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Report to support Gateway alteration— PP_2013_HAWKE_004_07

Hawkesbury Local Environmental Plan 2012
120-188 Hawkesbury Valley Way, Clarendon

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Hawkesbury Local Environmental Plan 2012 (Amendment no.10).

1.1.2 Site description

Table 1 Site description

Site Description	Type	Council Name	LGA
<p>The planning proposal (Attachment A1) applies to land at 120-188 Hawkesbury Valley Way, Clarendon (Figure 1). The site contains six (6) lots including:</p> <ul style="list-style-type: none"> • Lot 3 Deposited Plan (DP) 700263 • Lots 11 & 12 DP1197764 • Lot 2 DP 629053 • Lot C DP 160847 • Lot F DP 164199 	Site	Hawkesbury City Council	Hawkesbury

The 74 hectare site is irregular in shape and traversed by the Richmond railway line. It has a frontage to Hawkesbury Valley Way spanning approximately 900m and the eastern and southern boundaries are defined by Rickabys Creek. The site contains a local heritage item located in the northern part of the site, known as 'Prestionville', being an early horse stud complex listed in Schedule 5 of Hawkesbury LEP.

Three endangered ecological communities were found on the site including Cumberland Plain Woodland, River-flat Eucalypt Forest on Coastal Floodplains and Freshwater Wetlands. The site is subject to the 1 in 20 year flood, 1 in 100 year flood and probable maximum flood (PMF) levels.

The site is affected by aircraft noise from Richmond RAAF Base, and its flight paths. The site is affected by the 25 to 35 and 20 to 25 Australian Noise Exposure Forecast (ANEF) contour levels.

The site is located approximately 4.4km from east of Richmond Town Centre, and approximately 2.4 km west of Windsor Town Centre.



Figure 1 Subject site (Source: Planning Proposal, September 2013 – Revision 3)

1.1.3 Purpose of plan

The table below outlines the current and proposed controls for the site.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	<ul style="list-style-type: none"> • Part B7 Business park • Schedule 1 Additional permitted use to include 'bulky goods premises' • Part E2 Environmental Conservation (land below the 1 in 20 year flood) • Part RU4 Primary Production Small Lots <p>The above comments reflect the submitted planning proposal (Attachment A1), excerpt of land use zoning plan shown in Figure 2. In November 2015 the applicant at the time submitted a sketch to Council increasing the E2 Environmental Conservation land area (Attachment A10). This sketch (Figure 3) has not translated into an updated land use zoning map, incorporated within an updated planning proposal or reflected in the proponent's current masterplan (Attachment T).</p>

Control	Current	Proposed
Maximum height of the building	10m	<ul style="list-style-type: none"> The planning proposal does not propose a maximum building height for site. Correspondence from the applicant in November 2013 indicates no opposition to a maximum building height of 15m or greater. No maximum building height map has been prepared.
Floor space ratio	N/A	N/A
Minimum lot size	Part 2ha, part 50ha	No minimum lot is identified within the planning proposal. No proposed minimum lot size map has been prepared.
Number of jobs	N/A	130-150 operational jobs (based on the assumption of 18-20 workers/sqm); up to 180 jobs during construction

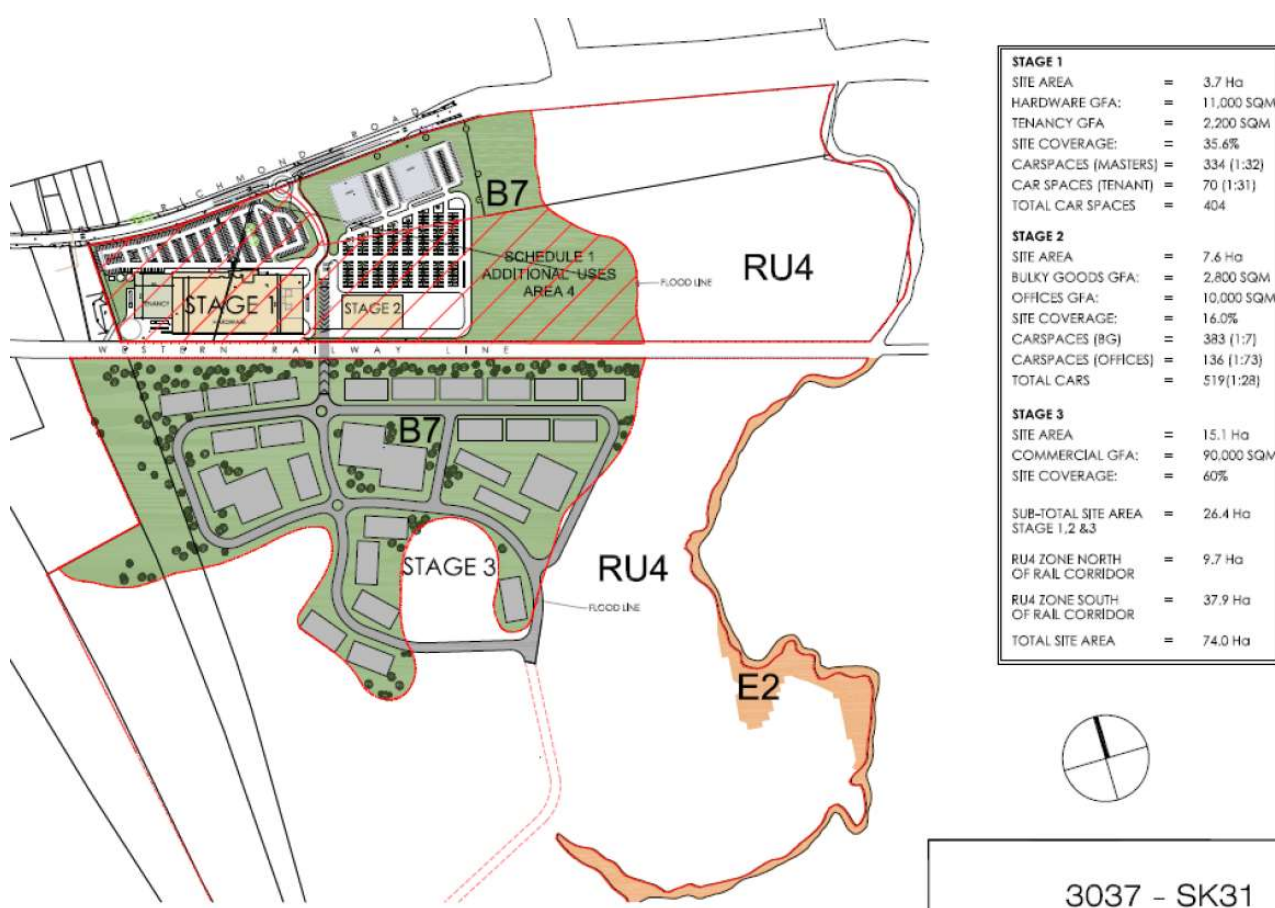


Figure 2 Proposed Land Use Zoning Plan (Source: Planning Proposal Attachment A1 and Attachment T)

