

Hawkesbury LEP - Spot Rezoning - 35 Chapel Street, Richmond

Proposal Title : **Hawkesbury LEP - Spot Rezoning - 35 Chapel Street, Richmond**

Proposal Summary : **The property at 35 Chapel Street St, Richmond (Lot 5 DP 237575), is zoned part RU2 Rural Landscape and part E2 Environmental Conservation.**

The objective of this planning proposal is to rezone the southern portion of the site from RU2 Rural Landscape to R2 Low Density Residential.

PP Number : **PP_2015_HAWKE_012_00** Dop File No : **15/12640**

Proposal Details

Date Planning Proposal Received : **09-Oct-2015** LGA covered : **Hawkesbury**

Region : **Metro(Parra)** RPA : **Hawkesbury City Council**

State Electorate : **HAWKESBURY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **35 Chapel Street**

Suburb : **Richmond** City : Postcode : **2753**

Land Parcel : **Lot 5 DP 237575**

DoP Planning Officer Contact Details

Contact Name : **Peter Laybutt**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **No**

MDP Number :		Date of Release :	
Area of Release (Ha) :	8.09	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	54
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with.**

Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The property at 35 Chapel Street St, Richmond, is currently zoned RU2 Rural Landscape and E2 Environmental Conservation under the provisions of Hawkesbury Local Environmental Plan 2012. The objective of this planning proposal is to rezone the southern portion of the site from RU2 Rural Landscape to R2 Low Density Residential in accordance with Council resolution dated 30 June 2015. This is intended to allow the land to be developed for residential purposes to include detached dwellings on individual titled lots with a minimum lot size of 450 m2. Indicatively, a yield of 54 to 58 dwellings is proposed. However, the site does not have public road access.**

The size of the overall site is 8.09 hectares. The land requested to be rezoned has an approximate area of 3.5 hectares and is located above the 1:100 year flood level. The subject site contains a dwelling and a tennis court.

The site does not have direct access to Chapel Street. Current access to the site is over two rights of way easements, these being 9.145 m and 4.57 m wide. The total width of the right of carriage ways extending to the south-eastern boundary of the site is 13.715 metres. The subject site therefore relies on the adjoining property (Hobartville Stud, Richmond) for vehicular access.

A letter from the adjoining property owners (Hobartville Stud) was forwarded to the Department on 17 August 2015 objecting to the proposal. The letter states that no consent will be provided to the carrying out of the works on the right of carriageway, and suggests that there is no utility in the Planning Proposal proceeding further.

The applicant claims that adequate provisions can be made for a 5.5 metre road carriageway subject to detailed engineering and arborist advice at development application stage.

External Supporting Notes : **The property at 35 Chapel Street St, Richmond, is zoned RU2 Rural Landscape and E2 Environmental Conservation under the provisions of Hawkesbury Local Environmental Plan 2012.**

The objective of this planning proposal is to rezone the southern portion of the site from

RU2 Rural Landscape to R2— Low Density Residential in accordance with Council resolution dated 30 June 2015. This is intended allow the land to be developed for residential purposes to include detached dwellings on individual titled lots with a minimum lot size of 450 m2. Indicatively, a yield of 54 to 58 dwellings is proposed. However, the site does not have public road access.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The subject land is zoned RU2 Rural Landscape and E2 Environmental Conservation under Hawkesbury Local Environmental Plan 2012. The objective of this planning proposal is to facilitate residential development on lots of 450m2 and above by rezoning the southern portion of the site from RU2 Rural Landscape to R2 Low Density Residential.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal indicates that the objectives are to be achieved by:**

- **Amending the Hawkesbury LEP 2012 Land Zoning Map to rezone a portion of Lot 5 DP 237575 from RU2 Rural Landscape to R2 Low Density Residential ; and**
- **Amending the Hawkesbury LEP 2012 Minimum Lot Size Map to allow a permissible lot size of 450 m2 on the subject portion.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 19—Bushland in Urban Areas**
- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SREP No 9—Extractive Industry (No 2—1995)**
- SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

The proponent is yet to provide confirmation that adequate vehicular access can be made to the property.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SECTION 117 DIRECTIONS

