stated Core Philosophy for the Hawkesbury LGA includes a very clear statement "Avoid land use conflicts, and risk to human health and life".

Any new release area should not be designed for lots or dwellings to experience flooding. This means the current proposal requires redesign and will result in yield loss.

4.0 Recommendations

The Panels' initial view is that the density and layout of the current proposal does not respond appropriately to the site constraints.

The Panel recommends that:

- The current Planning Proposal not be supported at this stage.
- Any Planning Proposal for the site be considered holistically with relevant, VPAs, Biodiversity and DCP provisions included with all proposed LEP amendments.
- The desired character of the site be described so as to inform the planning framework – particularly landscape character and density of the area.
- The proposed planning framework needs to respond to site constraints – particularly flooding and vegetation retention.
- Council reconsider the areas and location of open space and the management of ecological management regimes. The location of the open space be relocated to be central to the area and accessible.

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**AT - 2 Table 1: Hawkesbury Local Planning Panel Advice,
Revised Planning Proposal and Council Officer Comments**

Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
The nature of the Glossodia Village and its edge condition has not been properly considered.	<p>In response to the Panel's advice, the revised planning proposal now provides a detailed explanation of the character or the nature of the Glossodia Village.</p> <p>The Glossodia Village is predominantly made of suburban style homes on traditional suburban style lots with some suburban elements such as streetscapes, setbacks, fencing and driveways. The Glossodia Village can be identified as a 'rural-style suburban village'.</p> <p>The importance of providing larger lots along the boundaries of the subject site to enable an appropriate transition to the existing residential development immediately north of the subject site has always been identified as a key development principle. This is reflected in the Concept Master Plan.</p>	<p>The existing Glossodia Village is predominantly characterised by suburban style small lots less than 600M² in size containing some form of urban houses mainly along the streets within the Glossodia Village. Therefore, the revised planning proposal identifying the existing Glossodia Village as a rural-style suburban village is considered to be appropriate.</p> <p>The revised planning proposal's justification of having large lots along the northern boundary immediately south of the existing Glossodia Residential Community is supported. The location of R5 Large Residential lots along the northern boundary of the subject site is also considered to be consistent with the topography.</p>
It is not clear from either the current zoning or the proposed, what the character of the area to be developed, and how it integrates, links or reflects the existing Glossodia Village.	<p>The revised planning proposal provides the following additional information to address this issue.</p> <p>The Glossodia Village is predominantly characterised by lots less than 1000M² and 53% of the total lots within the Village are less than 1,000M². The lots proposed within Jacaranda Ponds are significantly larger than the current lots and, an average lot size of 1,250M² plus which is significantly larger than the more suburban style lots of 550M² to 1,000M² that are predominantly found within the Glossodia Village.</p> <p>A key development principle been to respect and integrate with the existing Glossodia Village, and the Concept Masterplan depicts how the future residential development on the subject site will integrate into the existing Glossodia Village.</p>	<p>The Glossodia Village is predominantly characterised by low density residential development, and the proposed lots not less than 1,000M², 2,000M² and 4,000M² within the subject site are to blend and maintain the existing low density character within the locality.</p> <p>The revised planning proposal's statement that one of the key development principles is to integrate the future residential development on the subject site into the existing Glossodia Village to enable southerly expansion of the Glossodia Village is supported.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>The proposed zoning does not respond to the site constraints</p>	<p>This issue is already addressed in the planning proposal.</p> <p>Proposed R2 Low Density residential and R5 large Lot Residential zonings and lot sizes across the subject site respond to the topographical and ecological constraints within the subject site. The proposed E2 Environmental Conservation and RE1 Public Recreation zonings within the subject site are to minimise any adverse impacts of the future development on the subject site.</p>	<p>The land areas proposed for residential purposes within the subject site are generally consistent with the following relevant Sustainability Criterion identified in the Hawkesbury Residential Land Strategy.</p> <p><i>'Future development is cognizant of and responsive to natural and environmental constraints including natural areas, water and air quality, flood prone land (Less than 1:100), wetlands and riparian zones, acid sulfate soils, steep terrain, bushfire prone land, biodiversity and significant fauna or flora habitat and heritage'</i></p>
