

Amendment to Hawkesbury LEP 2012 - Redbank at North Richmond

Proposal Title : **Amendment to Hawkesbury LEP 2012 - Redbank at North Richmond**

Proposal Summary : **PLANNING PROPOSAL (attached)**

The planning proposal is to rezone 180 ha land from Consolidated Land Holdings Zone under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to a range of urban uses (R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and SP2 Infrastructure) as well as recreation and environmental uses (RE1 Public Recreation and E4 Environmental Living).

PP Number : PP 2012 HAWKE 002 00 Dop File No : 12/08555-1

Proposal Details

Date Planning Proposal Received :	14-Jun-2012	LGA covered :	Hawkesbury
Region :	Sydney Region West	RPA :	Hawkesbury City Council
State Electorate :	LONDONDERRY	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	180.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	1,400
Gross Floor Area :	0	No of Jobs Created :	600

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

LOBBYIST STATEMENT

At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this Planning Proposal.

Supporting notes

Internal Supporting
Notes :

The planning proposal was referred to the Department's Strategies and Infrastructure Planning Team and Heritage Branch of the Office of Environment and Heritage.

At the time of submission, no formal response from Strategies and Infrastructure team was received. It is understood that S&I Team is of the view that the site is strategically located for the proposed residential development, however, there is no certainty at this stage regarding access issues and is not confident that this issue can be resolved in the foreseeable future. Further, Transport NSW has advised the S&I Team previously that it does not support any additional residential development of this nature in the area until access issues can be resolved and that the proposed southern access involves resolution of many issues.

A letter from the Heritage Branch is attached.

External Supporting
Notes :

PLANNING PROPOSAL

The proposal will facilitate:

- . approximately 1,400 homes
- . embellishment/extension of open space and community facilities
- . a small scale neighbourhood centre of approximately 1.2ha adjacent to Grose Vale Road,
- . construction of trunk drainage corridors
- . capacity improvements to existing stormwater infrastructure
- . multiple road connections to existing roads

Council has advised that the subject site is relatively free from environmental constraints and accordingly is identified as a 'High Priority Future Investigation Area' for urban release and will make a significant contribution to the LGA's housing targets.

The planning proposal is supported by various assessments/studies including traffic and infrastructure, geotechnical and environment, agricultural land, conservation management, aboriginal heritage, visual landscape, bushfire, economic impact assessment, stormwater and drainage, flood and Community Net Benefit Assessment. See studies attached to the planning proposal submitted by JBA, consultants for North Richmond Joint Venture (NRJV), attached.

The planning proposal also identified that NRJV intends to enter into a VPA with the State government for the delivery of regional physical and community infrastructure.

JBA is currently overseeing the preparation of a Transport Management and Accessibility Plan (TMAP) to identify detailed road upgrade works, feasibility and funding apportionments for the VPA. Council has advised that the TMAP will not be able to be finalised until 2013.

The land is being considered as a potential residential release in the Department's housing opportunities review process and also subject to listing process for the State Heritage Register.

THE SITE (see aerial and location maps attached)

Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond is located on the northern side of Grose Vale Road and, immediately to the east of the North Richmond residential area and Peel Park, west of the Belmont Grove rural residential area, and south of Redbank Creek.

The site is currently used for cattle grazing and contains a residence and minor farm related structures. There are 11 farm dams on the property related to a former demonstration/experimental Keyline irrigation system development by a previous owner (P A Yeomans) in the early 1950s.

The site predominantly consists of cleared undulating land with an east-west slope creating two distinct valleys with reasonably flat terrain to slopes in excess of 15%. It is above the 1 in 100 year Hawkesbury River flood event level and only a small part of the site (generally within the confines of the Redbank Creek riparian area) is below the Hawkesbury River Probable Maximum Flood level.

The site contains some large stands of remnant vegetation predominantly along creek lines which contain potentially threatened ecological communities and threatened fauna and habitat.

The site:

- . contains Class 5 acid sulfate soils and has moderate salinity potential;
- . is bushfire prone;
- . is identified as Class 3 agricultural land in the Agricultural Land Classification Atlas for the Sydney Basin and Lower Nepean – Hawkesbury Catchment;
- . contains remnants of the former Richmond to Kurrajong railway line in the form of two culverts and the path of the former railway line;
- . contains 10 Aboriginal archaeological sites; and
- . is not within the Obstacle Limitation Surface Area of the Richmond airport.

A seniors living development (197 Independent Living Units and an 80 bed nursing home facility) is currently being constructed in the south-eastern corner of the site.

CURRENT ZONING

The site currently has no subdivision potential. It is proposed to be zoned RU4 Primary Production Small Lots under the draft Hawkesbury LEP 2012. The minimum allotment size proposed for the site under the LEP 2012 is 200 hectares. The proposed RU4 Zone effectively prohibits any subdivision of the land.

PLANNING ASSESSMENT COMMISSION

In 2009, the NRJV made a request for the site to be listed on the Metropolitan Development Program. The submission was referred to the Planning Assessment Commission (PAC) for determination in July 2010.

The PAC considered that any further assessment of the residential development of the site should await the preparation of an Heritage Conservation Management Plan, and the agreement on a conservation outcome between the Heritage Council, Hawkesbury Council and the owner.