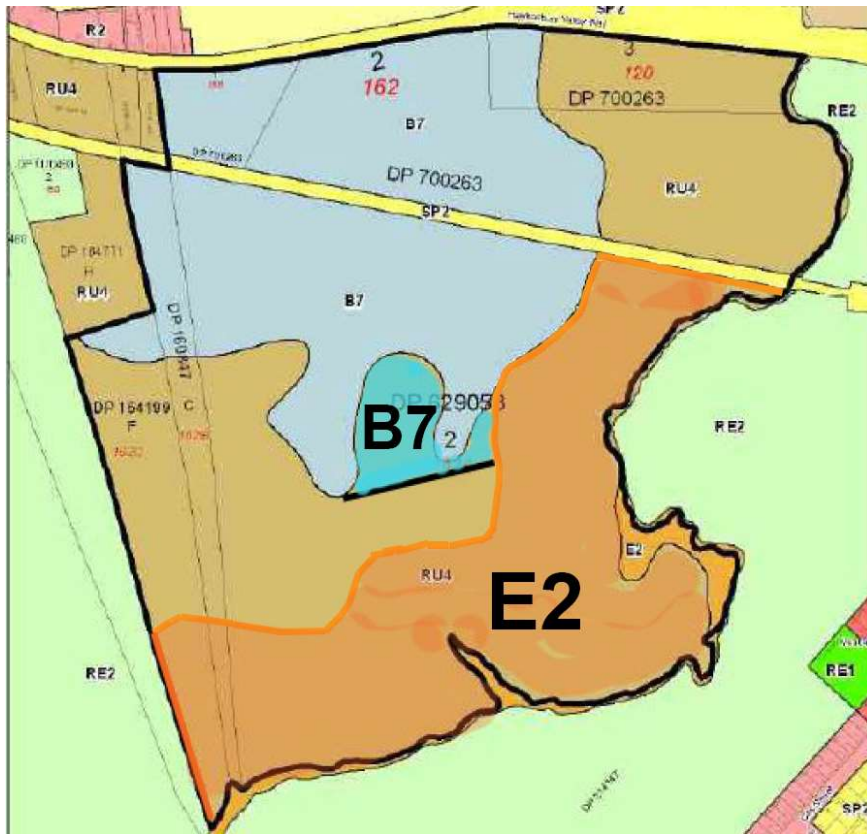


Figure 3 November 2015 Land Use Zoning Sketch (Source: Attachment A10)

1.1.4 State electorate and local member

The site falls within the Hawkesbury state electorate. Ms Robyn Preston MP is the State Member.

The site falls within the Macquarie federal electorate. Ms Susan Templeman MP is the Federal Member.

To the Department's knowledge, neither MP has made any written representations regarding the proposal.

Clr Patrick Conolly, Mayor, City of Hawkesbury wrote to Ms Robyn Preston MP on 9 November 2020 to request that the merits of the proposal be considered and that the NSW Government consider providing financial support to address the transport infrastructure issues, to allow for the development to proceed. Ms Robyn Preston MP was copied into various correspondence between the Department, the proponent and Council.

There have been no meetings or communications with registered lobbyists with respect to this proposal. There are no donations or gifts to disclose, and a political donation disclosure is not required.

2 Gateway determination and alterations

The Gateway determination issued on 12 December 2013 (**Attachment B**) determined that the proposal should proceed subject to conditions, and local plan making authority was delegated to Council for the making of this LEP amendment. Council has not met the following conditions:

- Condition no.1 – updating the planning proposal prior to exhibition.

Council did not update the planning proposal following consultation with the public authorities to include the consultation and any outcomes prior to public exhibition. Council was also required to identify how the planning proposal sought to amend the building height and minimum lot size and include amended maps for the purposes of public exhibition. This did not occur and the planning proposal has still not been updated.

A requirement of Condition no.1 was to demonstrate consistency with Section 9.1 Direction, 4.3 Flood Prone Land and 3.5 Development Near Licenced Aerodromes. The proposal's consistency with these directions are discussed under Section 4 of this report.

- Condition no. 4 timeframe for finalisation of the LEP.

The Gateway determination (as altered) required the proposal to be finalised by 29 September 2020 which has not been met.

The implications of failing to update the planning proposal with outcomes of the State agency consultation is that the proposal could be substantially different from what was exhibited (as discussed under Section 3). Although the development potential would be reduced, the community would benefit from the opportunity to review the planning proposal that addresses State agency concerns.

It should be noted that the Gateway determination referred to the planning proposal rezoning 34 hectares of land from RU4 Primary Production Small Lots to B7 Business Park, which reflected an earlier revision of the development concept. This area was reduced to 26.4 hectares in an updated concept as a result of flooding extents.

The Gateway determination was altered on eight (8) occasions, mostly relating to extensions of time. The previous alterations (**Attachment C**) were issued as follows:

- 24 February 2016 to complete the LEP by 19 June 2016;
- 11 November 2016 to complete the LEP by 24 March 2017;
- 7 August 2017 to complete the LEP by 29 December 2017;
- 21 March 2018 to complete the LEP by 29 June 2018;
- 2 November 2018 to complete the LEP by 29 March 2019;
- 24 May 2019 to complete the LEP by 29 September 2019;
- 2 April 2020 to complete the LEP by 29 September 2020; and
- December 2020 to remove Council as the local plan making authority.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 4 July 2014 to 4 August 2014, as required by section 29 of the *Local Government Act 1993*.

No public submissions were received from individuals or organisations during exhibition, only submissions from State agencies.

3.1 Advice from agencies

In accordance with the Gateway determination issued on 12 December 2013 Council was required to consult with a number of agencies prior to exhibition.

Council confirmed that all required agencies were requested in writing to provide comment on the planning proposal however two agencies did not respond including the Hawkesbury-Nepean Catchment Management Authority and Telstra.

The following agencies submitted comments within March and April of 2014 stating no objections were raised to the proposal:

- Department of Trade and Investment (**Attachment I**);
- NSW State Emergency Service (SES) (**Attachment J**);
- Endeavour Energy (**Attachment K**). This submission also advised that the future development of the site would require a new 11kV feeder from Windsor zone substation;
- Sydney Water (**Attachment L**); and
- TransGrid (**Attachment M**).

Details of the submissions received from other agencies are discussed below.

3.1.1 Transport for NSW

The Gateway determination required consultation with Transport for NSW - Roads and Maritime Services (RMS) and Sydney Trains. A number of letters have been issued by Transport for NSW (TfNSW) from April 2014 to October 2020 (**Attachments D1, D2 and O**), the contents of the letters are summarised below:

- 2 April 2014: RMS (former) raised no objection subject to two conditions

TfNSW – Roads & Maritime Services confirmed it raises no objection to the planning proposal subject to only one new access off Hawkesbury Valley Way is provided to service the whole site, and this new access shall be designed and constructed in accordance with Australian Standards and Roads & Maritime requirements (**Attachment D2**).

- 27 June 2014: TfNSW did not support the proposal in its current form

TfNSW, including RailCorp, noted a number of issues with the documentation that were required to be addressed so that the transport implications of the proposal can be properly understood. The submission (**Attachment D1**) highlights that the operation of Hawkesbury Valley Way is likely to be significantly impacted by demand from the subject development and it is likely that a revised assessment of the proposal will identify the need for road widening and intersection improvements along Hawkesbury Valley Way. Additional traffic modelling was required.

If the additional assessment confirms that significant works are triggered by the development, TfNSW would seek support from Council and the Department of Planning, Industry and Environment for a mechanism to ensure that contributions to regional infrastructure are able to be collected from the subject development.

- 4 November 2016: Issues raised in 2014 letter had not been adequately addressed

Following a meeting between TfNSW and the proponent on 10 March 2016 and the submission of a supplementary traffic report (dated July 2016), TfNSW confirmed the issues raised in its letter dated 27 June 2014 had not been adequately addressed in the July 2016 Traffic report. Key issues included:

- the traffic assessment understating the development potential and therefore traffic generation potential of the future development,
- access arrangements have not been clarified including proposed railway crossing arrangement,
- the need to identify suitable infrastructure to ameliorate any traffic impacts and safety impacts associated with the future development,
- strategic concept plans for any works proposed within the road reserve,
- proposed voluntary planning agreement would need to be entered into to support the future development. A draft schedule of works should be prepared in

consultation with TfNSW including milestones/staging and timeframes to establish associated trigger points for the delivery of infrastructure improvements.

- 24 April 2018: Traffic generation and infrastructure required remain key issues

TfNSW provided comments following a review of a Supplementary Traffic Information report dated July 2017. The letter outlined concerns regarding the development footprint, traffic generation and associated impacts on infrastructure response, clarity around a Racecourse Road connection and access plans for the bridge crossing of the Richmond Railway Line, and the need for the preparation of a draft schedule of works to support a voluntary planning agreement.