<p>The proposed reconfiguration of the existing zonings results in a greater amount of lands zoned R2 Low Density Residential with sizes of 1,000M². The proposed changes essentially alter the nature of the subject site to a more urban outcome.</p> <p>The Panel is not convinced that the proposed zonings are the most appropriate to achieve the desired outcome for this planning proposal.</p>	<p>In response to the Panel's comment, the revised planning proposal now includes the following justification explaining why a large part of the subject site is proposed for R2 Low Density Residential.</p> <p>Initial market research undertaken by the Developer indicates that future residents to the area will be looking for and prefer small lots in the 1,000M² – 1,500M² range. This is being driven by affordability, a large backyard and sense of space that people generally look for. There is a current shortfall of lots within this lot size range in the existing Glossodia Residential Community.</p>	<p>The revised planning proposal highlighting the shortfall of lots in the 1,000M² – 1,500 M² range within the Glossodia Village is supported. A lot size analysis undertaken by Council Officers has revealed that there are only 4% of lots within the 1,000M² – 2,000M² range within the Glossodia Village.</p> <p>The proposed residential development on the subject site is considered to be an expansion of the existing Glossodia Village, and the inclusion of additional lots within the 1,000M² – 2,000M² range will assist in minimising the current domination of small lots less than 600M² that represents 42% of the total lots within the Glossodia Village and provides increased housing choice in the locality is considered to be justified.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>Part of the subject site proposed for R5 Large Lot Residential is considered to be worthy of conservation given that the areas of those proposed R5 Large Lot Residential contain Grey Box – Forest Red Gum grassy woodland. This land should be included in a zone that will encourage the retention of the vegetation so that physical links are established between the biobanking sites with corresponding lot sizes that will facilitate the retention of important vegetation.</p>	<p>The revised planning proposal acknowledges the retention of any Grey Box – Forest Red Gum grassy woodland within any R5 Large Lot Residential lots. Further it states that due to the larger lots provided within the R5 Large Lot Residential, conservation of any significant vegetation on such lots can be easily achieved.</p>	<p>The revised planning proposal stating that any significant vegetation on R5 Large Lot Residential zoned lots could be preserved is supported.</p> <p>Once the Biodiversity Certification Application for the subject site has been approved by the Minister for the Environment, Council is not required to consider the likely impact of development on biodiversity values under Part 4 of the <i>Environmental Planning and Assessment Act, 1979</i> when determining development applications for the subject site.</p>
<p>An E4 Environmental Living zone may be suitable for the subject site if the land uses permitted with consent were restricted to those that would be consistent with the objectives of the zone.</p>	<p>In response to the Panel's comment on the R5 Large Lot Residential zone, the revised planning proposal includes the following justification for R5 Large Lot Residential zone.</p> <p>Compared to an E4 Environmental Living zone, R5 Large Lot Residential zone is considered to be appropriate because:</p> <ul style="list-style-type: none"> • It's primary objective is to minimise impact on environmentally sensitive land. • The R5 zone supports the retention of vegetation. • It is not considered x' (compared to E4 zone) in supporting vegetation links across the subject site • It provides fewer permissible land uses than the E4 zone • R5 zone was chosen specifically for part of the proposed development area within the subject site containing Grey Box – Forest Red Gum grassy woodland because it supports a lot typology large enough to enable the coexistence of dwelling house and native vegetation within a future lot. 	<p>The subject site is already zoned part R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation and SP2 Infrastructure. The planning proposal is to rezone part of the subject site for E2 Environmental Conservation to achieve an improved ecological outcome for the subject site through reconfiguration of the existing zonings. Therefore, replacing the current R5 Lot Residential zoning with an alternative RU4 Environmental Living zoning is not considered to be vital in achieving the objective of the planning proposal.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>The planning proposal makes provisions for extensive areas of RE1 Public Recreation zoned land within the subject site. Some of these open space areas will require considerable funds for their long term management and maintenance. Council should ensure that adequate resources will be available or the extent of the proposed RE1 zoned land should be reduced to that arising from the needs of the development.</p>	<p>The revised planning proposal states that in order to ensure that the proposed public recreation land does not create an additional maintenance cost for Council, a biobanking agreement is proposed between Council and the Developer to enable funding in perpetuity for the management and maintenance of approximately 28.52ha of RE1 Public Recreation and E2 Environmental Conservation zoned land.</p>	<p>As a result of the proposed biobanking agreement between Council and the Developer, Council will be required to manage and maintain 33.71ha of open space land within the subject site.</p> <p>However, long term management and maintenance of these open space areas within the subject site needs to be assessed to find out any financial implications for Council. This issue is discussed in detail in Discussion Section of the Report.</p>