1.2 Rural Zones

Direction 1.2 clause (4)(a) prescribes that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The objective of this Direction is to protect the agricultural production value of the land. Part of the subject land is zoned RU2 — Rural Landscape. The purpose of the planning proposal is to rezone the portion of the land zoned RU2 — Rural Landscape land to R2 — Low Density Residential. The proponent argues that need to protect rural land for rural purposes must be weighed against the need to provide housing in Richmond, and that rezoning is justified, having regard to the location of the subject site in an area that is a logical expansion of Richmond. The applicant also states that a large portion of the site that cannot be developed due to environmental constraints will still be available for rural purposes. This is questionable, as future rural uses of the residue parcel would be constrained by lack of separate access from the residential component, and by these same environmental constraints.

It is considered that the proposal is inconsistent with this Direction. However, given the limited rural use of the site currently, it is considered that this inconsistency is minor in nature.

1.3 Mining, Petroleum Production and Extractive Industries

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

Advice from Council to the applicant dated 28 August 2013 has indicated that the proximity of the Richmond Lowlands sand and gravel resources should be considered and specific reference is made to the Sydney Regional Environmental Plan No 9— Extractive Industry (No 2— 1995). If approved at Gateway, Council would be required to refer the planning proposal to the NSW Department of Trade and Investment for comment, in accordance with Clause 4 of this direction.

It is therefore considered that the planning proposal is not inconsistent with this Direction.

2.3 Heritage Conservation

The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Neither the Planning proposal nor Council's report makes reference to this Direction, notwithstanding the immediate proximity of the subject site to the "Hobartville" estate, which is a State heritage item.

The planning proposal notes that the proposed development will have an impact on this item. The impact of the planning proposal on the heritage item relates mainly to the impact of any future development on the trees along Chapel Street.

As the proposal does not contain provisions that facilitate the conservation of items or precincts of environmental heritage significance to the area, it is considered that it is inconsistent with this direction.

3.1 Residential Zones

Direction 3.1 applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone. The planning proposal does not seek to reduce the amount of residential land but would provide for additional residential lots on the land through the rezoning of land to R2 Low Density Residential.

Direction 3.1 Clause (4)(b) requires that a planning proposal must include provisions that

encourage the provision of housing that will make more efficient use of existing infrastructure and services. In relation to this clause, it should be noted that the site does not have public road access. The only access is via a right of way through an adjacent heritage listed site. It is considered that a provision cannot be included to require the land to be serviced or accessed through adjacent privately-owned land where the adjoining owner has advised that such access will not be granted.

The physical location of the site, and its lack of public road access, means that it does not, under the currently proposed arrangements, obtain the necessary access to infrastructure and services to support the scale and intensity of residential development proposed. The proposal is therefore inconsistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. The planning proposal is not inconsistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve relevant planning objectives. The planning proposal seeks to rezone and subdivide approximately 3.5ha of rural land into residential lots with a minimum of lot size not less than 450m². However, the site does not have direct access to a public road.

The proposal is therefore inconsistent with this direction.

Direction 4.1 Acid Sulfate Soils

The site is identified as Class 5 (less constrained) on the Acid Sulfate Soils Planning Map. Hawkesbury LEP 2012 contains provisions (Clause 6.1 Acid Sulfate Soils) relating to acid sulfate soils, and it is considered that these provisions provide adequate protection against adverse impacts.

Any inconsistency with this Direction is therefore minor in nature.

4.3 Flood Prone Land

Direction 4.3 applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. The applicant advises that the area that is the subject of the planning proposal is above the 1 in 100 year flood level, notwithstanding that the balance of the site is below this level. Council has previously identified a number of major constraints that limited the land's potential for residential development, including flooding, proximity to a wetland, proximity to a State listed heritage item, there being no legal frontage to a road (as access is via a tree lined, heritage listed, Right of Carriageway) and traffic impacts onto Kurrajong Road/March Street.

Among other requirements, Direction 4.3(6) states that a Planning Proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas, or
- (b) permit development that will result in significant flood impacts to other properties, or
- (c) permit a significant increase in the development of that land, or
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

The Proposal is inconsistent with items 6(c) and 6(d) of the Direction.