- 1 May 2018: access points had not been agreed, the development will trigger substantial upgrades to Hawkesbury Valley Way, RMS has no plans or commitment for these works in its current forward works program

The indicative development concept was unclear with no height of buildings or floor space ratio controls. The difference in traffic generating potential between the Gateway determination and traffic study was not adequately explained.

RMS noted two access points are proposed to Hawkesbury Valley Way, only one primary access intersection on Hawkesbury Valley Way would be supported. Traffic controls signals may be the most appropriate access treatment at a suitable location at the western end of the site.

RMS anticipated the development will trigger the need to widen Hawkesbury Valley Way to two lanes in each direction for the full frontage of Stages 1 & 2 (at a minimum) and sections west of the intersection of George Street and Hawkesbury Valley Way to a point west of the Racecourse Road intersection to support the ultimate development. RMS has no plans or commitment for widening of the subject section of Hawkesbury Valley Way in its current forward works program.

- 17 June 2019: Additional information and draft schedule of works for a VPA required

TfNSW reviewed a Traffic and Transport Impact Statement (March 2019), an amended planning proposal (September 2013) and proposed masterplan (March 2019). TfNSW requested additional modelling information, a draft schedule of works to include traffic signals at Hawkesbury Valley Way, duplication of Hawkesbury Valley Way along full frontage of the site and shared path connection from the site to Clarendon station to inform the preparation of a VPA, preparation of a draft DCP.

RMS stated rezoning of land associated with Stage 3 of the development will not be considered for support unless the matter of access roads across the rail corridor is resolved.

- 18 May 2020: upgrades to Hawkesbury Valley Way from Richmond to Windsor would be required to support the development including upgrades to two intersections

TfNSW reviewed additional information received in June 2019. TfNSW confirmed the development would trigger the need to widen Hawkesbury Valley Way from Richmond to Windsor and require the upgrades at intersections of Hawkesbury Valley Way with Macquarie Street and George Street. TfNSW did not have any funded proposals to undertake these works. If Council/Proponent seeks to proceed with the amendment ahead of any state funded network improvements, those parties must fund and deliver the additional traffic infrastructure.

The proposal should be revised to take into consideration the existing constraints to expanding Hawkesbury Valley Way. If the proposal is to be revised, it should reduce the potential quantum of future development and/or consider alternative land use zones/mix with less traffic generating potential.

- 16 October 2020: the report is to be amended to show no background growth for sections on Hawkesbury Valley Way and two intersections, submission of strategic concept plans and costings for all upgrade works

TfNSW requested the Traffic report is amended as follows:

- no background growth is expected to occur along the subject section of Hawkesbury Valley Way, or at Macquarie Street, and George Street intersections with Hawkesbury Valley Way,
- additional detail is required to support the second access point,
- further details on traffic movements along Hawkesbury Valley Way,
- additional work to ensure all suggested upgrades are physically feasible,
- submission of strategic concept plans and strategic costings for all upgrade works identified.

At the date of this finalisation report, an amended report had not been provided to TfNSW for review.

Department response

Some progress has been made in respect of updating the Traffic and Transport Assessment to address TfNSW's (including RMS) requirements such as providing a singular, signalised entry access point, and obtaining conditional approval from Sydney Trains for the concept plan of the rail crossing to access stage 3 of the development.

TfNSW has maintained its position throughout its correspondence to Council and the proponent that the planning proposal triggers significant upgrades to Hawkesbury Valley Way and two key intersections with no plans or commitment to undertake these works. In order for the development to proceed in its current form, the proponent would have to deliver and fund these works. Due to the extent of works required, this is not financially feasible or achievable as upgrades are required on land owned by others.

The only solution to resolving TfNSW's submission is to reduce the scale of the proposed development where it can be supported by the current road infrastructure or with upgrades the proponent is able to fund and deliver. The Department has not received any indication from the proponent that it is willing to reduce the development potential.

Even with a reduction in development potential, additional documentation is still required to be submitted to TfNSW in order to address its submissions. This would include an updated Traffic and Transport report and strategic concept plans and costings for works required to support the signalised access onto Hawkesbury Valley Way.

3.1.2 Environment, Energy and Science Group

The Gateway determination required consultation with the former Office of Environment and Heritage, now part of the Department of Planning, Industry and Environment as the Environment, Energy and Science Group (EES).

EES submitted their pre-exhibition comments relating to biodiversity and flood risk management to Hawkesbury City Council on 11 April 2014 (**Attachment E**):

- The E2 Environmental Conservation zone should be extended to include a 100 metre buffer to the area mapped as wetland under the Sydney Region Environmental Plan 20 – Hawkesbury-Nepean River, including the Freshwater Wetland endangered ecological community; and the area of Cumberland Plain Woodland on the south west part of the site.
- The recommendations of the proposal's Ecological Constraints Assessment (ECA) (**Attachment A7**) for landscape management of the flood plain and dam areas are supported, including:
 - Revegetation along the riparian fringes of Rickabys Creek;
 - Replanting around existing water bodies;

- Provision of nest boxes/relocated hollows within woodland portions to replace any loss of hollows;
- Future landscape planting to incorporate locally occurring species naturally found in Cumberland Plain Woodland or River-flat Eucalypt Forest communities.

These matters could be addressed via a planning agreement including requirements for a landscape management plan as well as future development consent conditions.

- The indicative site plan (not to scale) shows an access road running south through the flood prone land and part of a ring road located between dams on site below the 1 in 20 year flood extent. There is a concern the road could reduce water quality and available habitat for birds and microbats in the upper dam. Should the E2 land use zone be applied, these impacts would be assessed at development application stage.
- Other matters to be considered at the DA stage include adequacy of water quality measures, the potential adverse impacts on the dams and Rickaby Creek, the location of any stormwater management measures in proximity to environmentally sensitive areas and a specific survey/impact assessment to support the location of the railway bridge as it is on the area that may be suitable for roosting by the Large-footed Myotis and Eastern Bentwing-bat.
- Council is encouraged to consider flood risk provisions where possible and is to ensure any future development is suitable by:
 - Considering the flood risk for the full range of floods up to the Probable Maximum Flood for existing and post development conditions and the cumulative impacts and the impact of any potential cut/fill operations on site;
 - Ensure that this location does not act as a floodway under any flooding condition otherwise the development is not permitted under the Section 9.1 Direction, 4.3 Flood Prone Land;
 - Ensure the proposal complies with Council's LEP 2012 Clause 6.3 Flood planning and Council's Development of Flood Liable Land Policy (31 July 2012); and
 - Consider in consultation with SES a flood emergency response plan.

Department response

There are two key issues in EES' submission that are required to be addressed at the planning proposal stage including the extension of the E2 Environmental Conservation land use zone and flood risk provisions.

As previously discussed, the proponent submitted a revised land use plan 'sketch' (**Attachment A10**) extending the proposed E2 land use zone to include a 100m buffer to the SREP Wetland and the Cumberland Plain Woodland. While only a sketch was submitted, with no confirmation of the width of the extended E2 land use zone, the intention was to satisfy EES' request. However, the most recent masterplan submitted by the current proponent (**Attachment T**) does not reflect the extended E2 land use zone.

The proponent has not undertaken any further reporting on flooding impacts. The Infrastructure Due Diligence Report dated September 2013 (**Attachment A8**) states raising levels within this area above the 1 in 100 year flood level may displace storage and may adversely impact on flooding elsewhere. It was recommended that a 2-dimensional flood study be undertaken as part of the early design phase of the project to address any flooding related issues.

Considering the flood risk in the Hawkesbury-Nepean and significant evacuation constraints, further assessment of the full range of floods should be considered at planning proposal stage. EES' submission has not been adequately addressed by the planning proposal. It is noted no additional consultation with SES in respect of a flood emergency response plan was undertaken

due to its submission stating no objections. The proposal does not provide evidence that there is capacity to evacuate the site in an emergency flood event.

