

**35 Chapel Street,
Richmond, NSW, 2753**

**Amended Planning Proposal for
Rezoning**

29 September 2015

The Council Approval Experts



Fragar Planning & Development

info@councilapproval.com.au • www.councilapproval.com.au
Ph: 02 4784 3235 • 11 Jersey Ave, Leura NSW 2780

Created	TVD
Checked	

Table of Contents

Introduction	3
Background Information	3
Planning Proposal	4
Part 1 – A statement of the objectives and intended outcomes of the proposed instrument	4
Part 2 – The provisions that are to be included in the proposed instrument	4
Part 3 – Justification for those objectives, outcomes and the process for their implementation	7
Section A – Need for the planning proposal	7
Section B – Relationship to strategic planning framework	9
Section C – Environmental, social and economic impact	24
Part 4 – Maps to identify the intent of the planning proposal and the area to which it applies	32
Part 5 – Details of the community consultation that is to be undertaken on the planning proposal	37
Part 6 – Project timeline	37
Annexure A	38

Introduction

Fragar Planning & Development has been engaged by the owners, *Mr and Mrs Smith*, to prepare and lodge a submission related to the restrictions in the *Hawkesbury LEP 2012* preventing a portion of Lot 5 DP 237575 from being further subdivided and developed for residential purposes.

Background Information

A rezoning proposal was submitted to Council in 2008 by *Montgomery Planning Solutions*, acting on behalf of the land owners to allow the subdivision of the land. Council did not support this application and recommended that the land be considered further when Council has finalised a residential strategy that is consistent with the North-West Subregional Strategy and further work has been undertaken on the Flood Risk Management Plan for Hawkesbury.

Since then, the *Hawkesbury Flood Plain Risk Management Study and Plan*, dated December 2012, and the *Hawkesbury Residential Land Use Strategy 2011* were finalised.

In November 2013 *Fragar Planning and Development* lodged a planning proposal on behalf of the owners to Hawkesbury City Council to rezone the southern portion of the site from RU2 – Rural Landscape to R 1 – General Residential. This portion of land is shown in Diagram 7 included in Part 4 of this report and will be referred to as the subject site. The intention was to develop the land mainly for residential purposes to include:

- detached dwellings on individual titled lots with a minimum lot size of 450 m²; and
- semi-detached and attached dwellings.

On 30 June 2015 Council resolved at its Ordinary meeting to support the planning proposal to rezone land being Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes, being the R 2- Low Density Residential zone. It is noted that the Council resolution to support the R 2- Low Density Residential zoning (not R1- General Residential zone) results in the exclusion of the following residential allowable uses:

- attached dwellings,
- dual occupancy,
- multi dwelling housing ; and
- semi-detached dwellings

Although residential flat buildings could also be permissible in the R1- General Residential zone, residential flat buildings are not considered appropriate for the site.

The resolution dated 30 June 2015 further states that the planning proposal be forwarded to the Department of Planning and Environment for a "Gateway " determination and that the Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

Planning Proposal

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

The property at 35 Chapel Street St, Richmond, NSW, 2753 is zoned RU2 – Rural Landscape and E2 – Environmental Conservation in terms of the *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 portion of land is shown in Diagram 7 included in Part 4 of this report and will be referred to as *the subject site*.

This will 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.

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.

Part 2 – The provisions that are to be included in the proposed instrument

The proposed outcome will be achieved by:

- Amending the *Hawkesbury LEP 2012* Land Zoning Map on a portion of Lot 5 DP 237575 to allow for an R2 – Low Density Residential zone on the subject site; and
- Amending the *Hawkesbury LEP 2012* Minimum Lot Size Map to allow a permissible lot size of 450 m² on the subject site.

The proposed Land Zoning Map and Minimum Lot Size Map are depicted in Diagrams 2 and 4.

Zone	
	Neighbourhood Centre
	Local Centre
	Business Development
	Enterprise Corridor
	National Parks and Nature Reserves
	Environmental Conservation
	Environmental Management
	Environmental Living
	General Industrial
	Light Industrial
	General Residential
	Low Density Residential
	Medium Density Residential
	Large Lot Residential
	Public Recreation
	Private Recreation
	Primary Production
	Rural Landscape
	Primary Production Small Lots
	Village
	Special Activities
	Infrastructure
	Natural Waterways
	Recreational Waterways

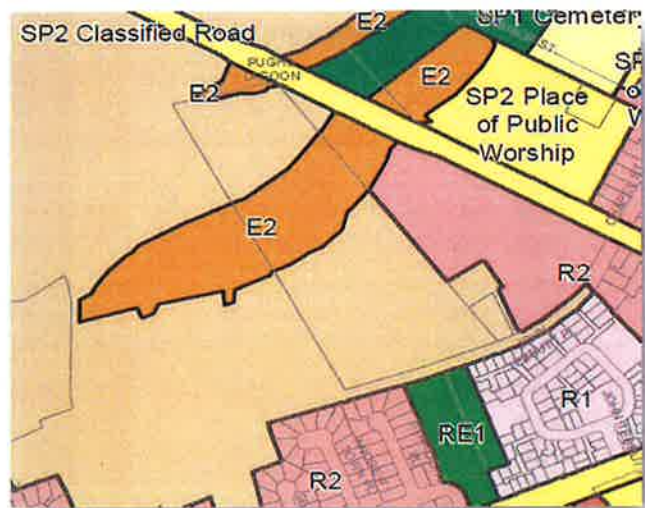


Diagram 1: The site is zoned RU2 – Rural Landscape and E2 – Environmental Conservation

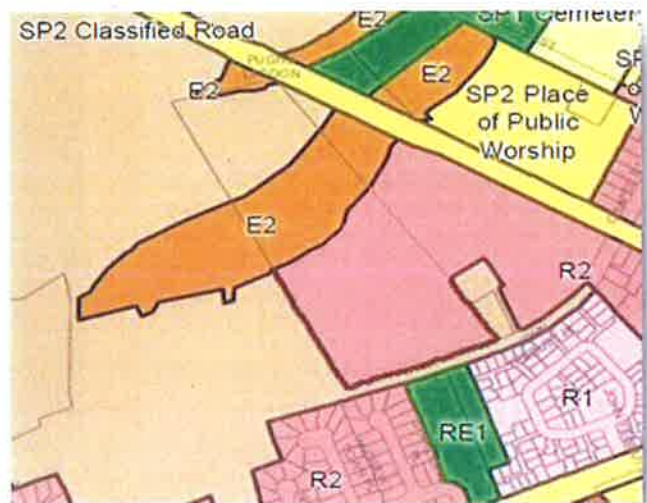


Diagram 2: Proposed Land zoning of the site

Minimum Lot Size Map (sq m)

G	450
K	550
M	600
O	650
R	750
U	1000
V1	2000
V2	2500
W	4000
Y	10000
Z1	2 ha
Z2	4 ha
AB1	10 ha
AB2	25 ha
AB3	40 ha
AC	50 ha
AD	100 ha
AE	200 ha
AF	400 ha
Area A	Refer to Clause 4.1D (1)
Area B	Refer to Clause 4.1E
Area C	Refer to Clause 4.1F



Diagram 3: The minimum lot sizes permissible on the site are 40 Ha on the land zoned E2 and 10 Ha on the land zoned RU2



Diagram 4: Proposed Minimum Lot size for the site

Part 3 – Justification for those objectives, outcomes and the process for their implementation

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The proposed development is not a result of a strategic study or report. Previous proposals to develop the land were submitted to Hawkesbury City Council for consideration. Subsequent to these proposals, Council adopted the findings in the following two strategies and plans:

- *Hawkesbury Residential Land Use Strategy* in May 2011. This strategy identifies the site as an area of high opportunity for future development that should be further investigated to determine the area's ability to support additional or new housing development in the short to medium term.
- *The Hawkesbury Flood Plain Risk Management Study and Plan* in December 2012.