Advice provided by Infrastructure NSW on 9 October 2015 in relation to similar proposals

indicates that the Hawkesbury-Nepean Valley Flood Management Taskforce is currently developing a suite of measures to improve the understanding and management of the potential impacts of flood risk, including evacuation capacity. Infrastructure NSW recommended on behalf of the Taskforce that the earlier planning proposals be deferred until the implications of their cumulative impacts on evacuation can be determined in light of the Taskforce's work. Like those proposals, this proposal seeks to intensify residential development on land which would require flood evacuation across the flood plain; as such, Infrastructure NSW's recommendation is equally applicable to this proposal.

The current inconsistencies with S.117 Direction 4.3 Flood Prone Land cannot be considered minor in nature and have not been justified.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The proposal is considered consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in Hawkesbury LEP 2012.

Direction 7.1 Implementation of A Plan for Growing Sydney

The objective of Direction 7.1 is to effect the planning principles contained in A Plan for Growing Sydney, which provides directions for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space. A Plan for Growing Sydney states that the first stage of the Hawkesbury-Nepean Valley Flood Management Review completed in 2013 identified that risk will increase with population growth in the Valley.

The proposal is considered to be consistent with key Direction 2.1 Accelerate housing supply across Sydney. The rezoning should provide for an additional 25 homes close to existing infrastructure.

A Plan for Growing Sydney's Direction 4.2 Build Sydney's resilience to natural hazards contains Action 4.2.2: Complete and implement the Hawkesbury-Nepean Valley Floodplain Management Review. As part of this review the Government recognises that evacuation and emergency management issues need to be addressed upfront in the planning process. To achieve this the Government will require councils to undertake an evacuation capacity assessment that considers regional and cumulative issues as necessary prior to rezoning land in the Hawkesbury-Nepean Valley. The Hawkesbury-Nepean Valley Flood Management Taskforce has recommended that the current planning proposal be deferred until the implications of its cumulative impacts on evacuation can be determined in light of the recommendations to be made by government.

Accordingly, it is considered that the proposal is inconsistent with aspects of A Plan for Growing Sydney.

STATE ENVIRONMENTAL PLANNING POLICIES

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

State Environmental Planning Policy (SEPP) No. 19 applies to Hawkesbury LGA (excluding that part of the Shire which is north of the Colo River). The general aim of SEPP No. 19 is to protect and preserve bushland within the urban areas. The planning Proposal states that the site is mostly clear of vegetation apart from a few trees along the boundary of the site and surrounding the existing dwelling. Any development on the site will not affect the bushland.

SEPP 44 — Koala Habitat Protection

The Planning Proposal indicates that the site does not contain any areas of natural vegetation that provide suitable habitat for koala population.

SEPP 55 — Remediation of Land

The aim of this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The Planning Proposal states that there is no record of contamination. It is unlikely that the subject site contained activities that would cause contamination on the site.

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

The aims of SREP No 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area. Advice from Council to the applicant dated 28 August 2013 has indicated that the proximity of the Richmond Lowlands sand and gravel resources should be considered and specific reference is made to the Sydney Regional Environmental Plan No 9— Extractive Industry (No 2— 1995). If approved at Gateway, Council would be required to refer the planning proposal to the NSW Department of Trade and Investment for comment. It is therefore considered that the planning proposal is not inconsistent with this Plan.

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

The aim of SREP 20 is 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. Should the proposal receive a Gateway determination, further detailed consideration of the specific requirements of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No 2-1997) would be required at the development application stage.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that, should the planning proposal proceed, it will be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 (the Act) and associated Regulations and as specified in the Gateway determination.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The proposal does not provide sufficient information to adequately address Section 117 Direction 2.3 Heritage Conservation, specifically with regard to the potential impact of the proposal on the adjacent Hobartville Stud.

