

Hawkesbury LEP 2012 (Amendment No x) - 24 Greenway Crescent, Windsor

Proposal Title : **Hawkesbury LEP 2012 (Amendment No x) - 24 Greenway Crescent, Windsor**

Proposal Summary : **The planning proposal seeks to amend the lot size map for Hawkesbury Local Environmental Plan 2012 to permit smaller lots resulting in a ten lot subdivision, and to rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential.**

PP Number : **PP_2015_HAWKE_003_00** Dop File No : **14/20550**

Proposal Details

Date Planning Proposal Received : **10-Nov-2014** LGA covered : **Hawkesbury**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **24 Greenway Crescent**

Suburb : **Windsor** City : **Greater Sydney NSW** Postcode : **2756**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Derryn John**

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RPA Contact Details

Contact Name : **Karu Wijayasinghe**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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) : **1.60**

Type of Release (eg Residential / Employment land) : **Residential**

No. of Lots : **0**

No. of Dwellings (where relevant) : **10**

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.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register was checked on 11 March 2015. There are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

ADDITIONAL INFORMATION

Additional information was sought from Council in relation to on-site flood affectation. A site contour map and flood affectation map were provided by 19/3/15 and are attached as documents to this report.

SUBJECT SITE AND SURROUNDS

The subject site is located to the south-west of the Windsor Town Centre, approximately 850m from the town centre and Windsor Railway Station.

The 1.6ha site is irregular in shape with a frontage of approximately 125m to Greenway Crescent. There is an existing dwelling house and a number of outbuildings, and the site is generally free of vegetation apart from some trees/bushes along the Greenway Crescent

frontage and the rear southern boundary.

The site is surrounded by RU2 Rural land on the western portion and some R2 Low Density Residential properties and the St Matthews Anglican Church and cemetery (zoned SP2 Infrastructure) in the eastern portion.

The site was used, in conjunction with large tracts of farming land to the west, for office, machinery storage and maintenance for turf farms.

ZONING AND LOT SIZE

The site is predominantly zoned RU2 Rural Landscape with a narrow strip of land zoned R2 Low Density Residential under Hawkesbury LEP 2012. The current minimum lot size over the bulk of the site is 10ha with the narrow strip having a 450m2 minimum subdivision control.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to amend the Lot Size Map of Hawkesbury LEP 2012 to enable subdivision of the land into a number of smaller lots with a minimum lot size of 450m2 and a larger lot with a minimum lot size of 4,000m2 (approximate 10 lot yield). In addition the planning proposal seeks to rezone a large component of the subject land 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 intent of the planning proposal will be achieved through an amendment to the relevant Lot Size Map under Hawkesbury Local Environmental Plan 2012. Currently the Lot Size Map displays a minimum lot size of 10ha for the bulk of the site. The subdivision will be achieved through reduction of the minimum lot size to 4,000m2 in part of the land and 450m2 in part.

The Zoning Map of Hawkesbury LEP 2012 will also be amended to change the current RU2 Rural Landscape zoning of part of the land to R2 Low Density Residential.

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

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 55—Remediation of Land

SREP No 9—Extractive Industry (No 2—1995)

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

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

If No, explain : **S 117 DIRECTIONS**

DIRECTION 1.2 RURAL ZONES

Direction 1.2 applies as the proposal affects land within an existing rural zone. The Direction states that planning proposals must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone (other than land that is located within an existing town or village).

The increase in density from one lot to potentially ten lots is considered a minor variation. The relatively small size of the site, and the proximity of the site to surrounding smaller residential properties indicate that the site is unlikely to provide a sustainable and viable area for primary production/agricultural use.

The planning proposal argues that given the proximity to Windsor Town Centre with its existing infrastructure and services it provides a good opportunity for residential development.

The site may be able to maintain some agricultural support function as per previous turf farm administrative and machinery maintenance functions, however the proposal should not be refused on the basis of Direction 1.2. The inconsistency with the objectives of Direction 1.2 is considered to be of minor significance.