The findings of these studies are addressed in detail below.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is zoned RU2 – Rural Landscape and E2 – Environmental Conservation under *Hawkesbury Local Environmental Plan 2012*. The strip of land zoned E2 – Environmental Conservation runs through the middle of the site. Minimum lot sizes of 40 ha on the land zoned E2 and 10 hectares on the land zoned RU2 apply to the site as per the minimum lot size map.

The land to the south, opposite Chapel Street, is zoned R1 – General Residential, R2 – Low Density Residential, and RE1 – Public Recreation in terms of the *Hawkesbury LEP 2012*. The minimum lot size of this land zoned R1 – General Residential and R2 – Low Density Residential is 450 m². The site is located approximately 1 km north-west of the Richmond town centre, approximately 485 metres from the nearest commercial site located in Richmond Town Centre, (KFC at the March Street / Bosworth Street intersection). The site is also approximately 785 metres from the Coles Supermarket and less than 1 km from the railway station.

Directly to the south opposite the site is residential development and a public open space area developed with play equipment. The residential development directly to the south of the site includes two-storey dwellings. To the east adjoining the site is a retirement village and dwelling houses. To the west adjoining the site is the Heritage listed Hobartville equine estate.

The site has good access to community facilities, shopping facilities, and public infrastructure. Having regard to the location of adjoining residential development to the south opposite Chapel Street and the retirement village to the east, residential development as proposed in this planning proposal constitutes a logical expansion of residential development in Richmond.

The applicant intends to develop the southern portion of the land, which is not affected by the 1:100 year flood level, mainly for residential purposes. This part of the site is also identified in the Residential Land Use strategy as a future investigation area.

The current RU2 – Rural Landscape zone applicable to the subject site limits land uses as follows:

- **Permitted without consent:** Bed and breakfast accommodation; Environmental protection works; Extensive agriculture; Home occupation
- **Permitted with consent:** Agriculture; Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities.
- **Prohibited:** Any development not permitted with or without consent

The RU2 zone precludes development on the site, such as secondary dwellings under *SEPP Affordable Rental Housing 2009*. These limitations, together with the minimum lot size of the site, prohibit any further subdivision of the site and further development for residential purposes.

The subject site would be developed more economically and to its full potential if it was rezoned to R1– General Residential as originally proposed and the minimum lot size allowed for 450 m² residential lots. This type of development would be in line with the character of the surrounding area and would contribute to the provision of the much-needed residential housing supply of Richmond. However the proposed R2 –Low Density Residential zone will also provide for additional residential housing and increase the supply of affordable housing in close proximity to public transport services, but will exclude the following residential uses permissible with consent in the R1 – General Residential zone:

- attached dwellings,
- dual occupancy,
- multi dwelling housing ;
- semi-detached dwellings; and
- residential flat buildings

Development of the land as proposed will be consistent with the objectives of the R2 – Low Density Residential zone, as shown below:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.

- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

Land uses permitted in the R2 – Low Density Residential zone are limited as follows:

- **Permitted without consent:** Bed and breakfast accommodation; Environmental protection works; Home occupations
- **Permitted with consent:** Animal boarding or training establishments; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities
- **Prohibited:** Any development not specified in item 2 or 3

It is, therefore, considered that the proposed amendments to the *Hawkesbury LEP 2012* zoning and minimum lot size maps will achieve the intended objective to develop the site for residential purposes.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

On 14 December 2014 the NSW Government released “A plan for Growing Sydney”. This plan is the key strategic planning framework at the state level and supersedes “Metropolitan Plan for Sydney to 2036”. The Plan intends to guide land use planning decisions for the next 20 years and provides a strategy for accommodating Sydney’s predicted population growth over this time. It also aims to further raise living standards and improve wellbeing to create strong, inclusive communities.

Hawkesbury Local Government Area is located within the area identified as West Subregion in “A plan for Growing Sydney”. The priorities for the West Subregion is to accelerate housing supply, choice and affordability and build great places to live.

Table 1 below provides an assessment of the planning proposal against the relevant Goals and Directions of “A plan for Growing Sydney”.

Table 1.

<u>Relevant Goal and Direction</u>	<u>Statement of Compliance</u>
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles Direction 2.1: Accelerate housing supply across Sydney Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs Direction 2.3: Improve housing choice to suit different needs and lifestyles	The proposed development will contribute to achieving these goals and directions by providing new housing on medium sized blocks in close proximity to all the services, facilities, infrastructure and job opportunities Richmond Town offers. Richmond Town Centre provides a large group of shops and services located within an approximate walking catchment of 800 metres. The subject site is surrounded by residential development to the south, east, and west, comprises infill development and is a logical expansion of Richmond Town. The site is located to the north-west of the Richmond town centre, and has good access to public roads and public transport services. The site is located approximately 485 metres from the nearest commercial site located in Richmond Town Centre, (KFC at the March Street / Bosworth Street intersection). The site is 785 metres from the Coles supermarket and less than 1 km from the railway station. Development of the subject site as proposed will contribute to strengthening of the existing Richmond Town Centre. The proposed lot sizes will be a minimum of 450 m². The intention is to develop the land for residential purposes to include dwellings on individual titled lots with a minimum lot size of 450 m². The expected lot yield on the site will be between 54 and 58 dwellings.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.	The proposed development will have no adverse impact on the natural environment. The part of the overall site, proposed for rezoning, is not mapped as significant vegetation and connectivity between significant vegetation.

Direction 4.1: Protect our natural environment and biodiversity Direction 4.2: Build Sydney's resilience to natural hazards Direction 4.3: Manage the impacts of development on the environment	The provision of land for residential expansion is constrained in the Hawkesbury LGA due to the risk of flooding. The subject site is not affected by flooding and will therefore make an important contribution to meeting the housing target that has been set for the Hawkesbury Local Government Area by the State Government
---	--

Table 2 below provides an assessment of the planning proposal against the relevant actions of the North West Subregion, Metropolitan Subregional Strategy.

Table 2.

Relevant objective and Action	Statement of Compliance
Action B2.1.1 Councils to consider planning for houses growth in centres, particularly those well serviced by public transport. Action C1.1.3 Hawkesbury Council to prepare a strategic residential land use study to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues Action C1.3.1 North West councils to plan for sufficient zoned land to accommodate their local government area housing target in their Principal LEPs. Action C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres. Action C2.3.2 North West councils to provide an appropriate range of residential zonings to cater for changing housing needs.	The State Plan sets a target to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre, as part of Priority E5 'Jobs Closer to Home'. Rouse Hill is identified as a planned major, strategic centre. Blacktown is identified as a major centre. The Richmond Railway Station is located less than 1 km from the subject site. The subject site is within 30 minutes travel time from both major centres. The proposed development to provide residential development in close proximity to Richmond Town Centre with good access to public transport facilities and two strategic centres will contribute to the priority E5 'Jobs Closer to Home'. The proposed R2 – Low Density Residential zone will provide for a range of housing types in order to provide an appropriate mix of housing to respond to changing housing needs. The proposal is consistent with the Hawkesbury Residential Land Use Strategy 2011 as discussed under Question 4 of this report.

