

## JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW147
DA Number	DA0467/15
Local Government Area	Hawkesbury City Council
Proposed Development	Subdivision – Vegetation removal, earthworks, the removal of two dams, alterations to a dam, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 59 residential lots, two open space lots and one residue lot
Street Address	96 and 322 Grose Vale Road NORTH RICHMOND NSW 2754 (Lot 74 DP 1187236 and Lot 26 DP 1042890)
Applicant/Owner	North Richmond Joint Venture
Number of Submissions	Three
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) in excess of \$20 million
List of All Relevant Section 79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List of the relevant environmental planning instruments under Section 79C(1)(a)(i): <ul style="list-style-type: none"> <li>– Hawkesbury Local Environmental Plan 2012 (HLEP 2012);</li> <li>– State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);</li> <li>– State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44);</li> <li>– State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55); and</li> <li>– State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20).</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority under Section 79C(1)(a)(ii): <ul style="list-style-type: none"> <li>– Not applicable.</li> </ul> </li> <li>• List any relevant development control plan under Section 79C(1)(a)(iii): <ul style="list-style-type: none"> <li>– Hawkesbury Development Control Plan 2002 (HDCP 2002).</li> </ul> </li> <li>• List any relevant planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F (Section 79C(1)(a)(iv)): <ul style="list-style-type: none"> <li>– Voluntary Planning Agreement between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.</li> </ul> </li> </ul>
Does the DA require Special Infrastructure Contributions conditions (Section 94EF)?	<p>No. The subject land is not located within the North West Growth Centre and the development is not subject to a Special Infrastructure Contribution (SIC).</p> <p><u>Note:</u> Certain applications in parts of Blacktown, Hawkesbury, Hills, Liverpool, Campbelltown and Camden local government areas that fall within the Special Infrastructure Contributions Area may require specific</p>

	SIC conditions.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• 'Joint Regional Planning Panel Report' prepared by Mr A Johnston and dated 3 March 2016;</li> <li>• Drawing No. T-03 Rev 'A' – 'Tree Removal and Protection Plan (North)' prepared by Arterra Landscape Architects and dated 24 July 2015;</li> <li>• Drawing No. T-04 Rev 'A' – 'Tree Removal and Protection Plan (South)' prepared by Arterra Landscape Architects and dated 30 June 2015;</li> <li>• 'Belmont – Tree Removal and Planting' Schedule prepared by Arterra Landscape Architects;</li> <li>• 'Review of Ecological Assessment – Belmont Precinct, Redbank, North Richmond' prepared by Dr R Bali;</li> <li>• Submissions prepared by Mr M Want, Mrs C Turnbull and Ms S Boronyak; and</li> <li>• Conditions prepared by Mr A Johnston.</li> </ul>
Recommendation	Approval subject to conditions
Report by	Andrew Johnston – Senior Town Planner
Report date	5 May 2016

## **Overview of Report**

### **1.0 Executive Summary**

On the 3 March 2016 the Sydney West Joint Regional Planning Panel (JRPP) considered an assessment report on Development Application No. 2015SYW147 for a residential subdivision at 96 and 322 Grose Vale Road, North Richmond. Having considered the assessment report and submissions from respondents and the Applicant, the Sydney West JRPP resolved to defer the determination of the application and requested the preparation of a Supplementary Report addressing flora and flora impacts associated with the proposal.

This report has been prepared to address the concerns raised by the Sydney West JRPP and should be read in conjunction with the original report dated 3 March 2016.

Additional information supplied by the Applicant confirms that the proposed subdivision will result in the removal of 84 trees as opposed to the 214 trees referred to in the original documentation.

A revised Flora and Fauna Report, including seven part test of significance, has been reviewed by Council's Parks Officer and it is considered that the development will not significantly impact threatened species, populations or endangered ecological communities. The proposal is consistent with the provisions of the site-specific Development Control Plan for Redbank with respect to the protection of native vegetation and the retention of dams.