DIRECTION 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

Direction 1.3 needs to be considered as the planning proposal may have the potential to restrict possible development for mining, petroleum production and extractive industries. The planning proposal however states that the site does not have any identified resource deposits, it is also considered unlikely that any extraction would be able to take place given the proximity to existing housing development and the Windsor township.

Council intends to consult with the Director General of the Department of Trade and Investment - Mineral Resources Branch, in accordance with Direction 1.3(4), to ensure that there are no issues with development on the land relating to resources extraction. This consultation will occur if the proposal receives Gateway determination. Pending the result of the consultation, the proposal is consistent with Direction 1.3.

DIRECTION 3.1 RESIDENTIAL ZONES

Direction 3.1 applies as the proposal seeks to rezone rural land to residential. Essentially this direction encourages a variety of housing choice, efficient use of existing infrastructure and services, and the reduction of the consumption of land for housing. In addition the Direction requires that residential development not be permitted until the land is adequately serviced.

It is considered that the planning proposal is generally consistent with this Direction; development of the site for housing would increase housing choice and access existing infrastructure and services in Windsor. (Flood evacuation infrastructure discussed later.) Hawkesbury LEP 2012 already contains cl. 6.7 'Essential services' requiring adequate provision of infrastructure prior to consent being granted.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

Direction 3.4 applies as the proposal seeks to create additional residential land with 10 lots for urban development. Council considers that the proposal would lead to an expansion of the existing residential area in proximity to the Windsor town centre. This would help to increase the viability of both rail and road transport networks and provide housing close to jobs and services. It is considered that the planning proposal is generally consistent with this Direction.

DIRECTION 4.1 ACID SULFATE SOILS

Direction 4.1 applies to a planning proposal that will apply to land having a probability of containing acid sulphate soils as shown in the Acid Sulfate Soils Planning Map. The site is identified as containing Class 4 and Class 5 acid sulphate soils on the Acid Sulfate Soils Planning Map.

Any development on this site will be subject to Hawkesbury LEP 2012 Clause 6.1 Acid Sulfate Soils, which was prepared in accordance with Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director General, and is thus itself consistent with this component of the Direction.

Under this Direction Council must not prepare a planning proposal that proposes an intensification of land uses on Acid Sulfate Soils land unless it has considered an acid sulfate soils study. The Council must provide a copy of any such study and demonstrate consistency of the proposal with this Direction prior to undertaking community consultation under s.57 of the Act.

Council's report, submitted with the planning proposal, recognises that that an acid sulfate soils study demonstrating the appropriateness of residential development and reduced lot sizes has not been included. There is no argument put forward that this inconsistency is of minor significance. It is recommended that an acid sulphate soil study, demonstrating the consistency of this proposal with this Direction, be provided to the Secretary prior to community consultation if this proposal is supported at Gateway determination.

DIRECTION 4.3 FLOOD PRONE LAND

The planning proposal fails to address this Direction, however it is discussed in the Council report. This direction 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 site is flood prone. The flood affectation map (attached in Documents) shows that the majority of the 1.6ha site is below the 1 in 100 ARI flood level, and the remaining 1,850m² portion of land above the 1 in 100 level is affected by the Probable Maximum Flood (PMF). The whole site is below the PMF. The 1 in 100 ARI flood level at Windsor is 17.3m AHD, and height contours of the land range from 9.5m AHD to 20m AHD. Refer to the attached (in Documents) Flood Affectation Map and Contour Map to illustrate the above.

Clause 6.3 'Flood planning' of Hawkesbury LEP 2012 does make provisions for flood prone land, and there are no additional flood planning provisions contained in the planning proposal.