3.1.3 DPIE – Water

The Gateway determination required consultation with the former Office of Water, now part of the Department of Planning, Industry and Environment – Water.

DPIE-Water submitted its pre-exhibition comments to Hawkesbury City Council on 11 April 2014 (**Attachment F**). Comments provided were similar to EES' comments, additional detail was provided as follows:

- the planning proposal is to be updated to provide details on how the riparian corridors to be established along Rickabys Creek, the mapped SREP 20 wetland, the Freshwater Wetlands and the existing large dam within the site are to be protected, rehabilitated and managed. This is to be in accordance with DPIE - Water's Controlled Activities guidelines and any best practice guidelines for riparian restoration by Local Land Services.
- riparian corridor widths are to be consistent with the Guidelines for Controlled Activities on Waterfront Land (2012) and are to be zoned E2 Environmental Conservation. Wetland riparian corridor width is 40m under the Guidelines for Riparian Corridors on Waterfront Land. This should also be applied to the existing dam as well.
- details are provided to assess the potential impacts of developing the site on groundwater (including groundwater flows, groundwater quality etc) and groundwater dependent ecosystems. In its submission on the draft Hawkesbury LEP 2009 (dated 14 April 2010), the Office of Water suggested groundwater quality protection and quantity management clauses for inclusion in the LEP.
- planning proposal to provide details on the stream order at the site for Rickabys Creek in accordance with the Strahler system, as the SREP 20 wetland does not occur along the full length of the creek.
- requirement of a scaled plan showing riparian corridors, top of bank, 100m buffer, footprint of proposed OSD.
- the NSW Dams Safety Committee are consulted if there is potential for new development downstream of any existing or proposed dams.
- preference to apply an E2 zoning to the riparian land at the site rather than maintaining the current RU4 zone. It is recommended the proposed zoning map is amended and a scale plan is provided which overlays the proposed zones and riparian corridors at site.
- Specialist studies address the future ownership and management of the riparian land. It is preferred Council take ownership of the riparian land.

Department response

The proponent's 2015 submission (**Attachment A10**) states the proposed extended E2 Environmental Conservation land use zone will satisfy the LEP matters. Other detailed matters are to be dealt with at the development application stage.

While extending the E2 land use zone to create a 100m buffer from the wetlands will incorporate a 40m riparian corridor width, the proponent has not provided a revised planning proposal providing details to adequately satisfy this state agency submission. This includes not only an updated land use zoning plan but details such as:

- a scaled plan with dimensions;
- confirmation of the riparian corridor width from Rickabys Creek and the existing dam;
- confirmation the proposed onsite detention basin is located beyond the extent of the 100m E2 Environmental Conservation zone;
- details on the stream order at the site for Rickabys Creek in accordance with the Strahler system; and

- additional documentation addressing the future ownership and management of the riparian land.

The groundwater quality protection and quantity management LEP clauses have not been included within the proposal.

3.1.4 Department of Regional NSW

The Gateway determination required consultation with the former Department of Trade and Investment, now part of the Department of Planning, Industry and Environment – Department of Regional NSW – Mining, Exploration and Geoscience.

The Department of Regional NSW (DRNSW) (formerly the Department of Primary Industries) submitted its pre-exhibition comments to Hawkesbury City Council on 15 April 2014 (**Attachment G**). DRNSW noted Rickaby Creek is a key fish habitat and fenced revegetated riparian buffer zones with a width of 40-50 metres is recommended.

Department response

The riparian buffer zones would have been accommodated within the 100m buffer zone outlined in the amended land use zoning plan submitted by the proponent in November 2015. As an amended planning proposal has not been provided with an updated land use zoning plan, this submission has not satisfactorily been addressed.

3.1.5 Department of Defence

The Department of Defence submitted its pre-exhibition comments to Hawkesbury City Council on 10 April 2014 (**Attachment H**). The Department of Defence did not object to the proposal but provided a number of matters to be addressed to ensure future development of the site will not impact on Defence operations and activities at the RAAF Base Richmond. In summary, the matters raised included:

- Future development will require a height assessment against the Obstruction Clearance Surface requirement and if cranes are used in construction a technical height assessment may be required as well as Notices to Airmen.
- It is recommended height of mature vegetation does not exceed the parapets of any future buildings.
- It is recommended the developer undertake an independent aviation safety assessment.
- All outdoor lighting is to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodomes.
- The registered easement the Commonwealth has for Runway 28 approach lighting must be maintained in any future development of the site.
- It is recommended any reflective surfaces as part of future development is suitably modified to extinguish glare.
- It is recommended a waste management plan is submitted prior to development to minimise birdstrike risk to aircraft operations.
- Defence requests an additional clause is added to the Hawkesbury LEP to ensure that the above matters are addressed. Defence is seeking to collaborate on the drafting of the clause.

Department response

The proponent's November 2015 submission stated that Council has been in contact with the Department of Defence, and Defence accepted the existing standard ANEF LEP clause and acknowledged that other matters can be dealt with at DA stage. The existing Hawkesbury LEP clause is Clause 6.6 Development in areas subject to aircraft noise which applies to land that is

near the RAAF Base Richmond, is in an ANEF contour of 20 or greater and the consent authority considers is likely to be adversely affected by aircraft noise.

This submission could have been satisfactorily addressed if the proponent had updated its planning proposal. Consistency with Section 9.1 Direction, 3.5 Development Near Licenced Regulated Airports and Defence Airfields is addressed under Section 4 of this report.

3.2 Post-exhibition changes

Council has not formally considered this planning proposal since 26 March 2013 where Council resolved to forward the planning proposal to the Department for a Gateway assessment.

Any post exhibition changes put forward by the previous proponent in 2015 has not resulted in an updated proposal. In addition, council officers have not been in a position to report the proposal to Council as a result of unresolved State agency submissions. As such, there are no post-exhibition changes to the planning proposal and given the Department's recommendation not to proceed with the LEP amendment, the Department is not recommending any post exhibition changes.

4 Department's Assessment

The proposal was assessed as part of the Department's Gateway determination (**Attachment B**). It has also been subject to public consultation and engagement.

The following section assesses the proposal against relevant Section 9.1 Directions, SEPPs, District Plan and Council's strategic planning framework. It also assesses the environmental, economic and infrastructure impacts associated with the proposal.

4.1 Detailed Assessment

4.1.1 Section 9.1 Directions

At the time of Gateway assessment, the Department noted Council's assessment (**Attachment A9**) and determined that inconsistencies with the following Directions were considered of minor significance and no further approval of the Department's Secretary was required:

- 1.1 Business and Industrial Zones;
- 1.2 Rural Zones;
- 2.3 Heritage Conservation; and
- 4.1 Acid Sulfate Soils.

In the Department's Gateway Assessment Report (**Attachment B**), the proposal was considered to be inconsistent or to require further consultation for a number of Directions. Consistency with section 9.1 Directions are now reassessed as part of the Department's finalisation process as outlined below.

- **Inconsistent - 2.1 Environment Protection Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas. The Gateway assessment noted that part of the site is zoned E2 Environmental Conservation and the proposal does not include any changes to this area therefore the proposal is consistent with this Direction.

As a result of public authority consultation, former Office of Environment and Heritage stated the E2 Environmental Conservation zone should be extended to include a 100 metre buffer to the area mapped as wetland under the Sydney Region Environmental Plan 20 – Hawkesbury-Nepean River, including the Freshwater Wetland endangered ecological community; and the area of Cumberland Plain Woodland on the south west part of the site.

Under this Direction, a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. While a letter from the proponent in November 2015 includes a sketch of a revised land use zoning plan extending the E2 Environmental Conservation land use zone to satisfy stage agency comments, the planning proposal has not been updated and the current masterplan utilised by the current proponent does not reflect the November 2015 sketch.