Proposal Assessment

Principal LEP:

Due Date : **September 2012**

Comments in relation to Principal LEP : **Hawkesbury Local Environmental Plan 2012 is a Principal LEP.**

Assessment Criteria

Need for planning proposal :

The Planning Proposal is not the result of any strategic study or report. The draft North West Subregional Strategy (dNWSS) requires the provision of new housing in existing urban areas, focused around centres and corridors. This is to take advantage of existing services such as shops and public transport. The Hawkesbury Residential Land Strategy (HRLS) also identifies the need to provide additional housing in suitable locations. The physical location of the site, with no current access to adequate infrastructure and services, makes it unsuitable until these issues are adequately resolved in conjunction with concurrent consideration of adjoining lands as a whole.

The proposal also refers to Hawkesbury Council's Residential Land Strategy 2011 and the North West Subregion Draft Subregional Strategy, which embody a goal of providing a further 5,000 - 6,000 dwellings within the Hawkesbury LGA by 2031. In this regard, it is considered that the proposed increase in lot and dwelling yield (approximately 54 additional lots) is not proposed at a suitable location, would not make a significant contribution to meeting the dwelling targets for the Hawkesbury, and is not critical to meeting housing demand. Other alternative sites are available that do not have the same flood risk and evacuation constraints. Two recent rezonings north of the Hawkesbury River have added significantly to the stock of housing land across a range of residential zones from R5 Large Lot Residential through to R2 Low Density Residential through to R3 Medium Density Residential.

'Redbank' (Plan made 11 April 2014) an 180 hectare site immediately to the west of North Richmond, rezoned rural land to provide an additional 1,400 dwelling sites. 'Jacaranda Ponds' (Plan made 19 December 2014) an 185.3 hectare site immediately to the south of Glossodia, rezoned rural land to provide an additional 580 residential lots. Both of these sites are more suited to residential development as they are not subject to flood risk and evacuation constraints. Council planners have also advised that there is some capacity for additional dwellings in Windsor within the existing residential zoned areas.

Given the significant recent boost (1,980 dwellings) to the residential land supply in the Hawkesbury and existing spare capacity in Windsor it is considered that the need for the planning proposal has not been clearly demonstrated. Furthermore, the Hawkesbury-Nepean Valley Flood Management Taskforce has recommended that similar planning proposals be deferred until the implications of its cumulative impacts on evacuation can be determined in light of the recommendations to be made by government.

Consistency with strategic planning framework :

HAWKESBURY RESIDENTIAL LAND STRATEGY

The Hawkesbury Residential Land Strategy seeks to identify residential investigation areas and sustainable development criteria consistent with State Government strategies. Through a constraints mapping exercise, suitable Future Investigation Areas for residential growth and development are identified. The Strategy recognises that centres are the priority locations for growth as they benefit from existing retail, commercial, utility, community and transport infrastructure services. The Strategy also recognises flooding as a significant issue in the Hawkesbury LGA, and recommends that future urban development must avoid high risk flood areas and that a Flood Risk Management Plan should be prepared for all new urban development occurring in flood prone areas. The Strategy also recognises that infill development is dependent on flood evacuation upgrading.

NORTH WEST DRAFT SUBREGIONAL STRATEGY

The draft North West Subregional Strategy provides a broad framework for the long-term development of the north-western sector of Sydney. Richmond is recognised as an established town centre in accordance with the centres hierarchy in the Strategy. The Strategy advocates planning for housing growth in centres close to established infrastructure. The Strategy also sets a dwelling target of an additional 5,000 dwellings for the Hawkesbury LGA to 2031. The planning proposal could be considered consistent with the above aspects of the Strategy.

The Strategy also provides direction regarding flood constraints on future housing growth in the Hawkesbury local government area. Future housing growth is generally suitable on land above the 1 in 100 year average recurrence interval (ARI), however consideration needs to be given to the ability to evacuate dwellings in larger flood events. Future housing growth in the Hawkesbury LGA is substantially constrained by the capacity within the existing flood evacuation network. In areas to the south of the Hawkesbury River there is no capacity for additional growth outside the land already zoned under Council's LEP, without substantial further upgrades to the flood evacuation network. Areas north of the Hawkesbury River are predominantly above the probable maximum flood level. In recognition of the flood constraints the Strategy states that residential growth will occur within the capacity of the existing (1989) LEP and north of the Hawkesbury River. If growth is to occur south of the River, it would be necessary to demonstrate that flood evacuation measures are in place to the satisfaction of the SES. In this regard, the proposal is not considered to be consistent with The North West Subregion Draft Subregional Strategy. Conversely, recent rezonings at Jacaranda Ponds (Glossodia) and Redbank (North Richmond) are consistent with the Draft Strategy, as the sites are north (west) of the Hawkesbury River and will provide 1,980 housing sites that are free from flood constraints.