Among other requirements, the Direction states that a Planning Proposal must not rezone land in Flood Planning Areas (FPA) from (in this instance) a Rural Zone to a Residential zone. The Proposal is inconsistent with this part of the Direction. Council's report states that this is a minor inconsistency but it fails to provide justification, referring instead to the justification for Direction 1.2 Rural Zones.

Furthermore, the Direction states that a Planning Proposal must not contain provisions that apply to the FPA which permit development in floodway areas; permit development that will result in significant flood impacts to other properties; permit a significant increase in the development of that land; are likely to result in a substantially increased

requirement for government spending on flood mitigation measures/infrastructure/services; or permit development to be carried out without consent. The proposal and Council report do not provide evidence to address these aspects of the Direction.

Council's report notes that the concept plan for subdivision indicates that there would be extensive filling (approximately 0.8m - 1.3m) on the land to achieve a ground height of 17.3m and enable future residential development above the 1 in 100 ARI. There is no discussion of how this fill may affect flood behaviour impacting on other properties. The proposal is unable to achieve a 'rising road access' where the access road rises steadily uphill and away from floodwaters. The planning proposal fails to consider the implications of development on this site for flood evacuation and any associated infrastructure costs.

The above inconsistencies may only be waived if the planning proposal is consistent with a Floodplain Risk Management Plan (FRMP), prepared in accord with the Floodplain Development Manual, or if the inconsistency is of minor significance. There is not sufficient information provided to label the inconsistencies as minor.

There is no site-specific flood study for the site, however Council has developed and adopted the 'Hawkesbury Floodplain Risk Management Study and Plan'(HFRMS&P) for the entire local government area. The land at 24 Greenway Crescent is within the State Emergency Service's (SES's) 'Windsor' flood evacuation sector, meaning that future residents would need to evacuate via the Jim Anderson Bridge (South Creek crossing). The HFRMS&P found that under current SES operations, this sector is evacuation constrained and as a result existing flood risk is 'intolerable/unacceptable' and therefore no further development should proceed.

Council considers that it may be possible to reduce the flood risk from 'intolerable/unacceptable' to 'moderate' if changes in SES operations and other measures to improve flood evacuation were implemented. Council advises that discussions between Council staff and SES are ongoing regarding possible changes to SES operation, however no resolution has been reached so far.

The current inconsistencies with S.117 Direction 4.3 Flood Prone Land mean that the proposal can not be supported. Flooding matters are discussed further in the assessment section.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies when an RPA prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The majority of the site is identified as bushfire prone land Vegetation Category 1 Buffer zone. To ensure consistency with this Direction, if the Proposal proceeds Council must (as per the Direction) consult with the NSW Rural Fire Service following receipt of a Gateway Determination but prior to undertaking community consultation.

DIRECTION 6.1 APPROVAL AND REFERRAL REQUIREMENTS

Direction 6.1 applies on preparation of any planning proposal. The proposal is a straightforward rezoning that does not require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal has not been identified as designated development. The planning proposal is therefore considered to be consistent with Direction 6.1.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

Direction 6.3 applies as the planning proposal allows a particular development to be carried out. The planning proposal is consistent with Direction 6.3 as it amends the property zoning and lot size map for the site to existing categories already in

Hawkesbury Local Environmental Plan 2012. The proposal does not impose any development standards or requirements in addition to those already contained in the Plan.

DIRECTION 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The planning proposal was prepared with consideration for the previous Direction 7.1 'Implementation of the Metropolitan Strategy' prior to the release of the current Metropolitan Strategy - 'A Plan for Growing Sydney'. The proposal needs to be updated to include a discussion of the consistency with 'A Plan for Growing Sydney'.

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 10 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. As Council has not prepared an evacuation assessment to support the rezoning the planning proposal can not be supported.

SEPPS AND DEEMED SEPPS

SEPP NO. 55 - REMEDIATION OF LAND

The land has been used for agriculture in the past, specifically for an office, plant and equipment storage and servicing of machinery and vehicles in association with turf farming. In addition Council records show that the land has been filled in the past without prior approval from Council. Both agriculture and landfill are activities that may cause contamination in accordance with the contaminated land planning guidelines.

