



Attachment 2 to Item 199

Planning Proposal –
Hawkesbury LEP (Review
and Update)

Date of meeting: 22 November 2022
Location: Council Chambers
Time: 6:30 p.m.



2021

**PLANNING PROPOSAL
(LEPXXXX/XX)**

**DRAFT
HAWKESBURY LOCAL
ENVIRONMENTAL PLAN**

**REVIEW AND
UPDATE POST
(LOCAL STRATEGIC
PLANNING STATEMENT)**

hawkesbury.nsw.gov.au

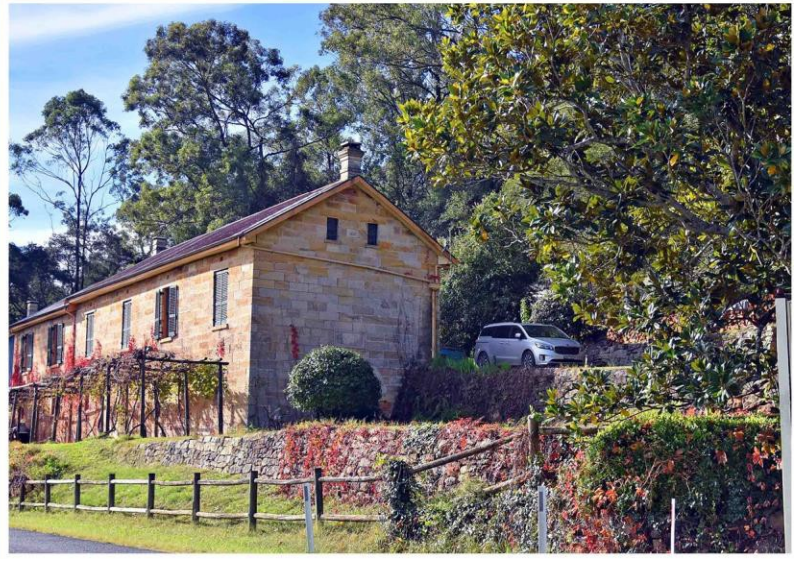


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1. Introduction

1.1 Executive summary

1.1.1 Planning Context:

In March 2018, the Greater Sydney Region Plan – A Metropolis of Three Cities and the five supporting District Plans was released. These documents established the future vision for Greater Sydney to 2056. The planning framework was aligned with the Infrastructure NSW’s State Infrastructure Strategy and Transport for NSW’s Future Transport 2056, creating a coordination between all levels of Government to align infrastructure and growth.

This was further reinforced through the amendments to the Environmental Planning and Assessment Act 1979, which embed a statutory requirement for councils to undertake a LEP Review (Health Check) to identify the gaps that the *Hawkesbury LEP 2012* had in order to implement the NSW Planning Framework. Following the LEP Review the Hawkesbury Local Strategic Planning Statement 2040 – a 20-year land use vision was prepared and adopted by Council.

1.1.2 Legislative context:

Section 3.8 of the Act requires local environmental plans to “give effect to” (deliver) the objectives and priorities identified in the Region Plan and relevant District Plan. This involves councils:

- reviewing their strategic planning framework, including a review of the existing local environmental plans against the relevant District Plan
- undertaking necessary studies and strategies and preparing a local strategic planning statement which will guide the update of local environmental plans.

Section 3.9 of the Act requires each council to prepare and make a local strategic planning statement and review the statement at least every seven years. The role of the local strategic planning statement is to provide an alignment between regional and district plans and local strategic planning and delivery.

Since 2018, Council has prepared the following:

- LEP Health Check and Review
- Hawkesbury Local Strategic Planning Statement (LSPS) 2040
- Strategic studies to support the LSPS

The proposed Hawkesbury LEP amendments seek to deliver on actions identified in the Hawkesbury LSPS, other strategic studies undertaken to support the LSPS and LEP review and update in order to strengthen the operation and function of the LEP.

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and guidelines published by the NSW Department of Planning, Industry and Environment, “A guide to preparing planning proposals”.

The planning proposal applied to whole of the Hawkesbury LGA (where applicable) except for the Vineyard Precinct Stage 1 which is covered by the State Environment Planning Policy (North–West Growth Centres SEPP 2009).

The details of the LEP review is discussed in the following sections within the planning proposal.

1.2 Purpose of this planning proposal

In accordance with the LEP Roadmap Guideline, following the completion of the Local Strategic Planning Statement, Hawkesbury City Council received assurance from the Greater Sydney Commission to undertake the LEP Review and Update. Through the LEP Review Roadmap, Hawkesbury City Council was given a 3-year timeframe to review and update the LEP.

The purpose of this planning proposal is to amend the *Hawkesbury LEP 2012* to align with and give effect to the NSW planning framework – ‘A Metropolis of Three Cities’ and the ‘Western City District Plan’.

2. Part 1 – Objectives or Indented Outcomes

The intention of the planning proposal is to implement the recommendations of the strategic studies undertaken to support the Hawkesbury LSPS and to align the Hawkesbury LSPS with the NSW Planning Framework and *Hawkesbury LEP 2012*.

The planning proposal seeks multiple amendments to the *Hawkesbury LEP 2012* as illustrated in Table 1 below. The amendments to the LEP enables opportunities to meet the housing and employment targets set for the Hawkesbury, levers tourism opportunities, strengthens the agricultural objectives of the LGA, streamlines the Strategic Centre prospects for Windsor and Richmond, and rectifies minor anomalies within the *Hawkesbury LEP 2012*.

Table 1 below identifies the proposed amendments to the *Hawkesbury LEP 2012*. The amendments are applicable to both the standard instrument and the LEP maps.

Table 1 – Proposed Amendments to *Hawkesbury LEP 2012*.

Red Highlighted Sections recommend to remove from Planning Proposal

Green highlighted Sections recommend the addition to the Planning Proposal

Proposed Amendment	How
Amendment of existing zone objectives of certain zones	Alignment of Zone objectives with the zones and its intended purposes.
Amendment of Land Use Table to allow and remove certain uses from each zone	Aligning permitted uses within each zone with the zone objectives, and introducing new uses.
Secondary dwelling provisions in rural zones.	Allow secondary dwelling development in RU2, RU4, RU5, E3 and E4 zones which are above 1 in 100 year ARI.
Detached dual-occupancy provisions in rural zones.	Allow detached dual occupancy developments in the rural zones.
Secondary dwelling provisions in residential zones.	Allow secondary dwelling development in R1, R2, R3 and R5 zones which are above 1 in 100 ARI.
Seniors Housing Provisions – in areas above 1 in 100 ARI.	Allow Seniors Housing developments R2, and RU5.
Introduce Design Excellence Clause	Adopting model clause from Standard Instrument Order.
Introduce B3 Commercial Core zone.	Rezoning land within the Windsor Town Centre to align the town centres hierarchy and achieve the Strategic Centre goals.
Rezoning of various land to correct spot zone anomalies.	To correct zones by rezoning spot zones to adjacent zones.
Rezoning land and amendment of Minimum Lot size provisions to correct the anomaly.	To correct anomaly from the initial rollover of LEP 1989 to standard instrument LEP. This will align the zone objectives to the current use and create development opportunities for lands that are locked due to incorrect planning controls at the moment.

Proposed Amendment	How
Rezoning land to RE1 for a number of open spaces to correct the anomaly.	Rezoning land to RE1 from other zones as the land is used for open space purpose.
Introduce Floor Space Ratio (FSR)	Introduce FSR to certain zones within the HLEP 2012.
Increase Heights of Buildings (HOB) of B2 Local Centre and B3 Commercial Core zones.	Increase HOB of B2 and B3 zones to allow development opportunities to achieve the dwelling and employment targets.
Amendment of clause 4.1 Minimum subdivision lot size and 4.1C Exception to minimum subdivision lot size for rural and large lot residential zones.	Amend clause 4.1 and 4.1C to emphasise that an original lot can't be further subdivided using Lot Averaging alternative if the lot is a result of a lot averaging subdivision.
Amendment of Minimum Lot Size provision of RU1, RU2 and RU4 zones.	Increase the Lot Size provisions of certain RU1, RU2 and RU4 lands to maintain it for agricultural related activities.
Introduce Architectural Roof Features Clause 5.6 provisions in the Hawkesbury LEP 2012.	Introducing Clause 5.6 will enable consent to be granted to development that includes an architectural roof feature which exceeds the height limit set elsewhere in the Hawkesbury LEP 2012.
Reclassification of 1913 & 1905 Bells Line of Road (Tutti Frutti).	Change Lot 2 & 3 DP 582878 from 'community land' to 'operational land'
Urban Heat Clause	Introduce an Urban Heat Clause based on the WSROC Urban Heat Toolkit

3. Part 2 – Explanation of Provisions

Hawkesbury LEP 2012 is Council’s principal planning instrument. A planning proposal is the most appropriate means to achieve this outcome and the objectives and intended outcomes of this planning proposal.

This part contains the matters within the *Hawkesbury LEP 2012* that needs to be amended and proposed amendments with explanations, which are provided under specific subheadings.

3.1 Amendment of existing zone objectives:

The proposed zone objectives are intended to be consistent with and gives effect to the Western City District Plan. Table 2 below provides details of the specific objectives to be removed from certain zones and the proposed objectives that should be inserted under each zone.

Table 2 - Zone objectives to be removed and added

Zone	Remove current zone objective	Add proposed zone objective	Comments
RU1 Primary Production		To preserve and improve natural resources including agricultural land and activities.	

Zone	Remove current zone objective	Add proposed zone objective	Comments
RU2 Rural Landscape		<p>To ensure that development retains and enhance existing distinctive agricultural activities and landscape values.</p> <p>To retain and enhance the river valley systems, panoramic and scenic landscape corridors, tree canopies, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.</p>	
RU4 Primary Production Small Lots		<p>To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems.</p> <p>To protect and support sustainable and innovative agricultural primary production and related business activities.</p>	

Zone	Remove current zone objective	Add proposed zone objective	Comments
RU5 Village		<p>To ensure that buildings and works are consistent and sympathetic to the rural character of the village.</p> <p>To ensure that any new development does not create unreasonable demand for the provision or extension of public amenities and services.</p>	

Zone	Remove current zone objective	Add proposed zone objective	Comments
R2 Low Density Residential		<p>To ensure that development is provided within the context of existing building aesthetics and streetscapes.</p> <p>To ensure that any development does not have adverse impact on the natural environment and ecological system.</p>	

Zone	Remove current zone objective	Add proposed zone objective	Comments
R3 Medium Density Residential		<p>To enable housing diversity in close proximity to public transport nodes and commercial centres.</p> <p>To ensure that any development does not have adverse impact on the natural environment and ecological system.</p>	
R5 Large Lot Residential			
B1 Neighbourhood Centre		<p>To ensure development does not compromise the existing amenities of adjoining land uses.</p>	
B2 Local Centre		<p>To enable local business development to achieve the Strategic Centre objectives and optimise the economic and social benefits for the Hawkesbury community.</p>	<p>New objective can be used in B3 zone for Windsor.</p> <p>No need to remove the existing B2 objective if B3 is zone is introduced.</p>

Zone	Remove current zone objective	Add proposed zone objective	Comments
B5 Business Development		To enable other land uses that strengthen the economic viability of the Hawkesbury.	
B6 Enterprise Corridor		To encourage commercial and retail business along the key gateway corridor to the Hawkesbury.	
IN1 General Industrial		To support the health and wellbeing of employees by permitting facilities that provide daily recreation and landscape features within the industrial zones.	
IN2 Light Industrial		To support the health and wellbeing of employees by permitting facilities that provide daily recreation and landscape features within the industrial zones.	

Zone	Remove current zone objective	Add proposed zone objective	Comments
RE1 Public Recreation		To ensure development enhances and delivers optimum public benefits.	
C2 Environmental Conservation		To protect and conserve wetland areas inhabited by indigenous and migratory wildlife.	
C3 Environmental Management		To protect and preserve wildlife associate habitats and corridors.	

Zone	Remove current zone objective	Add proposed zone objective	Comments
C4 Environmental Living		<p>To ensure development is consistent with the physical characteristics of the environment and is within the scope of bushfire risk management capabilities.</p> <p>To retain existing sustainable agricultural activities.</p>	

3.2 Amended provision of permitted uses in certain zones:

Review of the *Hawkesbury LEP 2012* identified that the whole of Land Use Table needs to be amended to permit and prohibit uses. The current structure of the Land use table does not provide flexibility of uses especially, new and innovative uses which are not already captured through the Standard Instrument Dictionary.

The current structure of the *Hawkesbury LEP 2012* Land Use Table prohibits any development not specified through permitted without consent and permitted with consent in zones other than business and industrial zones. This provision limits other zones to cater for innovative uses which will arise as a result of changing global trends in industries and other land use related activities.

New uses are proposed to be introduced in certain zones including sex services in B2 zones limited to not more than 3 DA consents in each B2 Local Centre. Secondary dwellings in rural and residential zones, dual occupancy (both attached and detached) in rural zones, seniors housing in residential zones, artisan and cultural activities in all zones except in Environmental, Waterway and infrastructure zones.

Sex Services (limited to 3 DA consents per town centre):

Part 6 Additional Local Provisions

The proposed clause is as follows:

Location of sex services premises

(1) *The objective of this clause is to minimise land use conflicts and adverse amenity impacts by limiting sex services premises to only 3 DA consents for each B2 Local Centre and providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*

(2) *Despite any other provision of this Plan, development consent may only be granted for the purpose of sex services premises if, when measured from the boundary of the lot on which the premises will be used, the development will be located—*

(a) more than 200 metres from any land in a residential zone, and

(b) more than 200 metres from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and

(c) more than 50 metres from any public utility undertaking, being a railway station entrance, bus stop, taxi rank, ferry terminal or the like.

(3) *In determining whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—*

(a) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood because of its size, location, hours of operation, clients or employees or other people working in the premises,

(b) whether the operation of the sex services premises will be likely to interfere with the amenity of the relevant neighbourhood,

(c) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood, taking into account the number of sex services premises already operating in the neighbourhood and involving similar hours of operation,

(d) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children for educational, recreational or cultural activities.

Seniors Housing:

Council proposes to allow seniors housing developments within R1 General Residential, R2 Low Density Residential, and RU5 Village zones to reflect the provisions of the Housing SEPP.

The seniors housing development will be restricted to Residential Care Facilities in R1 General Residential and R2 Low Density Residential zone.

Seniors housing development to be restricted to areas connected by Sydney water, reticulated water and sewerage, within 50 kilometres of a 24-hour health services facility and not mapped by the Metropolitan Rural Area exclusion.

Part 6 Additional Local Provisions

The proposed clause is as follows:

Seniors Housing:

- (1) The objective of this clause is to ensure that seniors housing development is provided in appropriate locations that do not cause land use conflict.*
- (2) This clause applies to land in the zones where seniors housing development is permissible within this plan.*
- (3) Development consent must not be granted to development for the purpose of seniors housing on land to which this clause applies if: -*
 - (a) the land is below 1 in 100 ARI, or*
 - (b) the land does not have the capacity to connect to on-site effluent disposal system if the development is undertaken on unsewered land.*

Secondary Dwellings:

*The proposed **Clause 5.4** Controls relating to miscellaneous permissible uses:*

(9) Secondary dwellings on land (R1, R2, R3 and R5 zones) other than land in rural zones – if development for the purpose of a secondary dwelling is permitted under this plan on land other than land in a rural zone, the total floor area of the dwelling excluding any area used for parking, must not exceed whichever, of the following is the greater:

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling,*
- (c) must be on land above 1 in 100 ARI*

Artisan Food and Drink Premises:

*The proposed **Clause 5.4** Controls relating to miscellaneous permissible uses:*

(10) Artisan food and drink industry exclusion – if development for the purpose of an artisan food and drink industry is permitted under this plan in an industrial or rural zone, the floor area used for retail sales (not including any café or restaurant area) must not exceed:

- (a) 25% of the gross floor area of the industry, or*
- (b) 50 square metres.*

Secondary Dwellings provision Rural zones:

*The proposed **Clause 5.5** Controls relating to secondary dwellings on land in (RU2, RU4, RU5, E3 and E4) rural zone:*

If development for a purpose of secondary dwelling is permitted under this Plan on land in a rural zone-

(a) The total floor area of the dwelling excluding any areas used for parking must not exceed whichever of the following is the greater –

- (i) 120 square metres,*
- (ii) 25% of the total floor area of the principal dwelling, and*
- (iii) must be on land above 1 in 100 ARI*

(b) The distance between the secondary dwelling and the principal dwelling must not exceed 20 metres.

Dual Occupancy:

Currently the Hawkesbury LEP 2012 allows Dual Occupancy (attached) as a permitted with consent use in zones RU1, RU2, RU4, RU5, E3 and E4. Council proposes to expand the dual occupancy provision to both (attached and detached) within these zones. Given that secondary dwelling provision is now being introduced in rural zones, it is not practical to limit dual occupancy to only attached in the rural zones anymore.

Limiting the dual occupancy to attached will undermine the authenticity of the use, given that secondary dwellings are both attached and detached developments.

The intention of the amendment of the *Hawkesbury LEP 2012* Land Use Table 3 is to specify the prohibited uses and allow for any use that is not specified through the permitted without consent and permitted with consent, to be assessed on merit base or place-based approach.

It is considered that as with secondary dwellings that these should only be permissible for land above the 1 in 100 ARI, and that each dwelling should be separated by no more than 20 metres so as to avoid the effective subdivision of rural and environmentally zoned parcels.