Action C2.1.3 North West councils to ensure location of new dwellings improves the subregion's performance against the target for State Plan Priority E5. Action D2.3.3 State and local government to improve existing interchanges and bus stops. Action D3.1.1 The Roads and Traffic Authority (now Roads and Maritime Service (RMS), in cooperation with the local government, to continue to upgrade walking and cycling facilities, including cycleway development. NW Action D3.1.2 The NSW Government and local government to work together to align local walking and cycling networks with public transport routes to improve accessibility to public transport.	The site has good access to Richmond Town Centre and Richmond Rail way station. The site is within 300 metres from a bus station. Footpaths are provided along Kurrajong Road and a portion of Chapel Street. The provision of footpaths and cycle lanes within the development to encourage walking, cycle and active forms of travel will be addressed at detail design stage. The proposed development will have no adverse impact on the performance of Kurrajong Rd / March St / Chapel St intersection as discussed in more detail under Question 8 of this report .
Action C5.1.2 Councils to reflect best practice established by the Growth Centres Commission in land release areas outside the North West Growth Centre	The proposed development will be located on an infill site adjoining existing residential development. The proposed development comprise a minor extension of the existing Richmond Town residential area.
Action E2.1.2 Sydney Metropolitan and Hawkesbury – Nepean Catchment Management Authorities to work with agencies and North West councils to ensure that the aims and objectives of Catchment Action Plans are considered in the future management and planning of local council areas.	The Hawkesbury – Nepean Catchment Management Authority has been identified as one of the authorities to consult with as part of the Gateway process. Comments received as part of the consultation process will be incorporated into the detail design of the proposed development.
Action E2.1.5 North West council to continue to promote water sensitive urban design.	The proposed development is a minor expansion of the existing Richmond Town. The proposed development will address water-sensitive design principles at detail planning stage.
Action E6.3.1 The Heritage Office to work with local councils to identify areas in the North West Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.	The planning proposal does not impact adversely on heritage items in the area, as discussed in this report.

Action F2.1.1 Councils to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and residential growth is being located. Action F2.1.2 Council to consider open space improvement programs with better facilities to encourage use. Action F2.1.3 Councils to consider mechanisms to increase the capacity of local sports fields to a district level. Action F2.1.4 NSW Government and local councils to develop links between smaller reserves to create diversity and broader user experience. Action F2.1.5 Local councils to consider modifying underutilised open space for informal activities such as skating, basketball, netball and the establishment of cafes.	A local park is located to the south of the site. Provision can be made within the detail layout and design of the site to provide pedestrian linkages between the land zoned E2 – Environmental Conservation to the north and the local park zoned RE1 – Public Recreation to the south.
--	--

Q4. Is the planning proposal consistent with a Council's strategy or local strategic plan?

The proposal is consistent with the Hawkesbury Residential Land Use Strategy 2011. This study seeks to accommodate between 5,000 to 6,000 additional dwellings by 2031, primarily within the existing urban areas. This study identifies the subject site as an area of high opportunity for future development that should be further investigated to determine the area's ability to support additional or new housing development in the short to medium term. The study defines future investigation areas to have a high opportunity for future development.

Section 5.6.1 of the Hawkesbury Residential Land Use Strategy 2011 highlights the opportunities for future development as proximity to centres, availability of services and facilities (i.e., commercial, retail, and community), and availability of existing or planned key infrastructure (i.e., road, transport, and sewer). This study also provides the following matrix to be used to assess current service and facility provision of each centre when considering additional development within a centre.

Table 3	
ALL CENTRES	
Sustainability Element	Statement of the proposed development's compliance with the elements as shown below
Housing Types	The proposed development will provide a variety of new housing types within the Richmond centre catchment area.
Affordable Housing	The planning proposal to rezone a part of the site to an R2 – Low Density Residential zoning with 450 m ² minimum lot size will permit affordable housing on the site with good access to existing services and infrastructure.
Employment and Centres	The proposed development to provide additional housing in close proximity to existing employment opportunities and services will support and strengthen the Richmond Town Centre
Service Infrastructure	The subject site has access to all relevant services.
Public Transport and Access	The subject site is located on the fringe of the Richmond town centre with good access to public roads and public transport services.
Open Space and Recreation	The subject site is located opposite a local park and, therefore, has good access to public open space. The remainder of the site (zoned RU2 – Rural Landscape and E2 – Environmental Conservation) will also afford recreational open space opportunity.
Natural Environment and Resources	Consistent.
Natural Areas	The subject site is not identified for conservation, environmental sensitivity, or recreation.
Water and Air Quality	The planning proposal will not have any adverse impact on air quality or water quality and quantity.
Flood Prone Land	Whilst the site to be rezoned may be above the 1:100 flood level (a survey plan may be helpful in this respect showing location of proposed zone boundary and height of land) it is below the Probable Maximum Flood and hence flood liable.
Wetlands	The subject site excludes the area identified as a wetland.

Acid Sulphate Soils	The subject site proposed for development has a Class 5 Acid Sulphate Soils classification, which indicates a low risk.
Heritage	The planning proposal does not impact adversely on heritage items in the area, as discussed in this report.
Scenic Landscapes	The overall gradient of the site decreases towards the north. The subject site is located on the higher part of the overall site. Although the development will be partially visible from the north and Kurrajong Road, it will from that angle be seen against a backdrop of other development. Future development applications on the site should address the impact of future development on the views towards this scenic rural landscape. This can be addressed at development application stage through the application of development controls, such as maximum height of buildings, roof pitch, colour, finishing materials, and landscaping.
Steep Terrain	The gradient of the subject site is not greater than 15%.
Prime Agricultural Land	The proposed development will be located on a part of the overall site and will comprise approximately 3.5 hectares. The proposed development is considered to be infill residential development which will complement the adjoining residential land uses. The proposed development will have no impact on the availability of agricultural land in the area.
Bushfire Prone Land	The site is not mapped as bushfire prone land.
Special Uses Land	The impact of the planning proposal on the adjoining Hobartville heritage listed item is addressed below.
Noise Exposure	A very small portion of the north-eastern corner of the subject site is affected by the 20 to 25 ANEF contour. This restriction can be addressed in a future development application for the site and site layout.
Community Facilities	The site is located on the fringe of Richmond town centre, which offers a wide range of facilities.
Character and Public Domain	Future development on the subject site will have little or no impact on the adjoining heritage item and can be designed to be cognisant of the character of surrounding areas and setting.
Sustainable Development	Future development on the subject site can be designed to provide adaptable and accessible housing and embrace principles of sustainable housing design.

TOWN CENTRE	
Dwelling Target	The proposed development will contribute towards reaching the target of 4,500-9,000 dwellings within an 800m radius. The site is located approximately 485 metres from the nearest commercial site located in Richmond Town Centre, (KFC at the March Street / Bosworth Street intersection). The site is also approximately 785 metres from the Coles Supermarket.
Housing Types	The proposal to rezone the site to R2 – Low density residential will allow the land to be developed for residential purposes to include dwellings on individual titled lots with a minimum lot size of 450 m ² .
Affordable Housing	The provision of single dwellings proposed as part of the development on the site in close proximity to Richmond Town Centre will ensure that future residents will have access to affordable housing and services.
Employment and Centres	The site is located approximately 485 metres from the nearest commercial site located in Richmond Town Centre, (KFC at the March Street / Bosworth Street intersection). The site is also approximately 785 metres from the Coles Supermarket. The site is within close proximity of Richmond Town centre.
Service Infrastructure	Suitable arrangements can be made to provide all necessary services to the site and will be addressed at detail design stage.
Public Transport (target)	The site is located within 300 metres from a bus stop and within 1 km from Richmond Railway station.
Open Space and Recreation	A local park is located to the south of the site. Provision can be made within the detail layout and design of the site to provide pedestrian linkages between the land zoned E2 – Environmental Conservation to the north and the local park zoned RE1 – Public Recreation to the south. The proposed development will address the provision of footpaths and cycle access at detail design stage in order to provide transport choice to public transport services.
Natural Environment	Refer to comment addressing this matter under “All Centres” above
Community Facilities	The site is located within close proximity to several community facilities including primary and secondary schools and childcare facilities.
Character and Public Domain	The creation of high quality and safe public domain will be addressed as part of the detail design of the site at development application stage.
Sustainable Development	The detail design of all new housing as part of the development will address adaptability and principles of sustainable housing design.