Clause 6 of SEPP 55 requires that Council carry out an investigative study if contamination is suspected. Council has stated that any investigation could be carried out following the issue of the Gateway determination. It is considered that, due to the proposed residential use and the risk of contamination, an Investigative Study should be carried out and the findings addressed in the planning proposal prior to public exhibition, should the proposal proceed.

SREP NO. 9 — EXTRACTIVE INDUSTRY (NO. 2—1995)

The SREP aims to facilitate the development of extractive resources in the Sydney Metropolitan Area, by identifying land which contains extractive material of regional significance and to ensure that consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The site is not within the vicinity of land described in Schedule 1, 2, or 5 of the SREP that contains regionally significant extractive material. As such the proposal will not restrict the removal of deposits of such extractive material.

SREP NO. 20 - HAWKESBURY-NEPEAN RIVER (NO. 2 - 1997)

The aim of SREP No. 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. Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies. Among other matters the SREP requires consideration of total catchment management, and all potential adverse impacts of

urban development.

Given the relatively small size of the proposed low density residential subdivision and the largely cleared nature of the land, it is considered unlikely that the proposal will have a significant impact on the Hawkesbury-Nepean River system. Development controls in Hawkesbury LEP 2012 and Council's development control plan will also assist in minimising environmental impact of development in the catchment. However consultation should be carried out with the Greater Sydney Local Land Services (former Hawkesbury Nepean Catchment Management Authority).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Existing and proposed Land Zoning and Lot Size maps are provided.

Additional illustrative maps are provided showing aerial view, acid sulfate soils, heritage, biodiversity, bushfire, flood affectation, slope, proposed subdivision and aircraft noise exposure

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The proponent's planning proposal suggests a community consultation period of 14 days. Given the significance of such issues as flooding it is proposed that the consultation period would be 28 days if the proposal proceeds.

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 address flood planning issues, particularly in regard to evacuation constraints.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Hawkesbury Local Environmental Plan 2012 is a Principal LEP consistent with the Standard Instrument, and it commenced on 21 September 2012.

Assessment Criteria

Need for planning proposal :

The proposal is not the result of any strategic study or report, but is instead the result of an application made by the landowner. The proposal refers to Hawkesbury Council's Residential Land Strategy 2011 and the North West Subregion Draft Subregional Strategy which indicate the goal of providing a further 5,000 - 6,000 dwellings within the Hawkesbury LGA by 2031. It is argued that in an incremental way, the planning proposal will deliver in achieving the strategic objectives of the Draft Subregional Strategy and the Residential Land Strategy. Both documents are addressed further in the next section.

In reality though the proposed 10 lot subdivision would not make a significant contribution to meeting dwelling targets for the Hawkesbury, and it is not critical to meeting housing demand. Other alternative sites are available that do not have the same flood risk and

evacuation constraint as 24 Greenway Crescent.

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 located north(west) of the Hawkesbury River, and therefore 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 flooding and flood evacuation constraints are significant enough to not support this proposal. This matter is discussed below.

Consistency with
strategic planning
framework :

HAWKESBURY RESIDENTIAL LAND STRATEGY

The 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. A corridor between Windsor and Bligh Park is identified in the Strategy as a Future Investigation Area. The site appears to be on the edge of the boundary of this corridor (refer Attachment 4 Council report).

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. No such plan has been prepared specifically for the site.

The specific recommendations for the Windsor Corridor Future Investigation Area state that opportunities to increase densities are subject to resolution of flood evacuation issues. The Strategy also recognises that infill development is dependent on flood evacuation upgrading.

NORTH WEST SUBREGION DRAFT SUBREGIONAL STRATEGY

The North West Subregion Draft Subregional Strategy provides a broad framework for the long-term development of the north-western sector of Sydney.