Table 3 – Proposed Land Use Table

Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
RU1 Primary Production	Artisan; Cultural activities; Dual occupancy; Livestock processing industry; Market; Transport depot	Boarding houses; Correctional centres; Entertainment facilities; Funeral homes; Helipads; Heliports; Hospitals; Moorings; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres	Boarding houses; Correctional centres; Entertainment facilities; Funeral homes; Helipads; Heliports; Hospitals; Moorings; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres
RU2 Rural Landscape	Artisan; Cultural activities; Dual occupancy; Market; Research station; Resource recovery facilities; Secondary Dwellings; Transport depots;	Boarding houses; Correctional centres; Crematoria; Dual occupancy (attached); Funeral homes; Helipads; Heliports; Hospitals; Open cut mining; Registered clubs;	Boarding houses; Correctional centres; Crematoria; Funeral homes; Helipads; Heliports; Hospitals; Open cut mining; Registered clubs;
RU4 Primary Production Small Lots	Artisan; Cultural activities; Dual occupancy; Market; Secondary Dwellings	Boarding houses; Dual occupancy (attached); Entertainment facilities; Environmental facilities; Moorings; Public administration buildings; Recreation areas; Recreation facilities	Boarding houses; Entertainment facilities; Environmental facilities; Moorings; Public administration buildings; Recreation areas; Recreation

		(indoor); Recreation facilities (outdoor); Registered clubs	facilities (indoor); Recreation facilities (outdoor); Registered clubs
Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
RU5 Village	Artisan; Cultural activities; Dual occupancy; Market; Secondary Dwellings; Service station;	Boat sheds; Dual occupancy (attached); Landscaping material supplies; Roadside stalls;	Boat sheds; Landscaping material supplies;
R1 General Residential	Artisan; Cultural activities; Neighbourhood supermarket; Research station; Secondary Dwellings;	Animal boarding or training establishments; Camping grounds; Caravan parks;	Animal boarding or training establishments; Camping grounds; Caravan parks;
R2 Low Density Residential	Artisan; Cultural activities; Secondary Dwellings; Seniors housing;	Animal boarding or training establishments; Camping grounds; Caravan parks; Eco-tourist facilities; Extensive	Animal boarding or training establishments; Camping grounds; Caravan parks; Eco-

		agriculture; Farm buildings; Hospitals; Neighbourhood shops; Public administration buildings; ion areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals;	tourist facilities; Educational establishments; Exhibition villages; Extensive agriculture; Farm buildings; Hospitals; Neighbourhood shops; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals;
Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
R3 Medium Density Residential	Artisan; Cultural activities; Secondary Dwellings; Seniors housing;	Animal boarding or training establishments; Camping grounds; Caravan parks; Eco-tourist facilities; Educational establishments; Neighbourhood shops; Recreation areas;	Animal boarding or training establishments; Camping grounds; Caravan parks; Eco-tourist facilities; Educational establishments; Neighbourhood

		Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs;	shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs;
R5 Large Lot Residential	Artisan; Cultural activities; Secondary Dwellings; Seniors housing;	Animal boarding or training establishments; Building identification signs; Camping grounds; Caravan parks; Eco-tourist facilities; Entertainment facilities; Extensive agriculture; Farm buildings; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs;	Animal boarding or training establishments; Camping grounds; Caravan parks; Eco-tourist facilities; Entertainment facilities; Extensive agriculture; Farm buildings; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs;

Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
B1 Neighbourhood Centre	Artisan food and drink industry; Cultural activities; Food and drink premises; Home business; Home industries; Home occupation; Hostels; Markets; Restaurants or cafes; Service Stations; Seniors housing; Warehouse or distribution Centres;		
B2 Local Centre	Artisan food and drink industry; Hostels; Markets; Seniors housing; Sex Services Premises; Restaurants or cafes;		
B5 Business Development	Artisan food and drink industry; Hotel or motel accommodation; Kiosks; Office premises; Seniors housing; Restaurants or cafes; Research Station;		

Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
B6 Enterprise Corridor	Artisan food and drink industry; Commercial premises; Educational establishments; Entertainment facilities; Function centres; Highway Information and education facilities; Local distribution premises; Research Station; Service Station; Seniors housing;		
IN1 General Industrial	Artisan food and drink industry; Cultural activities; Industrial retail outlets; Information and education facilities; Kiosks; Local distribution premises; Mortuaries; Restaurants or cafes; Storage premises; Take away food and drink premises;		

Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
IN2 Light Industrial	<p>Artisan food and drink industry; Cultural activities; Emergency services facilities; Entertainment facilities; Industrial retail outlets; Information and education facilities; Kiosks; Service stations; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises.</p>		
C3 Environmental Management	<p>Dual occupancy; Secondary Dwellings</p>	<p>Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-Correctional centres; Dual occupancy (attached); Entertainment facilities; Extensive agriculture; Farm buildings; Helipads; Public administration buildings; Recreation facilities (indoor); Registered clubs; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation;</p>	<p>Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-Correctional centres; Entertainment facilities; Extensive agriculture; Farm buildings; Helipads; Public administration buildings; Recreation facilities (indoor); Registered clubs; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation.</p>

Zone	Permitted with Consent to be added	Permitted with consent to be omitted.	Prohibited (to be added)
C4 Environmental Living	Dual occupancy; Secondary Dwellings	Animal boarding or training establishments; Boarding houses; Caravan parks; Dual occupancy (attached); Entertainment facilities; Helipads; Heliports; Hospitals; Intensive livestock agriculture; Intensive plant agriculture; Passenger transport facilities; Registered clubs; Sawmill or log processing works; Stock and sale yards; Truck depots;	Animal boarding or training establishments; Boarding houses; Caravan parks; Entertainment facilities; Helipads; Heliports; Hospitals; Intensive livestock agriculture; Intensive plant agriculture; Passenger transport facilities; Registered clubs; Sawmill or log processing works; Stock and sale yards; Truck depots;

3.3 Introduce Design Excellence Clause:

Introduce the Design Excellence Clause in the *Hawkesbury LEP 2012* standard instrument to regulate an expected or required level of design quality of a completed building or project, which is the highest standard of architectural, urban and landscape design. Consequently, Design excellence maps will be introduced.

Proposed Hawkesbury LEP 2012 Design Excellence Clause:

- *The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.*
- *This clause applies to development involving the erection of a new building or external alterations to an existing building within the Windsor, South Windsor and Richmond town centres as identified in Design Excellence Map and will be between 12m and 14m in height.*
- *Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.*
- *In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - *whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, local character, building type, and surrounding buildings),*
 - *whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,*
 - *whether the proposed development detrimentally impacts on view corridors,*
 - *whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,*
 - *whether the development supports an integrated land use in Zones B2 and supports the Strategic Centre objectives of the Windsor and Richmond town centres, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,*
 - *whether the development detrimentally impacts on any land protected by solar access controls established in the Hawkesbury DCP,*
 - *how the development addresses the following matters: -*
 - *the suitability for land for development*
 - *existing and proposed uses and use mix*
 - *heritage issues and streetscape constraints*
 - *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form*
 - *bulk, massing and modulation of buildings*
 - *street frontage heights*

- *environmental impacts such as sustainable design, overshadowing, wind and reflectivity*
- *the achievement of the principles of ecologically sustainable development*
- *pedestrian, cycle, vehicular and service access, circulation and requirements*
- *the impact on, and any proposed improvements to the public domain.*

3.4 Introduce B3 Commercial Core zone:

The NSW Planning Framework – A Metropolis of Three Cities states that the objective of Strategic Centres is to attract investment, business activities and jobs in strategic centres across Greater Sydney increases access to a wide range of jobs and services close to people’s homes and supports the 30-minute city. The framework further states that employment growth is the principle underlying economic goal for the metropolitan and strategic centres. Therefore, the designation of Commercial Core within the strategic centre, for the purpose of economic and employment uses may be necessary to manage the impact of residential developments in crowding out commercial activity.

Rezoning land from B2 Local Centre to B3 Commercial Core within the Windsor Town Centre is consistent with the NSW Planning Framework and aligns the town centres hierarchy. The B3 Commercial Core zone will enable a wider range of retail, business, office and entertainment uses within the Windsor town centre that will enable Windsor town centre to achieve its strategic centre goals by creating appropriate employment opportunities for the LGA.

The Hawkesbury Local Housing Strategy has also identified certain unconstrained sites (free of flooding impact and other constraints) within the Windsor Town Centre where residential dwelling targets can be achieved. These sites will be given a shop-top-housing provision.

Current Zone Map: B2 Local Centre

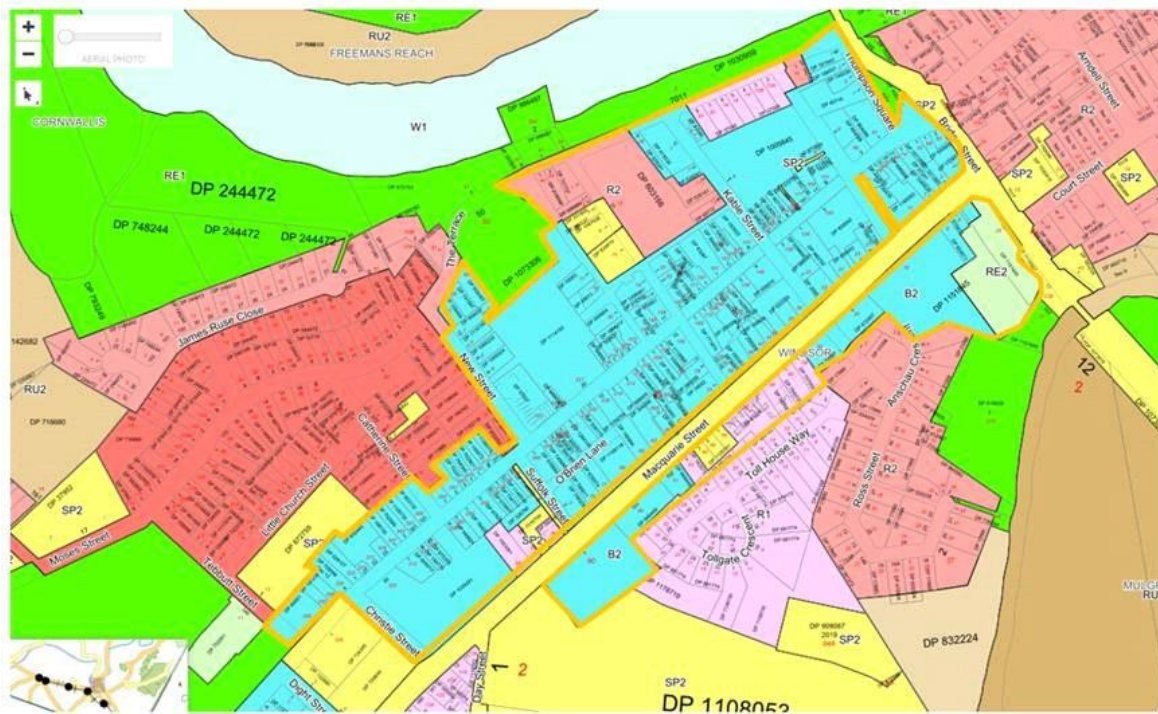


Figure 1 – Current zone map

Proposed Zone Map: B3 Commercial Core

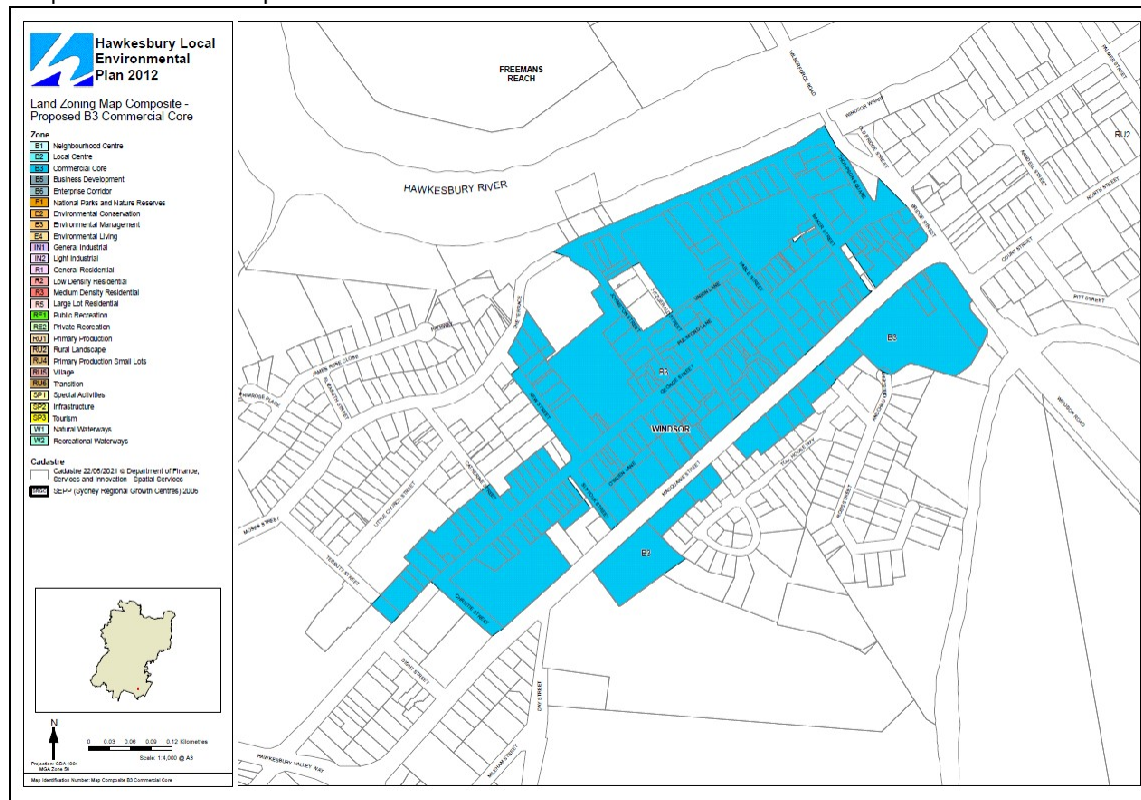


Figure 2 – Proposed zone map

Proposed Zone Objectives:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Windsor as a strategic centre and lever through business, retail and cultural activities.
- To create opportunities and enhance the unique qualities and character of heritage values within the Windsor town centre.

Proposed Permitted without Consent Uses:

Environmental protection works

Proposed Permitted with Consent Uses:

Amusement centres; Backpackers accommodation, Building identification signs, Business identification signs, Business premises, Car parks, Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Hospitals; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Public administration building; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop-top-housing; Tank-based aquaculture; Tourist and visitor accommodation, Vehicle body repair workshops; Vehicle repair stations.

Prohibited:

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots;; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

3.5 Correcting spot zone anomalies within Richmond Town Centre:

During the rollover of Hawkesbury LEP 1989 into the Standard Instrument LEP (HLEP 2012), a number of spot zones were created. This is regarded as an anomaly within the *Hawkesbury LEP 2012*. As part of the LEP review and update, Council intends to correct these anomalies by rezoning these spot zones to be consistent with the surrounding zones to achieve better land use outcomes for the future.

Spot R1 General Residential and R2 Low Density Residential zones within the B2 Local Centre zones are proposed to be rezoned to B2. There are a few R2 Low Density Residential zones within R1 General Residential zones, these spot zones are proposed to be rezoned to R1 to be consistent with the surrounding land uses.

A strip of R2 Low Density Residential zone is located within the R1 and R3 zones; to be consistent with the zone transition, this strip is proposed to be rezoned to R1 General Residential. Correction of the spot zone anomalies will eliminate land use conflicts within the core of the Richmond Town Centre.

Current ZoneMap: R1 General Residential and R2 Low Density Residential

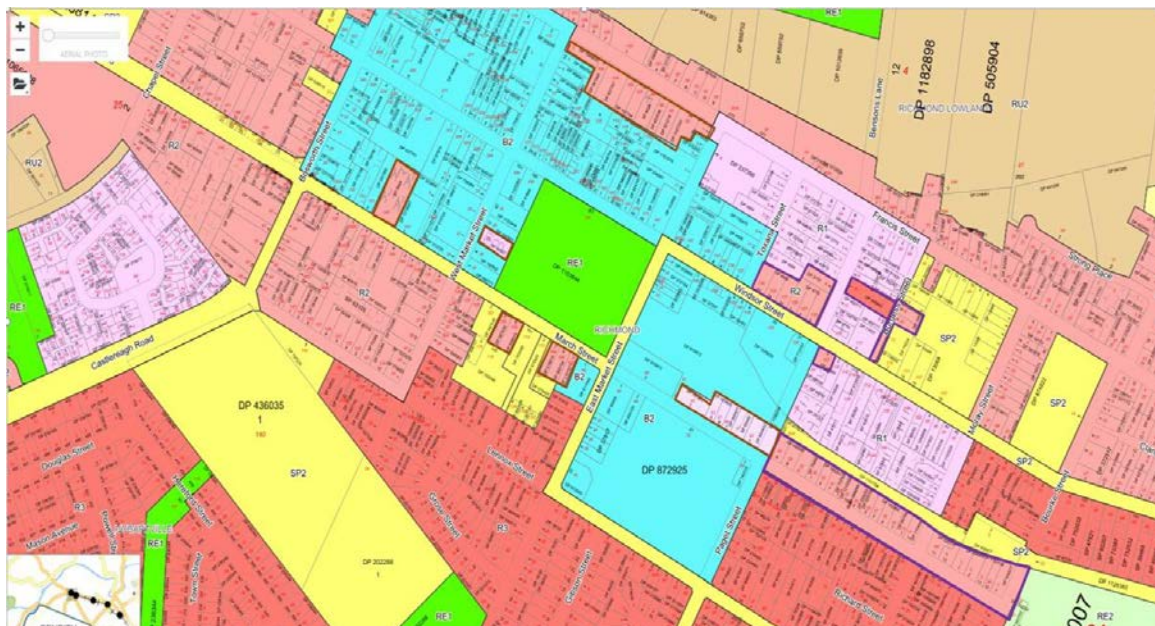


Figure 3 – Current zone map

Proposed Zone Map:

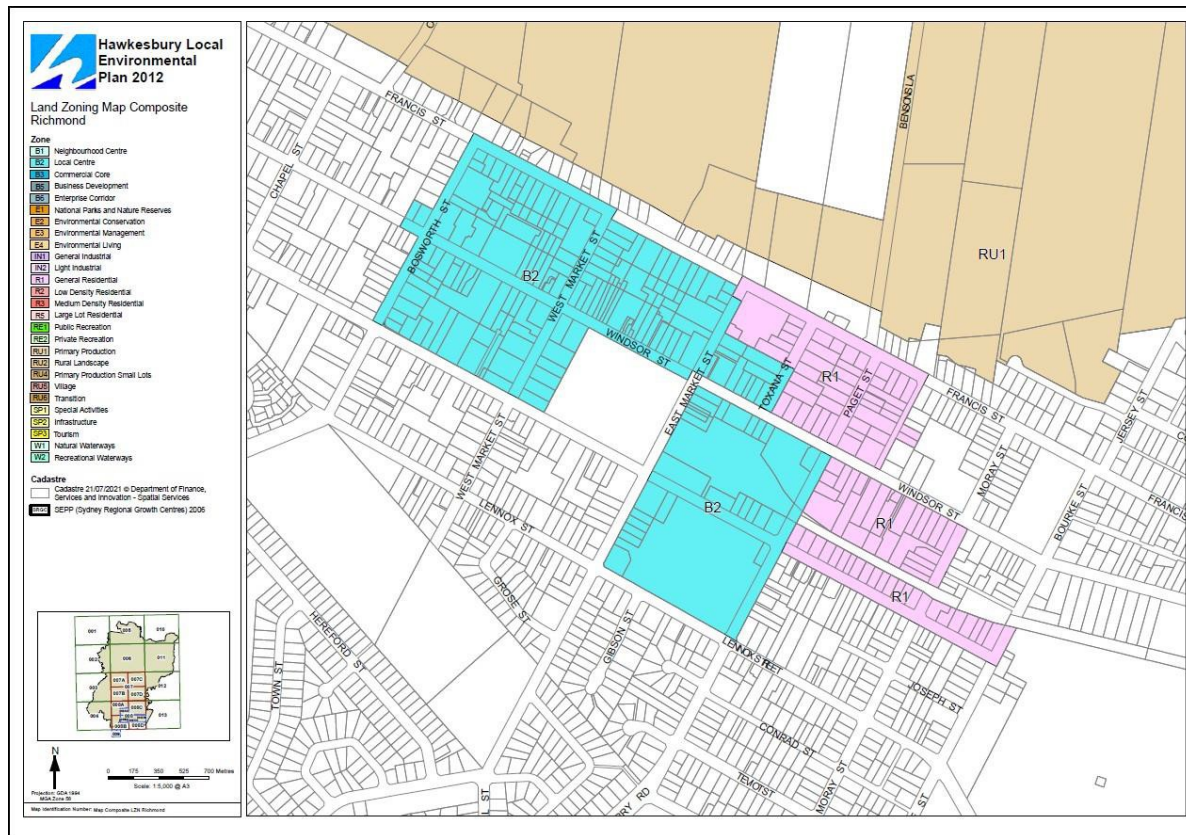


Figure 4 – Proposed zone map

3.6 Rezoning certain land in Glossodia to R5:

During the rollover of *Hawkesbury LEP 1989* to *Hawkesbury LEP 2012* an anomaly between the zone objectives and minimum lot size provision occurred for R2 Low Density Residential zones in the Glossodia area. The current R2 zone and the minimum lot size of 40 hectares is inconsistent with the R2 zone objectives. 40-hectare minimum lot size is mostly applicable to rural zones such as RU1, RU2 or RU4.