The proposed subdivision generally satisfies Council's planning controls and certification of satisfactory arrangements has been received from the Department of Planning and Environment. The proposal is acceptable and is recommended for conditional approval.

## **Development Description**

### **2.0 Description of Proposal**

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks approval for a subdivision at 96 and 322 Grose Vale Road, North Richmond. This subdivision is to form a part of the Redbank residential land release.

The proposal specifically involves:

- The removal of 84 trees;
- Bulk earthworks associated with road construction, drainage and lot levelling;

- The removal of two dams and alterations to a dam;
- Construction of a new road off Grose Vale Road, the further extension of Belmont Grove and internal roads to service the proposed allotments;
- Revegetation, landscaping and public domain works (footpaths, car park, picnic shelters, seating, viewing deck, jetty and boardwalk crossing etc.); and
- A Torrens title subdivision to create an additional 59 residential lots, two open space lots and a residue lot.

The proposal involves the further development of the Belmont Precinct. This precinct is located within the western portion of the property and may be accessed via the existing Belmont Grove and a new entry from Grose Vale Road. The new allotments are to have areas ranging from 1,500m<sup>2</sup> to 2,657m<sup>2</sup>.

The new road access from Grose Vale Road is to be partially located on 322 Grose Vale Road.



Figure 1 – Subdivision Layout

The application meets the criteria for determination by the Sydney West JRPP as the development has a Capital Investment Value (CIV) in excess of \$20 million.

## Assessment

### 3.0 Section 79C Matters for Consideration

An assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act was undertaken with the original report dated 3 March 2016. A copy of this report is included as [Attachment 1](#).

The findings and ultimate conclusion of this report still stand however a further consideration of flora and fauna impacts has been undertaken at the request of the Sydney West JRPP.

Council's mapping system indicates that the overall site contains Shale Plains Woodland, Alluvial Woodland and Shale Sandstone Transition Woodland (High and Low Sandstone Influence). Shale Plains Woodland (which is also known as Cumberland Plain Woodland) is listed as being critically endangered, whilst Alluvial Woodland (which is also known as Riverflat Eucalypt Forest) and Shale Sandstone Transition Woodland are listed as endangered under the Threatened Species Conservation Act 1995.

The land subject to this application is shown to partially contain Shale Plains Woodland and Shale Sandstone Transition Woodland.

