
Report of the General Manager - 14th December, 2010

ITEM 5.1 **Application to rezone the Riverlands Golf Course site**

FILE **RZ 1/2010**

AUTHOR **City Planning and Environment**

ISSUE

Council is in receipt of a spot rezoning application, which is proposing to rezone certain land in Milperra, known as the Riverlands Golf Course site. The application proposes to rezone the land to allow a mix of residential and private recreation land uses, with some public open space along the Georges River foreshore.

At the Ordinary Meeting of 24 August 2010, Council considered the application and requested an updated flood study and traffic assessment to help decide whether to submit a planning proposal to the Department of Planning.

The purpose of this report is to inform Council of the assessment findings of the updated information and recommend whether to proceed with this application.

RECOMMENDATION

That Council submit a planning proposal for the rezoning of part of the land known as the Riverlands Golf Course site to the Minister for Planning to seek a Gateway Determination, as shown in Attachment A.

BACKGROUND

Description of the spot rezoning application

In June 2010, Council received a spot rezoning application proposing to rezone certain land in Milperra, known as the Riverlands Golf Course site. The south-eastern portion of the site is currently used as a golf course and a club house, and the remainder of the site is vacant. The site is around 81 hectares in area, and comprises the following allotments:

Property Address	Current Zones under Bankstown Local Environmental Plan 2001
No. 80A Auld Avenue in Milperra	1–Rural
No. 123 Raleigh Road in Milperra	1–Rural
No. 80 Auld Avenue in Milperra	1–Rural 6(b)–Private Recreation
Nos. 67, 67A and 100 Auld Avenue in Milperra	6(a)–Open Space 6(b)–Private Recreation
Nos. 90 Auld Avenue and 56 Prescott Parade in Milperra	6(a)–Open Space 6(b)–Private Recreation
No. 123A Raleigh Road in Milperra	6(b)–Private Recreation
No. 25 Martin Crescent in Milperra	2(a)–Residential

The site is bounded by the Georges River to the west; the M5 Motorway and a Council owned conservation area to the south; neighbouring residential properties in Milperra to the east; and the Vale of Ah Reserve and Gordon Parker Reserve to the north.

The submitted spot rezoning application is proposing to:

- Rezone part of the site to Zone 2(a) Residential, with the aim to accommodate up to 650 Torrens Title residential lots. This will cover around 35 hectares of the site.
- Realign the existing Zone 6(a) Open Space, with the aim to formalise a 20 metre wide public walkway along the Georges River.
- Realign the existing Zone 6(b) Private Recreation, with the aim to have a new golf course and club house along the Georges River.
- Delete the existing Rural Zone.
- Formalise the protection and management of endangered ecological communities and threatened species on the site, including corridors.
- Dedicate the new roads to Council.