Q5. Is the planning proposal consistent with applicable State Environmental Planning policies?

The planning proposal is consistent with the following relevant state environmental planning policies (SEPPs).

SEPP 19 – Bushland in Urban Areas

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.

SREP 20 Hawkesbury–Nepean River (No 2 – 1997)

The aim of SREP No 20 (No 2 – 1997) 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.

The planning proposal is consistent with the aims of this plan. The overall site contains a wetland on the lower lying northern portion of the site. The subject site does not include the area identified as wetland or significant vegetation. The impact of any future development on issues such as water and river scenic quality can be addressed at development application stage. Future development applications on the site should address:

- Detail design of buildings when viewed from the north;
- Boundary setback to provide separation buffers between future development on the subject site and the area mapped wetland and significant vegetation (the proposed Residential zone is well separated from the mapped wetland and significant vegetation);
- Soil erosion management plan;
- Drainage plan to ensure drainage resulting from future development is appropriately managed;
- Tree preservation and additional screen planting.

SEPP 44 – Koala Habitat Protection

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.

There is no record of contamination. It is unlikely that the subject site contained activities that would cause contamination on the site.

SEPP Affordable Rental Housing 2009

The planning proposal to rezone the subject site to R2 – Low Density Residential will allow the application of SEPP Affordable Rental Housing 2009 to the site. The planning proposal will, therefore, contribute to achieving the aim of this policy to facilitate the effective delivery of new affordable rental housing.

SEPP Building Sustainability Index: BASIX 2004

The requirements of this policy can be addressed at development application stage.

SEPP (Exempt and Complying Development Codes) 2008

The planning proposal is not inconsistent with the provisions of this SEPP.

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

The aims of this policy are to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and

- (b) make efficient use of existing infrastructure and services, and

- (c) be of good design.

The proposed R 2 – Low Density Residential zone permits seniors housing with consent and is, therefore, consistent with this policy.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of this policy requires a referral to the RTA where a subdivision of land proposes 200 or more allotments and where subdivision includes the opening of a new road. The maximum number of allotments on the subject site will be less than 200. This policy is, therefore, not applicable.

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

The aims of this plan are:

- (a) 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

- (b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 1 or 2, and

- (c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and

- (d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and

- (e) to prohibit development for the purpose of extractive industry on the land described in Schedule 3 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.

The land is currently zoned E2 Environmental Conservation and RU2 – Rural Landscape, which does not permit mining, petroleum production, and extractive industries on the land. No known mining, petroleum production, or extractive industries exist or have been approved or are planned in proximity to the site.

Having regard to the location of existing surrounding residential development and the location of the Hobartville State Heritage item, the proposed development constitutes a minor change to the predominant land use pattern in the area. The proposed development of the site for residential purposes would, therefore, not be affected by noise, dust, vibration, or reduced visual amenity from any nearby future extractive industry any more than the existing surrounding residential development. The proposed development of the site for residential purposes would, therefore, not contribute to a further compromise of the extraction of state or regionally significant reserves of coal, other minerals, petroleum, and extractive materials.

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

The aims of this policy are:

a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and

(b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:

- (i) the location of housing in areas where there are existing public infrastructure, transport and community facilities, and
- (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and
- (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

The R2- Low Density Residential zone does not permit multi-unit housing. The purpose of this planning proposal is to rezone the land to R2 – Low Density Residential to allow development of the site for residential purposes. This rezoning is justified considering the location of the subject site in an area that is a logical expansion of Richmond with good access to public infrastructure and transport and community facilities.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The following section 117 directions are applicable to the subject site:

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. This direction applies when a council prepares a draft LEP that affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The purpose of this planning proposal is to rezone the portion of the land zoned RU2 – Rural Landscape land to R2 – Low Density Residential. The need to protect rural land for rural purposes must be weighed against the need to provide housing in Richmond. This rezoning is justified, having regard to the location of the subject site in an area that is a logical expansion of Richmond. A large portion of the site that cannot be developed due to environmental constraints will still be available for rural purposes.

Direction 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 dated 28 August 2013 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) – Schedule 5. Clause 12 of this plan, Future development controls for extraction from the Richmond Lowlands, states:

“A council should not prepare a draft local environmental plan to permit development for the purpose of an extractive industry on land described in Item 2 of Schedule 5 unless it has considered the following matters:

(a) the amount of extractive material it is economic to recover, and

(b) the need to extract from the Richmond Lowlands and the timing and duration of extraction, to be determined with reference to:

- the supplies of extractive material from the remaining reserves at Penrith Lakes, and
- the current and likely future yields of extractive material from such supplies, and
- the duration of such supplies in relation to the market, and

(c) alternative potential sources of supply, and

(d) the effect of the proposed development on:

- the current and future agricultural value and regional agricultural significance of the land underlain by the extractive material and land in the vicinity of that land, and
- the heritage value of the Richmond Lowlands, having regard to the relationship of such land to the Hawkesbury River and to nearby settlements, and
- the tourism potential of the Richmond Lowlands, and
- the environmental value of the Richmond Lowlands, and
- the environmental value of the wetland areas of the Richmond Lowlands, including the importance of such areas to migratory birds and to the groundwater regime, and
- the nature and effects of flooding on the Richmond Lowlands, and

(e) the need for extractive operations to follow a co-ordinated plan of management, and

(f) the effect that flooding may have on the proposed development.”

The land is currently zoned E2 Environmental Conservation and RU2 – Rural Landscape, which does not permit mining, petroleum production, and extractive industries on the land. No known mining, petroleum production, or extractive industries exist or have been approved or are planned in proximity to the site.

Having regard to the location of existing surrounding residential development and the location of the Hobartville State Heritage item, the proposed development constitutes a minor change to the predominant land use pattern in the area. The proposed development of the site for residential purposes would, therefore, not be affected by noise, dust, vibration, or reduced visual amenity from any nearby future extractive industry any more than the existing surrounding residential development. The proposed development of the site for residential purposes would, therefore, not contribute to a further compromise of the extraction of state or regionally significant reserves of coal, other minerals, petroleum, and extractive materials.

Direction 3.1 Residential Zones

(1) The objectives of this direction are:

- (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 is consistent with these objectives. The proposed R2 – Low Density Residential zone will allow a limited variety of housing types with Council consent. The application of an R2 – Low Density Residential zone on the subject site will increase the availability of housing and provide a greater diversity of housing types within this locality to meet the demand generated by changing demographic and household needs.

The site is located within 1 km from Richmond town centre and has good access to public transport and all shopping and community facilities. The proposed development will exclude the portion of the site zoned E2 – Environmental Conservation and will, therefore, not have any adverse impacts on the environment.

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 proposed R2 – Low Density Residential zone permits home occupations without consent and home industries with consent. The proposed development is, therefore, compliant with this direction.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision, and 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 application site is located within 350 metres from a bus stop and less than 1km from the Richmond Railway Station. The subject site is close to Richmond town centre, with good access to roads and public transport services. Community facilities such as churches, shops, and parks are within reasonable walking distance. The proposed development is, therefore, consistent with this direction.

The planning proposal is consistent with the relevant principles of: Improving Transport Choice — Guidelines for planning and development as stated below:

- Principle 1. Concentrate in centres:

Develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an acceptable walking distance—400 to 1000 metres—of major public transport nodes, such as railway stations and high frequency bus routes with at least a 15 minute frequency at peak times.

Comment: The application site is located within 350 metres from a bus stop and less than 1 km from Richmond railway station. Richmond railway station has a timetable with a frequency of trains leaving every 30 minutes. Although the subject site deviates slightly from this standard provided in principle 1, the development is justified having regard to its location on the fringe of Richmond town centre, the infill nature of the site, and the small number of low to medium density dwellings proposed.

