

## **1. Former ASA land, Cranebrook**

### ***The Site***

The site has an area of 181.11 hectares, and is located to the north of the Cranebrook urban area (bounded by the Northern Road, Cranebrook Road and Vincent Road). The land is currently zoned Special Uses 5(a) – Wireless Station under Penrith Local Environmental Plan No. 201. The zoning limits development to those land uses normally associated with its former use as a wireless station. Any proposal to develop this land for uses other than a wireless station would require Council or the Government to first consider and support a proposal for rezoning.

The site is relatively flat, with evidence of some clearing, and is now unoccupied. The NPWS 2002 vegetation maps of Western Sydney identify three vegetation community types on the site. They are *Cooks River/Castlereagh Ironbark Forest*, *Shale Gravel Transition Forest* and *Castlereagh Scribbly Gum Woodland*. The former two communities are listed as 'Endangered Ecological Communities' under the NSW Threatened Species Conservation Act, 1995 (TSC Act). The land is also understood to contain at least two species of plants that are listed as vulnerable under the NSW TSC Act. They are *Dillwynia tenuifolia* and *Grevillea juniperina*.

A map of the site is appended to this report, and a plan showing the proposal is attached.

### ***Background***

The former Civil Aviation Authority (later called AirServices Australia) advised Council in the early 1990s that the subject site was surplus to the Federal Government's needs. It was excluded from the Rural Lands Strategy, which was adopted in September 2003, as Council recognised the need for further comprehensive planning investigations, prior to endorsing future directions for this land.

A meeting was held between ASA representatives and Council staff in November 2003 to discuss the future of this site, and the necessary steps to be taken to further explore its land capability. When Council subsequently started receiving enquiries concerning the land, it sought clarification from ASA (in July 2004) regarding their current position, and whether they were planning to dispose of the land. Council also sought a commitment from ASA that the land would not be sold before proper processes were established to ensure an appropriate planning outcome was reached for the land. Notwithstanding Council's approaches, the land was subsequently sold in September 2004.

The new owner of the site, Infracorp Limited, consulted with Council regarding the appropriate process for consideration of future potential land uses, and undertook planning investigations to determine the land's capabilities and constraints, and to identify appropriate potential future land uses.

Infracorp's consultants completed a range of studies for the site, with a view to submitting a formal rezoning application. The key issues investigated include biodiversity values and their conservation, Aboriginal and European heritage values and their conservation, traffic, water cycle management, bushfire risk, contamination, and potential future site and building design. Infracorp expressed a commitment to using the studies to determine the capability of the land, and identify an appropriate land use outcome for the 'developable' areas of the site (possibly large lot residential) that would fund, in perpetuity, a trust to manage the areas of significant biodiversity and heritage.

Council, relevant State Government agencies, such as the Department of Planning (DoP) and the Department of Environment and Conservation (DEC), were consulted about these studies. This consultation has continued as the matter has progressed.

### ***Relationship to the Local Plan process***

Consideration of a range of site specific proposals at a Councillor Briefing Session on 31 July 2006 determined that the rezoning of former ASA site was worthy of further assessment and negotiation and that, should resolution of relevant matters be achieved, then the rezoning would be included in Stage 2 of the Local Plan.

A formal rezoning application was subsequently lodged on 15 September 2006. This application generally proposed large lot residential on the western half of the site, and a biodiversity conservation area on the eastern half of the site.

### ***Position of the Department of Environment and Climate Change (DECC)***

In responding to Council's section 62 consultation letter for the Local Plan, DEC (now DECC) indicated that the whole site was worthy of protection for its biodiversity and Aboriginal heritage values. Since that advice, Infracorp's consultants have met with DECC to discuss the Department's proposed biodiversity banking and offset scheme, and its potential applicability to this site.

In mid 2007 the subject land was included in a pilot program conducted by DECC of the draft BioBanking assessment methodology prior to commencement of the Biodiversity Banking and Offsets Scheme. The landowner appears to have now withdrawn from participation in the BioBanking pilot program. It is understood that DECC has been assessing and reviewing the BioBanking assessment methodology used in that trial, and that a revised methodology is likely to be publicly exhibited in November 2007, and implemented in March 2008.