The area has Sydney water connection, however, lacks sewer connection. To ensure positive land use outcome from these sites, it is proposed that larger lots be rezoned to R5 Large Lot Residential with the Minimum Lot Size provision of 4 hectares. The 4-hectare minimum lot size provision can adequately cater the on-site effluent system. For the remaining R2 Low Density Residential zone, it is proposed to amend the Minimum Lot Size Map of the *Hawkesbury LEP 2012* from 40hectares to 2 hectares.

Current Zone Map: R2 Low Density Residential

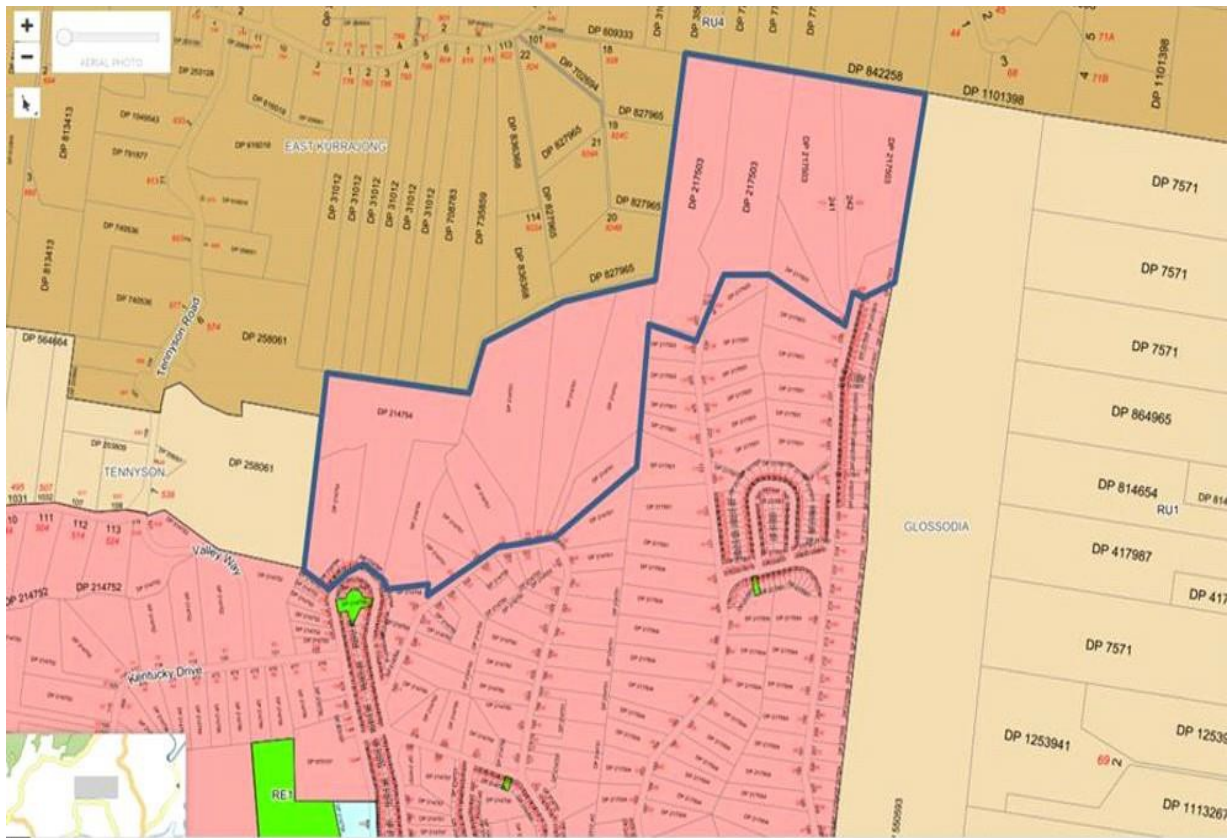


Figure 5 - Current zone map

Proposed Zone Map: R5 Large Lot Residential

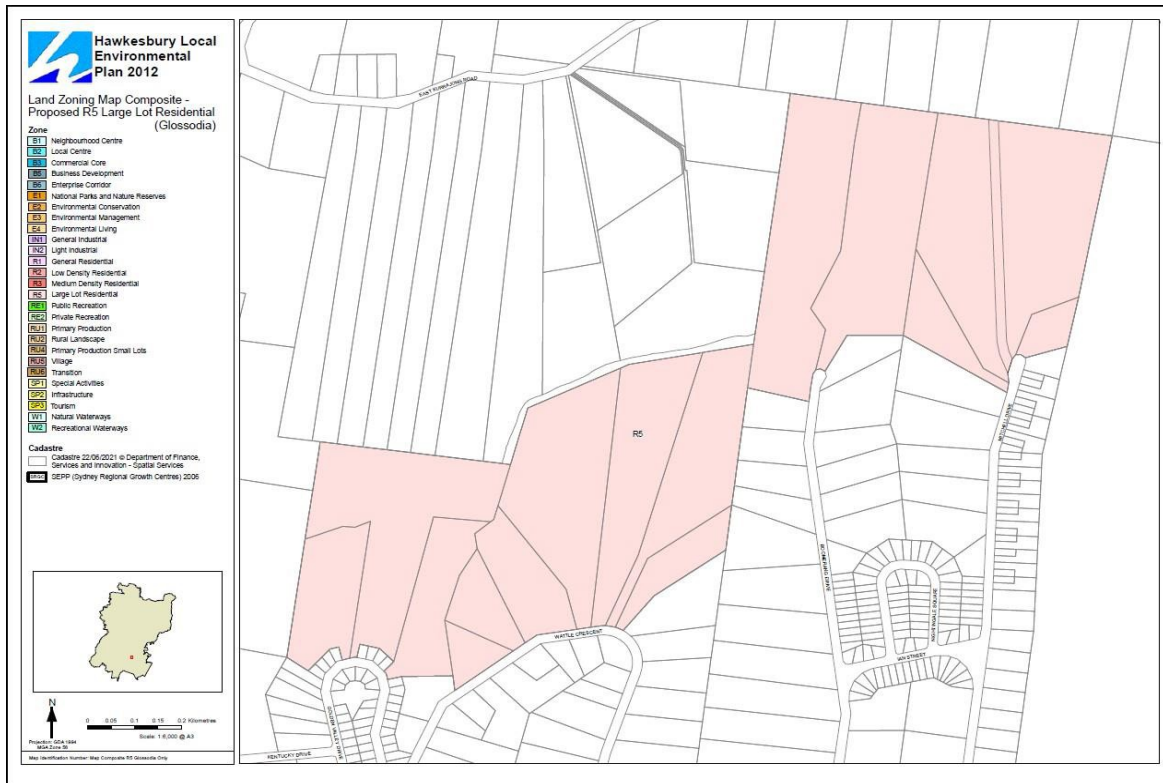


Figure 6 – Proposed zone map

Current Zone Map: Remaining R2 Zones

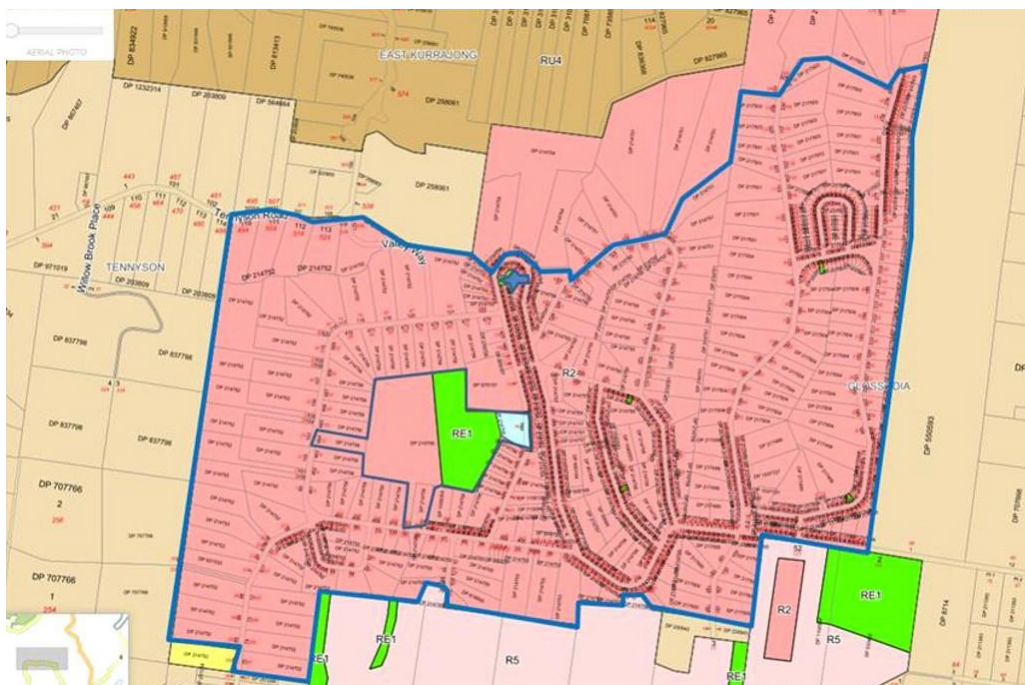


Figure 7 – Remaining R2 zones

Current Minimum Lot Size Map: AB3 – 40 ha

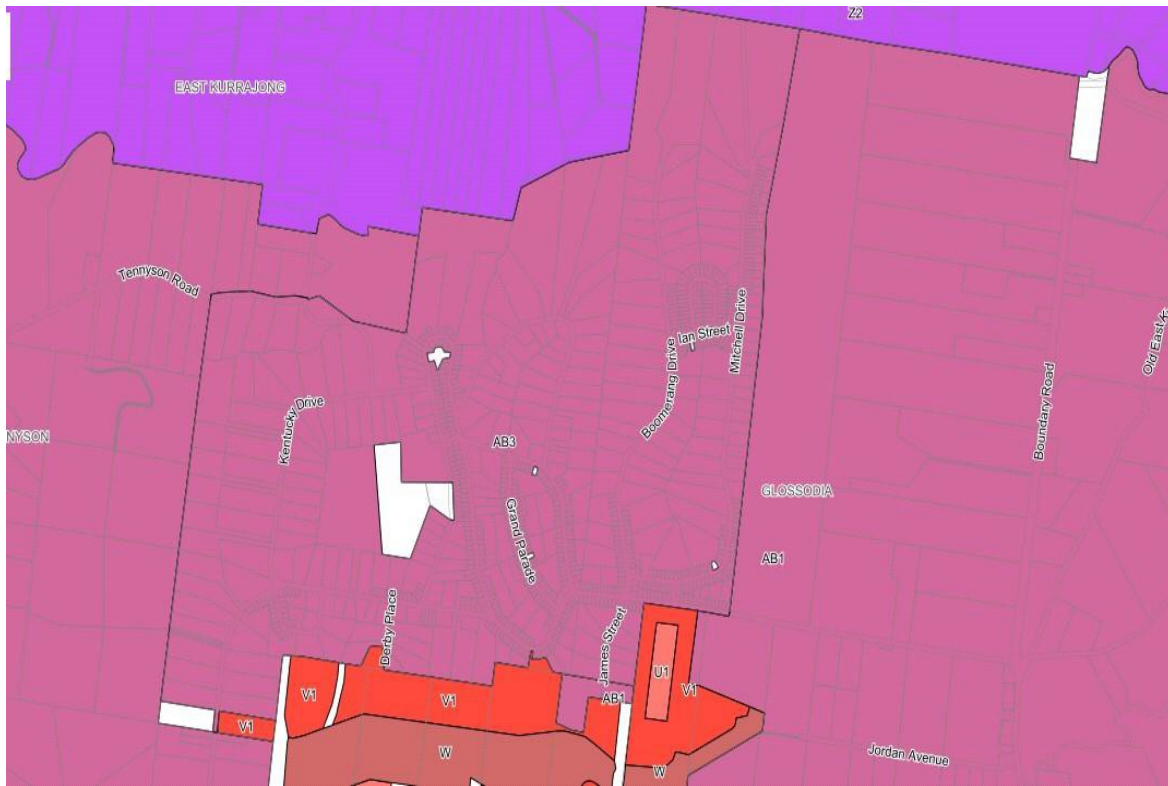


Figure 8 – Current Minimum Lot Size map

Proposed Minimum Lot Size Map:

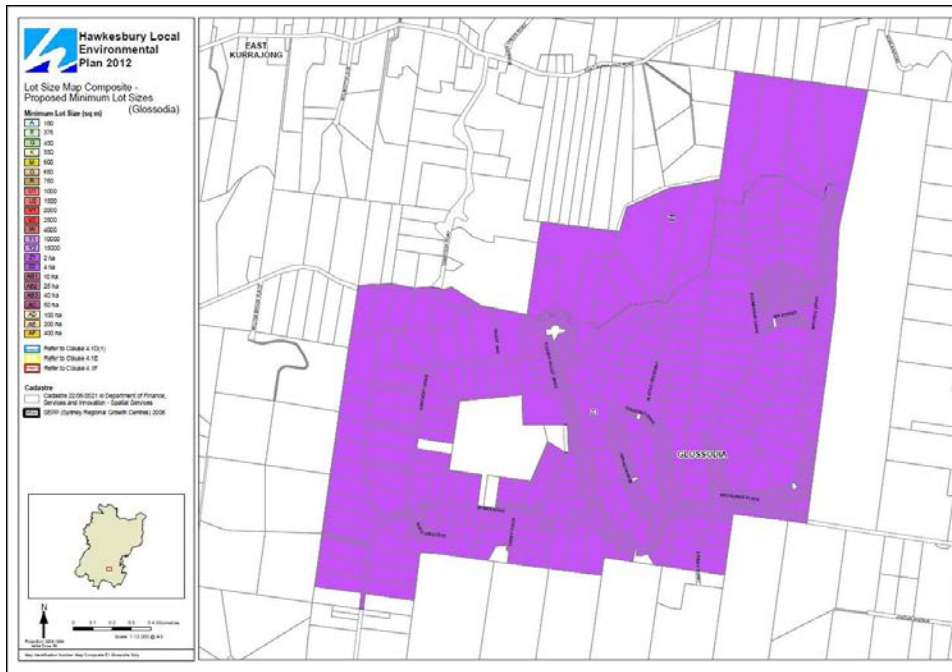


Figure 9 – Proposed Minimum Lot Size Map Z1 – 2ha and Z2 – 4ha

3.7 Rezoning of Richmond Lowlands to RU1:

The Hawkesbury Rural Lands Strategy identified that the alluvial agricultural lands of the Richmond Lowlands were under optimised due to its zoning of RU2 Rural Landscape and that this zone did not support agricultural activities within the Hawkesbury Local Government Area.

There are a number of equine related activities being undertaken from the Richmond Lowlands which have existed historically but has gradually expanded over much of the Richmond Lowlands over the years. The current RU2 Rural Landscape zone does not support equine activities.

The Hawkesbury Rural Lands Strategy recommends that the Richmond Lowlands should be rezoned to RU1 Primary Industry to better reflect the agricultural capacity of the land, and continue the historic land uses of the Richmond Lowlands which was to generate agricultural production.

It is understood that the parts of the Lowlands where equine activities are being undertaken is highly unlikely to revert back to agriculture. However, the Department of Primary Industries' 'primefacts 932 - August 2009, Planning for Horse Establishment' states that intensive horse establishments are better suited to rural production zones with appropriate separation from residences and smallholdings. The primefacts also provided examples of horse establishments under the Standard LEP definition and the types of development suited under each use.

Standard LEP definition	Type of development
Extensive agriculture	Horse grazing Rural small holding
Intensive livestock agriculture	Horse studs Agistment centres Rural small holding
Animal boarding or training establishments	Riding schools Race training centres
Recreation facility (major)	Racecourses Pony club grounds Showgrounds
Recreation facility (outdoor)	Equestrian centre

Given the standard instrument definition and the types of development, rezoning of the subject site from RU2 Rural Landscape to RU1 Primary Production zone will align the current equine uses at the Lowlands with the zone objectives.

Additionally, Council would like to amend the land use table for the Richmond Lowlands to add the definitions of Recreation Facility (major) and Recreation facility (outdoor) but restricted to show jumping, dressage, and polo.