<p>Narrow strips of land around the boundaries of the subject site in the North-Eastern part of the subject site are zoned R5 Large Lot Residential adjacent to existing R2 Low Density Residential zoned land. There is no need for these lots to be included in R5 Large Lot Residential zone when the adjacent to R2 Low Density Residential zone is appropriate.</p>	<p>The revised planning proposal has explained why R5 Large Lot Residential zoning is adjacent to existing R2 Low Density Residential zoned land. The reason for this is already explained above.</p>	<p>As previously mentioned, the proposed location of R5 Large Lot Residential land along the northern boundary immediately south of the existing Glossodia Residential Community is supported. The location of R5 Large Residential lots along the northern boundary of the subject site is also considered to be consistent with the topography.</p>
<p>The lot sizes and shapes should more closely align with the intended use and density of development expected for each lot and more appropriately respond to the site constraints and retention of vegetation.</p>	<p>Lot sizes will range from 1,000M² – 4,000M²+, with the larger lots being positioned in the central zone of the subject site where the steepest slopes occur, and along the periphery of the subject site to provide an appropriate transition from the existing Glossodia Village to future residential development on the subject site. The proposed reconfiguration and extent of R5 Larger Residential area are to preserve the subject site's unique character, align with the topography and enable an appropriate interface with adjoining development to ensure consistency with the existing 'rural-style suburban village character of the Glossodia Village.</p>	<p>The proposed reconfiguration of R2 Low Density Residential and R5 Large Lot Residential land areas within the subject site is considered to be better aligned with the topography and the ecological communities within the subject site whilst enabling a lot yield equivalent to the current 580 potential lots on the subject site.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>The proposed Zoning, Heights of Buildings and Lot Size maps should be aligned so that the potential for development is concentrated in the less sensitive areas of the subject site.</p>	<p>The revised planning seeks to redistribute the 10m height limit and 1,000M², 2,000M² and 4,000M² minimum lot size provisions in line with the proposed redistribution of the current residential zonings within the subject site. As previously stated, the proposed residential area is aligned with the vegetation and topography of the subject site.</p>	<p>The revised planning proposal's statement in response to the Panel's comment is considered to be acceptable.</p>
<p>The Panel does not consider that the Concept Masterplan will facilitate a walkable and liveable community but rather replicates a monotone residential area with no "community heart"</p>	<p>In response to the Panel's concern, the revised planning proposal provides the following information:</p> <p>Rather than just being another typical residential subdivision, the vision for Jacaranda Ponds is focused on creating a real community as an extension to the existing Glossodia Residential Community, where people can enjoy an affordable yet high amenity lifestyle, and a place that people are proud to call home.</p> <p>The visioning, planning and design process have been undertaken to produce the proposed Concept Masterplan which places strong emphasis on applying best practice community design principles in terms of liveability, place making and resilience based around four key drivers of 'A Living Community', 'A Sense of Community', 'A Green Community' and a 'Connected Community'.</p>	<p>It is considered that the Concept Masterplan along with other additional development concept layouts including cycleway and trail network, main recreation attractions and accessibility and ridgeline outlooks and view points provide some directions and guidance to achieve liveability.</p> <p>The Concept Masterplan is only to demonstrate that subject site has the environmental capacity to accommodate residential development referred to in the planning proposal.</p> <p>Generally, Council does not endorse Concept Masterplans submitted in support of planning proposals. A detailed subdivision layout demonstrating walkability, liveability, connectivity, accessibility and a sense of community will be required as part of the subdivision application for the subject site.</p> <p>The report recommends preparation of a site-specific Development Control Chapter incorporating appropriate development provisions to provide certainty in achieving a walkable and liveable community on the subject site than through an indicative development concept masterplan.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>In order to improve the walkability and liveability, encourage a sense of community and social interaction, the Panel recommends that the planning proposal be amended to include:</p> <ul style="list-style-type: none"> • A central village area to accommodate uses such as general store and childcare centres. • A more centrally located "Village Green" associated with the Village Centre uses. • Shorter block lengths to enable fine grained pedestrian and cycle movement across the centre of the subject site. <p>Only approximately 5% of the subject site is within the 800M walking distance of any shops or facilities.</p>	<p>In response to the Panel's comment, the revised planning proposal includes additional information acknowledging the liveability and sense of community for Jacaranda Ponds would significantly benefit from the introduction of some form of neighbourhood centre or general store that is within a short walking distance of the future residents. However, this needs to be balanced to avoid any negative impacts on the financial viability of both the existing Glossodia Village and any new central village within the subject site.