Windsor 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 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. The attached Flood Evacuation Network Map (in Documents, Fig. 21 from Draft Strategy) illustrates the above.

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.

Given that the proposal is seeking residential development beyond the capacity of the LEP it can not be supported as there are no additional evacuation measures, endorsed by the SES, that would support additional residential development.

A PLAN FOR GROWING SYDNEY

As discussed in regard to s.117 Direction 7.1, the planning proposal was prepared prior to the release of 'A Plan for Growing Sydney', and needs to be updated to address the new Metropolitan Strategy.

There is reduced emphasis on Windsor as a centre compared to the previous Metropolitan Strategy, and the site falls within the Metropolitan Rural Area. There is a direction in the Strategy to prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental, economic and social assets.

As per the s.117 discussion, the proposal appears to be consistent with the direction regarding housing supply, but inconsistent with the requirement for Council to undertake a flood evacuation capacity assessment prior to rezoning land.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The site is included in the Terrestrial Biodiversity Map in the Hawkesbury LEP Map 2012 and approximately 50% of the site area is mapped as 'connectivity between remnant vegetation and Endangered Ecological Communities'. However, the aerial photo and Council's site investigations reveal that the mapping is inconsistent with the vegetation on the site as the land is mostly cleared, with vegetation only existing along the boundaries. Therefore vegetation is not seen as an impediment to developing the site for low density housing. Existing trees along the boundaries provide some habitat value and should be able to be retained.

The whole of the site is affected by aircraft noise from Richmond RAAF base and its flight paths. Approximately 92% of the site is within the 20-25 ANEF contour range and the remaining 8% is within the 25-30 ANEF contour range. Development within the 20-25 ANEF will require special noise assessment and mitigation measures and the remaining 25-30 ANEF area is likely to be considered unsuitable for residential development. However, future dwellings may be able to be located to avoid the 25-30 ANEF area. If the planning proposal proceeds the Department of Defence should be consulted, and future noise assessment may occur at the development application stage.

The subject site does not contain any heritage items. However St Matthews Anglican Church and Claremont cottage adjoin the property and are listed as heritage items with State significance in Hawkesbury LEP 2012. Council considers that the likely impact of future development on these heritage properties can be assessed at the development application stage. Given the proximity of State heritage items it is recommended that the Office of Environment and Heritage - Heritage Division be consulted if the planning proposal proceeds.

SOCIAL AND ECONOMIC IMPACTS

Given the scale of the proposal it is unlikely to cause any significant social or economic impacts. An increase of ten dwellings could be expected to be accommodated by the existing Windsor social infrastructure (eg. schools, shops, medical services), and contribute in a small way to the economic growth of the town. Water sewer, electricity and telephone are available to the site. However, the social impact in relation to flooding, and difficulties associated with evacuation need to 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 the evacuation constraints have not been adequately addressed, and these are critical factors that determine whether or not the proposal should proceed for Gateway determination.**

The proposal is inconsistent with S. 117 Direction 4.3 as it is rezoning land in a flood planning area from a rural zone to a residential zone. Inconsistencies with the Direction can only be approved if the proposal is in accordance with a Floodplain Risk Management Plan (FRMP). Council's current FRMP regards Windsor as an intolerable/unacceptable risk due to evacuation constraints.

Hawkesbury Council's own Residential Land Strategy recognises that opportunities to increase residential densities in the Windsor Corridor Future Investigation Area are subject to resolution of flood evacuation issues. To date these issues have not been resolved.

The North West Subregion Draft Subregional Strategy identifies the flooding and evacuation constraints south of the River. 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).

A Plan for Growing Sydney recognises flooding constraints in the Hawkesbury-Nepean Valley, and requires Councils to undertake an evacuation capacity assessment that considers regional and cumulative impacts prior to rezoning land. Such an assessment has not been carried out.