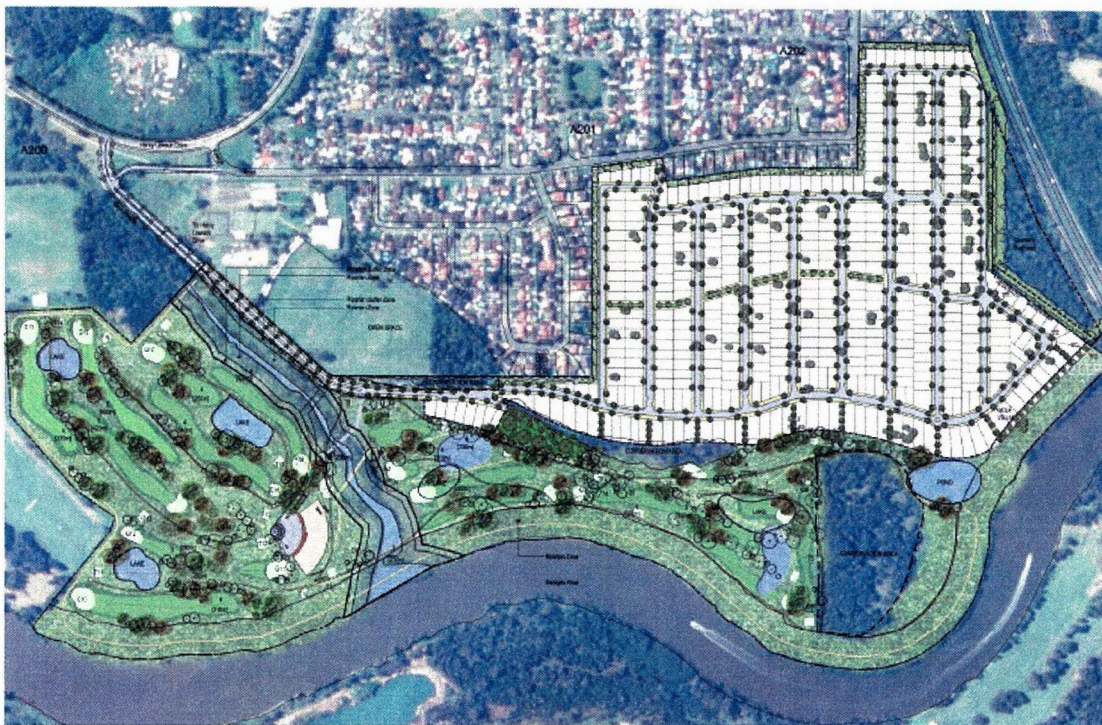


Figure 1—Proposed Masterplan

Council Resolution

At the Ordinary Meeting of 24 August 2010, Council considered a report on the spot rezoning application (see Attachment B) and resolved that:

- "1. Council request the proponent of the spot rezoning application to provide the following information prior to determining whether to submit a planning proposal to the Department of Planning:
 - (a) An updated flood study to confirm the flood modelling and flood mitigation works based on current data.
 - (b) An updated assessment to confirm the traffic generation rate of other residential land uses permitted in the residential zone and the implications to the environmental capacity of certain streets and the performance level of certain intersections.
2. Councillors conduct a site inspection.
3. The matter to be reported to Council following the site inspection and an assessment of the submitted information.
4. Council write to the Department of Planning to provide formal advice of this decision as requested in the letter shown in Attachment A".

Meeting with proponent to discuss Council's resolution

On 16 September 2010, Council officers met the proponent to discuss Council's resolution and the requirements for the updated studies. Council officers confirmed the requirements in a letter dated 23 September 2010 as follows:

▪ Updated Flood Study

- Identify the revised location of the 100 year flood line and associated areas of high, medium and low risk flooding. The study should provide details of:
 - The pre-development scenario (i.e. existing site conditions without cut or fill or development).
 - The post-development scenario based on the proposed masterplan, including any proposed cut or fill.
- Confirm the impacts of the proposed development in relation to the new Kelso Creek and Milperra Drain catchment flood studies.
- Confirm the implications of the NSW Sea Level Rise Policy and associated guidelines for flood risk management and coastal planning on the proposed development.
- Confirm whether the introduction of residents to the floodplain compromises the flood evacuation capability of the existing community in Milperra. The flood evacuation strategy should consider access from Keys Parade, Pozieres Avenue and Prescott Parade. The preference is to have Keys Parade at existing ground level.
- Confirm whether the proposed fill in the flood storage areas (as defined in the NSW Flood Manual) is consistent with the NSW Floodplain Development Manual and Bankstown Development Control Plan 2005–Part E3 (Flood Risk Management). Any inconsistency with these documents will require adequate justification.

▪ Updated Traffic Assessment

- The preferred option is to have an integrated approach between the site and the existing suburb of Milperra, which includes having public vehicle access to the site via Keys Parade, Pozieres Avenue and Prescott Parade.
- Confirm whether the environmental capacity of local streets (i.e. Pozieres Avenue, Prescott Parade, Raleigh Road and Amiens Avenue) and the performance level of intersections can accommodate the proposed development (based on the agreed density rate and mix).

- Base the traffic model on the journey to work and investigate the AM and PM peak levels.
- Provide Council with the current Paramics modelling findings for other local intersections i.e. Bullecourt Avenue and Henry Lawson Drive, and Hermies Avenue and Henry Lawson Drive.

The proponent submitted the updated traffic assessment to Council on 28 October 2010 and the updated flood study on 15 November 2010. This report discusses the assessment findings in more detail.

Site inspection

Councillors and Council officers conducted a site inspection on 16 November 2010 as per the Council resolution of 24 August 2010.