- Principle 2. Mix uses in centres: Encourage a mix of housing, employment, services, public facilities and other compatible land uses, in accessible centres.

Comment: The site is located on the fringe of the Richmond town centre. The planning proposal will result in a small number of additional dwelling houses and comprise of infill development that will support the mix of uses located in Richmond town centre.

- Principle 3. Align centres within corridors: Concentrate high density, mixed use, accessible centres along major public transport corridors within urban areas.

Comment: The proposed development does not comprise high density development. The development on the subject site will comprise of low density residential development.

- Principle 5. Connect streets: Provide street networks with multiple and direct connections to public transport services and efficient access for buses.

Comment: The proposed development will be accessed through the existing Chapel Street private extension. The application site is located within 350 metres from a bus stop and less than 1 km from Richmond railway station.

- Principle 6. Improve pedestrian access: Provide walkable environments and give greater priority to access for pedestrians, including access for people with disabilities.
- Principle 7. Improve cycle access: Maximise cyclists' accessibility to centres, services, facilities and employment locations.
- Principle 10. Implement good urban design: Design with an emphasis on the needs of pedestrians, cyclists and public transport users

Comment: The proposed development will address the provision of footpaths and cycle access at detail design stage in order to provide transport choice to public transport services.

'The Right Place for Business and Services—Planning policy' applies to developments that generate many trips from employees, customers, or visitors and provide important services, and generally have a gross floor space of 1,000 m² or more. This policy is, therefore, not applicable to the planning proposal to provide residential dwellings on the subject site.

Direction 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

The subject site proposed for development is mapped as Class 5 on the Acid Sulphate Soils Map held by Council. The Class 5 category is less restrictive. An acid sulphate soils management plan can be prepared at development application stage if required by Hawkesbury City Council.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

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

Clause 6.3 of *Hawkesbury Local Environmental Plan 2012* and the *Development of Flood Liable Land Policy* adopted by Council on 13 July 2012 apply to land affected by the 1:100 year flood event. The subject site is, however, not affected by the 1:100 year flood event.

The *Hawkesbury Floodplain Risk Management Study and Plan* dated December 2012 identifies the evacuation risk for future development in Richmond over the next two decades as Class B – moderate. Class B risk requires detailed consideration in the planning process. The report states that evacuation constraints exist; however, in most situations, these are not so severe as to significantly influence the planning decision. The report provides evacuation times for Richmond and the status for several road upgrades to facilitate evacuation. The report further provides guidelines for development controls that will apply to development in floodplains to include:

- Floor level (raising floor levels could address flooding concerns)
- Building components and method
- Structural soundness
- Car parking and driveway access to be clear of flooding
- Evacuation
- Management design, for example, two or more storey minimum height buildings to provide a refuge

Having regard to the location of the subject site above the 1:100 year flood level and the recommendations in the *Hawkesbury Floodplain Risk Management Study and Plan*, the planning proposal is consistent with this direction.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The rezoning of the site will result in conditions that are less restrictive.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in the *A Growing plan for Sydney*. The shortage of housing in the Sydney area is highlighted in the *A Growing plan for Sydney*. Having regard to the proposed rezoning of the subject site to allow for additional housing, the proposed planning proposal will, therefore, be consistent with this strategy.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A part of the overall site (not proposed for rezoning), is mapped as significant vegetation, and a small portion of the subject site is mapped as connectivity between significant vegetation. This part of the site has been cleared of all vegetation except along the boundaries of the site and in close proximity to the existing dwelling. Any future subdivision layout and location of development on the site can be managed to preserve vegetation and avoid any significant adverse environmental impact.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal could have an impact on the following environmental aspects:

Access

The site has access via Chapel Street to Kurrajong Road. Part of this access is over two rights of way easements, each 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.

A legal opinion was included as part of the submission to Council. This opinion is again applicable and attached as Annexure A. The conclusion of this legal opinion is as follows:

- Lot 5 DP 237575 has a right of carriageway easement to the eastern extension of Chapel Street.
- If the property is subdivided in the future, the right of carriageway must be registered on each individual new title created.
- Consent of the owner of the land over which the existing right of carriageway exists is not required.

The nature of this development is unique having regard to the location of trees worthy of protection along Chapel Street. The trees along Chapel Street private extension will still be protected while also providing for

a road access with a 5.5 metre wide right of carriage way. Adequate provisions can be made for a 5.5 metre road carriage way subject to detail engineering and arborist advice at development application stage. Traffic Engineer advice is that the carriageway can be further reduced to 3.5 metres wide if necessary.

One of the criteria that should influence the width of a road is the volume and speed of expected traffic. Having regard to the expected low volume of traffic using Chapel Street and low travelling speeds, a reduced road width should be adequate while protecting the existing trees along Chapel Street. This comment is supported by the advice obtained from McLaren Traffic Engineering dated 11 April 2014. Craig McLaren and his expertise is highly regarded both by Council's and the Land and Environment Court.

This advice states as follows:

In relation to Council's required 15m road reservation comprising an 8m wide road and 3.5m wide verges, it is relevant to consider that reduced road widths are acceptable on a case by case basis and on merit and particularly in regard to residential subdivisional planning.

The Australian Model Code For Residential Development (AMCORD) is a relevant document that has been in use for many years and has been adopted by NSW councils in the planning stages of new residential estates.

Extracts from AMCORD guidelines are provided below to assist in supporting the use of a narrower road design standard together with comments pertaining specifically to the subject site and its context. These are as follows:

- *A carriageway width of 3 metres is adequate for a local "Access Lane" where the maximum daily traffic is less than 100 vehicles per day (typically 10 single dwellings or 20 townhouses). For these streets, on-street parking is NOT permitted and the design speed is 15km/hr. Pedestrian access may need to be separately considered. The alignment of Access Lanes can meander through a site based upon the swept path needs of the maximum length vehicle expected on a regular basis. Dwelling setback based upon noise attenuation methods employed.*
- *A minimum carriageway width of 3.5 metres is adequate for a local "Access Place" where the maximum daily traffic is less than 300 vehicles per day (typically 30 single dwellings or 60 townhouses). For these streets shared pedestrian traffic is permitted and the design speed is 15km/hr. If on-street parking is permitted it is to be in the form of separated indented parking bays. The alignment of Access Places can meander through a site based upon the swept path needs of the maximum length vehicle expected on a regular basis. Verge widths of 3.5m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.*
- *A maximum carriageway width of 5.5 metres is adequate for an "Access Street" where the maximum daily traffic is between 300 to 1,000 vehicles per day (typically up to 100 single dwellings or 200 townhouses). For these streets, on-street parking is permitted and the design speed is 40km/hr. Verge widths of 4m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.*
- *For "Access Streets" accommodating higher daily traffic volumes of between 1,000 to 2,000 vehicles per day, the design speed is 40km/hr still applies, however the carriageway width*

increases to a minimum of 7.5m with on-street parking permitted. Verge widths of 4m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.