Current Zone Map: RU2 Rural Landscape

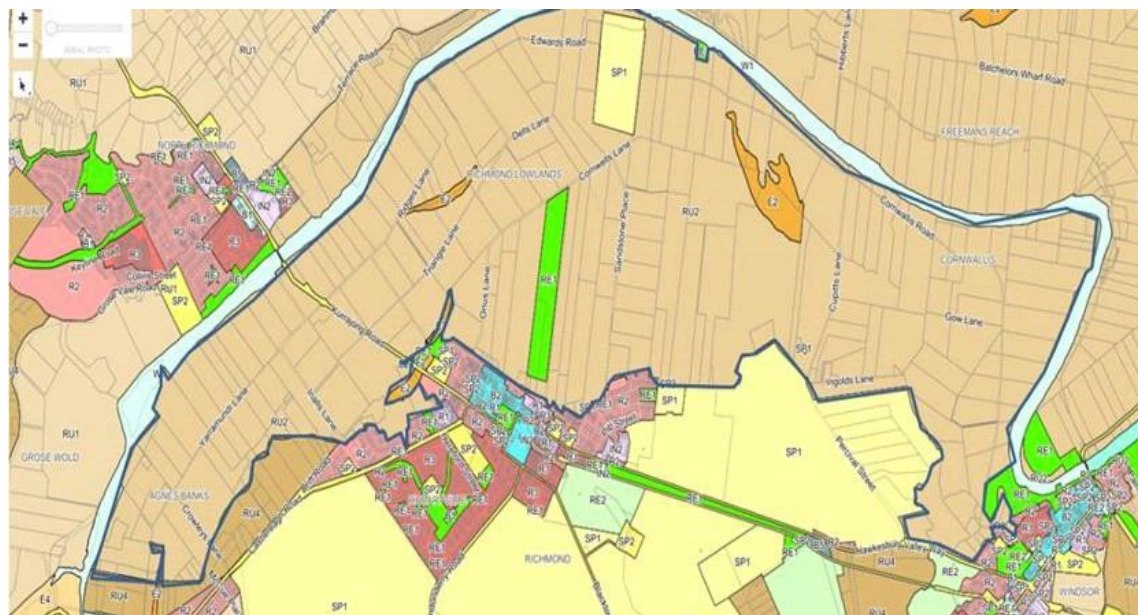


Figure 10 – Current zone map

Proposed Zone Map: RU1 Primary Industry

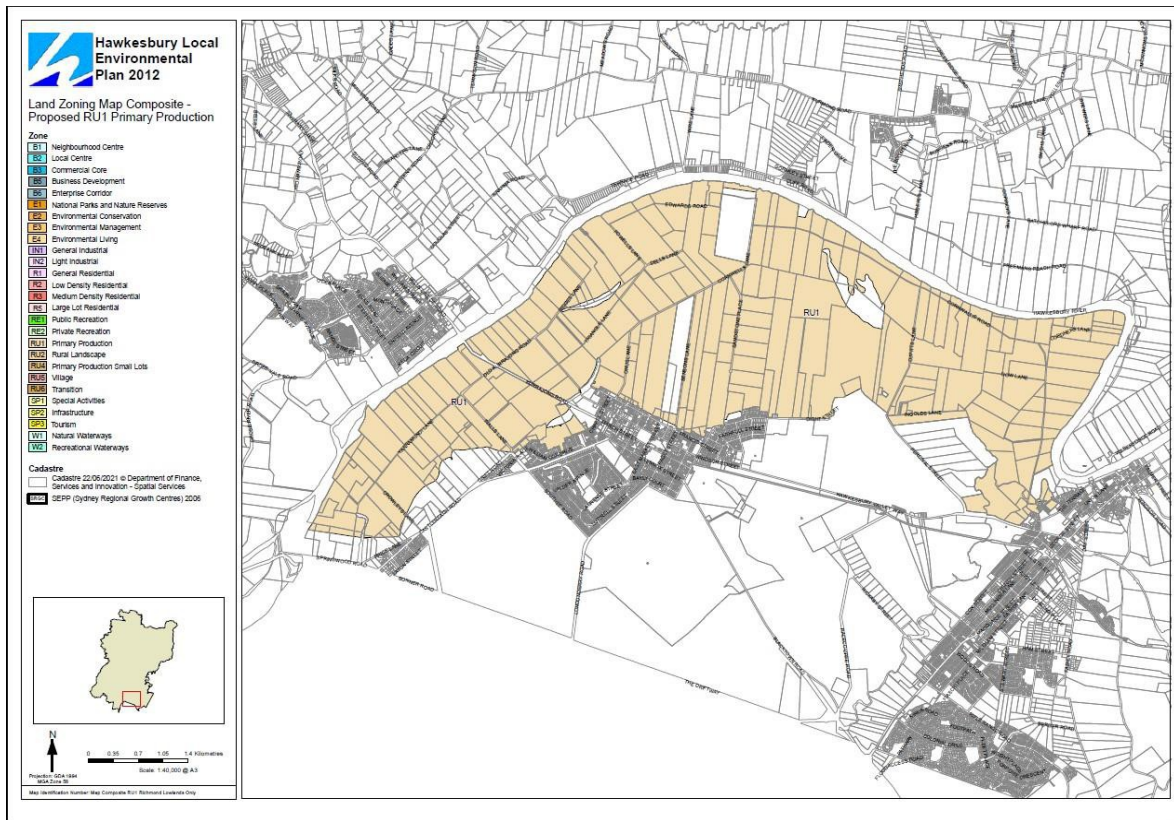


Figure 11 – Proposed zone map

Current Zone Map: RU2 Rural Landscape

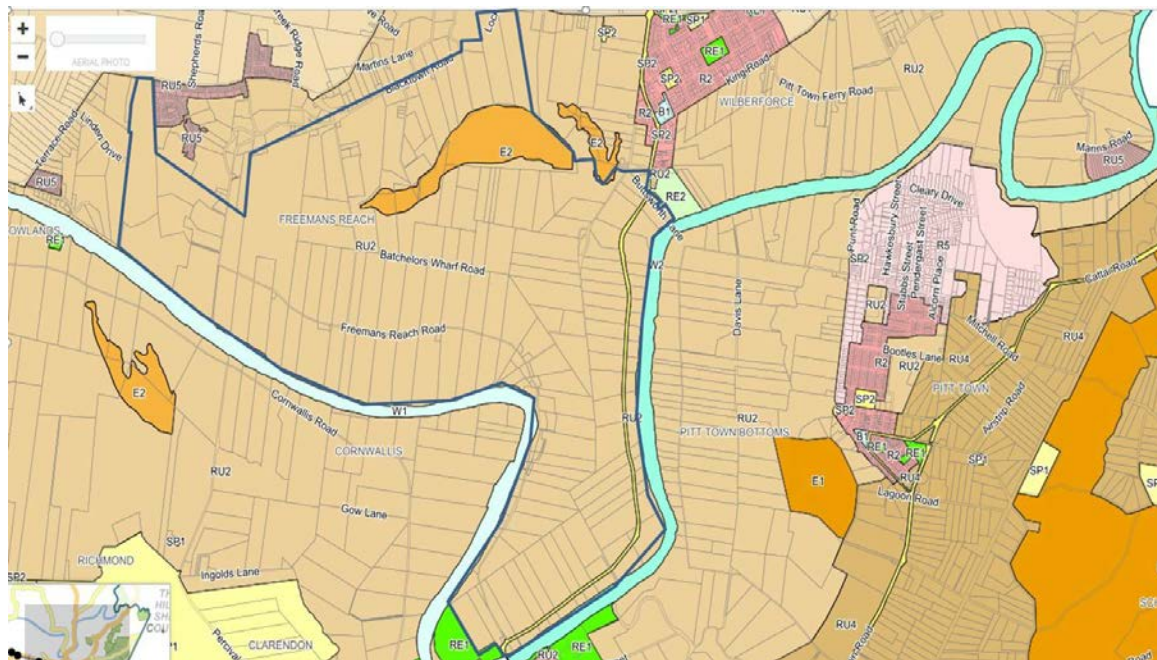


Figure 12 – Current zone map

Proposed Zone Map: RU1 Primary Industry

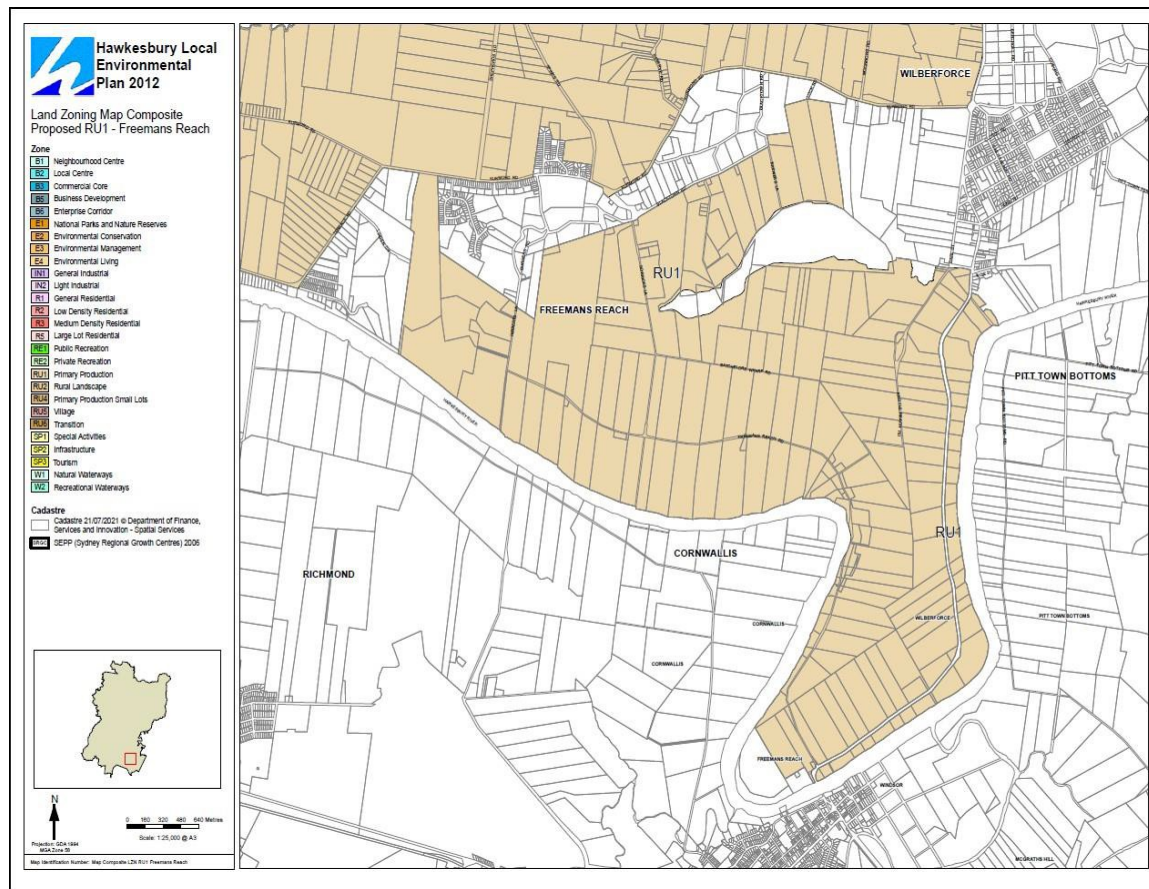


Figure 13 – Proposed zone map

3.8 Rezoning land Windsor Station Precinct B1:

The Hawkesbury Employment Lands Strategy identified the business zone gap that currently exists within the Windsor Town Centre and the Windsor Train Station. The Windsor Town Centre is formed in a linear fashion along George Street connecting the train station to Thompson Square. However, there are zone consistency issues to consider.

There are a number of retail uses occurring on the R2 Low Density Residential zones at the train station precinct, which is inconsistent with the town centre principles. Therefore, it is recommended to correct the inconsistency by rezoning these sites to B1 Neighbourhood Centre. The proposed rezoning will bridge the zoning gap, create a higher level of economic activity and surveillance within the train station precinct.

Current Zone Map: R2 Low Density Residential

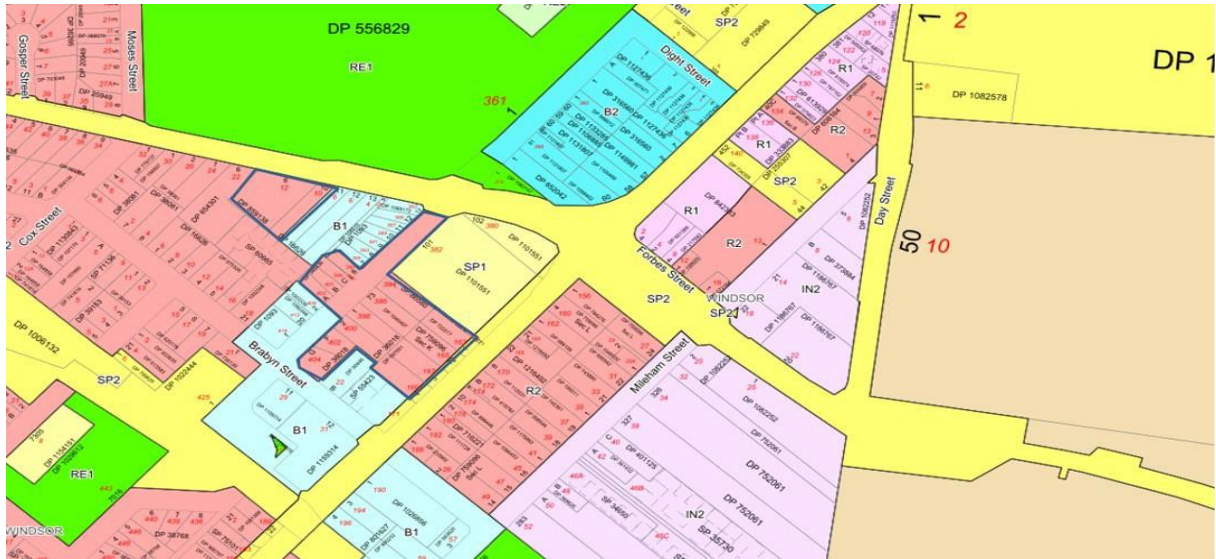


Figure 14 – Current zone map

Proposed Zone Map: B1 Neighbourhood Centre



Figure 15 – Proposed zone map

3.9 Rezoning land adjacent to the Mulgrave Precinct and surrounds:

The Western City District Plan has set an employment target of 12,000 jobs or 16,500 jobs (higher target) to the Hawkesbury LGA to be achieved by 2036. The District Plan also classed Windsor and Richmond Town Centres as a Strategic Centre. The District Plan further designated industrial and urban services land in the lower north-east portion of the Hawkesbury LGA to be “retained and managed”.

Given that the Hawkesbury lacks most fundamental infrastructure to support its employment lands, there are limited opportunities within the existing employment areas to expand in order to achieve the target. The Hawkesbury Employment Lands Strategy identified that certain land adjacent to the exiting industrial areas can be expanded to increase employment opportunities within the Hawkesbury LGA.

The Hawkesbury Employment Lands Strategy recommends considering industrial land expansion that is aligned with demand for floorspace and consider how greater use/ relevance of these lands can be achieved. The strategy recommends the LGA to support industries that can leverage aerotropolis and associate economic activities. It supports developing capacities for agribusiness and fresh produce processing capacities, associated freight and logistics requirements to implement the initiatives of the ‘NSW food and beverage manufacturing industry development strategy’.

The NSW food and beverage strategy identifies that long distance logistics, and a fragmented supply chain is one of the challenges faced by NSW food and beverage manufactures, making it costly to transport key inputs and finished products. For example, the lack of cold chain facilities causes inefficiencies in transporting food and beverage across the state and internationally. Unlocking industrial land capacity to bridge these gaps will create employment opportunities within the LGA. The Hawkesbury Local Strategic Planning Statement also supports expansion of employment lands to create employment opportunities to meet its job targets set for 2036.

Land adjacent to the Mulgrave Industrial Precinct has had interest by the landowners for rezoning to industrial zones as these lands were not used for any agricultural related activities. Some opportunity sites have been identified to be rezoned to industrial and business lands.

Currently, one of the sites (Lot 12 DP 1138749) has a farming supply activity occurring. The subject sites have potential to lever and support the industrial activities of the LGA as the Mulgrave Precinct is the quintessential industrial precinct of the Hawkesbury located along the Windsor Road which is an arterial road.

Expansion of the Mulgrave Industrial Precinct will enable Council to meet its employment targets set by the Greater Sydney Commission and implement the recommendations of the Hawkesbury Employment Lands Strategy.

Mulgrave Precinct is the gateway to the Hawkesbury along Windsor Road which is an arterial road. However, only left side of the Windsor Road is developed, leaving the other side of the road as a missed opportunity. Given that the other side of the Windsor Road, does not have any intensive farming related activity occurring from the site, except for a veterinary centre, a pizza place, truck depot and a plant nursery, it is viable that the identified subject site be rezoned to B6 Enterprise Corridor. The rezoning will enable a mix of employment uses including business, office and light industrial as well as bulky goods retailing, leveraging from its location along the Windsor Road.

Adjacent to the Mulgrave Industrial Precinct is the Windsor High School. The school is located on land zoned RU1 Primary Production. The zone objective of the site is inconsistent with the land use. It is therefore only appropriate to rezone the school site to SP2 Infrastructure, so it forms part of the larger SP2 zone associated with the school.

Current Zone Map: RU1 Primary Production and RU4 Primary Production Small Lots

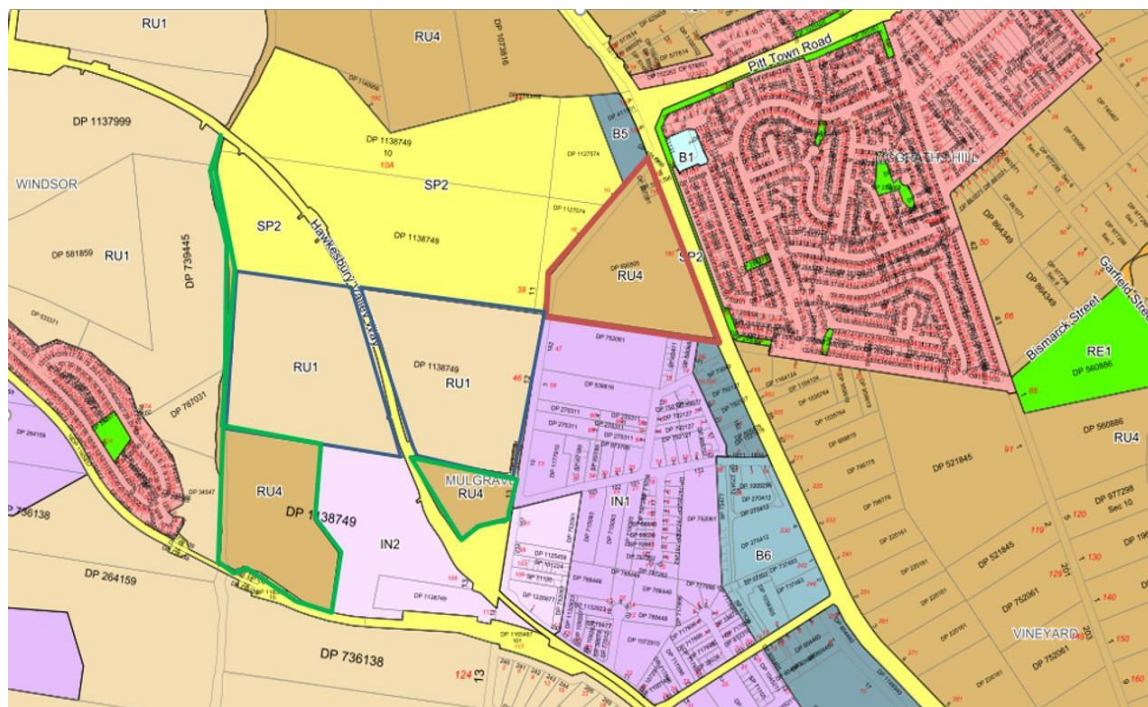


Figure 16 – Current zone map

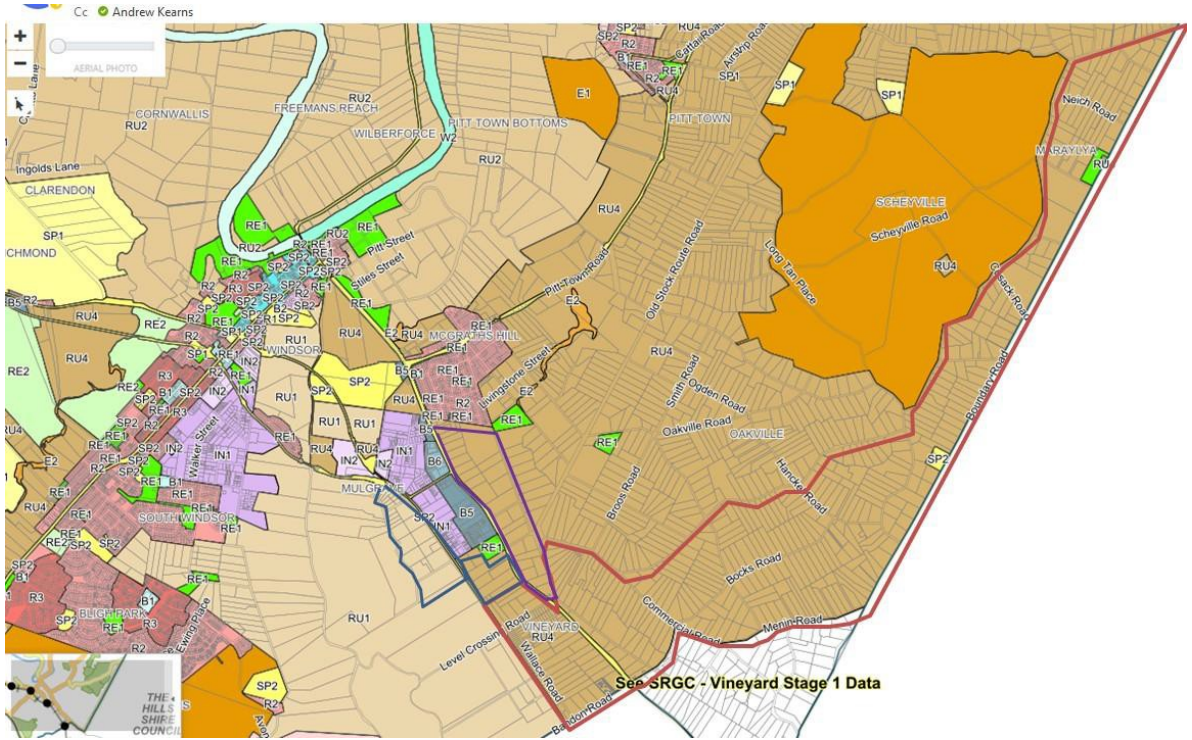


Figure 17 - Current zone map

Proposed Zone Map: IN2 Light Industrial, B6 Enterprise Corridor and SP2 Special Activities