The PAC also considered that the proposal did not meet the sustainability criteria for new greenfield releases in relation to infrastructure provision (i.e. impact on the State road network). The PAC recommended that further consideration of the site's residential development potential and infrastructure needs should await the outcome of the preparation of the CMP.

The PAC identified that development of the Redbank site was not required for release onto the MDP at that stage to meet the housing targets for the LGA as Bligh Park and Vineyard release areas were forecasted to produce 3000 dwellings by 2017/2018.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Council's planning proposal is to facilitate:

- . rezone 180 ha land from Consolidated Land Holdings under Hawkesbury LEP 1989 to R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and SP2 Infrastructure as well as recreation and environmental uses (RE1 and E3) under the draft Hawkesbury LEP 2012 to accommodate residential development on the site;
- . accommodate additional housing supply and choices with the addition of 1,400 – 2,000 dwellings on land that will not significantly impact upon environmentally sensitive land;
- . provide the opportunity for the protection and adaptive re-use of significant heritage fabric;
- . create no public infrastructure costs; and
- . contribute to achieving important objectives and directions in Government planning strategies and policies by providing future growth in the North West Subregion.

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

Is an explanation of provisions provided? Yes

Comment : JBA planning proposal report advised that:

- The residential Zones (R2, R3 and R5) have been selected to ensure flexibility in the types of dwellings provided, whilst protecting

sensitive environmental features and minimising the visual impact of the development;

- The proposed SP2 (Trunk Drainage) Infrastructure Zone incorporates land within the site that have a critical drainage function. This includes all of the riparian corridors that are proposed to be retained under the Stormwater Management Strategy, with the exception of an area of the existing Redbank Creek riparian corridor which is proposed to comprise open space as a natural extension of Peel Park; and
- Those parts of the Redbank Creek corridor that are to be retained in private ownership, will be incorporated into larger residential lots along the Creek frontage. It is proposed to be zoned E4 Environmental Management in recognition of the ongoing conservation and management required.

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

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

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

STATE AND REGIONAL ENVIRONMENTAL INSTRUMENTS

JBA's planning proposal (Appendix 'X') has identified the applicable State and regional environmental instruments.

The following instruments are considered applicable to the planning proposal and it is considered that the proposal has adequately addressed the requirements in these relevant instruments.

SEPP 19 - Bushland in Urban Area

Key flora and fauna species on the site include Cumberland Plain Woodland (CPW), under TSC and EPBC Acts, and River-flat Euclypt Forest under TSC Act.

As required in the SEPP, a Vegetation Management Plan will be prepared by the proponent at development stage. The River-flat Euclypt Forest is confined to Redbank Creek Corridor and the area of intact CPW in the south western corner of the site are proposed to be managed through a vegetation management plan to be registered on the title of the relevant private allotments.

The planning proposal is not inconsistent with the SEPP.

SEPP 55 - Remediation of Land

Given the history of agricultural uses on the land, a preliminary geotechnical investigations were carried out by the NRJV. The land is not considered as any risk or harm to human health.

SREP 20 - Hawkesbury Nepean River

The planning proposal is not inconsistent with the SREP. It proposes for a comprehensive water cycle management strategy for water quantity and quality management measures to ensure the protection and improvement of the riparian system. The planning proposal also proposes to protect Redbank Creek frontage by rezoning to E4 Environmental Living Zone.

RELEVANT S117 DIRECTIONS

The relevant S117 directions are as follows:

1.2 Rural Zones

The land is identified as Class 3 Agricultural land in the Agricultural Land Classification Atlas for the Sydney Basin and Lower Nepean – Hawkesbury Catchment. It is considered to be mainly suitable for grazing and pasture improvement, but not for intensive agricultural use. The presence of residential development immediately to the east and west would prevent any intensification of agriculture use.

An agricultural land study (Montgomery Planning Solutions - Appendix F) was prepared to justify the proposed rezoning. The study concludes that:

- . the site is no longer viable as an agricultural use;
- . the rezoning of land from agriculture to urban use will not have impact on primary production on neighbouring properties as the surrounding properties are residential/rural residential; and
- . the potential agricultural production of the land is considered to be very low and will have no impact on food production in the Sydney Basin.

Further, as required in the draft North West Subregional Strategy, Council prepared the Hawkesbury Residential Land Study and identified the site as a "High Priority Future Investigation Area" for urban release. The Residential Land Strategy identifies that existing centres within Hawkesbury are severely limited by environmental constraints. Estimated 5,400 new dwellings will need to be provided from greenfield sites/extension of the footprint of existing urban villages by 2031. Council's Housing Opportunities and Constraints analysis has indicated that the site is relatively free from constraints. The potential 1,400 - 2,000 new dwellings will account for up to 30% of the future housing need.

Comments:

The planning proposal will have minimum impact on the surrounding development and the agricultural production value of rural land. It is agreed that the planning proposal will facilitate residential development opportunity in an area generally free from environmental constraints and to the north of Hawkesbury River, consistent with the objectives of the draft NW Subregional Strategy and Council's Residential Lands Strategy (not approved by the Director General). The loss of rural zoned land outweighs the potential delivery of housing choices together with other conservation and community benefits in the area.

The reduction of rural land is considered to be consistent with the direction and the Director General's approval is required.

2.3 Heritage Conservation

A Conservation Management Plan (CMP) has been prepared by Urbis to analyse the fabric and significance of the Redbank site (formerly called Yobarnie). The CMP has determined that the site has high historical significance for its role as one of the first demonstration farms where the Keyline system of irrigation was developed in the early 1950s. The site contains 11 of the 16 Yobarnie dams.