Further actions by the Department of Planning

In a letter dated 29 September 2010, the Department of Planning requested Council to submit the planning proposal to the Gateway Process by early October 2010. In considering this request, it was not possible for Council to meet this two week deadline without the updated information from the proponent.

In response, the Minister for Planning advised in a letter dated 9 November 2010 that Council had failed to meet the Department of Planning's demand to submit a planning proposal. The Minister for Planning has since referred the matter to the Planning Assessment Commission to recommend whether the proposal could proceed to a Gateway Determination. Council officers met the Planning Assessment Commission on 15 November and 6 December 2010 to discuss the matter, and the Commission is yet to provide a report to the Minister.

REPORT

Council officers have carried out an assessment of the updated information in response to Council's resolution of 24 August 2010. The information includes:

- An updated flood study to confirm the flood modelling and flood mitigation works based on current data. The proponent submitted the updated flood study for Council's consideration on 12 November 2010.
- An updated traffic assessment to confirm the traffic generation rate of other residential land uses permitted in the residential zone and the implications to the environmental capacity of certain streets and the performance level of certain intersections. The proponent submitted the updated traffic assessment for Council's consideration on 28 October 2010.

The assessment of this updated information is provided below.

Updated flood study

A preliminary assessment of the updated flood study indicates flood levels within the site will increase as a result of the proposal. The study assumes the extent of the residential zone will remain as originally proposed, and is therefore recommending land fill to raise the residential area up to 6.3 metres above existing ground level to overcome the flood risk.

In considering the updated flood study, the proposed land fill is not supported as a method to overcome the flood risk as:

- The proposed fill within flood prone land and flood storage areas are inconsistent with the principles of the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

Council officers have looked at this issue since the lodgement of the previous spot rezoning application. For example, at the Development Committee Meeting of 16 December 2009, Council officers considered the proponent's "balanced cut and fill approach" to manage flooding. This would require significant fill in areas subject to a high or medium flood risk (about 5 metres in some locations). However, the report could not confirm whether this approach is consistent with the principles of the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005 as:

"... the conclusions about flooding are very sensitive to the final ground levels on the site, and that further modelling that takes into account the finished ground levels will be needed to confirm the conclusions of the flood assessment, and in particular will need to verify that any development can proceed without affecting upstream or downstream flood levels. Any development will also need to ensure that it can comply with Council's Flood DCP, particularly in terms of evacuation from the site and requirements for underground car parking".

In considering the updated flood study, the proposed fill continues to be inconsistent with the principles of the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005, particularly when combined with land suitability and capability, new information since 2009 (i.e. changes to the scheme, stormwater catchment flood studies, climate change policies and the Residential Development Study), and environmental and other factors.

- The proposed fill is inconsistent with the Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment, which sets a specific planning principle of recognising the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.
- The proposed fill is inconsistent with Council's development controls, which sets a maximum permissible height of 1 metre of fill.

To respond to the flood risk, an alternative option is to reduce the extent of the proposed residential zone to an area that respects the flood and topography constraints of the site, in keeping with state and local policies (as shown in Attachment A).

This option ensures the proposal adapts to the topography alongside the Georges River rather than the topography having to adapt to the proposal, and minimises the impact on upstream and downstream properties. This option also recognises that the extent of the residential zone and associated land fill (as submitted by the proponent) is not critical to meet the dwelling target under the Metropolitan Strategy and Council's Residential Development Study.

In addition, the updated flood study submitted by the proponent does not fully address Council's resolution dated 24 August 2010 and Council's letter dated 23 September 2010, as it does not address the following matters:

- The effect of development on the behaviour of flood water (i.e. a comparison between the pre-development and post-development scenarios).
- The implications of the Milperra and Kelso Creek stormwater catchment flood studies.
- The implications of the State Government's Sea Level Rise Policy.
- The details of the flood evacuation capability to confirm whether the site is safe for residents to evacuate during a flood emergency.

Council will continue to seek this information if the proposal proceeds to the Gateway Process.