The proposal is now inconsistent with this Direction as it does not protect and conserve environmentally sensitive areas.

- **Consistent - 1.3 Mining, Petroleum Production and Extractive Industries**

The site has not been identified within a resource area or transitional area, is unlikely to prevent or restrict mining extraction and so was considered consistent with this Direction. However, given the scale of the proposed development, it was recommended that the Department of Trade and Investment be consulted. As discussed in Section 3.2 of this report, DPIE – MEG raised no objections to the proposal as it does not affect access to identified mineral resources.

The proposal is consistent with this Direction.

- **Inconsistent – 2.3 Heritage Conservation**

The site contains a local heritage item, 'Prestonville', an early horse stud complex identified in Schedule 5 of the Hawkesbury LEP (I322). The planning proposal states it is a dilapidated rural building, located within the northern portion of the site.

The Gateway determination report stated that the planning proposal claims that the item's current dilapidated state makes it unworthy of retention and as Council has not raised any objection to this claim, it is therefore considered that any inconsistency with the Direction is of minor significance. The Department's covering letter to Council advised no further approval is required for this Direction however, upon review, this planning proposal is inconsistent with this Direction.

This planning proposal would effectively be supporting the demolition of this local heritage item therefore, this proposal should have considered removing the heritage item from the LEP. This planning proposal was not supported by specialist heritage advice which is warranted under the circumstances.

This Direction requires that a planning proposal must contain provisions that facilitate the conservation of items of environmental heritage significance to an area. The planning proposal does not include such provisions. This planning proposal would be supporting the demolition of a local heritage item which cannot be considered as an inconsistency of minor significance.

The proposal is inconsistent with this Direction.

- **Inconsistent – 2.6 Remediation of Contaminated Land**

This Direction requires a planning proposal authority to consider whether the land referred to in Table 1 of the contaminated land planning guidelines is contaminated by obtaining and having regard to a report specifying the findings of a preliminary investigation. If the land is contaminated, the planning proposal authority is satisfied that the land can be made suitable for the new land use zone.

Table 1 of the Managing Land Contamination planning guidelines refers to agricultural activities that may cause contamination. The planning proposal was supported by a Limited Phase I Environmental Site Assessment letter report which consisted of a desktop assessment. The report concluded that the site has a history of agricultural land use and nominated a number of potential contamination issues that would require further investigation.

The Gateway determination report states a preliminary site investigation has been carried out and has identified potential contamination. To ensure consistency with the SEPP No.55 – Remediation of Land, a detailed site investigation must be carried out prior to exhibition of the planning proposal

and the resulting report must be included in the exhibition materials. SEPP No.55 has been repealed however, the requirements of this Direction state a planning proposal authority must be satisfied the land can be made suitable for the new land use.

A desktop analysis recommending additional investigation is required is not considered adequate to ensure consistency with this Direction.

The proposal is inconsistent with this Direction.

- **Inconsistent - 3.5 Development Near Licenced Regulated Airports and Defence Airfields**

The objectives of this Direction are to ensure the effective and safe operation of regulated airports and defence airfields and to ensure their operation is not compromised by development. This Direction requires the relevant planning authority to:

- consult with the Department of Defence;
- prepare appropriate development standards such as height controls;
- not allow development types that are incompatible with the current and future operation of the defence airfield; and
- include provisions to ensure the development meets certain Australian Standards with respect to interior noise levels if the proposal seeks to rezone land for offices where the ANEF is between 25 and 30 or for commercial where the ANEF is above 30.

The Commonwealth Department of Defence was consulted on the planning proposal (as outlined under Section 3.2). Defence accepted the use of Council's existing LEP provision Clause 6.6 Development in areas subject to aircraft noise which applies to land that is near the RAAF Base Richmond.

However, the Direction requires that any planning proposal which rezones land for offices where the ANEF is between 25 and 30 must include a provision to ensure that development meets Australian Standards regarding interior noise levels. This has not occurred. In addition, a maximum building height control has not been prepared or incorporated within the planning proposal.

The proposal remains inconsistent with this Direction.

- **Inconsistent - 4.3 Flood Prone Land**

This Direction requires that a proposal must not rezone land within flood planning areas from rural to business use, or contain provisions that apply to the flood planning areas which permit development in floodway areas, development that will result in significant flood impacts to other properties, a significant increase in the development of the land or are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

The Gateway required consultation with Environment, Energy and Science (former OEH) and the State Emergency Service to establish consistency with this Direction. EES raised a number of matters relating to flooding which have not been addressed, no flooding assessment has been carried out and the requirements of this Direction have not been satisfied.

The proposal remains inconsistent with this Direction.

4.1.2 State Environmental Planning Policies

The Gateway report identified a number SEPPs that are relevant to this proposal. These are listed below with any additional relevant SEPPs.

- SEPP No 55 – Remediation of Land (repealed).

This is addressed under Section 9.1 Direction, 2.6 above.

- SEPP(Infrastructure)2007 and SREP No 9 – Extractive Industry (No 2 – 1995).

The proposal is not inconsistent with these environmental planning instruments.

- SEPP (Koala Habitat Protection) 2020

At the time the Ecological Constraints Assessment was prepared, SEPP 44 (Koala Habitat Protection) was in place (now superseded). The report found that one Koala food tree species – Forest Red Gum was present within the study area and these trees comprised less than 15% of the total number of trees within any vegetation community present. Therefore, the study area was not classified as ‘potential Koala habitat’.

The assessment and findings contained within the Ecological Constraints Assessment remain relevant even with the new SEPP (Koala Habitat Protection) 2020. The SEPP contains similar criteria relating to the determination of potential koala habitat.

The proposal is consistent with this SEPP.

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

The planning proposal states the proposal is consistent with the SREP and impacts on Hawkesbury River will be assessed at detailed design phase.

The Gateway report stated the Hawkesbury-Nepean Catchment Management Authority must be consulted to ensure consistency with the SREP given the potential for the proposal to significantly impact the environment on the Hawkesbury Nepean River system.

Department response

It is noted Council requested comment from the Hawkesbury-Nepean Catchment Management Authority in March 2014 but did not receive a response.

The Ecological Constraints Assessment (**Attachment A7**) confirms the low lying areas of Rickabys Creek are mapped as environmental sensitive areas (wetlands) consistent with SREP 20 wetland mapping ‘Wetland 145’ (Figure 4 below).

While some SREP matters can be addressed at Development Application stage, Part 2 Section 6 of the SREP provides a policy (clause 2) for protecting and enhancing the environmental quality of environmentally sensitive areas through careful control of future land use changes. Two relevant strategies for this proposal include minimising adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability and protecting wetlands from future development and from impacts of land use within their catchments.

The Ecological Constraints Assessment recommended the proposal incorporate a 100m buffer to the wetland boundary and reiterated by EES’ comments. While the proponent provided a sketch increasing the E2 Environmental Land Use Zone to provide a 100m buffer to the wetlands, this is not evident in the latest masterplan provided by the proponent (**Attachment T**) nor has the planning proposal been updated.

In addition, a stormwater management strategy wasn’t provided to determine the impact of development on the water quality on Rickabys creek and the wetlands.

The proposal is inconsistent with this SREP.