The CMP, however, concludes that the subdivision and redevelopment of the site for residential uses is appropriate in view of the redundant agricultural use and the lack of a viable alternative agricultural use. Further, without the redevelopment and on-going management of the site, the heritage fabric on the site would gradually degrade and the heritage significance would not be retained.

The proponent has consulted the Heritage Branch (Office of Environment & Heritage) in September and November, 2011. The Heritage Branch is currently assessing the draft CMP and is to be completed in the near future. The Heritage Branch has recently advised the Department that it has planned to present the CMP review and a report considering the potential significance of the keyline farms to the State Heritage Register Committee of the Heritage Council at its 4 July, 2012, meeting. The Heritage Council is expected to resolve whether or not to advertise its intention to consider the listing of these sites on the State Heritage Register. It has requested that the Planning Proposal should be informed by the outcome of the Heritage Council's resolution.

The proponent has, however, advised that the final interpretation strategy and site layout (concept and zoning plans) will be determined in consultation with the OEH.

The site is not proposed to be listed as a heritage item in the draft Hawkesbury LEP 2012.

Comments:

The Regional Team agrees with the comments made by the Heritage Branch and the consideration of the planning proposal and its consistency with the direction will be subject to the Heritage Council's resolution and adoption of the draft CMP.

3.1 Residential Zones

The direction encourages land for variety and choice of housing and associated urban development on the urban fringe for existing and future housing needs. The direction also requires residential development to make more efficient use of existing infrastructure and contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

Comments:

See discussion on "Transport Infrastructure" in the following paragraphs under 'Assessment' section. JBA (consultants for NRJV) are currently overseeing the preparation of a Transport Management and Accessibility Plan (TMAP). The TMAP will identify detailed road upgrade works, feasibility and funding apportionments for the VPA.

Council has advised that the TMAP will not be able to be finalised until late 2012 when a new east-west access - either a bridge crossing at Grose Vale/Agnes Banks (Navua Reserve) or an alternative option, can be agreed and finalised.

Under the circumstances, it is not considered that Council has adequately addressed the

provisions in the direction in relation to access arrangements/requirements and the efficient use of the existing infrastructure. Therefore, at this stage, the planning proposal cannot be taken as consistent with this direction, although it is noted that the TMAP provides a possible mechanism for resolving this inconsistency.

3.4 Integrated Land Use and Transport

This direction applies to the planning proposal as it creates urban land (i.e. residential and business). The objectives of the direction requires, amongst other things, increasing the choice of available transport and reducing dependence on cars and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car.

The planning proposal seeks to deliver new housing in close proximity to existing residential urban land with access to public transport. Council has advised that a TMAP is being prepared and access and transport issues as well as the proposal will be comprehensively addressed as part of the TMAP process.

Comments:

In light of the objectives of the direction it is not considered that the neighbourhood centre, as identified in the Concept Plan (attached) is consistent with the objectives to reduce dependency on car use and travel demand. The location of the neighbourhood centre, at the south east corner of the site is in excess of 400m to the centre of the site and is in excess of 800m to the western part of the site. This location will increase the demand in car use within the site. There is no justification in the planning proposal for the location of the centre.

It is recommended that Council is advised to review the location of the proposed neighbourhood centre when finalising the site layout, consistent with the direction.

4.1 Acid Sulfate Soils

Preliminary Geotechnical Investigations (Geotechnique Pty Ltd, Appendix E) submitted as part of the planning proposal indicate that the site is not affected by Acid Sulphate Soils. However, Council's planning proposal advised that the site is predicted to contain Class 5 acid sulfate soils and has moderate salinity potential. The draft Hawkesbury LEP 2012 Acid Sulfate Soils map (Sheet ASS_008AA) identified the site as containing Class 5 Acid Sulfate Soils. No studies have been prepared for the planning proposal to address acid sulfate soils.

Comments:

The direction requires the relevant planning authority to consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant authority is also required to provide a copy of any such study to the Director General prior to undertaking community consultation.

The Director General's approval will be subject to the preparation of an acid sulfate soils study as required in the direction, prior to the public exhibition.

4.3 Flood Prone Land

Council has advised that a relatively small part of the site is subject to flooding from the Hawkesbury – Nepean River and preliminary investigations have been undertaken in respect of localised flooding. It is believed that the flood affected area is within the confines of the Redbank Creek riparian area and the proposed open space areas. It is considered that the impact of the flooding on the site and proposed development would be of a minor nature.

Comments:

It is agreed with Council's view that flooding on the site is considered to be of minor significance. The draft Hawkesbury LEP 2012 includes provisions to consider flooding and can be considered as part of the development assessment process.

It is considered that inconsistency with this direction is of minor significance and approval of the Director General is required.

4.4 Planning for Bushfire Protection

Hawkesbury Bushfire land map identified the land as Bush Fire Prone land.

A Bushfire Planning Assessment (Australian Bushfire Protection planners Pty Ltd and McKinlay Morgan and Associates - Appendix M) submitted as part of the planning proposal identifies the land as clear of native vegetation, except for remnant shades of trees and narrow corridor of vegetation along Redbank Creek, and has been used for grazing and for other agricultural uses in the past. A bushfire evacuation review (by Molino Stewart) concludes that it is unlikely that bushfire would cause the site to be evacuated.