Updated Traffic Assessment

The proponent submitted an updated traffic assessment to look at whether the environmental capacity of local streets and the performance level of intersections can accommodate the proposed development (based on a certain density rate and mix). The modelling assumes:

- Pedestrian and vehicle access through Keys Parade, Pozieres Avenue and Prescott Parade.
- A reasonable mix of dwelling houses (50%) and dual occupancies (50%), based on the proposed development area of approximately 35 hectares, which results in 975 dwellings.

In terms of the performance level of intersections, the assessment indicates the intersections may operate within capacity for the next 10 years subject to certain traffic mitigation works such as new traffic signals at the intersection of Henry Lawson Drive and Keys Parade with turning lanes. Council would need to investigate whether there is an appropriate funding mechanism to ensure the proponent contributes towards the works as part of the Gateway Process.

In terms of environmental capacity, the Roads and Traffic Authority's 'Guide to Traffic Generating Developments' sets out recommended environmental capacity performance standards. Environmental capacity takes into account both amenity and safety considerations, which are important planning issues when considering the impact of increased traffic in residential areas. In the performance standards, two levels are given to manage traffic volumes and achieve good practice – one for the desirable maximum (environmental goal) to address safety and amenity, and one for the absolute maximum.

The updated traffic assessment indicates it is possible to satisfy the safety consideration subject to traffic mitigation works. This includes raised intersections and lower speed limits to provide a safe environment for pedestrians and cyclists using the local roads, particularly near the primary school on Pozieres Avenue. Council would need to investigate whether there is an appropriate funding mechanism to ensure the proponent contributes towards the works as part of the Gateway Process.

However, the assessment also indicates the proposal does not fully satisfy the amenity consideration when looking at environmental capacity. The 'Guide to Traffic Generating Developments' sets out the recommended environmental goals to achieve appropriate amenity in residential areas i.e. a desirable maximum peak hour volume of 200 vehicles in local roads and a desirable maximum peak hour volume of 300 vehicles in collector roads.

The results indicate the proposal would exceed the RTA criteria for environmental amenity, and may result in a loss of amenity for residents and school children in Pozieres Avenue and surrounding streets during peak hours. The results are as follows:

Road	Maximum peak hour volume (vehicles/hour)	AM Peak		PM Peak	
		Existing	Proposed	Existing	Proposed
Pozieres Avenue (collector)	300 environmental goal	284	520	410	553
	500 maximum				
Keys Parade (local)	200 environmental goal	–	367	–	338
	300 maximum				
Prescott Parade (local)	200 environmental goal	–	360	–	318
	300 maximum				
Raleigh Road (local)	200 environmental goal	115	231	276	398
	300 maximum				

To respond to the amenity consideration, an alternative option is to reduce the extent of the proposed residential zone to a capacity that addresses the environmental goals for traffic movements in residential areas, in keeping with state policies (as shown in Attachment A).

This option reduces the traffic generation potential of the proposal, and helps to minimise the amenity impact on residents and school children in the locality. This option also recognises that the extent of the residential zone is not critical to meet the dwelling target under the Metropolitan Strategy and Council's Residential Development Study.

This is the preferred option rather than upgrading the locality to a series of collector roads or restricting movement in the locality with more traffic calming methods.

Residential Development Study

In terms of how the planning proposal fits in with the strategic planning framework, the proposal is not the result of any citywide strategic studies that apply to the land such as the Department of Planning's Metropolitan Strategy and Draft West Central Subregional Strategy, and Council's Residential Development Study.

The studies identify the need to accommodate 22,000 dwellings in the City of Bankstown by 2031. The focus is to achieve the Department of Planning's required 80:20 centres to infill ratio in the City of Bankstown by locating new dwellings around existing centres with good access to public transport. This process would inform the conversion of Bankstown LEP 2001 to the Standard Instrument Principal LEP, which the Department of Planning views as a priority project.

The studies do not identify the Riverlands Golf Course site in Milperra as a priority area to achieve this dwelling target.

OPTION ANALYSIS

According to the Gateway Process, it is Council's obligation to be confident about the suitability of the site when preparing a planning proposal, and ensure the intended outcome of the proposal will contribute to a more sustainable urban environment.

Council officers have carried out the required assessment of the application in accordance with the Environmental Planning & Assessment Act and the Department of Planning's guidelines under the new LEP Gateway Process. Based on this assessment, Council staff have considered the following options to determine whether to submit a planning proposal to the Department of Planning.