As noted above, the Hawkesbury-Nepean Valley Flood Management Taskforce has recommended that similar planning proposals be deferred until the implications of its cumulative impacts on evacuation can be determined in light of the recommendations to be made by government.

A PLAN FOR GROWING SYDNEY

As noted above, the proposal is considered to be consistent with A Plan for Growing Sydney in so far as it supports the following key Direction within the Plan: 2.1 Accelerate housing supply across Sydney. The rezoning should provide for an additional 25 homes close to existing infrastructure.

A Plan for Growing Sydney's Direction 4.2 Build Sydney's resilience to natural hazards contains Action 4.2.2: Complete and implement the Hawkesbury-Nepean Valley Floodplain Management Review. As part of this review the Government recognises that evacuation and emergency management issues need to be addressed upfront in the planning process. To achieve this the Government will require councils to undertake an evacuation capacity assessment that considers regional and cumulative issues prior to rezoning land in the Hawkesbury-Nepean Valley. The Hawkesbury-Nepean Valley Flood Management Taskforce

Environmental social
economic impacts :

has recommended that similar planning proposals be deferred until the implications of its cumulative impacts on evacuation can be determined in light of the recommendations to be made by government.

ENVIRONMENTAL

The subject site does not include areas identified as wetland or significant vegetation, and it is considered that the impact of any future development on issues such as water and river scenic quality can be addressed at development application stage.

As noted in Council's report, the applicant claims that the proposed 5.5m wide road width is sufficient to cater for up to 200 townhouses and that, subject to detailed design and arborist advice, the proposed development would have no adverse impact on the heritage listed trees along Chapel Street.

Inspection by Council staff has indicated that, due to the proximity of the proposed road to existing vegetation, four to six trees would require removal and three of these trees are large and significant trees within the surrounding landscape. Removal of these trees would require permission of the owners of Hobartville Stud and approval of the Heritage Council of NSW as the Hobartville site is a State Heritage Item. A site inspection revealed that many of these trees might be retained if the private road was re-aligned to the south; however, this would require the road to be constructed outside of the right of carriageway and hence would require permission of the owners of Hobartville Stud and the Heritage Council of NSW approval.

Further, the narrow width of the proposed private road carriageway is considered unacceptable on this site in terms of potential conflicts between vehicles and pedestrians. The AMCORD guidelines referred to by the applicant for road widths are not mandatory, rather they are suggestions that a council may choose to adopt or adapt based on their individual circumstances. Further, the provisions of AMCORD are best considered in light of an integrated planning framework/assessment for an area or region rather than on an ad-hoc site by site basis. Finally, even if the provisions of AMCORD were applied to this proposal the proposed access does not comply with AMCORD standards, as no verge or parking is planned on the southern side of the proposed access.

The proposal cannot be supported in its current form, as sufficient access to the site for the proposed residential use is not currently available.

SOCIAL

Any social impacts resulting from the proposal are likely to be minor. The increase in population may have both positive social impacts (eg. bolstering Richmond town centre and assisting in reaching critical mass for new social infrastructure) and negative social impacts (eg. increased pressure on existing social infrastructure). Also, there is likely to be a social element in any adverse impacts that result from inability to successfully evacuate the residents of Richmond during a flood event. While the proposed changes may not directly alter Council's current flood related development controls, emergency management and flood evacuation remain significant issues on the Hawkesbury flood plain. Advice provided by Infrastructure NSW on 9 October 2015 indicates that proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity.