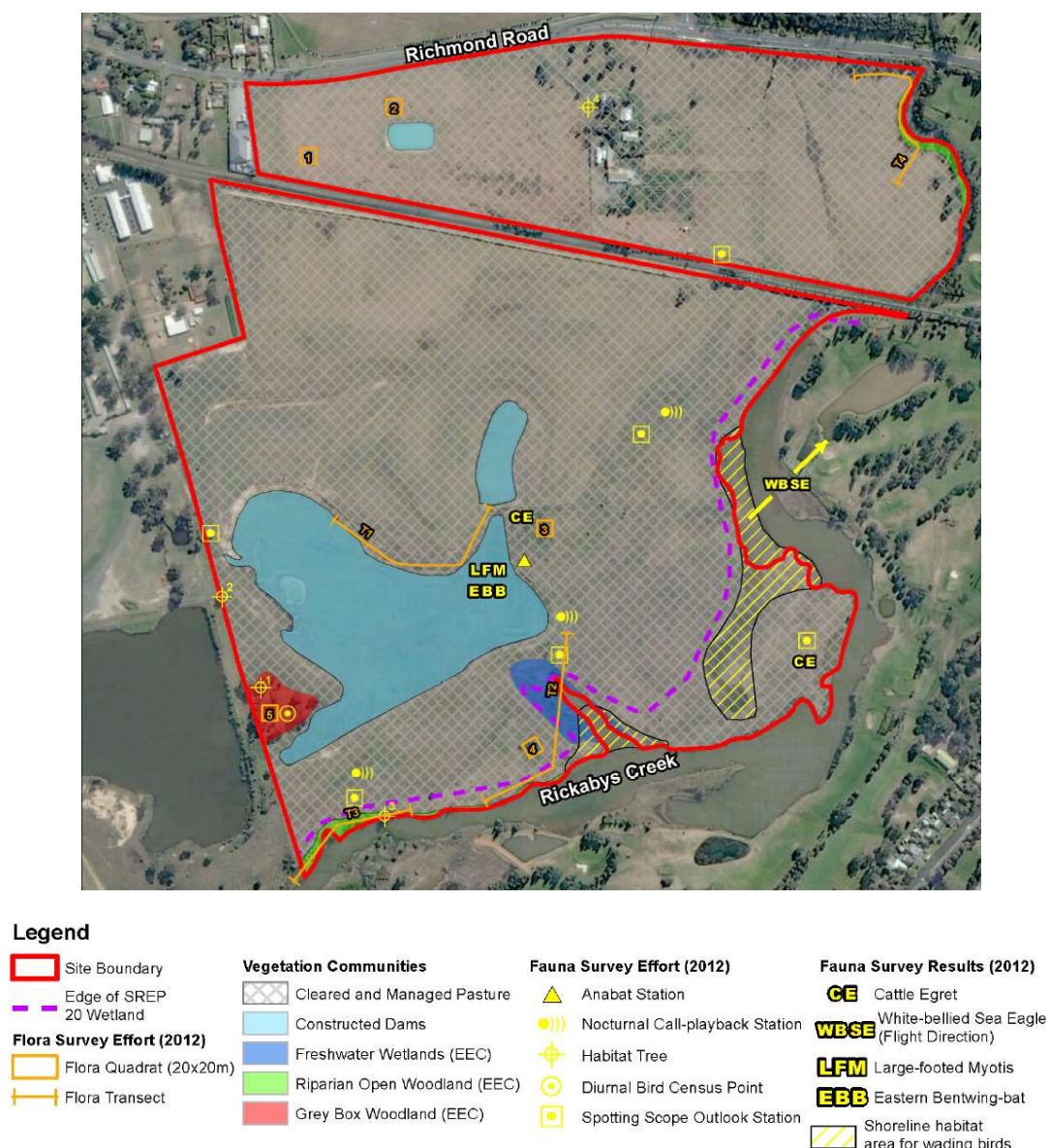


Figure 4 Flora and Fauna Survey Effort, Results & Identified Constraints (Source: Ecological Constraints Assessment – Attachment A7)

4.1.3 Regional and District Plans

Since the planning proposal was assessed at Gateway in 2013, the strategic planning framework has changed. The Greater Sydney Region Plan is the current overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. It is underpinned by the Western City District Plan which came into force in March 2018 and sets the 20-year vision for the District through planning priorities that are linked to the Regional Plan.

The planning proposal in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* gives effect to the following planning priorities of the Plan:

- **Planning Priority W11– Growing investment, business opportunities and jobs in strategic centres.**

The District Plan identifies Richmond-Windsor as a strategic centre, the site is located between the two centres. The Plan contains a set of actions (within Action 65) to strengthen the Richmond-Windsor centre including supporting complementary land uses around the agglomeration of education and defence uses in Richmond, support masterplanning processes for Richmond Windsor that encourage new lifestyle and entertainment uses, employment uses, enhance heritage value and assets, and facilitate the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate.

The existing education and defence assets in the area could provide a strong base for the proposed business park. Their proximity has the potential to attract related industries and foster innovation. In this way, the proposal supports Planning Priority W11.

However, the Department supports the need for broader precinct planning to be undertaken for the Richmond-Windsor strategic centre to ensure the centre is planned holistically, and environmental and infrastructure constraints such as flooding and evacuation, traffic infrastructure are considered on a broader scale. If precinct planning for the strategic centre were to proceed, the proposed rezoning could be considered as part of a future precinct plan.

The planning proposal in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* does not give effect to the following planning priorities of the Plan:

- **Planning Priority W12 – Protecting and improving the health and enjoyment of the District’s waterways and Planning Priority, W14 – Protecting and enhancing bushland and biodiversity supports landscape-scale biodiversity conservation and restoration of bushland corridors.**

The planning proposal does not give effect to priorities related to protecting or enhancing bushland, biodiversity and waterways as the proposal does not adequately address these matters. Although the proposal states an intention to provide details on how the riparian corridors are to be protected, rehabilitated and managed, it provides no detailed strategy or plans for protecting or enhancing existing areas of bushland or the riparian corridor to Rickabys Creek on the site. These details were also requested by agencies as outlined in Section 3.2 of this report.

- **Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change.**

The Western City District Plan introduced a specific section on ‘Flooding in the Hawkesbury-Nepean’ which contains planning principles that do not allow for intensification of new development on land below the current 1 in 100 chance per year flood event or avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation or other earthworks.

As outlined under Section 4.8.1, the site is subject to 1 in 20 year, 1 in 100 year and PMF flood risk. No details have been provided regarding the proposed development’s impact on flood storage capacity of the floodplain.

The proposal would need to be updated to address this Priority. Further as discussed in Section 3.2 and 4.1.1 of this report, the proposal has not adequately addressed agency concerns or Section 9.1 Direction 4.3 Flood Prone Land.

Due to the Department’s preference for broader precinct planning to occur to support the Richmond-Windsor strategic centre, the absence of an updated planning proposal protecting and enhancing environmentally sensitive areas and the absence of an assessment of the impacts of the development on the floodplain, the Department considers in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* that the planning proposal does not give effect to the Western City District Plan.

4.1.4 Draft Hawkesbury Local Strategic Planning Statement 2040 (LSPS)

The draft LSPS sets out a 20 year vision for land use in the Hawkesbury LGA, implementing the Region and District Plans. On 10 November 2020, Council reported on its amended LSPS and resolved to resubmit the Draft LSPS to the Greater Sydney Commission for assurance. Subject to the assurance process, Council will consider final adoption of the LSPS in January 2021.

LSPS Planning Priorities relevant to this planning proposal include the following:

- **Planning Priority 2 – Form partnerships with stakeholders and agencies.** Actions include Council working with state agencies to investigate potential STEM (science, technology, engineering and mathematics) standard pilot projects.
- **Planning Priority 5 – Manage rural lands.** The Draft Hawkesbury Rural Lands Strategy is being developed to support the LSPS and highlights that there are a variety of land uses within the rural parts of the LGA which all have an impact on each other and the environment. Actions include limiting land use conflicts and implementing a Rural Lands Strategy.
- **Planning Priority 7 – Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends.** Actions include implementing the Hawkesbury Employment Lands Strategy.
- **Planning Priority 8 – Explore opportunities at the Western Sydney University, Richmond RAAF Base and other industries to create value chain at the Western Sydney Airport.** Actions include masterplanning undertaken by Council for the development of the Clarendon Agglomerated Precinct where activities from the Western Sydney University, Richmond RAAF Base and Equine industry create synergy and value chain to lever activities at the Western Sydney Airport. Office space and commercial activities will assist Council in achieving its jobs target.
- **Planning Priority 10 – An aware and resilient city that can adapt to natural hazards of flood, bushfire and climate change.** The Hawkesbury Nepean Flood Risk Management Plan prepared by Infrastructure NSW highlights the high level of flood exposure, limited warning time, low lying roads and insufficient road capacity to safely evacuate the population within Hawkesbury LGA.