Option 1: Council submits a revised proposal to the Department of Planning

This option recognises that Council is ultimately responsible for the planning proposal under the Gateway Process, and must be satisfied with it such that it is prepared to forward it to the Department of Planning for the next step in the process, being the Gateway Determination.

As part of this option, Council officers have prepared a revised planning proposal (see Attachment A) based on the Department of Planning's requirements and the information submitted by the proponent. The guiding principles for the proposal are:

- To ensure the location and extent of the proposed land uses fully respond to the flood risks, land contamination, acid sulfate soils, bush fire risks and other environmental constraints that affect the site.
- To ensure the location and extent of the proposed land uses fully protect the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence.
- To ensure the location and extent of the proposed land uses integrate effectively with the topography of the site and the established character of the Milperra neighbourhood area, and enable the impacts to be managed appropriately.
- To ensure there is appropriate access and infrastructure (and associated funding mechanism) to accommodate the proposed land uses.
- To ensure the location and extent of the proposed land uses comply with metropolitan and citywide strategic studies, if Council is to achieve the Department of Planning's directions to focus residential development around centres and achieve an 80:20 centres to infill ratio in the City of Bankstown.

In applying the guiding principles, the proposal (see Figure 2) is looking to enable the redevelopment of the Riverlands Golf Course site as a golf course and associated club building, except for a corridor of public open space and ecologically significant areas along the river frontage.

The proposal is also looking to enable some low density housing at a location and extent that can:

- Respond to the flood risks, acid sulfate soils, bushfire risk, land contamination and other environmental constraints, particularly as the residential zone permits a range of sensitive land uses such as housing, schools, child care centres, seniors housing and hospitals.
- Protect the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence, including appropriate buffers.
- Adapt to the topography of the site and respond to the constraints of cut and fill.
- Integrate effectively with the Milperra neighbourhood area whilst ensuring the traffic generation potential is in keeping with the environmental capacity of the residential streets.
- Ensure the intended outcome of the proposal is to have a more sustainable urban environment.

Under this proposal, the area of the residential zone would be around 15 hectares (although this would need to be accurately defined as the process proceeds), and would achieve an approximate maximum yield of:

- Approximately 350 dwellings if the site is developed solely with dwelling houses; or
- Approximately 490 dwellings if the site is developed with a reasonable mix of dwelling houses (50%) and dual occupancies (50%).

It is noted that other scenarios may occur within the residential zone, which are a guide only (e.g. villas, schools, child care centres and roads) which may change the yield figures and would need to be assessed as part of future development applications.