The proponent's Bushfire Planning Assessment argues that Council's current Bushfire Prone Land Map is inaccurate as it has not categorized the vegetation types in line with the Rural Fire Service's mapping guidelines. Council and RFS staff are currently reviewing the Bushfire Prone Land Map for the whole City and the findings of the Bushfire Planning Assessment can be considered in this review.

Comments:

There are anomalies in the Council's bushfire prone land map and the proponents assessment. Under the circumstances, it is not considered appropriate at this stage to make a decision on the extent of bush fire prone land involved. It may be prudent for the Council and RFS staff to finalise the Bushfire Prone Land Map review before any decision on its consistency with the direction is made. Council staff have advised that a draft revised map was prepared and forwarded to RFS Hawkesbury Branch in February 2012, however, the timeframe to finalise the map is not known.

As required in the direction Council is to consult the RFS prior to the public exhibition of the planning proposal. The DG's approval will be required subject to the outcome of the review of bushfire prone land map.

6.2 Reserving Land for Public Purpose

The planning proposal proposes 3.5 ha land for RE1 Public Recreation for an extension of Peel Park for an enhanced facility and SP2 Infrastructure (Trunk drainage) zones. The open space strategy for the project centres on the retention of existing open water bodies - SP2 Infrastructure within a dual purpose open space and drainage network with embellishment works (i.e. boardwalks, perimeter tables / seating) for the site. A fundamental component of the onsite drainage system is the integration of the heritage and environmental values of the key-line system dams as focal points within the drainage corridors that can serve a dual purpose open space function.

Comments:

The planning proposal is not inconsistent with the direction as it will not reduce the existing zonings for public purposes. The creation of RE1 zone is considered to be of a minor significance and the Director General's approval is required.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal achieves the overall intent of the Metropolitan Plan - to ensure adequate supply of land and sites for residential development, and does not undermine

the achievement of its vision, land use strategy, policies, outcomes or actions.

The proposal will increase dwelling densities on a site that is at the fringe of North Richmond residential area, north of Hawkesbury River. The site is no longer viable as an agricultural use and is largely free of environmental constraints in the LGA. North Richmond is classified as a Local Centre - Village in the Metropolitan Plan and the site is identified as "High Priority Future Investigation Area" for urban release in the Hawkesbury Residential Land Study. This is a study prepared consistent with the objectives of the draft NW Subregional Strategy (NWC1.1.3) to consider opportunities for further growth around local centres to the north of Hawkesbury River, cognisant of flooding and flood evacuation issues.

See details of Council's assessment of the proposal against the Metropolitan Plan for Sydney 2036 and the draft NW Subregional Strategy, in the planning proposal, attached.

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

If No, explain : See above.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The planning proposal is to amend the draft Hawkesbury Local Environmental Plan 2012 (LEP 2012). Council has advised that the amendments to the land zoning, height of building and lot size maps are proposed. An indicative zoning map and height of buildings map is attached.

Council proposes to prepare a lot size map after gateway determination and consultation with relevant public authorities as the outcome of these consultations may have an impact on the overall proposed lot yield, location and zoning, and minimum lot sizes.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Given the nature of the proposal, the volume of supporting report/studies, and the likely community interest in the matter Council has recommended for a 60 day public exhibition period.

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 : ROAD INFRASTRUCTURE (TMAP)

Council has advised that the TMAP will not be able to be finalised until a new east-west access bridge crossing at Grose Vale/Agnes Banks (Navua Reserve) option can be agreed and finalised. This also means that there will be no detailed/final scope of road network improvements and requirements (feasibility and finding) to be delivered as part of the project, and the VPA cannot be finalised at this stage.

It should also be noted the proposed bridge and associated road works within the Navua and Yarramundi Reserves are likely to create significant community interest and Council has requested JBA to consider an alternative option to the proposed southern access as part of the TMAP.

Council officers have advised that the Plan of Management and the TMAP can run concurrently. JW Prince has commenced the preparation of the TMAP and Council expects that it can be finalised by Council in October/November this year.

As discussed in the S117 Direction 3.1 Residential Zones, the planning proposal as submitted is not considered to be consistent with the direction. There is no certainty at this stage that the southern access can be delivered.

CONSERVATION MANAGEMENT PLAN (CMP)

As discussed in the S117 2.3 Heritage Conservation section, the site is of State heritage significance from an historical, associative, aesthetic and technical perspective, for its role as one of the first demonstration farms where the Keyline dam system was developed in the 1950s.

A Conservation Management Plan (CMP) for the site has been prepared in consultation with the Office of Environment & Heritage (Heritage Branch), and has been formally submitted to the Heritage Branch for endorsement by the NSW Heritage Council for listing of the site on the State Heritage Register. The planning proposal is consistent with the CMP, which allows for adaptive re-use and redevelopment of the site with endorsed heritage management outcomes.

The Heritage Branch is currently assessing the draft CMP and is to be completed in the near future (4 July, 2012). The Heritage Branch has recently advised the Department that the planning proposal should be informed by the outcome of the Heritage Council's resolution. In this light, it is considered that the final interpretation strategy and overall structure planning and rezoning process of the planning proposal should be determined once the CMP is finalised.