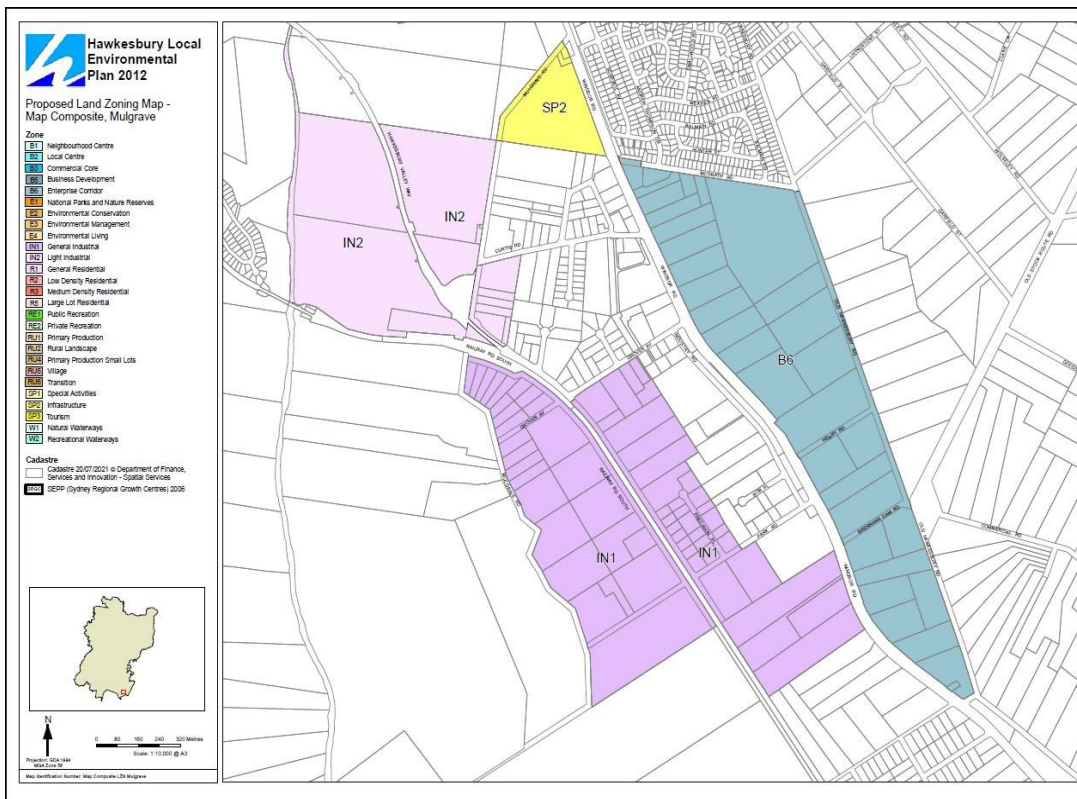


Figure 18 - Proposed Zone Map

3.10 Correcting zoning anomalies within open spaces:

During the *Hawkesbury LEP 1989* rollover into LEP 2012, an anomaly occurred in respect to the open space zones. A number of open space parcels were not rezoned to RE1. This anomaly was also not rectified through the General Housekeeping Amendment of the *Hawkesbury LEP 2012*. This planning proposal seeks to correct the anomalies by rezoning all the open space lots which are not zoned RE1 to RE1. Most of these parcels of land are Crown Lands with a gazetted purpose of public recreation. This amendment will authenticate the LEP and will ensure a clear identification of RE1 Public Recreation lands within the *Hawkesbury LEP 2012*, enabling the relevant sections to deliver the open space related projects and tasks more efficiently. This will also enable the community to access identify and access the RE1 spaces with an ease.

Attachment 2 provides a table of the parcel descriptions of all the affected lots

3.11 10 Bridge Street, Windsor – removal of land acquisition:

A portion of the front corner of the subject site (Lot A DP 381403) was previously ear marked for acquisition for roads widening purposes. However, TfNSW has indicated that the portion of the subject site is no longer required for road widening purposes. Therefore, Council seeks to amend the *Hawkesbury LEP 2012* to remove the SP2 Infrastructure zone from part of the subject site and rezone it to R2 Low Density Residential as the rest of the parcel is zoned.

The *Hawkesbury LEP 2012* Land Reservation Acquisition Map also includes part of the subject site for acquisition. The relevant map must be amended to remove the land acquisition intentions of the subject site. Therefore, Council proposes to amend the *Hawkesbury LEP 2012*; Land Zoning Map and Land Acquisition and Reservation Map to reflect the changes

Current Zone Map: SP2 Infrastructure indicated on land parcel – 10 Bridge St, Windsor

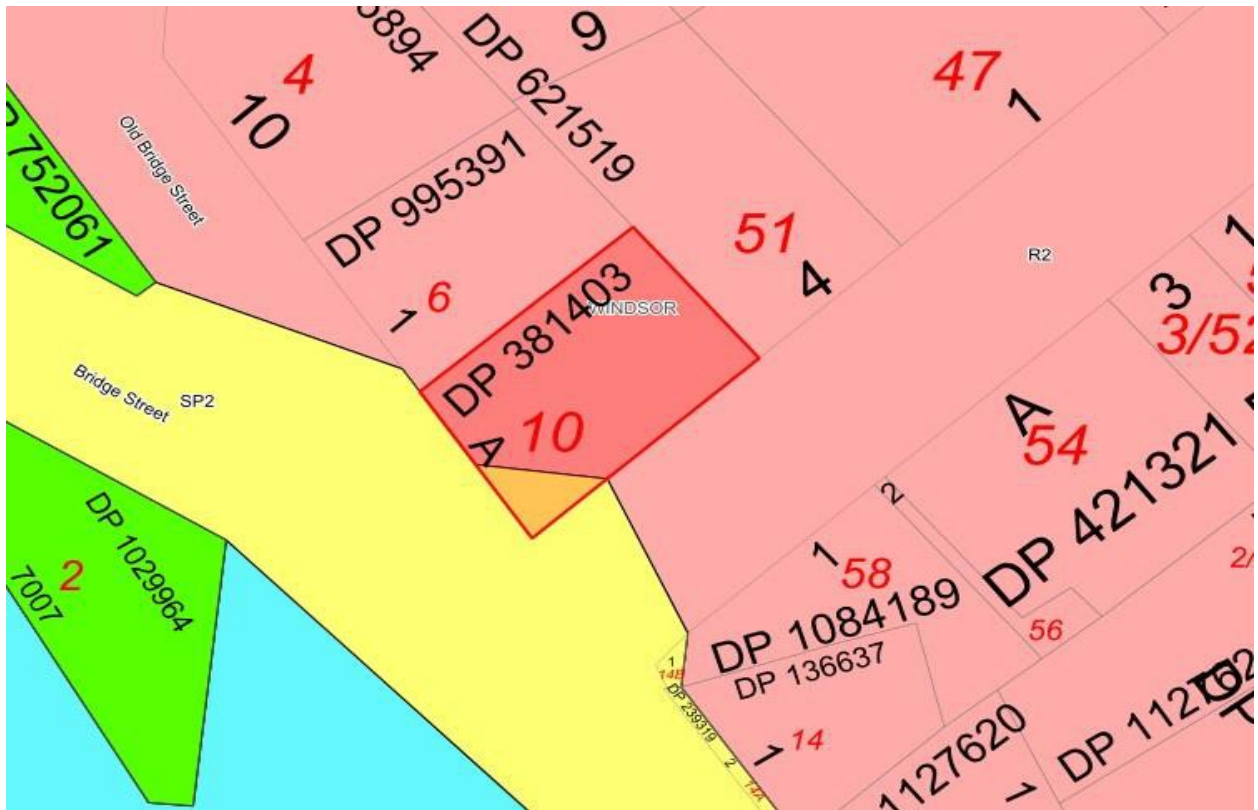


Figure 19 – Subject Site indicating SP2 Zone for acquisition

Current Land Acquisition and Reservation Map: 10 Bridge Street, Windsor

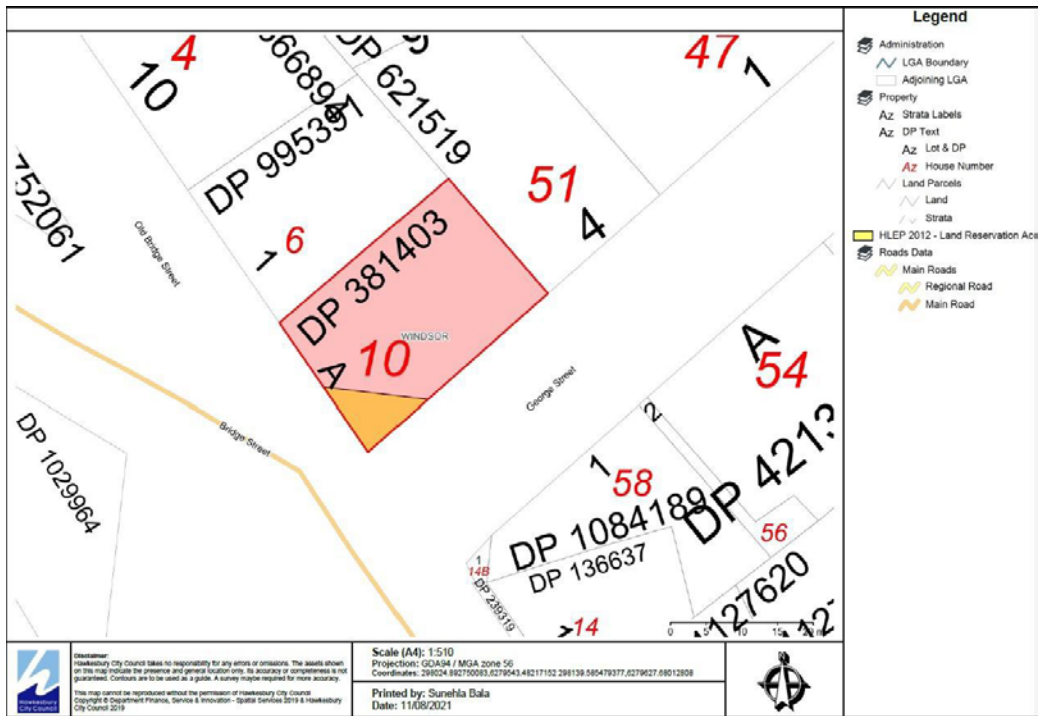


Figure 20 – Subject Site indicating Land reservation for acquisition

Proposed Zone Map: R2 Low Density Residential

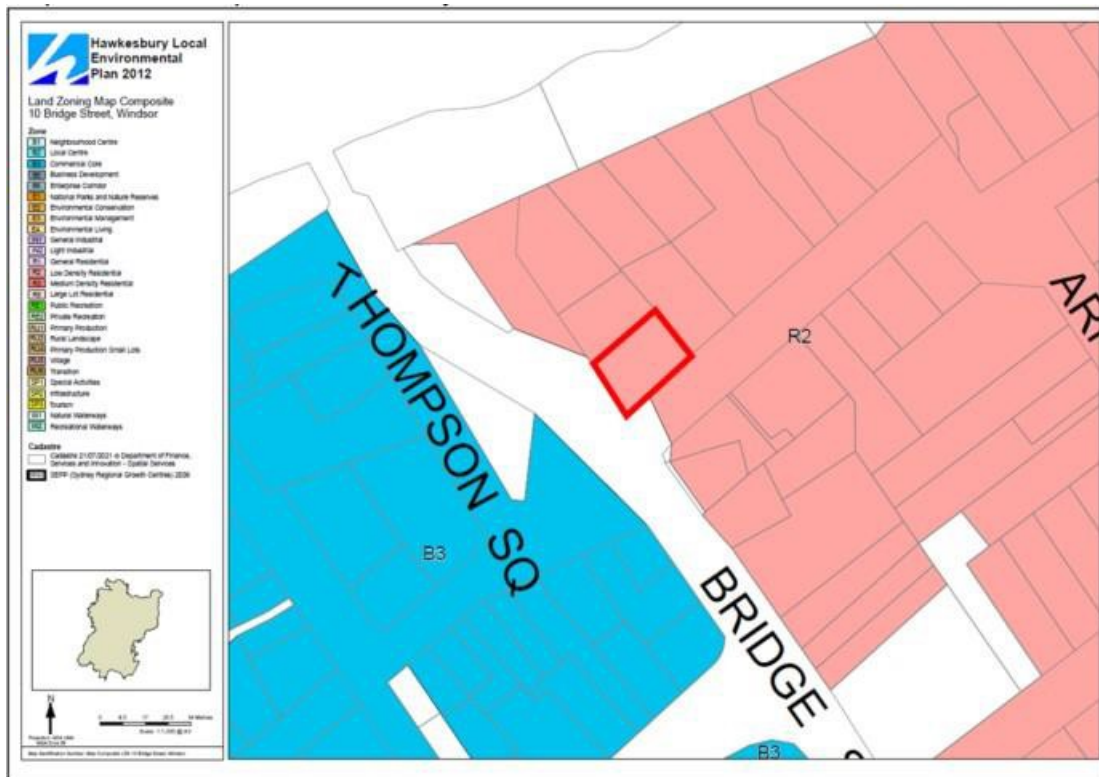


Figure 21 – Subject Site indicating proposed zone

3.12 Correction of Height of Buildings Map anomaly of South Windsor Town Centre within HLEP2012:

During the rollover of Hawkesbury LEP 89 to *Hawkesbury LEP 2012* a map error occurred where the Height of Building (HOB) provision of B1 Neighbourhood Centre of the South Windsor Town Centre was wrongly reflected on the adjacent sites instead. This error needs to be rectified to ensure that correct planning controls are provided for the relevant zones.

Council seeks to amend the *Hawkesbury LEP 2012*, Height of Buildings Map to reflect the correct HOB provision for the subject site.

Current Zone and HOB Map: South Windsor Town Centre



Figure 22 – Subject Site indicating anomaly

Proposed HOB Map: South Windsor Town Centre

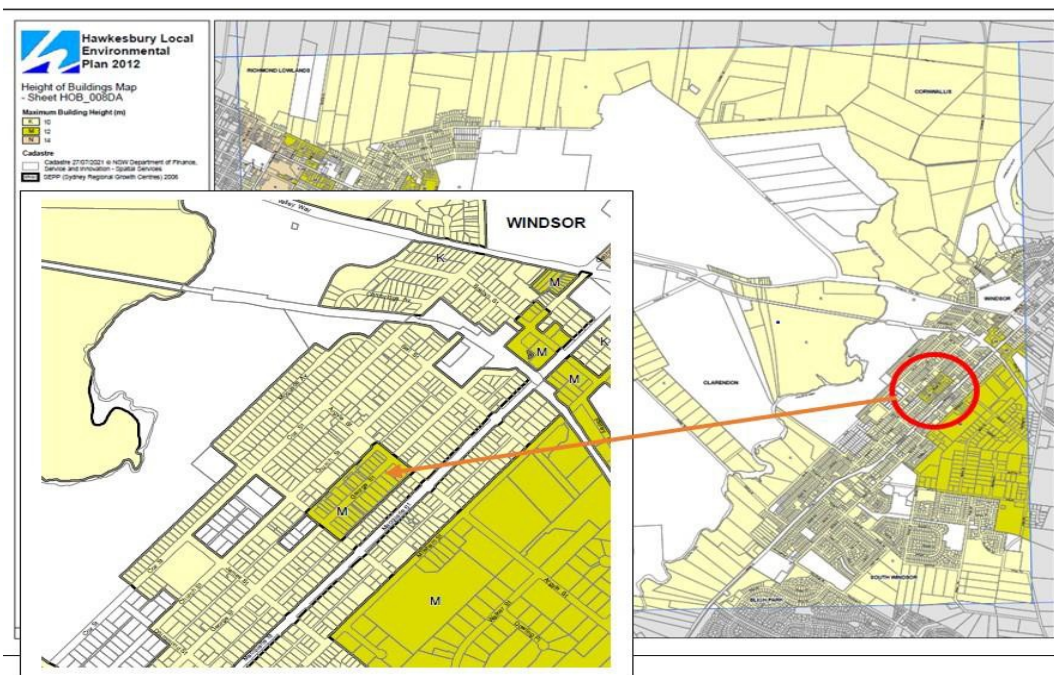


Figure 23 – Subject Site indicating correct reflection of HOB

3.13 Minimum Lot Size provisions for larger RU1 and RU2 lots:

Review of the *Hawkesbury LEP 2012* identified that there are several very large RU1 Primary Production and RU2 Rural Landscape zoned lots with inconsistent Minimum Lot Size provisions that contradict with the intentions of these lots and enables further subdivision of these lots.

The *Hawkesbury LEP 2012* has provisions for subdivision of rural lands (Clause 4.10, however, where the original parcel has already been subdivided and the maximum subdivision yield has been achieved, Council prefers to retrain these lots from further subdivision and to retain it for primary production and agricultural purposes.

On occasions these larger lots with inconsistent Minimum Lot Size provisions which are very low compared to the lot areas, for example even after original subdivision the residual lots can have an area of approximately 90 hectares left. With the Minimum Lot Size provision of 10 hectares (which is currently mostly the case for the RU1 Lots in the LGA)), this gives the landowners impetus to lodge applications for further subdivisions. To rectify this matter, moving forward, Council seeks to increase the Minimum Lot Size provisions for some of these very large RU1 lots to ensure that the sites are not further subdivided into multiple smaller lots, but perhaps can at least yield just a few lots to meet the local demand.

Therefore, Council seeks to amend the *Hawkesbury LEP 2012*, to increase the Minimum Lot Size provision of certain RU1 sites within the Hawkesbury LGA:

3.14 Introduce Floor Space Ratio (FSR) provisions for R3, B1, B2, B3, IN1 and IN2 zones:

Currently, the *Hawkesbury LEP 2012* does not contain the Floor Space Ratio provisions. Council is proposing to introduce this provision within the LEP to create greater certainty and more authenticity to the planning controls. The FSR will ensure that the size of buildings is appropriate for the land size and compatible with the surrounding neighbourhood. FSR allows flexibility in the building design.