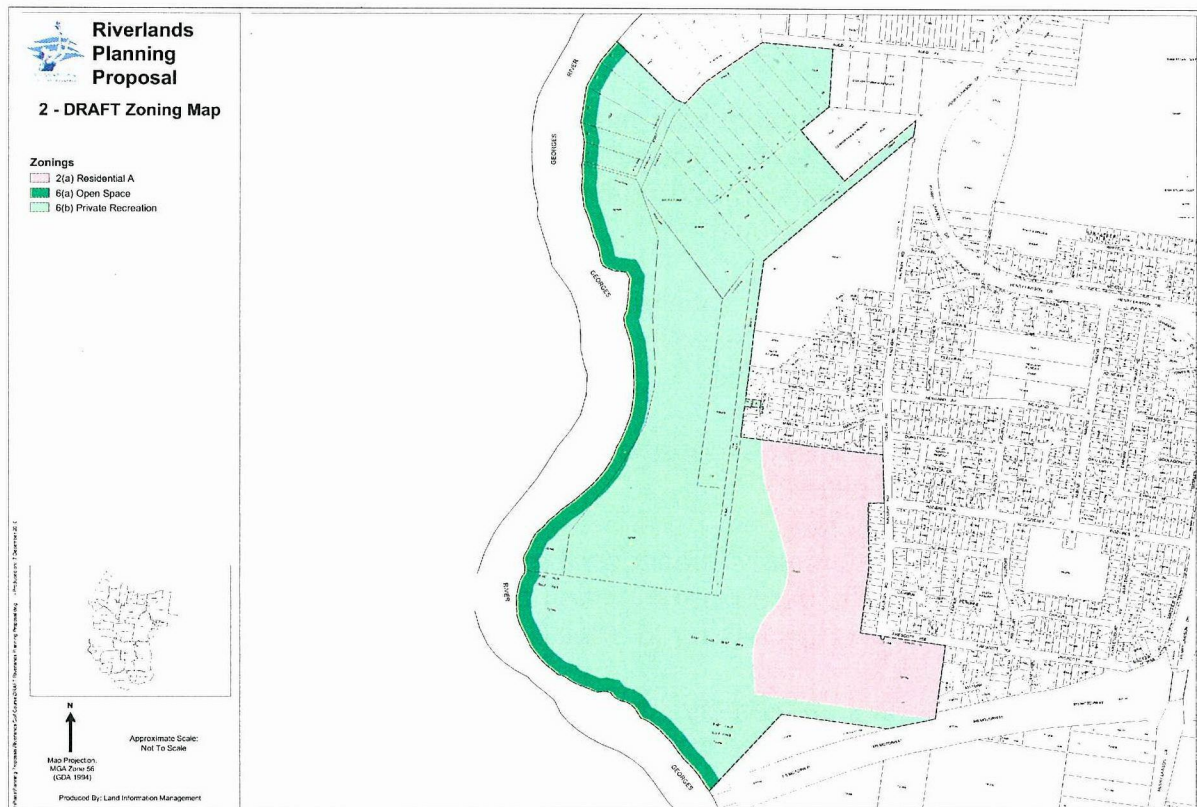


Figure 2—Planning Proposal

If Council resolves for the planning proposal to proceed to the Gateway Process, this will require further assessment during the process, prior to finalising the preferred option. This is particularly the case in assessing whether there is appropriate land (and the extent of that land) to locate the range of land uses that would be permitted in a residential zone such as housing, schools, child care centres, seniors housing, hospitals and other sensitive land uses.

As outlined in the planning proposal, Council should request the following information as part of the Gateway Determination by the Department of Planning if it decides to pursue this option:

- Updated Flood Study and Evacuation Plan.

- Updated Flora, Fauna and Biodiversity Study.
- Updated Site Contamination Report.
- Aboriginal Heritage Study.
- Acid Sulfate Soils Study.
- Bushfire Risk Assessment Study.
- Community Facilities and Open Space Needs Study.
- Cut and Fill Assessment Study.
- Any required Voluntary Planning Agreement or other funding mechanism to enable infrastructure works and embellishment.

As Council considers the additional information, this may result in further changes to the planning proposal during the Gateway Process.

Option 2: Refuse the spot rezoning application due to the impact on the area.

Council may decide to refuse the spot rezoning application for the following reasons:

- The proposal is inconsistent with metropolitan and citywide strategic studies, and does not achieve the Department of Planning's directions to focus residential development around centres or achieve an 80:20 centres to infill ratio in the City of Bankstown.
- The proposal does not satisfactorily respond to the flood risks, land contamination, acid sulfate soils, bush fire risks and other environmental constraints that affect the site.
- The proposal requires excessive land fill and does not adapt to the topography of the site.
- The proposal will adversely impact on the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence.
- The proposal will adversely impact on the amenity of the Milperra neighbourhood area and the environmental capacity of residential streets.

However, it should be noted in a letter dated 4 May 2010 that the Department of Planning is prepared to consider alternative processes to determine the future use of the land if Council is not able to consider the proposal. This may mean the Department may nominate an external body such as the Joint Regional Planning Panel to be the Relevant Planning Authority to prepare and determine this proposal. In addition, it is recommended by Council staff that the revised proposal outlined in Option 1 would address these issues.

RECOMMENDED ACTION

The recommended action is for Council to proceed with Option 1 and submit a revised proposal to the Department of Planning.

This action recognises that Council is ultimately responsible for the planning proposal under the Gateway Process, and must be satisfied with it such that it is prepared to forward it to the Department of Planning for the next step in the process, being the Gateway Determination.