OTHER OUTSTANDING MATTERS

Timing

Council has requested that timeframes for consultation (public authority and community) and finalisation of the planning proposal not be determined until after Council has considered the TMAP and VPA. Council is seeking for a Gateway Determination so that proponent has certainty to spend additional funding and resources for the project.

S117 Directions

As discussed in the S117 Directions, Council is to further address the issues as it relates to S117 3.4 Integrated Land Use and Transport (i.e. location of the Neighbourhood Centre Zone), 4.1 Acid Sulfate Soils (i.e. the need for an acid sulfate soils study) and 4.4 Planning for Bushfire Protection (i.e. the need to resolve anomalies in the Council's bushfire prone land map).

Proposal Assessment

Principal LEP:

Due Date : July 2012

Comments in relation to Principal LEP :

The draft Hawkesbury LEP 2012 has been exhibited and reported to Council under section 68. The draft LEP is currently with the Department for review and is expected to be completed by July, 2012.

Assessment Criteria

Need for planning proposal :

The proposed amendment will assist in Council achieving the housing delivery in the draft NW Subregional Strategy and Council's Residential Land Strategy.

Consistency with strategic planning framework :

As discussed in the 'Adequacy' section, the planning proposal is consistent with the relevant SEPPs and SREPs. It is generally consistent with the main aims of the Metropolitan Plan for Sydney 2036 and the draft NW Subregional Strategy except that there is no agreed approach to transport infrastructure required to support the release. Council has advised that the planning proposal is consistent with its Residential Lands Strategy. This strategy has not been endorsed by the Director General.

Environmental social economic impacts :

The likely environmental effects include:

FAUNA AND FLORA

As discussed in S117 Direction, key flora and fauna species include Cumberland Plain Woodland (CPW) and River-Flat Eucalypt Forest (RFEF). Council has advised that the proposed zoning concept plan, attached, has been developed to protect areas where these species occur, to ensure that these species will not be adversely affected as a result of the proposed rezoning and future residential development. It is proposed that part of the Redbank Creek riparian corridor land be retained in private ownership to be maintained by the owners of individual lots in the release area. A Vegetation Management Plan will be prepared to address ongoing contributions/maintenance of the riparian land.

Similarly, the intact 3.5 ha area of CPW in the site's south western corner (R5 Large Lot Residential) is proposed to be managed in private ownership and managed through a Vegetation Management Plan.

A small 1.05 ha area of CPW is proposed to be removed to accommodate water infrastructure and is 0.23% of the CPW that is mapped as occurring in the locality. A preliminary Seven Part Test has been conducted by GHD, which concludes that the proposal is unlikely to result in a significant impact on CPW, pursuant to Section 5A of the EP&A Act.

The JBA planning proposal has advised that limited removal of CPW will be facilitated by further impact assessments at development application stage including the need for referral under the EPBC Act and biodiversity offsets.

The assessment considered that the majority of threatened fauna (and terrestrial and aquatic habitat) with the potential to occur on the site are most likely to utilise habitat along Redbank Creek or the pockets of CPW. Further assessment on potential fauna is to be done as part of the future development of the site.

GEOTECHNICAL CONDITION

Geotechnique Pty Ltd has prepared a Preliminary Geotechnical Investigation which concludes that the site is suitable for residential development, with no constraints to the construction of residential buildings, or lightweight commercial structures. Further detailed geotechnical and environmental investigations are to be undertaken during each stage of development.

As discussed in S117 Direction 4.1 Acid Sulfate Soils, the site is identified as containing Class 5 Acid Sulfate Soils. An acid sulfate soils study is to be prepared as required in the direction, prior to the public exhibition.

AGRICULTURAL LAND CAPABILITY

As discussed in S117 Direction 1.2 Rural Zones, the site is no longer viable as an agricultural use. The loss of rural zoned land outweighs the potential delivery of housing choices together with other community benefits in the area.

FLOODING AND STORMWATER

A Flood and Bushfire Safety Evaluation (Molino Stewart, Appendix L) was prepared. As identified on Council's flood constraints map, the site is free from any direct risk of

flooding from the Hawkesbury Nepean River, attached.

As discussed in the S117 Direction 4.3 Flood Prone Land, the land proposed to be developed is above the PMF. The majority of the land below the PMF (approximately 2% of the site) lies along Redbank Creek, and would be subject to further approvals to ensure there are no adverse impacts upstream or downstream.

As discussed in the 'Transport Infrastructure' section, an alternate access route, via the proposed Grose River Bridge, would be available for the site at most times.

The site is divided into four main catchments (refer to Figure 17 in JBA planning proposal, attached) and four primary trunk drainage corridors (with a secondary riparian and tertiary open space function) are proposed to be constructed separating the planned residential areas. These stormwater drainage are to be designed to integrate open space areas and stormwater treatment devices, ameliorate existing flooding of residential properties downstream of the site, maintain supply of stormwater (quality and quantity) to downstream users and environment and integrate the heritage and environmental values of the key-line system dams as focal points in the surrounding community and drainage corridors.

BUSHFIRE

As discussed in the S117 Direction 4.4 Planning for Bushfire Protection, there are anomalies in the Council's bushfire prone land map and JBA's assessment of bushfire risks.

Council has advised that Council and RFS staff are yet to finalise the Bushfire Prone Land Map review. The timeframe to finalise the map is not known.