- *Separated 1.2m wide footpaths are typically introduced on one side only of access streets accommodating in excess of 1,000 vehicles per day.*
- *Bicycle traffic shares the road space for access streets, access places and access lanes accommodating less than 2,000 vehicles per day.*
- *Particular attention to detail is required for private property access from narrow carriageways less than 6m in width.*
- *Layback type kerb profiles are typically used for access streets, access places and access lanes accommodating less than 2,000 vehicles per day.*
- *A maximum longitudinal gradient of 12% is stated for an Access Street serving between 300 to 1,000 vehicles per day. This street type permits parking within the carriageway, which has a width of 5.5 metres.*
- *A greater maximum longitudinal gradient of 17% is stated for Access Places serving up to 300 vehicles per day, however, "...grades greater than 12% require special design considerations for pedestrians, cyclists, waste collection vehicles and street layout (e.g. grade on curves, grade for turning vehicles at the street turning head)"¹.*
- *Separated 1.2m wide footpaths are typically introduced on both sides of streets accommodating in excess of 1,000 vehicles per day and serving a bus route. Bus route and bus stop planning requires a maximum 400m walking distance for the population catchment served.*
- *Any footpaths provided along the edge of the road carriageway shall comply with AS1428.1-2001.*

It is evident from the above notes derived from the AMCORD document that a 5.5m wide road carriageway is the applicable width that can accommodate up to 58 dwellings. An 8m wide road width is expected to accommodate parking on one side of the carriageway which could be waived in circumstances where existing trees / constraints are considered worthy of retaining and other innovative ways of accommodating kerbside (visitor) parking is further detailed. A 2.5m wide kerbside parking lane if removed from the 8m carriageway width would result in a minimum 2 way traffic flow carriageway width of 5.5m, consistent with AMCORD and AS2890.1-2004 for low speed road environments. Further, when peak hourly traffic flows are in the order of 30 vehicles per hour or less consideration can be given to single lane (3.5m width) traffic flow corridors with passing opportunities generally 40m apart (refer to Clause 3.2.2 of AS2890.1-2004). Given the expected traffic generation level of 45 peak hourly trips this would only apply to the road segment that serves less than 38 of the proposed 58 dwellings.

Visitor car parking shall be provided in accordance with Council requirements within a combination of on-street locations (preferably by indented parking bays) and dedicated off-street locations. If indented parking bays are provided along a 5.5m wide carriageway these can be 2m wide with the verge locally

reduced at the indented locations. Adequate localised treatments should also be provided to allow access for garbage collection service vehicles up to 9 metres in length (i.e. MRV vehicle in AS2890.2-2002).

In conclusion, access is via an existing right of carriage way and various traffic engineering advice demonstrates that at development application stage, private right of access, 5.5 metre wide will be provided in a way that will meet the needs of the proposed development. A 5.5 metre wide road carriage way (able to service up to 100 single dwellings or 200 town houses) can be achieved without affecting the existing trees in Chapel Street. The trees along the route will be fully protected in accordance with engineering, arborist and landscape advice. Having regard to the anticipated lot yield of between 54 and 58 single dwellings on the site, a road width of 3.5 metres could also be justified where the specific location of trees necessitate a reduced road width. The AMCORD guidelines provide adequate flexibility in terms of road width to accommodate a variety of options to provide a suitable road to a proposed development on the subject site. Bicycle traffic and indented car parking can be positioned on the northern side of the 5.5 metre wide carriage way in between the trees within the right of way boundaries. The exact width and location of road boundaries of the Chapel Street private extension can therefore be addressed at detail design and development application stage.

Keeping the road width of the proposed Chapel Street private extension to a minimum will contribute to the unique character of the area, while providing safe access to a small volume of vehicles, using the future road at very low speeds. The access will be deliberately designed as a low speed, low volume road in accordance with the amenity of the locality. Minimal width will also contribute to speed control and appreciation of the locality.

Impact on Traffic

The advice provided by McLaren Traffic Engineering dated 11 April 2014 concludes:

The additional vehicles generated by the development have been added to the existing intersection volumes and layout. The site does not add volume to the existing worst movements and the Level of Service has been maintained when comparing the existing performance to the future.

It is evident that there is an issue with the performance of the Kurrajong Street / Chapel Street intersection during the commuter weekday 5-6PM peak hour period associated with right turn traffic from Chapel Street. The issue is that the existing PM peak level of service for the right turn (both sides) within Chapel Street operates at "F" condition both under existing and forecast future conditions based on retaining the two lane flow arrangement along Kurrajong Road. Whilst this appears to be an issue at first glance of the SIDRA outputs it is evident that the current delay and queue lengths associated with these right turns increase only marginally. The SIDRA analysis does not include the benefits that can occur with gaps created between platoons of traffic generated by the traffic signal control at Bosworth Street further east of Chapel Street.

The provision of 4 through lanes along Kurrajong Road assists in improving the overall level of service of the intersection of Kurrajong / Chapel, and the delays to the right turns out of Chapel Street will significantly improve. The volume of additional right turning traffic from the development site is very low in the context of existing traffic flow demand being some 5 additional vehicles or 1 additional vehicle per

12 minutes during the weekday PM peak hour. That volume of additional traffic would not be sound justification for upgrading the intersection. Delays to side streets on main traffic corridors is a common outcome.

A subsequent letter of advice was obtained from McLaren Traffic Engineering dated 10 October 2014 which states as follows:

"Four intersection options were analysed. Option 4 provides for a no right turn onto March Street from Chapel Street in the morning and no right turn from Kurrajong Road in the morning. The results of the analysis indicate that under Option 4, traffic delay for the critical eastbound flow along the main road of Kurrajong Road during the 7-10AM weekday morning commuter peak is not exacerbated and accordingly is supportable in terms of external road network impact.

As per our recommendation for a "No Right Turn 6 – 10am, Monday – Friday" for Chapel Street onto March Street or Kurrajong Road onto Chapel Street, an improvement was recorded under the SIDRA 5.1 assessment. More specifically, there is likely to be a net improvement for traffic flows along Kurrajong Road and March Street at this location.

In detail, the eastbound traffic has improved from a reported delay of 16.7 seconds per vehicle to a delay of 0.0 seconds, or an improvement of 16.7 seconds under the restricted turning conditions. This is due to there being no vehicles turning right from Kurrajong Road, blocking through vehicles approaching the intersection from the north west.

For the annual model, the existing delay is 5,561 vehicle hours per year, whilst under the future conditions with turning restrictions the delay is significantly reduced to 3,840 vehicle hours per year, a difference of 1,721 vehicle hours per year (30% reduction in delay). Thus there are real benefits to the general community by implementing the weekday part time No Right Turn restriction for the high volume of eastbound commuter traffic along Kurrajong Road during the morning peak hour period from 6.00am to 10.00am."

In conclusion, the proposed development will have no adverse impact on the performance of Kurrajong Rd / March St / Chapel St intersection or the heritage listed trees along Chapel Street and should therefore receive favourable consideration.

Heritage

The subject site does not contain any heritage items listed in the *Hawkesbury Local Environmental Plan 2012* or by the NSW Heritage Office. Adjoining the site is heritage item I14 – Hobartville including outbuildings. Diagram 12 in Part 4 of this report shows the boundaries and extent of the heritage item to include the trees along Chapel Street. Hobartville is of historic significance at a national level as an intact early colonial homestead group for its association with the Cox family and Francis Greenway. The estate includes a two storey dwelling, outbuildings, and stables.

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. It is proposed to retain these trees. It is also noted that Chapel Street is not the primary access to Hobartville. In order to address the impact of future development on the heritage item, it is proposed that any future development application on the site address issues such as:

- Landscaping of the site along the southern and western boundaries
- Boundary setback along the southern and western boundaries
- Design of buildings
- Dwellings to address Chapel Street to prevent the rear and back yards of dwellings facing Chapel Street
- Reduced development density along Chapel Street and along the western boundaries of the site

A summary of McLaren Traffic Engineering's letter of advice dated 11 April 2014 states that:

- An 8m wide road width is expected to accommodate parking on one side of the carriageway which could be waived in circumstances where existing trees / constraints are considered worthy of retaining and other innovative ways of accommodating kerbside (visitor) parking is further detailed.
- A 2.5m wide kerbside parking lane if removed from the 8m carriageway width would result in a minimum 2 way traffic flow carriageway width of 5.5m, consistent with AMCORD and AS2890.1-2004 for low speed road environments.
- Further, when peak hourly traffic flows are in the order of 30 vehicles per hour or less consideration can be given to single lane (3.5m width) traffic flow corridors with passing opportunities generally 40m apart (refer to Clause 3.2.2 of AS2890.1-2004). Given the expected traffic generation level of 45 peak hourly trips (see below for calculation) this would only apply to the road segment that serves less than 38 of the proposed 58 dwellings.
- Visitor car parking shall be provided in accordance with Council requirements within a combination of on-street locations (preferably by indented parking bays) and dedicated off-street locations. If indented parking bays are provided along a 5.5m wide carriageway these can be 2m wide with the verge locally reduced at the indented locations.