</p> <p>Given Jacaranda Ponds development has the potential to introduce 580 new homes, the introduction of a new central village accommodating uses such as general store and childcare centres within the subject site may be financially viable, but it needs to be subject to an economic feasibility study for the area as well as close consultation with the local community.</p> <p>The redistributed Village Green along Currency Creek as shown in the proposed Concept Masterplan provides improved accessibility, connectivity, quality, quantity and distribution by creating a more integrated open space, bicycle and pedestrian network. The guiding principle behind the Village Green is to provide an open space outcome which reflects changing recreational trends and community preferences. In accordance with the Government Architect's 'Open Space for Recreation Guide', a connection with nature and green environments is a fundamental goal for all open space planning.'</p>	<p>It is agreed with the Panel's comment in principle to provide a central village accommodating uses such as general store and childcare centres to enable improved walkability and liveability and encourage a sense of community and social interaction. However, this needs to be determined following completion of a detailed economic feasibility study for the whole Glossodia area and consultation with the local community and businesses.</p> <p>Neighbourhood shops and childcare centres are permitted with consent within R2 Low Density Residential zone, and therefore it is considered to be worthy of nominating and preserving land area within the subject site for a future village centre in a site-specific Development Control Plan.</p> <p>It is agreed with the Panel comment to have a centrally located "Village Green" associated with the Village Centre uses. This will enable improved social interaction, surveillance and access and easy management and maintenance of the Village Green and the Village Green along Currency Creek will also enable attractive open space network directly connecting to the nature, improved walkability, connectivity, accessibility and integrated open space network.</p> <p>Shorter block lengths to enable fine grained pedestrian and cycle movement across the centre of the subject site needs to be taken into consideration when preparing a site-specific Development Control Plan.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
<p>The Panel recommends that the lot layout be reviewed to include more North-South oriented lots to maximise the sustainability of future dwellings within the development.</p>	<p>In response to the Panel comment, the revised planning proposal includes additional information on lot orientation. Appendix H - 'Lot Orientation and Solar Access Principles' to the revised planning proposal addresses this matter in detail.</p> <p>Appendix H clearly shows that a north facing backyard which is based upon generalised principles for solar design and does not take into account factors such as lot width and the height of adjoining dwellings, and will not deliver the best outcomes for Jacaranda Ponds.</p>	<p>Lot orientation is not an assessment criterion for the assessment of a planning proposal. This is an issue for consideration at the subdivision application stage, and appropriate provisions in relation to lot orientation need to be included in a site-specific Development Control Plan.</p>
<p>The extent and configuration of land and the location of some of the open spaces needs to be further analysed – particularly the effectiveness of the linear nature open spaces and their unsuitability for open space purposes.</p> <p>The Panel queries the functionality and location of the open spaces and also queries whether all of it needs or should be dedicated to Council.</p>	<p>The revised planning proposal includes information to explain that the proposed linear open space network is more effective than centrally located open spaces.</p>	<p>The proposed linear open space network within the subject site would be able to provide improved accessibility, connectivity, distribution and integration of bicycle and pedestrian network. This issue is discussed in detail in the report.</p>
<p>The extent of the land areas to be used for stormwater management purpose needs to be assessed.</p>	<p>The revised planning proposal states that the functionality and location of the proposed open spaces more effective than the centrally located open spaces as shown in the adopted Concept Masterplan in support of the current zonings of the subject site.</p> <p>The revised planning proposal states that the proposed Concept Masterplan will utilise recreational land for water sensitive urban design/stormwater management functions. Specifically, RE1 Public Recreation zoned land to be used for stormwater management purposes includes:</p> <ul style="list-style-type: none"> • 49,575M² for permanent stormwater use, and • 1,618M² will have a stormwater management function, however this area will usually be dry and usable as public recreation purpose. 	<p>The proposed open space network and its location within the subject site would be able to provide recreational opportunities for the current and future Glossodia Residential Community within a shorter walking distance from their homes. This issue is discussed in detail in the report.</p> <p>The use of land areas for stormwater management purposes and their use for recreational purposes need to be further assessed to determine the total extent of the open space land used for stormwater management purposes and the effectiveness of the use of those land areas for recreational purposes to facilitate the intended review of the signed Voluntary Planning Agreement.</p>