The current flood planning level is the 1 in 100 year flood level. Council will consider the Infrastructure NSW Hawkesbury-Nepean Regional Flood Study when completed. While this work is underway, local strategic planning and development decisions will:

- avoid intensification and new urban development on land below the current 1 in 100 chance per year flood event,
- provide less intensive development or avoid certain urban uses in areas of higher risk and allow more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management.
- avoid alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation or other earthworks.

In the interim, Council has adopted Flood Policy 2020, with controls based on the Hazard Category in which a development will be situated. Actions include developing planning controls to protect and mitigate development in areas prone to natural hazards including bushfire and flood where the risk to life and property is high.

- **Planning Priority 11 – Protect our rivers, creeks and areas of high biodiversity and environmental values.** Actions include protecting and enhancing natural assets and ensure biodiversity is identified and preserved; and promote community stewardship of the

natural environment including our rivers, creeks, wetlands and bushlands to ensure its vitality into the future.

The planning proposal demonstrates consistency with the LSPS' planning priorities promoting employment opportunities, particularly office space, within the Clarendon precinct. However, the current planning proposal is inconsistent with planning priorities relating to flooding and protecting biodiversity.

4.1.5 Hawkesbury Employment Lands Strategies

2008 Employment Lands Strategy

At the time the planning proposal was prepared in 2013, Hawkesbury had adopted the Employment Lands Strategy 2008. It recommended a number of strategies to address the economic prosperity of the LGA. This included a strategy to 'Capitalise on the LGAs strategic assets to provide high quality jobs, by considering the future of land at Clarendon for a high amenity office and business development with only minor and ancillary retail development permitted' (Strategy 4).

The Strategy identified the subject site as a suitable investigation area. It recognised the development of a business park at this location may take many years. Early planning exercise is necessary but a long term development perspective should be adopted. To preserve the long term prospect a minimum lot size of 2 ha was recommended.

It is in line with this recommendation for office and business development that the planning proposal seeks to rezone a large proportion of the site to B7 Business Park. However, the proposal does not include establishment of a minimum lot size.

The proposal is generally consistent with the 2008 Strategy noting that the extent of the retail component would be inconsistent with the strategy. The retail component proposed is not considered as minor or ancillary (Stage 1 approximately 14,000sqm and Stage 2 approximately 13,700sqm).

2020 Employment Lands Strategy

Hawkesbury's Employment Lands Strategy 2020 was adopted by Council on 8 December 2020. The purpose of the Strategy is to guide future land use planning, investment and management.

This strategy highlights Richmond-Windsor as the major Strategic Centre for Hawkesbury LGA and primary retail and commercial centre with high amenity built-form and streetscapes. The Clarendon agglomeration precinct (also identified as a Special Activity Precinct) contains three entities that operate distinctly but can overlap in function. These include an education precinct (Western Sydney University, TAFE, high school), equine precinct and Richmond RAAF base.

The aim of the Clarendon agglomeration precinct is to strengthen the agribusiness and STEM (science, technology, engineering and mathematics) profile of the region, targeting the industry sectors of agribusiness, STEM and warehouse and logistics. To achieve this, stakeholders in the area will need to function as a collaborative hub of local producers, educators, industry, research and development, vocational training and innovative agribusiness ventures, promoting clear pathways for students into these careers.

The 2020 Strategy references the Richmond RAAF base is a unique presence in the Hawkesbury LGA that is aiming to support the growth of STEM capabilities in the LGA and develop a heritage museum on RAAF land. The Strategy recommends that planning actions for Clarendon support these ventures.

This Strategy focuses the development of the Clarendon Precinct around the three key precincts in the area with the aim of strengthening agribusiness, STEM, warehouse and logistics of this precinct. While the B7 Business Park zone contains the objectives to support the development of

this precinct as envisaged under the strategy, the Schedule 1 Additional Permitted Use 'bulky goods premises' is not consistent with the Strategy.

4.1.6 Local Planning Panel (LPP)

The planning proposal was not referred to the local planning panel under Section 2.19(1)(b) of the Act. The requirement for councils to seek advice from the Local Planning Panel on planning proposals prior to reporting to Council for a Gateway Determination came into effect in mid-2018. Council considered whether to forward this planning proposal to the Department for a Gateway Determination on 26 March 2013. Therefore, the requirement to refer the matter to the Panel does not apply in this instance.

4.1.7 Social and Economic Impacts

The Gateway assessment (**Attachment B**) noted that if all three stages of the proposal were achieved, it has the potential for significant economic benefit by meeting an identified demand for office space, and enabling employment through retail, without negatively impacting businesses in surrounding centres. An Economic Impact Assessment was conducted in 2013 (**Attachment A4**) highlighting the potential for an overall positive social impact, through the provision of opportunity for jobs to be created close to established residential areas.

However, even at that time the Business Park Demand Assessment conducted in 2012 (**Attachment A5**) concluded that a business park on the site could only be supported in the longer term, requiring significant investment in infrastructure to attract market interest and uptake. Since then the Hawkesbury Employment Land Strategy 2020 has highlighted a shift in emphasis for the Clarendon Precinct towards agri-business and STEM and the requirement to create strong ties with the Education precinct and the Richmond RAAF through coordinated engagement with all stakeholders.

An economic consideration that has arisen from the consultation with Transport for NSW is the unknown cost of upgrading road infrastructure if this proposal proceeded in its current form. It would not be feasible for the proponent to fund or deliver the significant upgrades required to support the development. The upgrades to Hawkesbury Valley Way and two intersections identified by TfNSW are not included in any forward work programs. It is not the responsibility of the State government to fund or deliver works solely attributed to one private development.

As the planning proposal has not been updated to include State agency submissions, the economic impacts of the development have not been adequately addressed. In addition, considering the shift in strategic direction for the development of the Clarendon precinct, the viability of the proposal should be reviewed in today's context.

4.1.8 Environmental Impacts

The Gateway assessment (**Attachment B**) noted in 2013 that a development of this size on rural land has the potential for adverse environmental outcomes. A Flora and Fauna Report (**Attachment A7**) and a Contamination Due Diligence Report (**Attachments A6A-A6B**) were conducted in 2012. The proposal was not supported by a Flooding assessment. Since 2013, there has been growth in awareness related to risks associated with flooding in the Hawkesbury-Nepean, which are addressed below.

Flooding

Since the Gateway determination was issued, there has been a greater understanding of the flooding and evacuation constraints in the Hawkesbury Nepean Valley. The notable publications are as follows:

- Infrastructure NSW has led the Hawkesbury-Nepean Valley Flood Management Review Report (2014), Hawkesbury-Nepean Flood Risk Management Strategy (January 2017),

Taskforce Options Assessment Report (January 2019), Hawkesbury-Nepean Regional Flood Study 2019.

- The Western City District Plan does not allow for intensification or new development on land below the 1 in 100 chance per year flood event or altering flood storage through cut and fill/earthworks.
- Development of the Flood Evacuation Models.