It is worth noting that Council's resolution (2) in support of the planning proposal states that "...final Council support for the planning proposal will only be given subject to satisfactory arrangements being made for flood evacuation of the proposed land."

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

A decision to refuse Gateway determination for this planning proposal is consistent with the previous decision to refuse a rezoning for residential development at North Bligh Park. This planning proposal sought to rezone 103 hectares from the then Mixed Agriculture and Open Space zones to Housing under the Hawkesbury LEP 1989. The proposal was for approximately 700 lots.

The North Bligh Park site is clearly south of the River within the flood constrained area. The North West Subregion Draft Subregional Strategy was used to argue that flooding and flood evacuation constraints meant that the proposal should not be supported. The

Gateway determination issued on 24/9/10 stated that the proposal should not proceed due to flooding concerns.

Furthermore, in 2006 the Department supported a proposal to "back-zone" land that was within the existing residential zone. The effect of this plan was to reduce the capacity for multi-unit dwellings following information from the SES about incremental infill development and its impact on the evacuation of the existing population in Richmond and Windsor. This was carried through to the new Standard Instrument LEP made in 2012.

In addition to the flood risk and evacuation constraints, it is considered that the need for this 10 lot rezoning has not been established. There is more than ample home sites (1,980) that have recently been rezoned at Jacaranda Ponds(Glossodia) and Redbank (North Richmond), and additional capacity remains within the existing residential zoned land at Windsor.

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 by mid 2015.

Internal discussions have occurred with the Resources and Industry Office which represents the Department on the Taskforce. There is a requirement that the Department inform the Taskforce of any planning proposals within the Hawkesbury - Nepean floodplain. Part of the role of the Taskforce is to investigate the process of planning proposals within the floodplain, to see if the process is adequate, and whether agencies have adequate tools to manage these matters. Summary information about this planning proposal was tabled by the Department at the 13 March meeting of the Taskforce.

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

If Yes, reasons :

Identify any additional studies, if required, :

If Other, provide reasons :

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
24 Greenway Crescent, Windsor - Council cover letter.pdf	Proposal Covering Letter	Yes
24 Greenway Crescent, Windsor - Council report.pdf	Proposal	Yes
24 Greenway Crescent, Windsor - Proponent's planning proposal.pdf	Proposal	Yes
Flood Evacuation Network.pdf	Map	Yes
24 Greenway Crescent, Windsor - Contour Map 20150319.pdf	Map	Yes
24 Greenway Crescent, Windsor - Flood affectation map.pdf	Map	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
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **IT IS RECOMMENDED THAT THE PLANNING PROPOSAL NOT PROCEED.**

If the Minister's delegate does not support a refusal, it is recommended that the proposal be determined in accordance with s56(2)(b) of the EP&A Act and resubmitted to address the following:

(1) A flood study is required to more fully address flood risk and evacuation constraints in accordance with the requirements of s.117 Direction 4.3 Flood Prone Land, the North West Subregion Draft Subregional Strategy, and A Plan for Growing Sydney.

(2) This study needs to include an evacuation capacity assessment considering regional and cumulative impacts, and be prepared in consultation with the SES. Consideration also needs to be given to the possibility of a rising road access, and the Office of Environment and Heritage - Flood Risk Management Division needs to be consulted regarding the impacts of fill on the site in relation to flood behaviour.

(3) A revised Floodplain Risk Management Plan (FRMP) will be required if the study outcomes are able to support the proposal, and changes to the evacuation constraint and associated flood risk for Windsor.

(4) In preparing the above documents consideration needs to be given to the current work of the Government's 'Hawkesbury-Nepean Valley Flood Management Review' and any findings that are released from Stage 2 of the Review.

Supporting Reasons : The proposal fails to adequately address current flood risk and evacuation constraints and the associated Government policies and s.117 Direction. This is a critical factor as to the feasibility of the proposal proceeding.

Signature:

RJ Cumming

Printed Name:

Rachel Cumming

Date:

30 March 2015