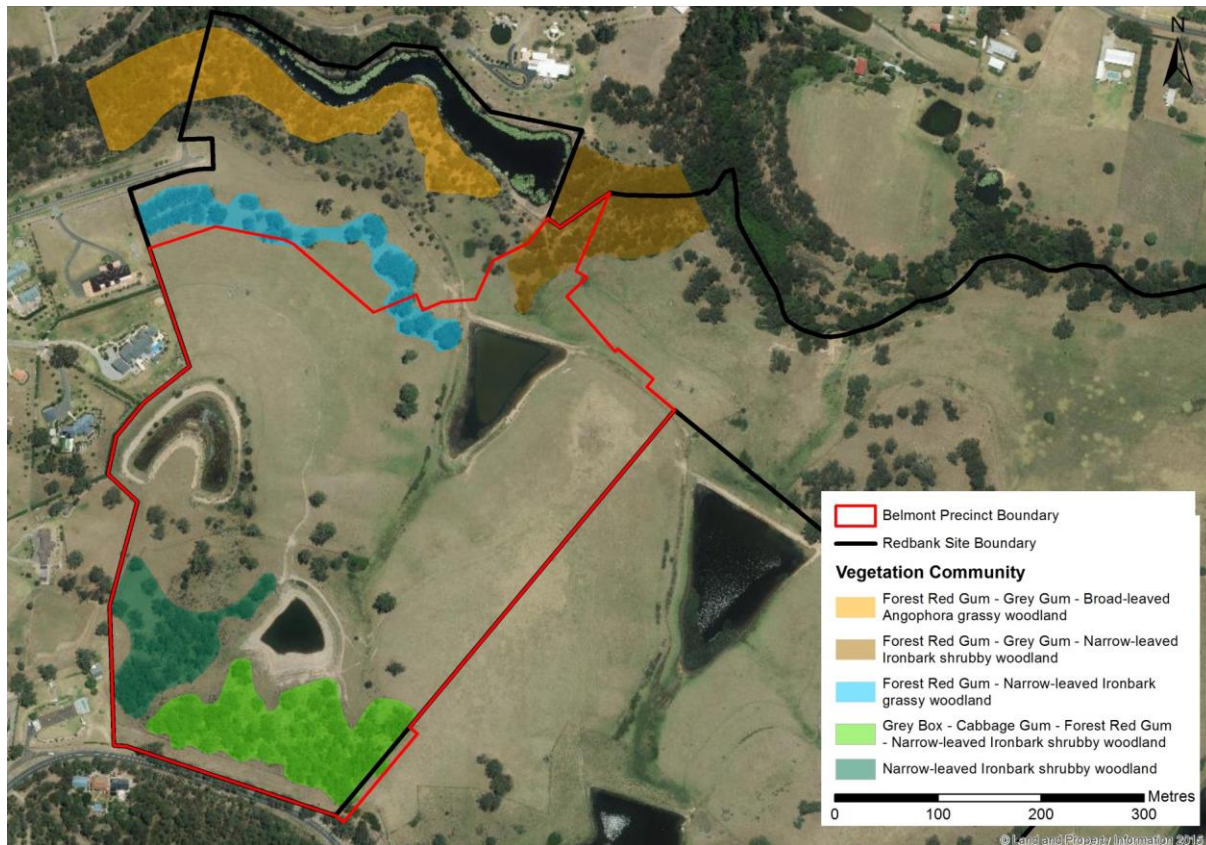


Figure 2 – Vegetation Map

A vegetation map included with the original Flora and Fauna Report indicates that the southern vegetation dominated by Forest Red Gum (*Eucalyptus tereticornis*), Narrow-leaved Ironbark (*Eucalyptus crebra*), Cabbage Gum (*Eucalyptus amplifolia*) and Grey Box (*Eucalyptus moluccana*) trees may be categorised as Shale Plains Woodland. The vegetation near Redbank Creek is described as Forest Red Gum – Grey Gum Shrubby Woodland and Grassy Woodland. The report suggests that the species present in this area have some affinity with a Shale Sandstone Transition Woodland (Low Sandstone Influence) community but do not include key species such as Red Ironbark (*Eucalyptus fibrosa*) or Thin-leaved Stringybark (*Eucalyptus eugenoides*).

The original Statement of Environmental Effects prepared for the development indicated that a total of 214 trees would be removed to accommodate the proposed subdivision. However, plans and a Tree Removal and Protection Schedule (Attachments 2 and 3) prepared by the Applicant confirm that the subject proposal would result in the removal of 84 trees. The previously mentioned total of 214 trees relates to the whole of the Belmont Precinct, with the remaining 130 trees approved for removal with Development Consent No's DA0438/14, DA0451/14 and DA0452/15 (all of which were approved by Council).

The southern vegetation adjacent to Grose Vale Road that is identified as Shale Plains Woodland is the most significant remnant vegetation within this portion of the Belmont Precinct. Clause 8.3.6(1) and Figure 8.11 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 (HDPC 2002) outline that this vegetation is to be protected as public open space. The proposal satisfies these provisions of the HDPC 2002 on the basis that this area of native vegetation is to be retained, revegetated and dedicated to Council as open space. The endorsed Voluntary Planning Agreement (VPA) further requires the preparation of weed management and revegetation plans for the maintenance and future dedication of this land.

The removal of Dams 1 and 2 is consistent with Figure 8.6 of Part E Chapter 8 of the HDPC 2002 and is supported by the Heritage Council.

On the 23 February 2016 a Review of Ecological Assessment was received from Dr R Bali on behalf of the North Richmond & Districts Community Action Association (NRDCAA). This submission raised a number of concerns with respect to the submitted Flora and Fauna Report, including the classification of vegetation communities, the absence of biodiversity offsets and uncertainties over the implementation of amelioration measures.