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
The Panel is of the view that the Terrestrial Biodiversity issue is yet to be fully resolved and greater details are required.	The revised planning proposal includes a detailed section on this issue.	Council received a Biodiversity Certification Assessment Report and Strategy which explains the subject site's biodiversity in greater detail. Should Council resolve to prepare and submit a Biodiversity Certification Application to the Minister for Environment, the Department of Planning, Industry and Environment will undertake a detailed assessment of the subject site's biodiversity.
The proposed parks appear to have been located in areas that have slope or environmental constraints and can be utilised for biobanking rather than on any real placemaking principles.	In response to the Panel comment, the revised planning proposal includes a detailed assessment of the proposed open space areas against criteria specified in the Government Architect's Open Space Guide in Table 7. One of the criteria is size, shape and topography, but it is noted that topography issue is not addressed.	The areas proposed for both active and passive recreation purposes including the Village Green along Currency Creek and the Lakeside Park at the north-eastern corner of the subject site are generally flat and suitable for active and passive recreation purposes. The proposed open space areas along the western boundary of the subject site and the eastern boundary of 123 Spinks Road which forms part of the subject site are identified for passive recreation purposes given their slopes are undesirable for active recreation purposes.
Greater details are required to understand how the subject site is to be serviced to ensure that sufficient lands are allocated.	This issue is already addressed in the planning proposal.	The planning proposal demonstrates that the subject site has adequate and easy access to all required infrastructure services that are needed to accommodate the proposed development on the subject site.
Access to public transport is one of the key indicators of sustainable liveability. Poor access to daily living destinations and the lack of public transport has and will continue to have a negative impact on residents. Due to the limited connectivity of public transport services in the local area, there is a significant reliance on the private vehicles for transport within the Glossodia Village and within the Hawkesbury Local Government Area as a whole. Public transport service within the area should be enhanced and in place to key destinations.	In response to the Panel comment, the revised planning proposal includes detailed explanation on this issue.	Glossodia is currently having a very limited access to a public transport system, and the bus service is infrequent and does not provide many day time travel options outside of peak hours. This issue is discussed in detail in the Assessment section of the report.