As part of this action, Council officers have prepared a planning proposal (see Attachment A) based on the Department of Planning's requirements and the information submitted by the proponent. As outlined in the planning proposal, Council should request the following information as part of the Gateway Determination if it decides to pursue this option:

- Updated Flood Study and Evacuation Plan.
- Updated Flora, Fauna and Biodiversity Study.
- Updated Site Contamination Report.
- Aboriginal Heritage Study.
- Acid Sulfate Soils Study.
- Bushfire Risk Assessment Study.
- Community Facilities and Open Space Needs Study.
- Cut and Fill Assessment Study.
- Any required Voluntary Planning Agreement or other funding mechanism to enable infrastructure works and embellishment.

As Council considers the additional information, this may result in further changes to the planning proposal during the Gateway Process.

POLICY IMPACT

The citywide strategic studies that would apply to the land include the Department of Planning's Metropolitan Strategy and Draft West Central Subregional Strategy, and Council's Residential Development Study.

The studies identify the need to accommodate 22,000 dwellings in the City of Bankstown by 2031. The focus is to locate the dwellings around existing centres with good access to public transport. The studies do not identify the Riverlands Golf Course site in Milperra as a priority area to achieve this dwelling target. The proposal is also inconsistent with the Department of Planning's required 80:20 centres to infill ratio in the City of Bankstown by 2031.

At the request of the Department of Planning, the Residential Development Study also adopted a policy as to the types of spot rezoning applications that Council may accept whilst preparing the Local Area Plans and Standard Instrument Principal LEP. Council may consider spot rezoning applications within centres. However, this proposal is not identified in a centre.

Although the long term strategies do not identify the site as a priority growth area, an extension of the Milperra neighbourhood area suggest there may be some capacity to accommodate additional housing development and other urban land uses, but that the extent of additional residential land should be reduced from what is proposed by the applicant.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial impact for Council at this early stage.

RECOMMENDATION

That Council submit a planning proposal for the rezoning of part of the land known as the Riverlands Golf Course site to the Minister for Planning to seek a Gateway Determination, as shown in Attachment A.

ATTACHMENTS

- A Planning Proposal
- B Council Report–Ordinary Meeting of 24 August 2010

ITEM 5.1 APPLICATION TO REZONE THE RIVERLANDS GOLF COURSE SITE(RZ 1/2010)

THE MAYOR AND CLR BROOKES DECLARED POTENTIAL CONFLICTS OF INTEREST IN THIS MATTER AS THE APPLICATION MAY BE REFERRED TO THE JOINT REGIONAL PLANNING PANEL, OF WHICH THEY ARE MEMBERS, AND THEY LEFT THE CHAMBER TAKING NO FURTHER PART IN DEBATE.

THE MAYOR VACATED THE CHAIR AND TEMPORARILY RETIRED FROM THE MEETING AT 6.07 P.M. AND CLR ASFOUR ASSUMED THE CHAIR.

MR. STEPHEN JULIAN (ON BEHALF OF RESIDENTS) ADDRESSED COUNCIL.

CLR. STROMBORG:/CLR. WAUD:

That Council refuse the spot rezoning application of part of the land known as Riverlands Golf Course for the following reasons:

- The proposal is inconsistent with metropolitan and citywide strategic studies, and does not achieve the Department of Planning's directions to focus residential development around centres or achieve an 80:20 centres to infill ratio in the City of Bankstown.
- The proposal does not satisfactorily respond to the flood risks, land contamination, acid sulfate soils, bush fire risks and other environmental constraints that affect the site.
- The proposal requires excessive land fill and does not adapt to the topography of the site.

- The proposal will adversely impact on the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence.
- The proposal will adversely impact on the amenity of the Milperra neighbourhood area and the environmental capacity of residential streets.
- This proposal is not in the best interest of the City of Bankstown.

THE MOTION WAS PUT AND LOST.

For:- Councillors Stromborg, Waud

Against:- Councillors Asfour, Tadros, Gavin, Najjar, Winterbottom

(1063) CLR. TADROS:/CLR. WINTERBOTTOM:

RESOLVED that Council submit a planning proposal for the rezoning of part of the land known as the Riverlands Golf Course site to the Minister for Planning to seek a Gateway Determination, as shown in Attachment A.

- CARRIED.

For:- Councillors Asfour, Tadros, Gavin, Najjar, Winterbottom

Against:- Councillors Stromborg, Waud