The trees along the route will be fully protected in accordance with engineering, arborist and landscape advice. Access is via an existing right of carriage way and various traffic engineering advice demonstrates that at development application stage a private right of access, 5.5 metre wide will be provided in a way that will meet the needs of the proposed development. The existing right of carriage way serving the application site is 9.145 metres plus 4.57 metres wide. The proposed Chapel Street private extension carriage way can be accommodated within the existing right of carriage way without requiring the removal of existing trees along the route. On street car parking and a verge would only be required should individual lots obtain direct access from Chapel Street. However should parking within a 2.5 metre wide kerb be required, it can be provided along the northern boundary of the right of carriage way without impacting on the heritage listed trees along this road.

In conclusion, subject to detailed design and arborist advice the proposed development will have no adverse impact on the heritage listed trees along Chapel Street and should therefore receive favourable consideration.

Conflicting Land Use

The Hobartville Stud equine business is located to the west of the subject site. The site is large enough to accommodate a buffer zone between any future residential uses and the adjoining equine business. For example, a recommended minimum setback requirement between any horse stable or horse shelter and an adjoining dwelling not associated with the facility could be set. Future development controls could specify a minimum boundary setback along the western boundary to deal with any conflicts that may arise due to odours, harbourage of vermin, noise, and the early morning training and transportation of horses.

ANEF Contours

The northern portion of the overall site is affected by the 20–25 ANEF contours. Only a small portion of the subject site proposed for development is affected by the 20–25 ANEF contour. The *Residential Land Use Strategy 2011* recommends that new release areas should not occur in areas affected by noise levels above 20 ANEF. Development in the existing township of Richmond and the minor extension areas adjoining may be considered up to 25–30 ANEF under certain strict conditions. Therefore, it is clear that the ANEF contours should not limit future development on the site.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social Effects

The planning proposal would contribute to the provision of housing within the Hawkesbury City Council Area and provide an increased choice in housing types available to residents.

Economic Effects

The provision of additional housing in close proximity to Richmond town centre, parks, schools, public transport services, and existing infrastructure will optimise the use of these resources and allow for a more economically viable development on the land.

Q10. Is there adequate public infrastructure for the planning proposal?

The subject site has access to all public infrastructure that can be extended to the site including water, sewerage, electricity, and telecommunication.

A 3.5 to 5.5 metre-wide traffic lane can be provided as part of the proposed access and will be adequate to allow service vehicles for garbage and recycling collection. Turning movements for these vehicles can be provided for in a detailed site layout at development application stage. Alternatively it is possible that a private collection service would be engaged.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Hawkesbury City Council identified the following public authorities for consultation.

- Sydney Water
- NSW State Emergency Service
- Department of Trade and Investment
- Hawkesbury – Nepean Catchment Management Authority
- Department of Primary Industries
- Department of Defence
- Office of Environment and Heritage
- Roads and Maritime Service

The planning proposal can be considered for amendment based on comments received following consultation.

Part 4 – Maps to identify the intent of the planning proposal and the area to which it applies



Diagram 5: Aerial photo showing Lot 5 DP 237575 highlighted in blue

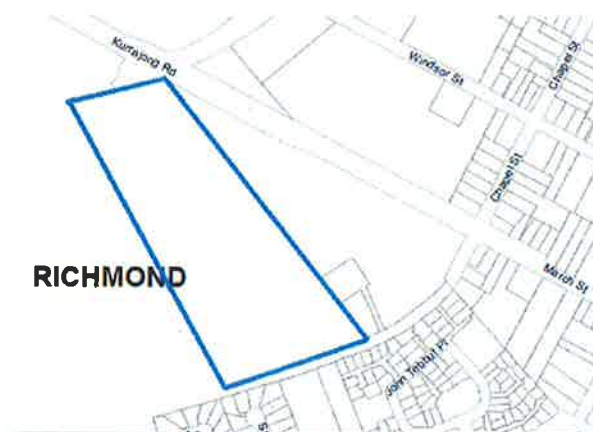


Diagram 6: Locality plan of Lot 5 DP 237575



- Lot 5 DP237575
- Subject site proposed for rezoning

Diagram 7: The portion of the site proposed to be rezoned is shown highlighted in yellow

Maximum Building Height (m)

K	10
M	12

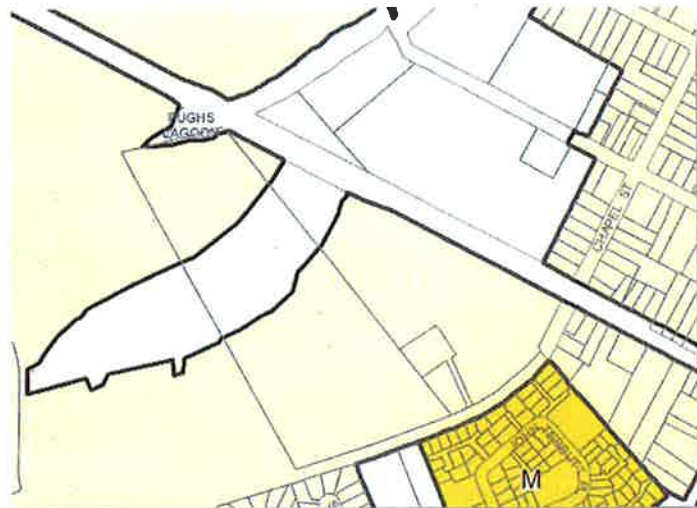


Diagram 8: The maximum building height permissible on the site is 10 metres

Acid Sulfate Soils

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5

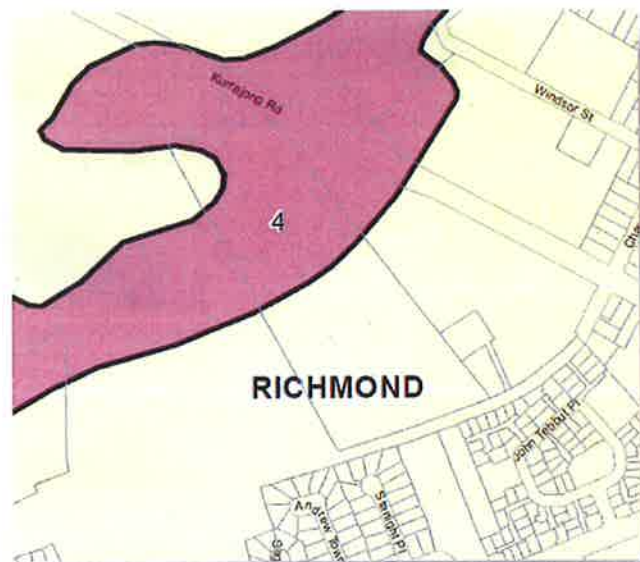


Diagram 9: Acid sulphate soils – The site is mapped as Class 4 and Class 5

Terrestrial Biodiversity

- Significant Vegetation
- Connectivity Between Significant Vegetation



Diagram 10: Terrestrial Biodiversity – Part of the overall site (not the part proposed for rezoning) is mapped as significant vegetation and connectivity between significant vegetation. This mapping does not include that part of the site requested for rezoning.

