



DATE OF DETERMINATION	29 May 2023
DATE OF PANEL DECISION	29 May 2023
DATE OF PANEL BRIEFING	22 May 2023
PANEL MEMBERS	Justin Doyle (Chair), Brian Kirk, David Kitto, Jeff Organ
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Judy Clark declares a conflict of interest for this development application which relates to the Redbank development site and cannot be on the Panel for this matter. From 16 July 2018 - 30 June 2021 during my employment at Hawkesbury City Council I chaired the Redbank Working Group. From July 2021 to June 2022 I provided adhoc professional services to Council relating to the Redbank site in my capacity as a town planning consultant.</p> <p>Louise Camenzuli declared a conflict as her firm acted on the VPA in relation to this application.</p>

Papers circulated electronically on 16 May 2023.

MATTER DETERMINED

PPSSWC – 239 – Hawkesbury - DA0092/22 - 382 Grose Vale Road, North Richmond - Subdivision - Land Clearing, Earthworks, Decommissioning of Water Storage Facility, Construction of Roads & Service Infrastructure, Upgrade and Intersection Works on Grose Vale Road, Associated Landscaping, Torrens Title Subdivision to Create 375 Residential Lots, 1 Super Lot and 4 Open Space Lots

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

Approval of this part of the larger Redbank subdivision will make a significant contribution to the availability of housing stock in the north west of Sydney. No substantial adverse issue was identified in the Council assessment report.

Significant uncertainty remains about the future construction of the Grose River Bridge which the Panel is informed is due to be considered by Council at its meeting in June 2023. While a decision on this matter is urgently required, the Panel notes that the existing VPA arrangements require the matters to be resolved before the 915th residential lot is released, and the bridge must be constructed prior to the release of the 1,214th residential lot. Given that the bridge remains under current examination, and the Panel is assured that the existing VPA protections in place are sufficient to ensure it is constructed before the population

increases to unacceptable levels. Based on the advice provided, the panel agrees that the VPA provides the appropriate legal framework and controls relating to the timing of provision of the proposed Grose River Bridge or payment in lieu.

The conditions to be adopted require three bus stops to be provided prior to issue of the Subdivision Certificate for the 278th residential lot, and a fourth bus stop before a Subdivision Certificate may issue for the 333rd residential lot. That will improve the accessibility of the subdivision and reduce car dependency.

A certificate has been obtained to confirm adequate infrastructure arrangements are included in the development.

The significant proposed bulk grading and earthworks have been planned to maintain the general site contours, such that the Heritage Council of NSW have provided their General Terms of Approval in relation to the listed "Keyline" swales, which are to be reinterpreted through street plantings.

Bushfire risk has been addressed with general terms of approval issuing from the Rural Fire Service (dated 6 September 2022) to be complied with before the issuing of a subdivision under the conditions.

The requirements of the Biodiversity Conservation Act and Part E Chapter 8 of the Hawkesbury DCP 2002 are reported to have been considered by Council and found to be resolved, with mitigation measures described in the BDAR to reduce flora and fauna impacts. Approximately 0.81Ha of Cumberland Plain Woodland is reported as being retained, which Council says is consistent with earlier master-planning in that regard at this time. While the DA proposes significant tree removal, the impact is to be offset through the BDAR system, and the most significant stand of trees within the site will be retained within the Sandstone Park open space lot.

There are known aboriginal heritage sites in the vicinity, but not within the area of this subdivision. While Aboriginal Heritage Impact Permits (AHIP) have issued for other stages of the development, none are seen as necessary for this stage.

Contamination has not been identified as an issue based on site surveys, but the conditions included provision for an unexpected archaeological or contamination finds protocol.


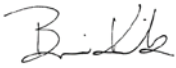


CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the single written submission made during public exhibition and heard from all those wishing to address the panel. It raised issues about impacts on adjoining residents, tree removal and the timing of the construction of the bridge.

Each of those matters is satisfactorily discussed in the Council assessment report, as discussed above.

PANEL MEMBERS	
Justin Doyle (Chair) 	Brian Kirk 
David Kitto 	Jeff Organ 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC – 239 - Hawkesbury - DA0092/22
2	PROPOSED DEVELOPMENT	Subdivision - Land Clearing, Earthworks, Decommissioning of Water Storage Facility, Construction of Roads & Service Infrastructure, Upgrade and Intersection Works on Grose Vale Road, Associated Landscaping, Torrens Title Subdivision to Create 375 Residential Lots, 1 Super Lot and 4 Open Space Lots
3	STREET ADDRESS	382 Grose Vale Road, North Richmond
4	APPLICANT/OWNER	Applicant: Red Bank Communities Owner: BD NSW (MR) Project O007
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Hawkesbury Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Hawkesbury Development Control Plan 2002 • Planning agreements: 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 15 May 2023 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 1 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurrán, Jeff Organ ○ <u>Council assessment staff</u>: Andrew Johnston • Final briefing to discuss council's recommendation: 22 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Brian Kirk, David Kitto, Jeff Organ ○ <u>Council assessment staff</u>: Andrew Johnston

		○ <u>Applicant representatives:</u> Andrew Flaherty, Mark Regent
9	COUNCIL RECOMMENDATION	Conditional Approval
10	DRAFT CONDITIONS	Attached to the council assessment report