A consideration of the FSR with comparison and analysis of different FSR within certain zones within the Hawkesbury was undertaken to support the introduction of the FSR. The FSR proposed for the identified zones are not substantive and will not broadly increase development potential. Rather, the increase only seeks to reflect the FSR of the predominant built form and desired future character.

It is intended that FSR will be introduced to the following zones:

- R3 Medium Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B5 Business Development
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial

Table 4 below illustrates the proposed FSR provisions for the identified zones.

ZONE	FLOOR SPACE RATIO (FSR)
R3 Medium Density Residential	0.75:1 (Lots 1200sqm and more)
B1 Neighbourhood Centre	1:1
B2 Local Centre	1.5:1
B3 Commercial Core	1.5:1
B5 Business Development	1.25:1
B6 Enterprise Corridor	1.25:1
IN1 General Industrial	1:1
IN2 Light Industrial	1:1

3.15 Adjust Heights of Buildings for B2 and B3 zones:

Currently the Height of Buildings provisions for the B2 Local Centre is 12m. The current HOB provision is considered not to be consistent with the new FSR provision to support future development in the Windsor and Richmond Town Centres. It is also considered that the 12m HOB is not viable for the new B3 Commercial Core zone in the Windsor Town Centre.

It is considered that the increase in the HOB from 12m to 14m will enable a practical and better land use outcome when applying the FSR to support commercial and office spaces on the first and second floors of the employment lands.

Table 5 below provides an indication of the current and proposed adjustment of the HOBs.

Zone	Current Height of Buildings (HOB)m	Proposed Height of Buildings (HOB)m
B2 Local Centre	12	14
B3 Commercial Core	Proposed zone	14

3.16 Amend Clause 4.1 Minimum Subdivision Lot Size and 4.1C Exceptions to Minimum Subdivision for rural and large lot residential zones:

Hawkesbury LEP 1989 had the Lot Averaging Provisions which was rolled over into *Hawkesbury LEP 2012*. Clause 4.1C Exceptions to minimum subdivision lot size for rural and large lot residential zones provides an alternative method to clause 4.1 for the subdivision of land in RU1 Primary Production, RU4 Primary production Small Lots and R5 large Lot Residential zones.

The intention of the Lot Averaging Provision (Clause 4.1C) is that an “original lot” can only be subdivided using this provision once only. If an original lot was subdivided using the Lot Averaging provision through LEP 1989, the lot resulted from the subdivision (even if it is a large lot approximately 100ha) cannot be further subdivided using the provision again.

However, it has been identified that the *Hawkesbury LEP 2012*, Clause 4.1 provisions have a loophole for property owner to further subdivide a lot which was a result of Lot Averaging subdivision. Council seeks to rectify this loophole to refrain further subdivisions of RU1 and RU4 zoned lands for residential purposes. Instead, these lands are intended to be maintained for agricultural related activities and protection of endangered ecological community and regionally significant wetlands.

In order to rectify the loophole, council proposes to amend Clause 4.1 (2) and Clause 4.1C (3), together with amending the Minimum Lot Size Maps for RU1 and RU4 in certain areas within the LGA, to give impetus to agricultural activities.

The proposed clause amendments are as follows:

Clause 4.1(2) – This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent where the “original lot” was not already subdivided using the Lot Averaging provisions.

Clause 4.1c (3) – Despite clauses 4.1 and 4.1AA, development consent may be granted under this clause for an averaging subdivision of land to which this clause applies if the “original lot” was not already subdivided using lot averaging provisions and if the size of any lot resulting from that subdivision will not be less than the minimum size shown on the Lot Averaging Map in relation to that land.

3.16 Introduce Architectural Roof Features

Clause 5.6 provisions:

Hawkesbury is the third European Settlement in Australia. Therefore, there are a number of heritage significant building structures in the LGA. Some of these building structures demonstrate architectural roof features of the late 1800s building designs. In order to maintain the local character and built form and to ensure that these characters are inherent within the future building developments, council seeks to introduce the Architectural Roof Features provisions – Clause 5.6 within the *Hawkesbury LEP 2012*.

An example of the architectural roof feature within the LGA is illustrated through the photograph below.



Figure 24 – Architectural Roof Feature within Hawkesbury’s Town Centres

The proposed Clause 5.6 is as follows:

- (1) *The objectives of this clause are as follows—*
 - (a) *to allow decorative roof features that integrate with the existing local building compositions, forms and characters, and*
 - (b) *to ensure that prominent architectural roof features are contained within the height limit.*

- (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*

- (3) *Development consent must not be granted to any such development unless the consent authority is satisfied that—*
 - (a) *the architectural roof feature—*
 - (i) *comprises a decorative element on the uppermost portion of a building, and*
 - (ii) *is not an advertising structure, and*
 - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
 - (iv) *will cause minimal overshadowing, and*

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

3.17 Reclassification of land 1913 & 1905 BLoR(Lot 2 & 3 DP 582878):

Council proposes to reclassify Lot 2 & 3 DP 582878 from 'community land' to 'operational land' by amending Hawkesbury LEP 2012, Schedule 4 Classification and Reclassification of Public Lands.

The subject land is currently part zoned RU2 Rural Landscape and SP2 Infrastructure and is used for a combination of extensive agriculture (orchards) and informal parking/access in association with a restaurant at 1917 Bells Line of Road, Kurrajong Heights. In addition, the building (Tutti Fruitti) encroaches onto part of the subject land.

The Lots 2 and 3 in DP 582878 was dedicated for road widening purposes. However, this land is no longer required for road purposes. Council has no strategic or operational plan to use Lots 2 and 3 for road purposes.

The owners of 1917 Bells Line of Road, Kurrajong Heights have submitted a development application to Council seeking approval to use Lots 2 and 3 for a restaurant and ancillary vehicle access and parking. A merit of the proposed reclassification to "operational land" is that it will allow Council the opportunity to consider the above-mentioned development application.

The timeline of how the subject land was acquired by Council:

- On 18 March 1970 plans of acquisition were registered under the Main Roads Act Section 27E (6), Registered dealing L758309.
- DP 582878 was registered on 19 March 1976 with a notation that 'Lots 2 and 3 are intended to be used for future road purposes and there is no objection to their being shown as a road after acquisition by Dept. Main Roads'.
- On 23 March 1983, the properties (Lots 2 and 3 in DP 582878) were transferred to Hawkesbury City Council through dealing T387144.

In 2010, advice was received from the then named Roads and Traffic Authority that they had no immediate intentions to acquire the land for road widening purposes. The owner of the land adjoining Lots 2 and 3 has expressed an interest in purchasing these lots. As Council has no future intentions to utilise the land for community purposes, reclassifying the land and selling it would be a viable option as it will also relieve Council of any ongoing maintenance issues of these properties.

Figure 25 below illustrates the subject land.



Figure 25 – 1913 and 1905 Bells Line of Road, Kurrajong Heights

3.18 – Urban Heat Clause

Justification for Urban Heat Clause

Australia has endorsed the Paris Agreement with 187 other countries who have committed to keeping the global temperature rises to well below 2 degrees Celsius. The Paris Agreement also commits the countries to the United Nations 17 Sustainable Development Goals (SDG) which sets targets to creating social, economic, and environmental equity through actions for sustainable well-being of people, places and the planet.

The NSW government recognises its efforts towards implementing the Paris Agreement, thus, has formulated the Net Zero Plan Stage 1:2020–2030. This Plan is the foundation for NSW's action to reduce emissions reach our targets of a 50 per cent emissions reduction on 2005 levels by 2030 and to achieve net zero emissions by 2050.

Building on from the Net Zero Plan, the NSW Government has recently released the NSW Climate Change Adaptation Strategy which sets the implementation plan as to how the NSW Government will prepare for climate change and position NSW as a leader on climate change adaptation.

The strategy is based on 4 priorities:

1. Develop robust and trusted metrics and information on climate change risk

2. Complete climate change risk and opportunity assessments
3. Develop and deliver adaptation action plans
4. Embed climate change adaptation in NSW Government decision-making.

It is crucial that actual or expected effect of climate change is adjusted. Adaptation mechanisms has to be embraced in order to reduce exposure and vulnerability to climate change. Any potential natural or human-induced climate change hazard must be identified and mitigated.

Stemming from these Plans, the Hawkesbury City Council prepared and adopted the Net Zero Emissions and Water Efficiency Strategy and Draft Waste and Resource Recovery Strategy to meet its own LGA wide climate change related targets and mitigate the impacts of urban heat. The Net Zero Emissions and Water Efficiency Strategy is based on 6 goals being:

1. A more resilient and renewable powered grid
2. Greener suburbs and better design
3. Low carbon and local transport
4. Towards a zero-waste community
5. Drought resilient green centres
6. Council leading by example

The recently released WSROC Urban Heat Planning Toolkit has been the fundamental guiding document in formulating the Urban Heat Clauses in order to support the LGA in achieving its climate change related aims and objectives. The WSROC Urban Heat Planning Toolkit is an evidence based document which highlights the Western Sydney is more susceptible to experiencing longer days of temperatures over 35 degrees Celsius due to its geographical location, weather patterns and the rapid urbanisation that is currently occurring.

Therefore, it has become crucial for Western Sydney LGA's to think critically about its land use development and its impact on the growing urban heat effects. In order to draw down the heat and other climate change impacts, the Hawkesbury City Council has embarked on inserting a 'Urban Heat Clause' in the Hawkesbury LEP 2012. The proposed clause is as follows.

Proposed Urban Heat LEP Clause

1. The objectives of this clause are to –
 - a. Mitigate urban heat effect in the Hawkesbury through integrating planning and design measures into development.
 - b. Promote the incorporation of green and blue infrastructure into the landscape and built environment by retaining vegetation and water bodies.
 - c. Protect community health and wellbeing by ensuring that buildings and outdoors spaces are thermally comfortable.

2. This clause applies to land in the following zones –

a. Zone R1 General Residential, R2 Low Density Residential, R3 Medium Residential.

b. RU5 Rural Village

c. E1 Local Centre, E2 Commercial Centre, E3 Productivity Support

d. E4 General Industrial and E5 Heavy Industrial

e. SP1 Special Activities, SP2 Infrastructure.

f. RE1 Public Recreation, RE2 Private Recreation.

3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that –

a. The development will maximise green and blue infrastructure by allowing for sufficient deep soil zone to contribute to the tree canopy cover and retaining and enhancing water bodies in the landscape.

b. Materials and design of roofs, building exteriors, driveways, pavements and other surfaces are used that minimise heat impacts such as thermal retention and radiation on the surrounding area.

c. Buildings are designed to achieve high passive thermal performance, reducing the reliance on air-conditioning.

d. Consideration is given to the design of heating, ventilation and air conditioning systems to minimise release of heat in private and public open space.

e. Public and private outdoor spaces are designed as cool spaces, mitigating heat impacts.

f. The development has access to an appropriate sustainable supply of non-potable water, that facilitate irrigation for cooling.

4. In this clause –

deep soil zone –

(a) means the soft landscaped part of a site area used for growing trees, plants and grasses that—

- (i) is unimpeded by buildings or structures above and below ground, and
- (ii) provides opportunities for groundwater infiltration and canopy trees, and

(b) does not include basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

green infrastructure –

means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

blue infrastructure –

urban heat island effect –

is a result of conditions that contribute to higher temperatures in urban areas, including—

- (a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and
- (b) activities that generate heat, including waste air from mechanical cooling systems, and
- (c) reduction in green infrastructure.

4 Part 3 – Justification

Hawkesbury LEP 2012 is Council’s principal planning instrument. This planning proposal seeks to amend the land use planning matters identified and discussed in Part 2– Explanation of Provisions within the *Hawkesbury LEP 2012* to ensure an accurate and reliable document that is consistent with the NSW State Planning Frameworks, Council’s LSPS and other supporting Strategic Studies.

A planning proposal is the most appropriate means to achieve this outcome and the objectives and intended outcomes of this planning proposal.

Section A - Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal is a result of the NSW Governments LEP Road Map project where all Councils within the Metropolitan Sydney Area had to deliver the requirements of Section 3.8 and Section 3.9 of the *Environmental Planning and Assessment Act 1979*, following which to prepare and submit a planning proposal to the DPIE and ensure that the LEP is aligned with the regional, district, LSPS and local strategic plans and policies of each council.

The planning proposal is supported by strategic studies (previous and current) undertaken by Council to inform the *Hawkesbury LEP 2012*. These studies include:

- Hawkesbury Local Housing Strategy
- Hawkesbury Employment Lands Strategy
- Hawkesbury Rural Lands Strategy

Figure 26 below provides a timeline for the LEP Roadmap project, where the accelerated councils had to submit their planning proposals by June 2020 and other councils including Hawkesbury City Council by June 2021. Due to the disruptions cause by COVID 19 lockdowns, the planning proposal could not have been submitted by June 2021. However, Council has done its best in the situation to ensure that the planning proposal is prepared and submitted as soon as practical.

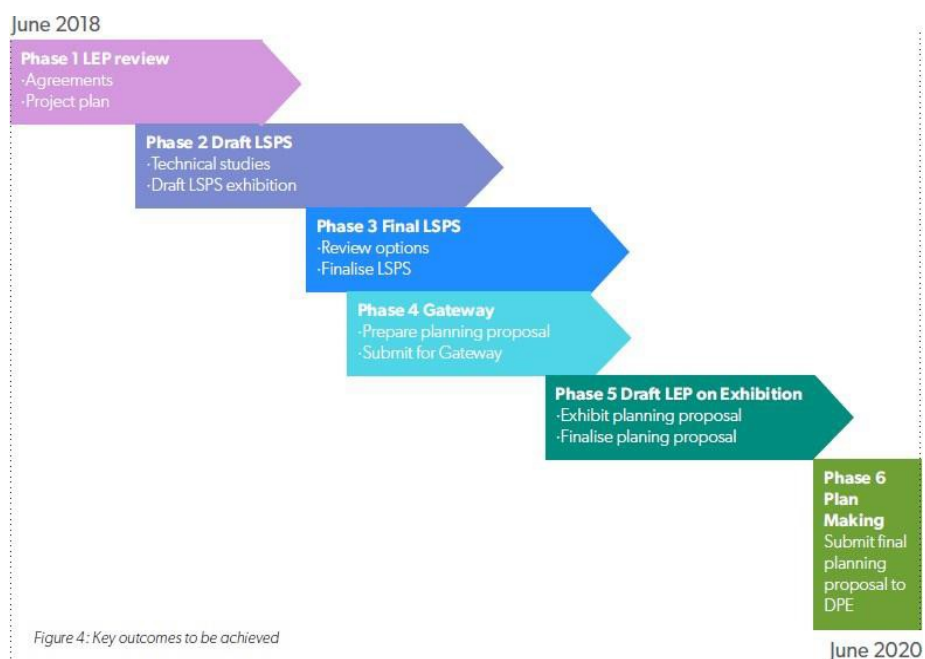


Figure 26 – LEP Roadmap

Section B -Relationship to Strategic Planning Framework

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Hawkesbury LEP 2012, is Council's principle planning instrument. A planning proposal is the most appropriate means to achieve the objectives and intended outcomes of this planning proposal, and will ensure that the LEP is consistent with current NSW Planning Frameworks and Council's LSPS and strategic studies.

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is anticipated to give effect to the objectives and actions of the applicable Regional and District and Local Plans and Strategies. The planning proposal seeks to bridge the gap of the *Hawkesbury LEP 2012* provisions by reflecting the targets and recommendations of the below Plans and Strategies.

Metropolis of Three Cities (Sydney Region Plan):

The Sydney Region Plan is a 40-year vision of the three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for the Greater Sydney. The vision brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity, and sustainability by spreading the benefits of growth.

The Sydney Region Plan states that providing adequate infrastructure to support population growth is essential to creating strong communities. One mechanism to better align growth with infrastructure is the growth infrastructure compact which would assess the nature, level and timing of infrastructure required for an area in light of its forecast housing and employment growth, including analysis of growth scenarios. The sequencing, optimising and adaptability of infrastructure are also considered as part of managing infrastructure delivery with growth.

For Liveability, the Sydney Region Plan encourages to capitalise on local identity, heritage and cultural values, together with easier access to services to foster a more active, resilient and connected society. The plan focuses on a well-connected city through integration of land use, transport and infrastructure planning to enable for more people to have 30-minute public transport access to one of the three metropolitan centres/cluster and to services in their nearest strategic centre seven days a week.

An enhanced transport connection to adjacent cities and regional NSW will strengthen economic links and provide more opportunities for long-term growth management.

The effects of urban development need to be managed to protect, restore and enhance these landscapes, waterways, coastline, natural areas, tree canopy and open spaces through careful management of the environmental, social and economic values of the Metropolitan Rural Area and the Protected Natural Area. New approaches to water management and urban design will be part of the response to climate change and will help to cool the region, particularly the Western Parkland City.

The Western City District Plan:

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at the local scale. The Western City District Plan collectively classes Windsor and Richmond as a strategic centre, recognising its expanded role as a hub for retail and commercial services including the health, defence and education precinct.

The District Plan promotes the creation and renewal of places, neighbourhoods and centres with place-based planning and design excellence to improve liveability. The District Plan states that Metropolitan and Strategic Centres provide 50 per cent of all Greater Sydney's jobs and therefore play a significant role in providing jobs close to home. It encourages facilitation the growth of new metropolitan, strategic and local centres as a way forward for job growth. The

District Plan has set a dwelling target of 1,150 for the first 5 years from 2018 and a jobs target of 12,000 and 16,500 (higher) to be achieved by 2036.

Hawkesbury has a higher base employment target of 16,500, current employment amounts to 10,300 which mean that council will have to facilitate at least 37.6% of employment opportunities to meet its employment target. In order to meet this 37.6% employment target, council will have to increase its non-residential gross floor area by additional 20%, which is achievable through expanding the employment lands.

The District Plan encourages the management and maintenance of green infrastructure. This incorporates natural landscape features into the urban environment; protecting and managing natural systems; cooling the urban environment; innovative and efficient use and re-use of energy, water and waste resources; and building the resilience of communities to natural and urban hazards, shocks and stresses. Maintaining and improving the health of the Hawkesbury-Nepean and Georges rivers and South Creek as natural, cultural and recreational assets also contributes to cooling the environment and provides habitat for aquatic ecosystems.

Hawkesbury Local Strategic Planning Statement 2040:

The Hawkesbury Local Strategic Planning Statement (LSPS) 2040 is a 20-year land use vision for Council which includes special local characteristics, shared community values and actions to manage growth and change and provides a line-of-sight between the State, District and Local Level (Community Strategic Plan 2017–2036) Planning Frameworks.

The Hawkesbury Local Strategic Planning Statement 2040 is based on the 10 Directions and four themes identified through the Sydney Region Plan and the Western City District Plan. The four themes being:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability

Infrastructure and Collaboration:

Currently, it is considered that the Hawkesbury LGA has a significant shortfall of major infrastructure. With the costs of asset maintenance and delivery increasing faster than the available source of funding, infrastructure across the Hawkesbury LGA does not always meet the needs and expectations of the end users.

When planning for infrastructure, Hawkesbury City Council will include consideration of how such investments contribute through infrastructure development to shape and connect the LGA to the Western Sydney Airport, and Greater Sydney as a Metropolis of Three Cities.

Land will be investigated to reserve for renewable energy hubs, smart energy stations, shared office and employment hubs, and other infrastructure suitable to meet the requirements of mega trends.