- Wetlands

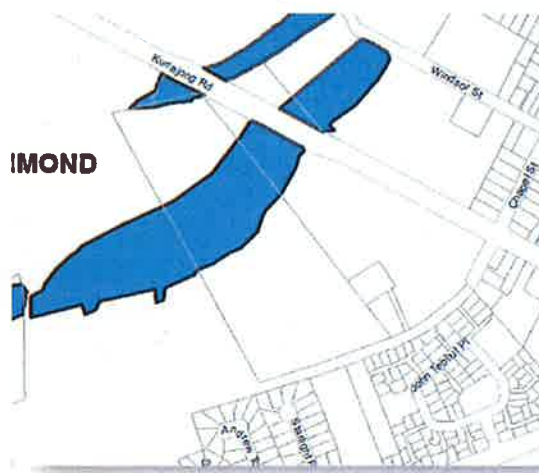


Diagram 11: The overall site contains a wetland. This mapping does not affect that part of the site requested for rezoning.



Fragar Planning & Development
www.councilapproval.com.au

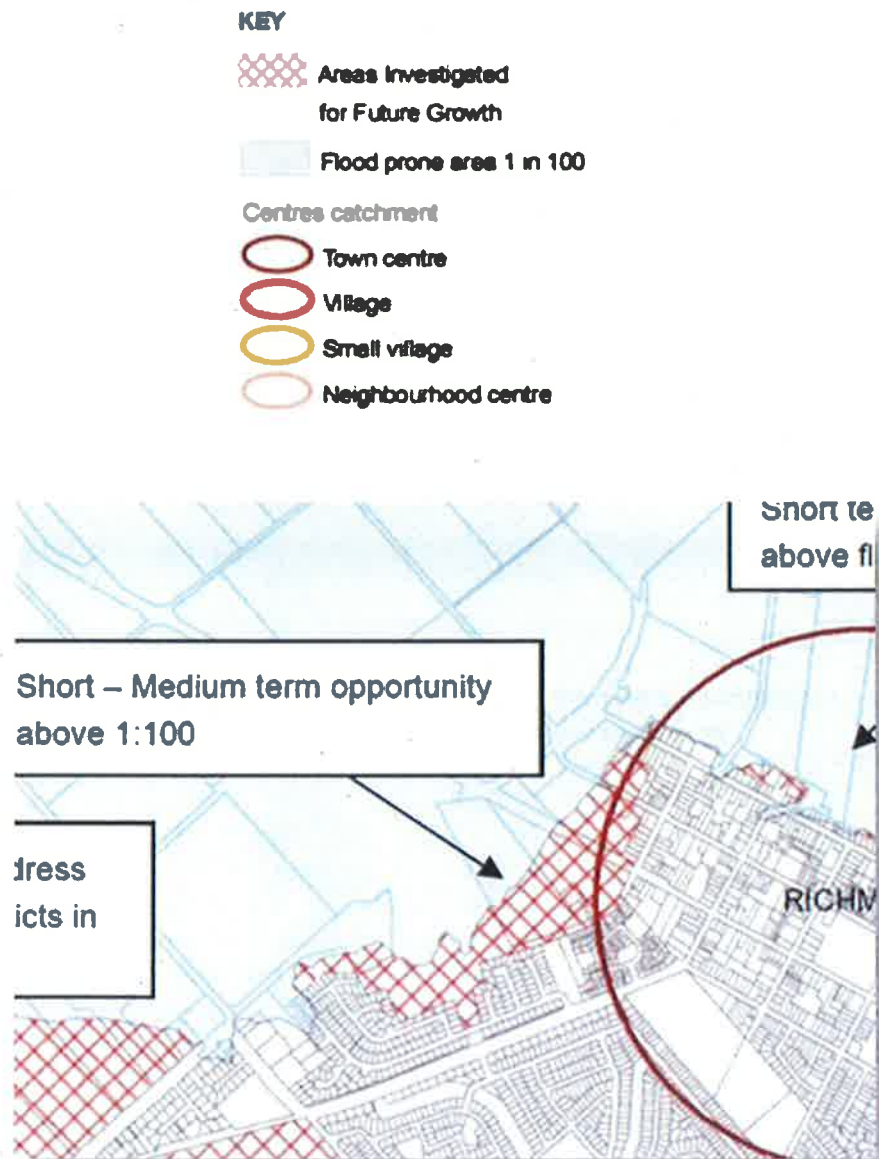


Diagram 13: Extract from Figure 5.6.1 Hawkesbury Residential Land Use Strategy 2011 indicates the portion of the subject site identified as an area to be investigated for future growth.

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

It is proposed that a period of 14 days for public exhibition should be adequate to ensure sufficient community consultation for this planning proposal.

Part 6 – Project timeline

The Department of Planning and Infrastructure 'A Guide to preparing local environmental plan' requires that a project timeline clearly identifies time frames for each project phase. An indicative time line is provided below:

Project Phase	Indicative Timeline
1. Anticipated commencement date	12 weeks from date of referral to DP&E for Gateway determination
2. Completion of technical information prior to government agency consultation	8 weeks
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining/affected property owners, public notice in a local newspaper, and exhibition material	3 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions and a report on the matter to Council	8 weeks
7. Advice to the Department, the applicant and submission of Council's resolution	2 weeks
8. Request to PC to prepare a draft LEP under Section 59(1) of the Act with a copy of the request to DP & E	2 weeks
9. Finalise the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the draft plan	6 weeks
10. Request to the Department for online notification of the LEP	2 weeks

Annexure A

Bullivants Legal
ABN 68 476 124 557

Paru
Stephen Bulliv
John Abrub
By Appointment: Sydney
Paru
Remy I

Our Ref: JA:JA:97
Your Ref:

31 May 2004

P&K Smith
PO Box 113
RICHMOND NSW 2753

By facsimile: 4578 6032

Dear Clients

Re:

Property: Lot 5 Old Kurrajong Road, Richmond

As per your instructions we have investigated the right of carriageway to the above property.

The right of carriageway is not an implied or "quasi" easement. It is registered on the title to the above property which title is Torrens title and therefore both the title and registered right of carriage way are guaranteed by legislation.

The right of carriageway must have been created when the above property was subdivided from the original grant otherwise it would not have been registered on title when the property title was converted from old system title to Torrens title.

Old system title was likely converted to Torrens title in 1966 when the mortgagee in possession sold to Baker and Bakker which is also the first time the right of carriageway became a registered instrument.

The right of carriageway is registered on title to the above property as a benefit and is also registered on the title of the owner of the carriageway as a burden.

As a registered right of carriageway on the title of your said property you are entitled to pass on and in fact must pass on that registered right in any future dealings with your said property, as the registered right of carriageway is a part of the title (property).

Member of The Law Society of New South Wales

Ph: 9633 1666
Fc: 9633 7500
PO Box 120 Parramatta NSW 2150
DX 25387 Parramatta

Suite 7, Lvl 3
The Civic Corporate Centre
42-50 George St Parramatta NSW 2150

Liability Limited by the
Solicitors Scheme approved
under the Professional
Standards Act 1994 (NSW)



If you were to subdivide your property in future the right of carriageway must be registered on each individual title created. This must be done and consent of the owner of the land over which the right of carriageway exists is NOT required.

In relation to the resurfacing of the carriageway, whilst it is not your property you do have a registered right to use the same. In these times of access by motor vehicle an all weather surface is necessary. The fact that the carriageway is already surfaced is not only a precedent for it being resurfaced but an admission of the necessity for all weather access.

We can see no legal impediment to you having the carriageway resurfaced should an adjoining user object although it is our view that you cannot compel these users to contribute to the cost thereof where the existing surface is adequate for existing purposes.

Yours faithfully
Bullivants Legal



John Michael Abraham