HERITAGE

As discussed in the S117 Direction 2.3 Heritage Conservation, a Conservation Management Plan (CMP) has been prepared by Urbis and the Heritage Council is yet to endorse and make a decision for listing the site on the State Heritage Register. The planning proposal by JBA (Appendix G) states that resolution of heritage issues and the future layout of the site will be an iterative process, and will be ongoing as part of the overall site structure planning and rezoning, in consultation with the OEH.

The site is not proposed to be listed as a heritage item in the draft Hawkesbury LEP 2012.

JBA has advised that consultations with the Office of Environment & Heritage have confirmed their support for the findings of the CMP, and their intention to proceed with the listing of the elements of the site on the State Heritage Register.

There are 10 archaeological features including nine sites and one potential archaeological deposit identified on the site. Majority are associated with Redbank Creek and contained within the riparian corridor. JBA advised that the presence of these sites will not prevent development outside the Redbank Creek riparian corridor. Details are in the preliminary Archaeological Assessment and the Aboriginal Heritage Assessment is in Appendix H of JBA planning proposal.

TRANSPORT INFRASTRUCTURE

Council has advised that there are significant pre-existing road and traffic congestion issues in the area (i.e. the Bells Line of Road/Terrace Road/Grose Vale Road intersection and the capacity of North Richmond Bridge and the approaches to the bridge). This is also a long standing community concern.

A Utilities and Transport Report has been prepared by J.Wyndham Prince (Appendix D of the JBA planning proposal) and has consulted with the RMS on these issues.

It is understood that the RMS is currently undertaking several studies to identify short to

medium term solutions to these problems/congestion issues and are expected to be completed later this year and in 2013. The Utilities and Transport Report notes that existing traffic volumes already significantly exceed serviceable capacity parameters and that upgrading works are limited due to the proximity of property boundaries and infrastructure and the RMS is also exploring future corridor locations for long term planning. THE RMS HAS INDICATED THAT THE STATE GOVERNMENT FUNDING IS NOT AVAILABLE TO UNDERTAKE THE WORKS REQUIRED IN THE SHORT TERM.

In response to these matters NRJV proposes road infrastructure works as part of the PP. The key element of the proposed road works (details of proposed contributions in Chapter 5 of JBA's planning proposal) is a bridge across the Grose River at Navua Reserve, Grose Vale / Yarramundi Reserve, Agnes Banks for the purposes of enabling travel westerly along Springwood Road or travel easterly over Yarramundi Bridge.

JBA has advised that the proposed bridge is a flood resistant concrete span bridge. The route from the subject site is southerly along Grose River Road through Navua Reserve until reaching Springwood Road. The land required to construct the bridge/road are either owned by Council or the Crown and under the care control and management of Council, generally in the form of Road Reserves.

Council has advised that this second crossing will;

- . Provide an alternative east-west river crossing that will alleviate existing traffic congestion at Richmond Bridge;
- . divert traffic away from the already congested Grose Vale Road / Bells Line of Road intersection; and
- . provide flood free access for an extended period of time;

NRJV proposes that the new bridge would be opened following completion of the 459th dwelling on the site.

However, Council has advised that detailed analysis of the new bridge and other traffic management issues will be undertaken as part of the TMAP process. The TMAP will be completed post gateway determination and be submitted to Council prior to public exhibition of the PP. The TMAP will address existing transport and accessibility infrastructure and deficiencies, possible transport and accessibility infrastructure opportunities and proposed solutions and funding apportionments to inform a VPA agreement and implementation program.

Based on the concept plans provided, the proposed river crossing will affect the access and existing car parks in both Yarramundi Reserve and Navua Reserve. It is likely that the road would be well utilised and thus noise could also affect the current use patterns of these Reserves. The existing access/car parks within Navua Reserve would need to be reconfigured/reconstructed to allow this proposal and this would impact on existing vegetation. These works can only commence once the Plans of Management have been reviewed/adopted.

Council has advised that a review of the Plan of Management for Yarramundi Reserve will require assessment of existing vegetation and require the preparation of flora and fauna surveys. Council has advised that this work is likely to take up to 12 to 18 months.

Yarramundi Reserve and Navua Reserve are, jointly, a regional facility which is well utilised by local residents and tourists. Council/local bushcare groups have invested many resources to develop these facilities for the community. The Grose River in the area is also relatively active in terms of movement of sand and redefinition of bank during flood events.

Council considers that the proposed bridge and associated road works within Navua and Yarramundi Reserves are likely to create significant community interest and feedback to Council. JBA has therefore been requested by Council to, as part of preparing the TMAP, propose at least one other alternative to the proposed crossing for consideration by

Council, relevant public authorities and the community. If these access arrangements are not bedded/agreed at the proposal stage, there may be potential cost to the government.

UTILITIES AND SERVICE INFRASTRUCTURE

As part of the process of preparing the LEP Planning Proposal, consultation has commenced with the Council and the community, as well as with Roads and Maritime Services (RMS), Sydney Water, Endeavour Energy, Office of Environment & Heritage (heritage and water), the Rural Fire Service and State Emergency Services.

The planning proposal report says that Water, sewer and power utilities services infrastructure is currently available to the site boundaries. There is sufficient capacity in the existing utility services infrastructure to service the initial stages of residential subdivision (Stage 3A - approximately 409 lots) without any augmentation.

Augmentation of water and sewer services beyond the initial stages can be provided by the developer where required and via standard commercial arrangements with Sydney Water.