Planning Priorities that Council has adopted to bridge the infrastructure gaps:

- Bridge the shortfall of infrastructure through stakeholder collaboration to support current and future growth.
- Collaborated investment in infrastructure that will support the existing and future industries.
- Deliver timely and robust infrastructure to support the town centres and villages of the LGA.

Liveability:

The Hawkesbury currently lacks housing diversity to cater for the changing housing needs of its population. It is clear the LGA suffers a mismatch between household size and dwelling types. Part of the Hawkesbury is under housing stress, both mortgage and rental. Provision of a range of housing types in the Hawkesbury and putting people at the heart of planning will lever active lifestyles, increase the number of people living close to transport and jobs, health and other amenities. New housing development will also drive opportunities for targeted developments on a precinct scale where the residents, especially seniors who downsize or move to seniors living continue to experience the same or even better quality of life which they always had.

The Hawkesbury Local Housing Strategy identifies locations where the housing demands will be met given the availability of services and infrastructure in these areas, as well as with considerable deliberation of constraints affecting the opportunities to unlock lands for housing purposes. While providing a sufficient supply of housing diversity in the LGA is critical, Council is committed to preserving and enhancing the distinctive character and heritage of our towns and villages.

Planning Priorities that Council has adopted to bridge the liveability gaps:

- Provide a diversity of housing types to meet the needs of the changing demography.
- Protect Aboriginal heritage and promote European heritage and its transition into innovative, creative and adaptive re-uses.
- Provide rural housing with great deliberation and consideration of land use conflicts in appropriate locations.
- Manage, enhance and celebrate the distinctive heritage character of our towns, villages and open spaces.

Productivity:

The agricultural industry in the LGA is perceived as the major catalyst to lever productivity together with tourism based on heritage, culture and scenic landscapes of the Hawkesbury. It is essential that Hawkesbury's land use planning and policy is integrated across state and local government initiatives so that the growth of agricultural production can be accommodated in a sustainable manner which addresses land use conflicts. The Western City District Plan provided the Hawkesbury LGA with a jobs target of 16,500 to be achieved by 2036.

Council anticipates and will support the agricultural industry to evolve and grow over time. Increased innovative and high-tech agricultural activities will increase jobs and production. Council needs to protect agricultural lands from potential land use conflicts. Council will not allow subdivision of productive agricultural land to ensure existing and future consolidated lots are of a size that accommodates financially viable farming.

Though the equine industry in the Hawkesbury LGA has historically operated and will continue to operate, potential land use conflicts resulting from the use of prime agricultural land needs careful consideration as to whether this undermines the highest and best potential of land which otherwise could be a farming/ agriculture related activity. Council will explore and support innovative, smart -technological industries and knowledge intensive jobs that will have the capacity to flow its benefits into health and education, retail, hospitality and industrial sectors that will leverage Hawkesbury's economy to a global standard.

Hawkesbury's tourism sector is primarily comprised of small to medium sized tourism businesses with a number of these being lifestyle operators. Council will integrate tourism marketing and development potential by strengthening its key towns and village's tourism nodes and hubs as part of its place making initiative. Each of the towns and villages in the Hawkesbury has its own unique character and an experience to offer which can strengthen its tourism destination. These destinations will drive the tourist numbers over the next 20 years and beyond and must be preserved and promoted.

Council will work with the relevant stakeholders to investigate opportunities to promote and share the Aboriginal culture through Hawkesbury's overall tourism promotion initiatives. Council through partnerships will explore opportunities to support and encourage entrepreneurial aspirations of the Aboriginal community for future business developments.

Planning Priorities that Council has adopted to bridge the productivity gaps:

- Promote agricultural and food industry and growth of agri-business sector and invest in Agri-knowledge/ Agronomics research through the Western Sydney University.
- Support our industries to grow and meet current and future trends.
- Explore opportunities at the Western Sydney University and Richmond RAAF Base to create value chain at the Western Sydney Airport and STEM Industry.
- Encourage the economic self-determination of the Aboriginal community through their land holdings and culture.

Sustainability:

The Hawkesbury LGA contains a diverse range of biodiversity such as the rivers, wetlands, natural forests and bushlands, mountains, gorges and heritage significant structures and monuments. These natural and manmade landscapes and structures are home to endangered species of flora and fauna and play a vital role in preserving and regenerating the ecosystem. The vegetation of the Hawkesbury area is diverse and complex, reflecting the diversity of environment with regard to influences such as the Hawkesbury-Nepean River, geology, and climate. The Hawkesbury-Nepean valley has a high flood hazard, with both historical and geological evidence of widespread flooding across the valley.

A total of 70% of the LGA is bushland that includes the world heritage national parks and state forests. These heavily vegetated areas are vulnerable to bushfire. Climate change is increasing the intensity of heatwaves. Heatwaves are becoming hotter, lasting longer and occurring more often. The Hawkesbury LGA experiences continuous 5-10 days with temperatures greater than 35 degrees and these are projected to worsen. Prolonged number of days with higher temperatures is detrimental to the people, property, community, biodiversity and the environment.

Planning Priorities that Council has adopted to bridge the sustainability gaps:

- Educate and adapt to natural hazards of flood, bushfire and climate change.
- Protect areas of high environmental value and significance.
- Commit to urgent action to respond to global climate emergency.
- Champion, educate and support the transition to renewable energy.

To support the LSPS, the following Strategic Planning Strategies were undertaken:

- The Hawkesbury Local Housing Strategy
- The Hawkesbury Employment Lands Strategy
- The Hawkesbury Rural Lands Strategy

These strategies address the Sydney Region Plan and Western City District Plan including the housing and employment targets. It aligns the housing, employment and other land use growth with the necessary supporting infrastructure and social services. This planning proposal seeks to implement the recommendations of these studies by amending the *Hawkesbury LEP 2012*.

Hawkesbury Local Housing Strategy:

The Hawkesbury Local Housing Strategy has been prepared in order to set a clear plan for housing in the Hawkesbury Local Government Area for the next 10 and 20 years. Preparation of a Local Housing Strategy was a State Government requirement of all councils in Metropolitan Sydney. The Hawkesbury Local Housing Strategy assists to bridge the gap within the *Hawkesbury LEP 2012* and the Region and District Plan identified through the LEP Health Check Review.

The key issues emerged from housing research associated with the Hawkesbury Local Housing Strategy included:

- Need to accommodate steady growth – five-year target of 1,150 dwellings and growth to continue to 2036;
- Limited diversity in the housing stock;
- Emerging mismatch between household size and dwelling type/size;
- Pockets of housing stress and a growing need for more affordable housing; and
- Significant constraints are a major barrier to development (flooding, bushfire risk, ANEF aircraft contours, biodiversity/vegetation, heritage considerations).

Key recommendations of the Hawkesbury Local Housing Strategy included:

- Focus new housing growth in urban release areas and encourage some smaller dwellings in these areas to increase housing diversity;
- Maximise the potential of existing urban lands;
- Increase the supply of smaller dwellings in both established and new areas;
- Continue to expand affordable housing options and further enhance Council's existing Affordable Housing Policy, including Council's involvement with the preparation of the Western City Affordable Housing Strategy;
- Maintain a long-term supply of residential land by investigating potential new urban areas;
- Develop a program to monitor housing land supply and housing delivery;
- Address homelessness through continued implementation and updates to Homelessness Action Plan;
- Consideration of the provision of Detached Dual Occupancies and Secondary Dwellings through a place-based approach that considers the recommendations of the Hawkesbury Rural Lands Strategy.

The key findings of the Hawkesbury Local Housing Strategy are:

- The population of the Hawkesbury Local Government Area is estimated to be 67,083 (2018) living in predominantly detached, single dwellings, with only 13% of the Local Government Areas housing being medium or high density.
- The population of the Local Government Area has seen a gradual increase, but this has varied across the Local Government Area with some areas declining such as Windsor Downs. In contrast, Pitt Town has registered a significant increase at a rate of 5.6 per cent per annum. The remainder of the Local Government Area had average growth or stable populations.
- The Hawkesbury Local Government Area median household income is \$1,663 which is below that of Greater Sydney (\$1,745). An examination of differences in household income levels between the Hawkesbury Local Government Area and Greater Sydney demonstrates that there are higher proportions of lower-income households (those earning less than \$650 per week), and lower proportions of higher-income households, particularly over \$3,500 per week.
- In 2016, around 10.5% of Hawkesbury Local Government Area households were experiencing housing stress, compared with 11.8% in Greater Sydney. Whilst Hawkesbury had a lower proportion of housing stress than Greater Sydney, it is important to note that this is significantly varied across the Local Government Area with pockets of high housing stress in South Windsor and Wilberforce.

- Discussions with local agents indicated that the market is starting to slow, with sale prices dropping over the last 18 months. Combined with the banks tightening of lending, this has started to increase housing stress in the Local Government Area. Agents suggest a strong need for a variety of smaller and mid-range development suited to both the young professionals with young families and the over 55-year-olds who are looking to downsize near activated village areas.
- The demand for housing is likely to increase. The NSW Department of Planning Industry and Environment forecast that the annual population growth rate is expected to increase steadily from 0.9% (2016–2021) to 1.4% to (2031–36). In terms of total population forecasts, the Local Government Area is forecasted to have 74,800 persons in 2026, 79,400 in 2031 and 85,050 in 2036.
- The capability of the existing urban area to accommodate additional dwellings has been assessed on a theoretical basis. This work has focused on the potential for additional housing in walking distance of centres. Lots with relatively fewer development constraints have been identified and the maximum extent of development has been estimated based on current planning controls. The maximum extent of development has been assumed to mean detached dwellings on R2 zoned land, medium density housing on R3 zoned land and residential flats on R1 zoned land (calculated to the maximum permissible height).

Estimated development capacity in existing centres

Centre	Estimated capacity
Windsor	150 additional dwellings
South Windsor	1,600 additional dwellings
Richmond	720 additional dwellings
Hobartville	1,320 additional dwellings
North Richmond	730 additional dwellings

Source: HillPDA

Hawkesbury Employment Lands Strategy:

The Hawkesbury Employment Lands Strategy was undertaken to support the Hawkesbury Local Strategic Planning Statement. It also addressed the gaps identified through the LEP Health Check Review between the Sydney Region Plan and the Western City District Plan and the *Hawkesbury LEP 2012*.

The key considerations to emerge from research associated with the Draft Hawkesbury Employment Lands Strategy include:

- Planning policy overview;
- High level employment structure;
- High level demographics;
- Industry sectors and economic anchors; and
- Industry trends and emerging business opportunities.

Key Recommendations of the Hawkesbury Employment Lands Strategy include:

High level employment structure – Population serving jobs are the most significant, followed by health and education, industrial and knowledge intensive jobs. However, there has been a fall in the knowledge related employment, against the background of strong performance in this sector in the Greater Sydney. This suggests that a response is needed to improve the commercial land offerings in the Hawkesbury's centres. Population serving industries throughout the LGA should continue to be nurtured to support the growing tourism industry and to provide for the changing resident profile for example provision of smaller health services and restaurant and cafes that link to tourism branding.

High level demographics – Hawkesbury has an ageing population profile that is broadly in line with most of Greater Sydney. However, Hawkesbury has a larger proportion of retirees and mature adults compared to Greater Sydney and the Western District and inter-Censal change indicates a more pronounced ageing trend. While still slightly lower, the LGA does have comparable proportions in the 'youth' and 'children' categories compared to Western Sydney. Town centre developments should support mobility and access to social and essential services (access to food, health and administration services). Furthermore, development of co-working spaces; supporting the building of STEM and agribusiness research; and curating industrial lands that are relevant to the needs of local workers will assist in retaining or attracting a younger population to live/work/study in the area.

Industry sectors and economic anchors – The LGA’s Agricultural activity is a defining feature of the area and one of the pillars of the local economy which should continue to be supported by strategic planning. Agriculture is a key industry for the Hawkesbury LGA economy with an estimated value of production of \$158.7 million (2016). This equates to 19.7% of Sydney’s peri-urban food bowl (second only to the Central Coast region) and 1.2% of the NSW value of production. Opportunities to support the growth of the agribusiness industry; grow fresh food processing capabilities and develop tourism centred on agriculture/food/nature exist for the Hawkesbury LGA.

Freight network – Access to transport infrastructure generates a range of benefits to the agriculture sector and related food manufacturing businesses in relation to exports of goods or products. Freight and logistics businesses value close proximity to motorways and major highways to lower transportation cost of goods across Australia. Hawkesbury will be the host to two major freight networks: The Outer Sydney Orbital and the Bells line of Road. For the Hawkesbury LGA, this could result in growth of agricultural industries requiring good transport access and export access at Western Sydney Airport resulting in a growth in job opportunities. There is potential for industrial land in the LGA to be used for logistics and storage of fresh food freight (local or regional). There may also be opportunities for a new industry focus for fresh agricultural food processing – preparing the produce for domestic and international consumption (last mile logistics).

Education – WSU Hawkesbury campus contributes significantly to the local economy accounting for 547 jobs in 2016. The WSU is seeking to be the future leading peri-urban centre in economic sustainable regional development and allow agricultural-related businesses to grow, creating new economic opportunities. Developing an agri-knowledge precinct and fostering strategic partnerships with local stakeholders in the Clarendon area are key aspirations. Synergy from the Richmond TAFE which also focuses on horticulture, agriculture, veterinary science, floristry, and equine industry. Richmond High School is anticipated to introduce an agricultural education speciality stream in 2021. Together these opportunities will support the Hawkesbury to achieve its job targets and lever its position to achieve the STEM capabilities.

Richmond RAAF Base – is the centre of logistic support for the Australian Defence Force. The base provides about 601 jobs in the Hawkesbury through local suppliers and trades services on the Base and on defence housing when a national supplier is not required. It also provides opportunities for job experience for local school students to encourage a career pathway in the RAAF supporting the growth in STEM capabilities.

Equine – The value of the racing industry (thoroughbred, harness, greyhound) in Western Sydney is substantial at \$454.9 million, a contribution of 13.5% of the NSW total. The equine industry in Hawkesbury is supported by a network of local infrastructure entities. Engaging and investigating the needs of this industry and how they can work with other stakeholders in the Clarendon precinct will be an area of work for Council as part of ongoing economic development activity.

Tourism – In 2018, there were 722 tourist related businesses listed in the Hawkesbury LGA. Hawkesbury LGA has strengths in agriculture, fresh food production and benefits from its natural setting and local character. With existing directives in NSW Planning Frameworks and local strategic plans that support the development of tourism in the region, the LGA has an opportunity to contribute to nature-based, ag-tourism – food & wine, farm trails and gates, and art and culture-based tourism.

Retail and Commercial – vacant retail spaces within the Windsor and Richmond town centres should be filled by providing an experience for shoppers that is more compelling than the online shopping experience. Solutions may include the encouragement of service retail (such as cafes and restaurants), improved streetscape/urban design, greening and shade on the main pedestrian routes, and coordination of public events, etc.

Food destination precincts, farm-to-table businesses and ‘experience dining’ are an opportunity to generate activity in town centres as well as generating employment. The benefit for Hawkesbury is that a number of the key attributes already exist, i.e., access to fresh, local produce; a natural setting; and space for ‘experience dining’ style businesses. Development of these types of precincts can attract visitors, boost tourism expenditure and the night-time economy.

Supporting fine-grain activity, alongside public domain improvements, may assist in drawing spending back to the high street in these centres. There is a real opportunity for retail activity in these centres to better reflect the character of the Hawkesbury LGA and its intrinsic assets for business activity – the natural environment, local growers and food production and the heritage character of Richmond and Windsor.

A co-working space in Hawkesbury LGA could offer solo business operators or ‘footloose’ operators who work from home a different and collaborative environment from which to operate their own businesses and work remotely.

Industrial Lands – the trends in the uses of the industrial lands are shifting. With the growth in online retailing and raised expectations for speedy delivery, ‘last mile’ logistics has become a priority. This places greater value on logistics, industrial services and dispatch land uses that are in the right areas on the transport network with respect to access to suppliers and customers.

Creative industries are businesses that include microbreweries, artists and bespoke craft operations etc. These industries are creating a high demand for industrial spaces due to rental affordability.

Agribusiness industries are also surging due to an attention on agribusiness in recent years firstly, due to the rise of the middle-class in China that has increased demand for exports in food and fibre, and secondly, due to greater domestic consumer involvement, interest and attachment to food and its source of production. This presents an opportunity, not only for primary producers, but also for NSW’s food and beverage manufacturers to enhance production, improve food security and sustainability, add value and better connect with the global marketplace. With agriculture as a key industry for the LGA and future transport projects affording greater access and efficiency to Western Sydney Airport, there is an opportunity for Hawkesbury to ‘fill-the-space’ between growing produce and export to market, by developing fresh food processing capabilities within the LGA.

Industrial and urban services land in the lower north-east portion of Hawkesbury LGA has been designated ‘retain and manage’ through the Western City District Plan. Given the prominence of agriculture in the LGA, and potential freight network improvements to Western Sydney Airport and the Aerotropolis, Hawkesbury LGA is in a prime position to support the initiatives of the NSW food and beverage manufacturing industry development strategy.

Hawkesbury Rural Lands Strategy:

The Hawkesbury Rural Lands Strategy was undertaken to support the Hawkesbury Local Strategic Planning Statement. The recommendations of the Hawkesbury Rural Lands Strategy will guide Council to address the gaps identified through the LEP Health Check Review between the Sydney Region Plan and the Western City District Plan and the *Hawkesbury LEP 2012*

Key Findings of the Draft Hawkesbury Rural Lands Strategy

The Draft Strategy presents relevant data and characteristics of the combined localities of the Local Government Area, as well as individual maps of the localities. To make the understanding of the data more manageable, the localities have been combined into areas of similar topographic features and land use:

- The Slopes Combined Locality has the highest proportion of rural residential land use with 91.9% followed by the Mountain with 88.9% then the South East with 87.2%.
- The River Flats Combined Locality has the highest proportion of irrigated plants with 34.3%, followed by Mountain with 4.4% and then Colo and Middle Hawkesbury Valleys.
- The Northern Valleys has the highest proportion of extensive agriculture land use followed by the River Flats with 3.8% and then the Slopes with 2.0%.
- The Northern Valleys have the greatest proportion of commercial land uses.

Recommendations of Hawkesbury Rural Lands Strategy:

Growth Management

- Adopt the settlement strategy outlined in section 6.5
- Urban expansion into the surrounding rural landscape can only occur in accordance with the recommendations of the Hawkesbury Housing Strategy and can only occur in accordance with the settlement strategy.

Rural Lands Preservation

- Adopt the landscape based strategic planning concept in section 6.6.
- Encourage and promote the farmers of the Hawkesbury Local Government Area
- Adopt the let the farmers farmland use conflict concept outlined in section 6.4.1 and discuss this with the relevant State Government Departments.

Economic Development

- Encourage farmers to join the farm gate trail and sell from the farm gate or to sell their produce to those farmers who already have a farm gate sales outlet.
- Encourage farmers to sell local produce to local shops under the band of Hawkesbury Harvest
- Engage with the Protected Cropping sector and encourage and facilitate the establishment of a protected cropping sector in the Hawkesbury Local Government Area.
- Encourage the retention and promotion of the existing agricultural sectors of vegetable and turf farming, nurseries, egg production and poultry meat production in the Local Government Area.
- Encourage and promote the agricultural processing sector to expand in the Local Government Area as well as attracting other processing industries to establish in the Local Government Area.
- Encourage and promote the horse sector horse studs, polo clubs and the recreational horse riding.
- Promote agritourism as a key economic development component of the rural sector, focusing on the Bells Line of Road in Kurrajong Heights to Bilpin, Berambing and surrounding areas.
- Consider the incentive measures outlined in section 6.4.2 and discuss this with the relevant State Government Departments.
- Promote the existing farmers markets and encourage them to establish in other settlements.