A revised Flora and Fauna Report has been prepared to address the matters raised by Dr Bali. This

report confirms that the assessment was undertaken in accordance with the relevant Office of Environment and Heritage (formerly the Department of Environment, Climate Change and Water) guidelines.

No vegetation communities were downgraded as suggested by Dr Bali. Instead the information presented in the original and revised Flora and Fauna Reports is based on the recording of the canopy, the identification of the species present within the shrub and ground layers, and landscape and soil properties.

The revised Flora and Fauna Report outlines that the northern vegetation adjoining Redbank Creek does not meet the criteria for Shale Sandstone Transition Woodland due to the highly modified understorey and exotic grasses present. However, based on this vegetation having an affinity with Shale Sandstone Transition Woodland, the report recommends revegetation works within the riparian corridor to provide a native species understorey and re-establish this endangered ecological community.

It should also be noted that only a relatively small portion of this disputed vegetation community is located within the area subject to this application. The majority of this vegetation is included within the area of land covered by Development Consent No. DA0451/14. This previous Council consent required the majority of the vegetation adjoining the creek to be retained, revegetated and dedicated to Council. To reduce the impacts of the development Council staff required this riparian corridor to be increased in width and extended beyond the adopted RE1 Public Recreation zone, at the expense of the adjoining residential properties.

Many of the other issues raised within Dr Bali's submission relate to the strategic development of the Redbank site, and are not matters for consideration during the development application process. In this regard Hawkesbury City Council does not have an adopted Biodiversity Offset Policy.

The revised Flora and Fauna Report concludes the development of the land is unlikely to have a significant impact on any threatened ecological communities or species as listed under the Threatened Species Conservation Act 1995. The seven-part test of significance relating to Shale Plains Woodland (Cumberland Plain Woodland) indicates that this community is not at risk of local extinction and there is no requirement to undertake a species impact statement.

Council's Park's Officer has reviewed the revised Flora and Fauna Report and agrees that the proposed development is unlikely to have a significant impact on any threatened ecological communities or flora and fauna species. The more significant stands of vegetation will be retained in areas of open space as required by the HDCP 2002.

It is therefore considered that the proposed development will have no significant adverse impacts upon the natural or built environments or negative social or economic impacts upon the locality.

#### **4.0 Public Consultation**

The application was notified as advertised development from 13 August to 10 September 2015 in accordance with Part A Section 3.2 of the HDCP 2002 and Section 79A of the EP&A Act. A notice of the development was also placed in the local newspaper as required under the EP&A Regulation 2000.

A total of four submissions have been received in response to this application.

Two submissions were received in response to the original notification of this application. These submissions were received from the NRDCAA and a resident of Grose Vale. Prior to the Sydney West JRPP's meeting of 3 March 2016 a submission was received from Dr Bali on behalf of the NRDCAA. A fourth and final submission was received from another resident of Grose Vale on 4 April 2016.

The submissions ([Attachment 5](#)) received primarily raise concern with respect to the development's environmental and heritage impacts. These matters have been discussed at length in the original assessment report and Section 3 of this report.

#### **Conclusion**

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed subdivision

generally satisfies Council's planning controls and is supported by the relevant external referral agencies.

The proposal is acceptable and is recommended for approval subject to conditions (Attachment 6).

#### **Attachments**

Attachment 1 – Joint Regional Planning Panel Report  
Attachment 2 – Tree Removal and Protection Plans  
Attachment 3 – Belmont – Tree Removal and Protection Schedule  
Attachment 4 – Review of Ecological Assessment  
Attachment 5 – Submissions  
Attachment 6 – Conditions

#### **Recommendation**

**That the Sydney West Joint Regional Planning Panel as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 2015SYW147 for a Torrens title subdivision on Lot 74 DP: 1187236 and Lot 26 DP 1042890, known as 96 and 322 Grose Vale Road, North Richmond, subject to the attached conditions.**