J. Wyndham Prince has prepared a series of Infrastructure Site Servicing Plans for the site (refer to Appendix N) to determine the availability of enabling infrastructure, and the works required to service each stage of the development.

Augmentation to potable water and sewerage specific infrastructure points to support later stages of the project can occur, and will be an ongoing commercial agreement with Sydney Water.

There is sufficient capacity to supply power to the whole of the development, without the need to augment existing infrastructure.

Natural Gas (supplied by underground reticulation) is not available to service the within the next 5 years.

The NRJV has advised that it is committed to funding all water, sewer, power and road infrastructure required to service the development that is identified on the Infrastructure Delivery Schedule (also at Appendix N). The NRJV intends to enter into a Voluntary Planning Agreements with State and local governments for the delivery of both regional and local physical and community infrastructure.

The delivery of transport, infrastructure, utility servicing and community and social infrastructure is detailed at Section 4.9 and 4.10 of JBA planning proposal.

HOUSING AND EMPLOYMENT OPPORTUNITIES

Detailed site environmental investigations and urban capability analysis undertaken by the NRJV have demonstrated that the remainder of the site can accommodate a further 1,400 to 2,000 dwellings, approximately 30% of Council's housing target. This translates to approximately 150 dwellings per annum commencing in 2013 to continue progressively until 2020 to be completed and occupied, subject to market take up.

The preliminary Stage 3A layouts also demonstrates the ability to provide over 100 new dwellings as part of the first stage of development, which could be constructed within 12 months of works commencing on the site. As discussed in the 'Heritage' section above, notwithstanding the indicative layouts/Concept Plan, attached, the final layout and yield will need to be the result of the CMP and further consultation with the Heritage Branch to ensure that the heritage fabric is managed and preserved in an appropriate manner.

The Economic Impact Assessment (Urbis, Appendix R) concludes that the development will generate substantial economic benefit, much of which will be captured within the

Amendment to Hawkesbury LEP 2012 - Redbank at North Richmond

Hawkesbury LGA and surrounding region. The project will contribute 579 direct and indirect FTE jobs during each year of construction (10 years). Once all dwellings are constructed, direct and indirect jobs generated by resident expenditure and operation of the seniors living development will reach 1,079 FTE (approximately 108 during each year of construction) and these jobs will be sustained for as long as dwelling are occupied.

North Richmond is well located and has good access to employment opportunities in the Hawkesbury LGA, and western and north-western Sydney generally. The site is within 30-40 minutes drive to the Penrith Regional Centres, Rouse Hill Town Centre, the new Marsden Park industrial estate at M7 and the Norwest Business Park.

COMMUNITY NET BENEFIT

The planning proposal includes a Community Net Benefit Assessment and a Community Needs Assessment. In summary the assessment claims that the planning proposal will provide for a more cohesive, safer community with enhanced amenities and services. The benefits of the proposal range from improvements to the road network, retention and enhancement of areas of conservation value, provide passive recreation, landscape embellishments, provision of a community building, provision of a local shopping centre and creation of a substantial employment opportunities associated with the proposed development both during the 10 year staging of development and post-development.

Due to the potential increase in secondary school age children at the site, and the limited capacity at the existing secondary school, further consultation is undertaken with the Regional Education Director to identify the Department's response to this matter.

The provision of these community facilities are proposed to form part of a future local VPA offers. The VPAs are to incorporate a comprehensive range of human services infrastructure responding to the identified demands of the incoming population.

Assessment of the key environmental issues, and the response to each of them and management strategies, are addressed at Section 4 of the planning proposal prepared by JBA.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	40 Days
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Timeframe to make LEP :	24 Month	Delegation :	Minister
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Public Authority Consultation - 56(2)(d) :	NSW Aboriginal Land Council Hawkesbury - Nepean Catchment Management Authority Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Sydney Water
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	No
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If no, provide reasons :	ROAD INFRASTRUCTURE (TMAP)
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As discussed in the S117 Direction 3.1 Residential Zones, the planning proposal as submitted is not considered to be consistent with the direction.

Council has advised that their commitment to the TMAP will not be able to be finalised until the end of 2012. There is uncertainty as to whether this will include a new east-west access - bridge crossing at Grose Vale/Agnes Banks (Navua Reserve) or an upgrading of existing Richmond Bridge. This will also mean that the detailed/final

scope of road network improvements/needs to be delivered as part of the project, feasibility and funding responsibility cannot be finalised at this stage.

Due to this uncertainty, it is not recommended to endorse proceeding to exhibition until this issue is resolved. This is because an exhibition of the planning proposal will give rise to expectation of a solution to transport issues and in the absence of a Council and proponents agreement this will place under pressure on the State government to provide infrastructure funding for project(s) which may not have a favourable cost/benefit return.

CONSERVATION MANAGEMENT PLAN(CMP)

As discussed in the S117 2.3 Heritage Conservation section, a Conservation Management Plan (CMP) for the site has been prepared in consultation with the Office of Environment & Heritage (Heritage Branch), and has been formally submitted to the Heritage Branch for endorsement by the NSW Heritage Council for listing of the site on the State Heritage Register.

The Heritage Branch is currently assessing the draft CMP and is to be completed in the near future. The Heritage Branch has advised the Department that the Planning Proposal should not proceed at this stage, but be informed by the outcome of the Heritage Council's resolution.