### ***Position of the Department of Planning (DoP)***

The DoP, which had previously advised that it would not support this land being developed for urban uses, has subsequently altered its position. Arising from a meeting held at Council on 29 March 2007, the Department issued formal advice to the proponent on 11 May 2007, confirming the manner in which this matter could progress. In summary the DoP advised:

- The proponent should continue to liaise with the DECC to establish which areas of the site are potentially suited for urban purposes, and which areas are to be set aside for biodiversity conservation and other purposes.
- If the project appears feasible, it will be necessary for the proponent to fully address the Sustainability Criteria for new release areas as contained within the Metropolitan Strategy.
- The matter would then be submitted to the CEO's of the Land Supply Group and then, contingent upon approval by Cabinet, included in the Metropolitan Development Program (MDP). The purpose of this part of the process is to allow the Land Supply Group to recommend a regional infrastructure contribution to be paid to the State Government.
- If included onto the MDP, the rezoning could then proceed with Council or could be dealt with by the State Government as a Part 3A matter.

The proponent has followed the process determined by the DoP, in terms of liaison with the DECC and the subsequent preparation of a Sustainability Assessment report. The matter is proposed to be considered by the Land Supply CEO Group meeting of November 2007.

### ***Commentary***

While it is acknowledged that this matter is proceeding in accordance with the process set out by the Department of Planning, Council has had limited opportunity to provide meaningful input since the meeting held on 29 March 2007.

Council's continued assessment of the formal rezoning application had been essentially deferred while the proponent participated in the DECC BioBanking Pilot Scheme. Informally, Council was aware that the BioBanking trial had, in the opinion of the proponent, not produced sound outcomes and that, as a consequence, they intended to instead address management of the biodiversity values of the site through conventional conservation planning tools and principles. Similarly, informal advice from the DoP indicated that the proponent would be proceeding to prepare a Sustainability Assessment, in consultation with Council, with the intention that the matter would be scheduled for consideration by the Land Supply CEO Group meeting of November 2007.

The Sustainability Assessment report was subsequently lodged with Council on 12 October 2007, without any consultation or discussion. It is significant to note that the proposal now outlined in the Sustainability Assessment report is a significant evolution of the original scheme. The scale and intensity of residential development has greatly increased.

The Sustainability Assessment report now suggests a scheme of up to **740** dwellings, grouped into three precincts with lot sizes of 350m<sup>2</sup>, 350m<sup>2</sup>-600m<sup>2</sup> and 2000m<sup>2</sup>+. The formal rezoning application in September 2006 had proposed a rural-residential subdivision of up to 180 dwellings on lot sizes averaging 4000m<sup>2</sup>, but generally ranging from 1500m<sup>2</sup> to 8000m<sup>2</sup>.

In the limited time available, Council's preliminary review has revealed numerous 'gaps' in the Sustainability Assessment report. Of particular concern was the proponents stated desire to have this matter declared as 'state significant' and dealt with under Part 3A of the Environmental Planning and Assessment Act – meaning that the Minister for Planning would become the consent authority, thereby reducing Council's role in the rezoning process.

### ***Proposed Response***

In view of the recent changes in this proposal, a letter has been issued to the Department requesting that it does not present this proposal to any meeting of the Land Supply Group until such time as:

- Council staff complete a detailed review of the Sustainability Assessment report
- All relevant stakeholders are afforded time to fully consider the Sustainability Assessment report
- The matter is presented to Councillors.

In response to the revised proposal, it would be recommended that:

- the residential densities now proposed for the site are inappropriate, and should be reviewed in the context of the role of this land as a 'transition' to the City's rural areas and the nature of surrounding development
- the conservation values of the site are no longer only tied to the extent of urban development, as more recent initiatives such as the Growth Sector Biodiversity funding have provided alternatives
- Council vigorously oppose any consideration of listing the site on the MDP, until all identified issues have been resolved
- Council oppose any declaration of the site's rezoning as a Part 3A matter.