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Hawkesbury Local Planning Panel's Comment/Advice	Revised Planning Proposal's Response	Council Officer Comments
Any new release area should not be designed for lots or dwellings to experience flooding. This means the current proposal requires redesign and will result in yield loss	This issue is already addressed in detail in the planning proposal.	A flood study prepared by Molino Stewart and received from the applicant confirms that the extent of flooding for 1 in 100 year flood event is generally limited to the riparian corridor along Currency Creek, and the Probable Maximum Flood event generates minor flood affection within the south-eastern corner of the subject site. Adverse impacts to the proposed residential development are considered to be negligible due to their proximity to flood free land and evacuation routes.
The current planning proposal not be supported at this stage	No information provided.	The revised planning proposal has adequately and appropriately addressed The Panel's recommendation. This is discussed in the Discussion Section of the report.
Any planning proposal for the subject site be considered holistically with relevant voluntary planning agreements, biodiversity and a Development Control Plan included with all proposed LEP amendments.	No information provided.	All the documents (other than a Development Control Plan) referred to in the Panel's comments are available for consideration. This is further discussed in the Discussion Section of the report.

oooO END OF REPORT Oooo

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 145 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map, Lot Size Map and Height of Buildings Map and Application for Biodiversity Certification - Jacaranda Ponds, Glossodia - (95498, 124414, 136783)**

Directorate: City Planning

Mr Robert Humphries and Ms Kate Tudehope addressed Council, speaking for the recommendation.

Mr Bill Sneddon, addressed Council speaking against the recommendation.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Zamprogno.

Refer to RESOLUTION

180 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Zamprogno.

That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Proceed with the planning proposal to amend the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential, public recreational, environmental conservation and infrastructure purposes as follows:
 - a) Amend the Land Zoning Map to:
 - (i) Rezone part of the subject site containing significant vegetation to E2 Environmental Conservation to provide better protection for the existing vegetation and achieve an improved ecological outcome for the subject site,
 - (ii) Rezone surplus SP2 Infrastructure zoned land to part R2 Low Density Residential and part RE1 Public Recreation, and
 - (iii) Reconfigure the existing R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation zoned land to enable approximately 580 residential lots on the subject site.
 - b) Amend the Height of Buildings Map to reconfigure the current 10m maximum permissible height provision corresponding to the proposed residential land within the subject site.
 - c) Amend the Lot Size Map corresponding to the proposed Land Zoning Map.
3. Forward the planning proposal to the Department of Planning, Industry and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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4. Prepare and submit an Application to the Minister for Energy and Environment for Biodiversity Certification over the subject site.
5. Delegate to the General Manager of Council the signing of the application for Biodiversity Certification.
6. Note that in the event that the planning proposal receives a Gateway Determination to proceed, community consultation not occur until such time as a Draft Voluntary Planning Agreement and site specific Development Control Plan, which includes protected riparian zones and conservation areas along Currency Creek, have been prepared and endorsed by Council.

In accordance with Section 375A of the Local Government Act 1993, a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Reynolds, Richards, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillors Rasmussen and Tree.

GENERAL MANAGER

Item: 146 GM - Questions of Number of Councillors, Establishment of Wards and Popularly Elected Mayor for Hawkesbury Local Government Area - (79351)

Previous Item: 133, Ordinary (30 July 2019)
119, Ordinary (28 June 2016)
MM2, Ordinary (31 May 2016)
120, Ordinary (8 July 2014)
91, Ordinary (27 May 2014)
MM, Ordinary (25 February 2014)
166, Ordinary (26 July 2011)
1, Ordinary (28 February 2006)
33, Ordinary (1 November 2005)

Directorate: General Manager

Mr Bill Sneddon addressed Council, speaking for the recommendation.

MOTION:

A MOTION was moved by Councillor Conolly, seconded by Councillor Richards.