The final interpretation strategy and overall structure planning and rezoning process of the planning proposal will be determined as part of the finalisation of the CMP.

OTHER OUTSTANDING ISSUES

The land is being considered as a potential housing release in the Department's Housing Opportunity review process. The outcome of this process is not known and in this light, it is considered that a better approach is to have a more solid planning proposal after a Heritage CMP, TMAP and Housing Opportunity review process is finalised. Such solid approach will have a more definite timeframe.

Given proponents want certainty to ensure resource are not wasted, in principle support for continuing investigations should be included in the correspondence. This in principle support should be caveated in so far as the support at this stage is dependent upon Council and proponent addressing transport issues to their mutual satisfaction.

There is no agreement from Government at this stage to funding transport measures to support this development. Such support will need to be subject to cost/benefit analysis against other priorities.

Under the circumstances, the planning proposal is recommended for resubmission for Gateway Determination when CMP is more certain; and TMAP finalised and Council has approved an approach to access and funding arrangements have been finalised.

Resubmission - s56(2)(b) : Yes

If Yes, reasons :

As discussed above, the planning proposal is consistent with the relevant strategies and will largely contribute to the LGA's housing targets. However, the increased residential development will create additional traffic to an area where there are already significant issues relating to traffic congestion. At this time (without a TMAP) there is no certainty that there will be adequate road network to accommodate the increased traffic.

Further, the final interpretation strategy and overall structure planning and rezoning process of the planning proposal cannot be determined without the finalisation of the Heritage CMP.

Therefore, it is recommended that Council finalise the TMAP and Heritage CMP and resubmit the planning proposal to the Gateway with the outcomes of these findings reflected in the final zoning map.

Amendment to Hawkesbury LEP 2012 - Redbank at North Richmond

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The draft Hawkesbury LEP 2012 Acid Sulfate Soils map (Sheet ASS_008AA) identified the site as containing Class 5 Acid Sulfate Soils. As discussed in S117 Directions 4.1 Acid Sulfate Soils, requires the preparation of an acid sulfate soils study. No studies have been prepared/submitted for the planning proposal to address this direction.

It is recommended that Council prepare this study. The Director General's approval will be subject to the preparation of an acid sulfate soils study as required in the direction.

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Strategies and Infrastructure Planning Team has been consulted on this matter. Formal comments are yet to be received.**

Documents

Document File Name	DocumentType Name	Is Public
Infrastructure_and_staging.pdf	Map	Yes
JBA_Assessment_of_PP_against_Hawkesbury_Residential_Land_Strategy.pdf	Proposal	Yes
JBA_Planning_Proposal_12Mar12_LR.pdf	Proposal	Yes
North_Richmond_Subdivision_-_Proposed_Height_Map.pdf	Map	Yes
North_Richmond_Subdivision_-_Proposed_Zoning_Map.pdf	Map	Yes
Planning_Proposal_by_Hawkesbury_Council.pdf	Proposal	Yes
Preliminary_Concept_Plan_and_Indicative_Layout_Plans.pdf	Map	Yes
Proposed_access_routes.pdf	Map	Yes
Slope_Analysis_Grose_Vale_Road.pdf	Map	Yes
Bushfire_Prone_land_map.pdf	Map	Yes
Flooding_map.pdf	Map	No
Hawkesbury_Residential_Land_Strategy_Opportunities_and_Constraints_map.pdf	Map	Yes
Proposed_zoning_draft_LEP_2012.pdf	Map	Yes
Vegetation_map.pdf	Map	Yes
Aerial_map.pdf	Map	Yes
Letter_from_Heritage_Branch.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

RESUBMITTED WITH THE FOLLOWING CONDITIONS:

- (1) TO FINALISE THE TMAP (APPROACH AND ACCESS AND FUNDING AGREED BY COUNCIL);
AND
(2) TO FINALISE THE CONSERVATION MANGEMENT PLAN.

If the planning proposal is to proceed, it should proceed with the following conditions:

- (1) The Director General's delegate agrees that any inconsistency with section 117 directions:
1.2 Rural Zones;
4.3 Flood Prone Land;
6.2 Reserving Land for Public Purpose; and
7.1 Implementation of the Metropolitan Plan for Sydney 2036;

- (2) Consultation with:
. Transport for NSW - Roads and Maritime AuthorityRMS;
. Sydney Water;
. Office of Environment and Heritage;
. NSW Aboriginal Land Council; and
. Hawkesbury - Nepean Catchment Management Authority;

- (3) Council is to finalise the:
. TMAP and Council has approved an approach to access and funding arrangements;
. Conservation Management Plan which is endorsed by the Heritage Council;
. review of Bushfire Prone Land map in consultation with the RFS;
. Acid sulfate soils study in accordance with S117 4.1 Acid Sulfate Soils; and
. review the location of the proposed B1 zoned land in accordance with S117 3.4 Integrated land Use and Transport; and

- (4) Council is to submit the planning proposal to the Gateway before exhibition when the work identified in paragraph (3) are finalised and the findings of these works are reflected in the final zoning layout of the site.

Supporting Reasons :

In general, the planning proposal is consistent with the Metropolitan Plan for Sydney 2036, teh draft NW Subregional Strategy and relevant Stae and regional environmental plans. It will largely contribute to the LGA's housing targets.

Signature:



Printed Name:

Peter Gohl

Date:

22 June 12