Council's 2012 Hawkesbury Floodplain Risk Management Study and Plan identifies the subject site is affected by the 1 in 20 year, 1 in 100 year and PMF flood events (Figure 5), as shown and described below:

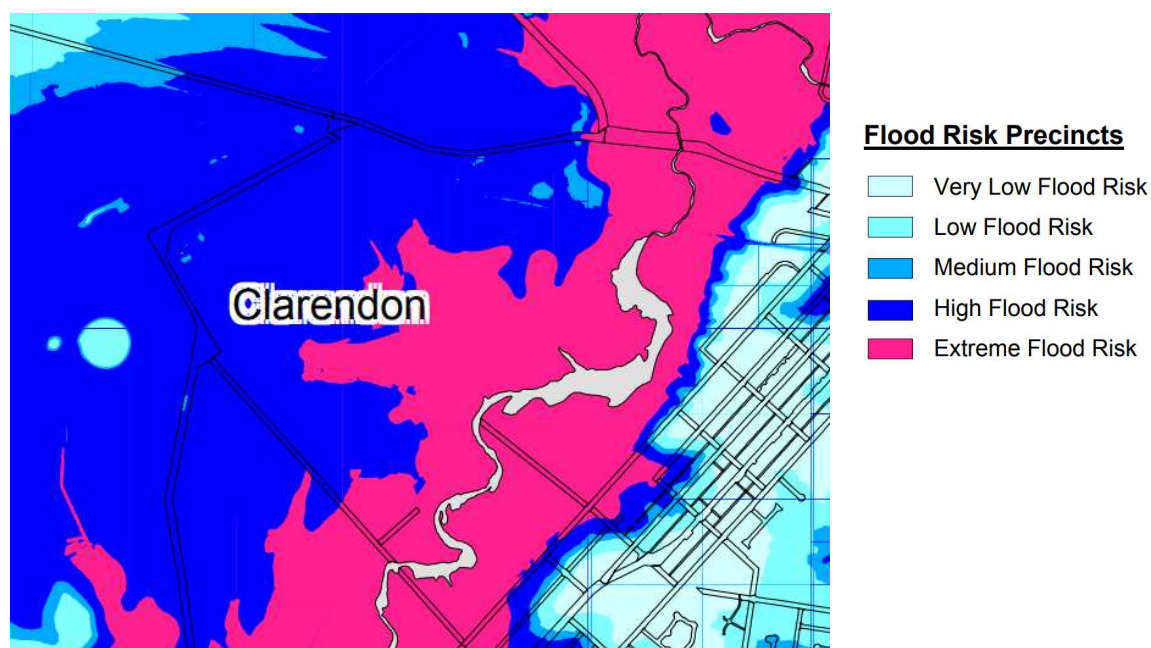


Figure 5 Flood mapping on the subject site (Source: Hawkesbury Floodplain Risk Management Study 2012)

- Extreme flood risk areas are inundated by a 1 in 20 year event.
- High flood risk areas inundated in a 1 in 100 year flood event but not classified as extreme flood risk. The planning proposal states commercial and industrial development is suitable in all but extreme flood risk areas. Therefore, the proposed B7 land use zone boundary is generally based on the 1 in 20 year flood line.

It is noted Council is in the process of reviewing the Floodplain Risk Management Study and Plan on best available data, including further work undertaken by Infrastructure NSW with respect to the Hawkesbury-Nepean Valley.

No assessment of flooding impacts has been undertaken and sufficient consultation with agencies has not occurred. Considering the substantial size of development as a result of this planning proposal, the impacts of the development on the Hawkesbury-Nepean floodplain require further investigation prior to an amendment proceeding.

Flora & Fauna

As outlined in State agency submissions and the Flora & Fauna Report, the site contains significant habitat for migratory and threatened species and wetland associated with Rickabys Creek. The planning proposal has not been updated to demonstrate how the land use planning framework adequately protects biodiversity and environmentally sensitive areas.

4.1.9 Infrastructure Impacts

An Infrastructure Due Diligence Report (**Attachment A8**) was conducted in 2013 outlining:

- Potential requirements for servicing the site in respect of sewer, potable water, electrical, telecommunications, and gas.
- Erosion and sediment control measures in accordance with Council's requirements.
- The 1 in 100 year flood level event is 17.5m Australian Height Datum.
- Filling will be required. To construct the building pad level to the 1 in 100 year average recurrence interval flood level retaining walls will be required partially along the western and eastern boundaries as well as the entire length of the southern boundary.
- Soils are generally non-acidic.
- Details on the water quality and quantity mechanisms. Two areas for on site detention have been identified.
- Raising levels within the floodplain area of Rickabys Creek above the 1 in 100 year flood level may displace flood storage. It is recommended a 2-dimensional flood study be undertaken as part of the early design phase of the project to address any flooding related issues.

The upgrades to State road infrastructure to support the development are known however the proposal has not quantified the costs. Impacts on State road infrastructure and stormwater infrastructure have not been satisfactorily addressed. It is noted that Sydney Trains has issued conditional approval for a concept plan for the rail crossing which would provide access to stage 3 of the development.

In respect of local infrastructure, it is understood the proponent met with Council officers to commence discussions on local infrastructure items such as off-road shared pathways, footbridges, street furniture to be included within a draft voluntary planning agreement. Discussions were placed on hold pending Transport for NSW's endorsement of a revised Traffic and Transport report and Sydney Trains approval for the rail crossing.

5 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to alter the Gateway for the proposal to not proceed because:

- The proposal has not demonstrated strategic and site-specific merit. The proposal in its current form is considered an overdevelopment of the site.
- The proposal has unresolved objections from agencies, including, but not limited to:
 - The proposal generates the need for significant road upgrades which are unfunded.
 - The proposal does not demonstrate that the site can be safely be evacuated in a major flood event.
 - Flooding impacts have not been adequately addressed.
 - The proposal has not been updated to demonstrate how the land use planning framework adequately protects significant habitat for migratory and threatened species and wetland associated with Rickabys Creek.
- The proposal has unresolved inconsistencies with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land, 3.5 Development Near Licenced Regulated Airports and Defence Airfields and 4.3 Flood Prone Land.
- The proposal does not give effect to the Western City District Plan in accordance with section 3.8 of the Act.

- The proposal demonstrates some consistencies with the Local Strategic Planning Statement and is generally consistent with the Employment Lands Strategy except for bulky good premises which is inconsistent.
- The proposal has not demonstrated how the regional and local infrastructure requirements of the area can be met.

The Section 9.1 Directions could be satisfactory addressed subject to additional specialist studies and amendments to the land use zoning plan and supporting development standards. However, the development in its current form is an overdevelopment of the site and, should it proceed through a new planning proposal, should be reduced and reviewed to ensure it gives effect to the District Plan, demonstrates consistency with the LSPS and Employment Lands Strategy and satisfactorily addresses environmental constraints.



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Attachments

Attachment A1 – Planning proposal September 2013

Attachment A2 – Indicative Site Plan

Attachment A3 – Traffic Study September 2013

Attachment A4 – Economic Impact Assessment

Attachment A5 – Business Park Demand Assessment

Attachments A6A & A6B– Contamination Assessment & attachments

Attachment A7 – Flora and Fauna Report

Attachment A8 – Infrastructure Due Diligence Report

Attachment A9 – Council Report

Attachment A10 – Applicant letter 27 November 2015 addressing agency submissions

Attachment B – Gateway determination report, determination and letter to Council December 2013

Attachment C – Gateway alterations

Attachment D – TfNSW pre-exhibition comments

Attachment E – EES pre-exhibition comments

Attachment F – DPIE – Water pre-exhibition comments

Attachment G – Department of Regional NSW pre-exhibition comments

Attachment H – Department of Defence pre-exhibition comments

Attachment I – DPIE – MEG pre-exhibition comments

Attachment J – NSW SES pre-exhibition comments

Attachment K – Endeavour Energy pre-exhibition comments

Attachment L – Sydney Water pre-exhibition comments

Attachment M – TransGrid pre-exhibition comments

Attachment O – TfNSW post-exhibition comments

Attachment P – Council Gateway extension request 9/10/2020

Attachment Q – DPIE Legacy Proposals letter to Council 26/10/2020

Attachment R – Proponent request for extension to consideration of Legacy PP timeframe

Attachment S – Council Letter to MP

Attachment T – Proposal Concept Staging Plan

Attachment U – Local Context Map