ECONOMIC

It is envisaged that the amendments proposed in this planning proposal could have some local positive economic impacts by increasing potential for the number of dwellings that may be constructed in close proximity to the existing Richmond Village. However, the potential economic loss associated with flooding should be considered further, should the proposal proceed.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **Nil**

Timeframe to make LEP : **0 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **Flooding impact on the site and access constraints have not been adequately addressed, and these are critical factors that determine whether or not the proposal should proceed for Gateway determination. The North West Subregion Draft Subregional Strategy identifies the significant flooding and evacuation constraints south of the Hawkesbury within Hawkesbury LGA. The Strategy directs residential growth, beyond the land zoned in the LEP (1989), to occur north of the River. The Strategy contemplates that growth south of the River may be considered provided that there are flood evacuation measures in place to the satisfaction of the State Emergency Service (SES).**

However, the proposal is inconsistent with S. 117 Direction 4.3. Among other requirements, Direction 4.3(6) states that a Planning Proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas, or
- (b) permit development that will result in significant flood impacts to other properties, or
- (c) permit a significant increase in the development of that land, or
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

The Proposal is inconsistent with items 6(c) and 6(d) of the Direction. While the planning proposal relates to the portion of the site that is above the 1:100 flood level, any access to the site would be via the floodplain; from the perspective of flood evacuation, development of the site is therefore equivalent to development below the 1:100 flood level.

The current inconsistencies with S.117 Direction 4.3 Flood Prone Land mean that the proposal can not be supported at the present time.

A decision to refuse Gateway determination for this planning proposal is consistent with the previous decision to refuse a planning proposal for residential development at North Bligh Park in 2010 and a decision to refuse a planning proposal for residential development at 24 Greenway Crescent, Windsor in 2015.

The Government's Hawkesbury-Nepean Valley Flood Management Review found that evacuation is the only mitigation measure that can guarantee to reduce risk to life, and Stage 2 of the Review is currently looking at opportunities to improve the ways in which floods are managed. Infrastructure NSW is leading a Government Taskforce to deliver Stage 2 of the Review, with input from agencies such as SES, OEH and the Department. Councils are also being consulted, and Stage 2 is due for completion in early 2016. Advice provided by Infrastructure NSW on 9 October 2015 in relation to this proposal indicates that the Hawkesbury-Nepean Valley Flood Management Taskforce is currently developing a suite of measures to improve the understanding and management of the potential impacts of flood risk, including evacuation capacity. The Taskforce has

recommended that the current planning proposal be deferred until the implications of its cumulative impacts on evacuation can be determined in light of the recommendations to be made by government.

Given the above, it is recommended under s56(2)(a) of the EP&A Act that the planning proposal not proceed.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
35 Chapel Street, Richmond - planning proposal.pdf	Proposal	Yes
35 Chapel Street, Richmond - Council cover letter.pdf	Proposal Covering Letter	Yes
35 Chapel Street, Richmond - Council report.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **IT IS RECOMMENDED THAT THE PLANNING PROPOSAL NOT PROCEED, FOR THE REASONS BELOW:**

- 1. The planning proposal is inconsistent with the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.**
- 2. The planning proposal has not demonstrated consistency with A Plan for Growing Sydney or the findings of the Hawkesbury-Nepean Valley Flood Management Review.**
- 3. The planning proposal, in its intent to rezone flood-affected land from rural to residential, does not adequately address the inconsistencies with section 117 Direction 4.3 Flood Prone Land.**
- 4. The planning proposal does not contain adequate explanation of measures to provide access to the site, which does not have public road access, and is therefore inconsistent with Section 117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport.**
- 5. The planning proposal does not adequately address the potential impacts of**

Supporting Reasons : **development on the heritage value of the neighbouring heritage item, the Hobartville estate, and is therefore inconsistent with Section 117 Direction 2.3 Heritage Conservation.**

The proposal fails to adequately address current flood risk and evacuation constraints and the associated Government policies and s.117 Direction.

The proposal fails to demonstrate that suitable access can be made available to the site in a manner that is consistent with relevant s117 Directions.

The proposal fails to adequately address potential impacts on the adjacent item of State Heritage significance, and is inconsistent with s117 Direction 2.3.

These are three critical factors to the feasibility of the proposal proceeding.

Signature: _____

Printed Name: _____ Date: _____