Land Use Planning

- Adopt the changes to the zones as outlined in section 6.7
- Endorse the changes to the land use definitions and new provisions outlined in section 6.8
- Amend the Hawkesbury Development Control Plan as discussed in section 6.4.1

Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed strategic plan?

A key component of the NSW planning framework is the Local Strategic Planning Statement (LSPS) which leads the local response to changes and trends. As set out in the *Environmental Planning and Assessment Act 1979*, the local strategic planning statement must include or identify the Planning Priorities that are consistent with any strategic plan for the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the *Local Government Act 1993*.

The planning proposal is consistent with the Hawkesbury Community Strategic Plan (CSP) 2017 – 2036. Specifically, the key directions and strategies of the CSP relevant to the planning proposal are:

- 5.1 Strategic Planning Governance
- 5.2 Management of Aboriginal and non-Aboriginal heritage and the build environment
- 5.3 Shaping our growth
- 5.5 Reinforcing our dynamic places
- 5.7 Tourism and Economic Development

The Hawkesbury Local Strategic Planning Statement 2040 is made in accordance with section 3.9 of the *EP& A Act* and gives effect to the NSW planning framework and aligns the key strategic planning priorities of infrastructure, economy, liveability and sustainability.

The planning proposal is consistent and gives effect to the actions within the Hawkesbury Community Strategic Plan 2017–2036 and Hawkesbury Local Strategic Planning Statement 2040.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

No.	Title	Summary	Consistency of the Planning Proposal with the SEPP
19	Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	Applies to State Consistent.
21	Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short- and long-term residents.	Applies to State except land to which SEPP (Western Sydney Parklands) applies. Consistent
33	Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	Applies to State Consistent
36	Manufactured Home Estates		
50	Canal Estate Development	Prohibits canal estate development	Applies to State Consistent
55	Remediation of Land	Provides a Statewide planning approach for the remediation of contaminated land.	Applies to State Consistent
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to State Consistent

No.	Title	Summary	Consistency of the Planning Proposal with the SEPP
65	Design Quality of Residential Flat Development	Aims to improve the design qualities of residential flat building development in New South Wales.	Applies to State, except Kosciusko SEPP area Consistent
70	Affordable Housing (Revise Scheme)	Aims to identify and make a requirement for imposition of conditions relating to the provisions of affordable housing.	Applies to State Consistent
	Aboriginal Land 2019	Aims to enable making of 'development delivery plans' for land owned by Local Aboriginal Land Councils which must be considered when determining development applications.	Does not apply to Hawkesbury.
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to State Consistent
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State Consistent
	Coastal Management 2018	Aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent of the Coastal Management Act 2016.	Applies to State Consistent

No.	Title	Summary	Consistency of the Planning Proposal with the SEPP
	Concurrence and Consents 2018	Aims to improve efficiency in the planning system by removing duplicative or unnecessary requirements in environmental planning instruments (EPIs) to consult with State Agencies on planning decisions.	Applies to State Consistent
	Mining, Petroleum and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to State Consistent
	Temporary Structures 2007	Aims for suitable provisions ensuring the safety of persons using temporary structures.	Applies to State Consistent
	Infrastructure 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	Applies to State Consistent
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State Consistent

No.	Title	Summary	Consistency of the Planning Proposal with the SEPP
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Applies to State Consistent
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also, to confer functions on joint regional planning panels to determine development applications.	Applies to State Consistent
	Educational Establishments and Child Care Facilities 2017	Aims to facilitate the effective delivery of educational establishments and early education and care facilities across the state.	Applies to the State Consistent
	Vegetation in non-rural areas 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the state land.	Applies to the Hawkesbury LGA Consistent
	Koala Habitat Protection 2019	Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population.	Applies to Hawkesbury LGA Consistent
	Primary Production and Rural Development 2019	Aims to facilitate the primary economic use and development of lands for primary production.	Applies to the State Consistent

No.	Title	Summary	Consistency of the Planning Proposal with the SEPP
	State Significant Precincts 2005	Aims to facilitate development and protection of important urban sites of economic, social and environmental significance for public service and purposes.	Applies to the State Consistent
	North-West Growth Centres 2006	Aims to release land for residential, employment and other urban development in the north west growth centre and the Wilton Growth area.	Applies to Hawkesbury LGA Consistent The <i>Hawkesbury LEP 2012</i> provisions does not guide developments within the Vineyard Stage 1 Precinct. Any amendments to the HLEP2012 does not affect development within the North-West Growth Centre.

Consistency with Deemed State Environmental Planning Policies (SREP)

No	Title	Summary	Application
9	Extractive Industry (No2-1995)	Aims to facilitate the development of extractive resources in proximity to the population of Sydney Metropolitan area by identifying land which contains extractive material of regional significance.	Applies to Hawkesbury LGA. However, the planning proposal does not seek to develop facilities for extractive resources.
20	Hawkesbury Nepean River (No2-1997)	Aims to protect the environment of the Hawkesbury–Nepean River System by ensuring that the impacts of future land uses are considered in a regional context.	Applies to Hawkesbury LGA. However, the planning proposal does not affect the Hawkesbury–Nepean River System.

Is the planning proposal consistent with applicable Ministerial Directions (9.1 Directions)?

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	<ul style="list-style-type: none"> • Encourage employment growth in suitable locations • Protect employment land in business and industrial zones • Support the viability of identified strategic centres. 	The planning proposal seeks to rezone certain lands to business and industrial to implement the recommendations of the Employment Lands Strategy and also to rectify certain spot zone anomalies to ensure that it aligns with the objectives of the Sydney Region Plan and Western City District Plan.	Yes

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
1.2 Rural Zones	<ul style="list-style-type: none"> Protect agricultural production value of rural land. 	<p>The planning proposal seeks to correct certain rural lands zone from RE2 to RU1, correct Minimum lot Size provisions, rectify other standard instrument anomalies to implement the recommendations of the Rural Lands Strategy within the <i>Hawkesbury LEP 2012</i> and to ensure that it is an accurate and reliable document that is consistent with Sydney Region Plan, Western City District Plan and Councils Strategic Planning Policies.</p> <p>Any impact on rural lands is anticipated not to adversely affect the rural zones.</p>	Yes
1.3 Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. 	N/A	N/A
1.4 Oyster Aquaculture	<ul style="list-style-type: none"> Protect oyster aquaculture areas. 	N/A	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
1.5 Rural Lands	<ul style="list-style-type: none"> Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes. 	<p>The planning proposal seeks to correct certain rural lands zone from RE2 to RU1, correct Minimum lot Size provisions, rectify other standard instrument anomalies to implement the recommendations of the Rural Lands Strategy within the <i>Hawkesbury LEP 2012</i> and to ensure that it is an accurate and reliable document that is consistent with Sydney Region Plan, Western City District Plan and Councils Strategic Planning Policies.</p> <p>The amendments to the rural land provisions is anticipated to lever and optimise the productivity of these lands.</p> <p>Any impact on rural lands is anticipated not to adversely affect the rural zones.</p>	Yes
2. Environment and Heritage			

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
2.1 Environment Protection Zones	<ul style="list-style-type: none"> Protect and conserve environmentally sensitive areas. 	<p>The planning proposal is rectifying anomalies within the <i>Hawkesbury LEP 2012</i> to ensure that it is an accurate and reliable document that is consistent with State Planning Frameworks and Councils Strategic Planning Policies.</p> <p>Any impact on environment protection zones is anticipated not to have any adverse effects.</p>	YES
2.2 Coastal Protection	<ul style="list-style-type: none"> Implement the principles in the NSW Coastal Policy. 	N/A	N/A
2.3 Heritage Conservation	<ul style="list-style-type: none"> Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	<p>The planning proposal is rectifying anomalies within the <i>Hawkesbury LEP 2012</i> to ensure that it is an accurate and reliable document that is consistent with Sydney Region Plan, Western City District Plan and Councils Strategic Planning Policies.</p> <p>Any impact on heritage conservation is anticipated not to have any adverse effects.</p>	YES

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
2.4 Recreation Vehicle Areas	<ul style="list-style-type: none"> Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. 	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coastal LEPs	<ul style="list-style-type: none"> To ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast. 	N/A	N/A
2.6 Remediation of contaminated land	<ul style="list-style-type: none"> To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. 	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<ul style="list-style-type: none"> Encourage a variety and choice of housing types to provide for existing and future housing needs Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services Minimise the impact of residential development on the environment and resource lands. 	<p>The planning proposal is rectifying anomalies within the <i>Hawkesbury LEP 2012</i> to ensure that it is an accurate and reliable document that is consistent with Sydney Region Plan and Western City District Plan and Councils Strategic Planning Policies.</p> <p>Any impact on residential zones is anticipated not to have any adverse effects.</p>	YES

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> • Provide for a variety of housing types • Provide opportunities for caravan parks and manufactured home estates. 	N/A	N/A
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> • Improve access to housing, jobs and services by walking, cycling and public transport. • Increase choice of available transport and reducing car dependency. • Reduce travel demand and distance (especially by car) • Support the efficient and viable operation of public transport services • Provide for the efficient movement of freight 	<p>The planning proposal seeks to expand employment lands in the vicinity of the railway stations.</p> <p>Windsor Train Station – expansion of B1 zone at the train station precinct to activate the area, create a connection to the Windsor Town Centre and enable greater surveillance and safety for the end users.</p> <p>Mulgrave Precinct – create greater employment opportunity from a variety of industrial activities undertaken in easy access of the public transport at Mulgrave Train Station.</p>	YES

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
3.5 Development near regulated Airports and Defence airfields.	<ul style="list-style-type: none"> • Ensure effective and safe operation of aerodromes • Ensure aerodrome operation is not compromised by development • Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures. 	Any land use planning provisions sought for amendment through this planning proposal has considered the effective and safe operation of aerodromes and does not compromise any activities of the airfields.	YES
3.6 Shooting Ranges	<ul style="list-style-type: none"> • Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, • Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land • Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 	N/A	N/A
3.7 Reduction in non-hosted short term rental accommodation period.	<ul style="list-style-type: none"> • To mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced. • To ensure the impacts of short-term rental accommodation and views of the community are considered. 	N/A	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<ul style="list-style-type: none"> Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. 	The planning proposal does not seek any amendments to the <i>Hawkesbury LEP 2012</i> that has adverse impact of the lands containing acid sulphate soils.	YES
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	N/A	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
4.3 Flood Prone Land	<ul style="list-style-type: none"> • Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. • Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	<p>Parts of Hawkesbury LGA are affected by flooding. However, the amendments sought through the planning proposal has taken due consideration of the impact of flooding and evacuation during the flood events.</p> <p>The proposed land use provisions ensures that any growth in the employment and residential opportunity is not substantive, however, is within the local demand capacity and ensures its consistency with the Sydney Region Plan, Western City District Plan and Councils Strategic Planning Policies.</p>	Yes

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
4.4 Planning for Bushfire Protection	<ul style="list-style-type: none"> • Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. • Encourage sound management of bush fire prone areas. 	Parts of the Hawkesbury LGA are affected by bushfire. However, the planning proposal has ensured that any amendment proposed does not exacerbate the impact of bushfire on lives, properties and environment and is consistent with the Sydney Region Plan, Western City District Plan and Councils Strategic Planning Policies.	Yes
5. Regional Planning			
5.1 Implementation of Regional Strategies	Revoked on 17 October 2017.		
5.2 Sydney Drinking Water Catchments	<ul style="list-style-type: none"> • To protect water quality in the hydrological catchment. 	N/A Does not apply to Hawkesbury.	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> • Ensure that the best agricultural land will be available for current and future generations to grow food and fibre • Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning • Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas 	N/A Does not apply to Hawkesbury.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<ul style="list-style-type: none"> • Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route • Prevent inappropriate development fronting the highway • Protect public expenditure invested in the Pacific Highway • Protect and improve highway safety and efficiency • Provide for the food, vehicle service and rest needs of travellers on the highway • Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns. 	N/A Does not apply to Hawkesbury.	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked) – 18 June 2010	–	–
5.6 Sydney to Canberra Corridor	N/A (Revoked – See amended direction 5.1) Revoked on 10 July 2008	N/A	N/A
5.7 Central Coast	N/A (Revoked – See amended direction 5.1) Revoked on 10 July 2008	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A (Revoked – 20 August 2018) Revoked on 20 August 2018	N/A	N/A
5.9 North West Rail Link Corridor Strategy	<ul style="list-style-type: none"> • To promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) • To ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. 	N/A Does not apply to Hawkesbury.	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. 	<p>The Planning Proposal is consistent with the Sydney Regional Plan – A Metropolis of Three Cities and Western City District Plan Directions and Actions.</p> <p>The planning proposal seeks to amend the <i>Hawkesbury LEP 2012</i> to align it with the Sydney Regional Plan, The Western City District Plan and Council's Strategic Planning Policies.</p>	Yes
5.11 Development of Aboriginal Land Council land	<ul style="list-style-type: none"> To provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority. 	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> Ensure LEP provisions encourage the efficient and appropriate assessment of development 	<p>The planning proposal seeks to amend clause 4.1 and 4.1C in particular of the <i>Hawkesbury LEP 2012</i> to ensure efficient and correct assessment of developments.</p>	YES

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> • Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes • Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	The planning proposal seeks to rezone several parcels of land to RE1 Public Recreation in order to rectify the oversight of LEP 89 rollover, where a number of the public open spaces were not rezoned to RE1 .	YES
6.3 Site Specific Provisions	<ul style="list-style-type: none"> • Discourage unnecessarily restrictive site-specific planning controls 	N/A	N/A
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	<ul style="list-style-type: none"> • Revoked on 9 November 2020. 		
7.2 Implementation of Greater Macarthur Land Release Investigation	<ul style="list-style-type: none"> • Revoked on 28 November 2019. 		

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
7.3 Parramatta Road Corridor Urban Transformation Strategy	<ul style="list-style-type: none"> To facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation ToolKit. To provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community. To guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure. 	N/A	N/A
7.4 Implementation of North West Priority Growth Area Land use and infrastructure implementation plan.	<ul style="list-style-type: none"> To ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy). 	The <i>Hawkesbury LEP 2012</i> has no land use planning control jurisdiction over the Vineyard Precinct Stage 1 – part of the North West Growth Centres SEPP.	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area interim land use and infrastructure implementation plan.	<ul style="list-style-type: none"> To ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan). 	N/A	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
7.6 Implementation of Wilton Priority Growth Area interim land use and infrastructure implementation plan	<ul style="list-style-type: none"> To ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis. 	N/A	N/A
7.7 Implementation of Glenfield to Macarthur Urban Renewal corridor.	<ul style="list-style-type: none"> To ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. 	N/A	N/A
7.8 Implementation of Western Sydney Aerotropolis interim land use and infrastructure implementation plan.	<ul style="list-style-type: none"> To ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan) 	N/A	N/A
7.9 Implementation of Bayside West Precincts 2036 Plan.	<ul style="list-style-type: none"> To ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan). 	N/A	N/A
7.10 Implementation of Planning Principles for the Cooks Cove Precinct.	<ul style="list-style-type: none"> To ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles. 	N/A	N/A

Section 9.1 Ministerial Direction No. and Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	To ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan.	N/A	N/A
7.12 Implementation of Greater Macarthur 2040	To ensure that the development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur 2040.	N/A	N/A
7.13 Implementation of the Pymont Peninsula Place Strategy	To facilitate development within the Pymont Peninsula that is consistent with the Pymont Peninsula Place Strategy and the Economic Development Strategy.	N/A	N/A

Section C - Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal does not pose any adverse impact on the critical habitat or threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal does not intentionally pose any environmental impacts.

Has the planning proposal adequately addressed any social and economic effects?

It is envisaged that the amendments proposed as part of this planning proposal will have a positive impact on the overall social and economic wellbeing of the Hawkesbury by ensuring that *Hawkesbury LEP 2012* is an up to date plan that is consistent with State Planning Frameworks and Councils strategic planning studies and polices.

The planning proposal seeks to lever the social and economic well being of the LGA by implementing the various strategic study recommendations in particular the housing, employment and rural lands strategies. It is envisaged that the proposed *Hawkesbury LEP 2012* amendments will uplift the social, economic and environmental benefits.

Section D- State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal is within the capacity of the current infrastructure of the LGA. Access to public infrastructure has been considered in the planning proposal. It is considered that the planning proposal will not create significant additional demand for public infrastructure given that the planning proposal will not generally result in substantial changes to development potential.

However, any future development will be subject to section 7.11 and section 7.12 contributions, which will fund any future infrastructure needs resulting as a consequence of the development. The planning proposal will also be referred to government agencies during the community engagement phase and infrastructure providers will be able to make a submission to the council to identify issues which may have been overlooked at this stage of the planning proposal.

What are the views of State and Commonwealth public authorities in accordance with the Gateway determination?

The planning proposal does not require any consultation with any State and Commonwealth public authorities except for the Department of Planning, Industry and Environment at this stage. However, once the Gateway Determination is received several State agencies will be consulted for their comments on the planning proposal.

5 Part 4–Mapping

Proposed mapping amendments pertaining to *Hawkesbury LEP 2012* General Amendment is provided in the Map Cover Sheet.

6 Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the Hawkesbury Community Participation Plan 2019, the Gateway Determination conditions and section 10.18 of the *Environmental Planning and Assessment Act 1979*

7 Part 6 – Project Timeline

No.	Step	Process content	Timeframe
1	s.56 – request for Gateway Determination	<ul style="list-style-type: none"> Prepare and submit Planning Proposal to DPIE 	January/February 2023
2	Gateway Determination	<ul style="list-style-type: none"> Assessment by DPE (including LEP Panel) Advice to Council 	March–April 2023
3	Completion of required technical information and report (if required) back to Council	<ul style="list-style-type: none"> Prepare draft controls for Planning Proposal Update report on Gateway requirements 	April – May 2023
4	Government Agency consultation	<ul style="list-style-type: none"> Notification letters to Government Agencies as required by Gateway Determination 	May – June 2023
5	Public consultation for Planning Proposal	<ul style="list-style-type: none"> In accordance with Council resolution and conditions of the Gateway Determination. 	June – July 2023
6	Public Hearing (if required) following public consultation for Planning Proposal	<ul style="list-style-type: none"> Under the Gateway Determination issued by DPIE public hearing is not required. 	August 2023
7	Consideration of submissions	<ul style="list-style-type: none"> Assessment and consideration of submissions 	September 2023
8	Report to Council on submissions to public exhibition and public hearing	<ul style="list-style-type: none"> Includes assessment and preparation of report to Council 	October 2023

9	Possible re-exhibition	<ul style="list-style-type: none"> Covering possible changes to draft Planning Proposal in light of community consultation 	October 2023
10	Report back to Council	<ul style="list-style-type: none"> Includes assessment and preparation of report to Council 	November 2023
11	Referral to PCO and notify DP&I	<ul style="list-style-type: none"> Draft Planning Proposal assessed by PCO, legal instrument finalised Copy of the draft Planning Proposal forwarded to DP&I. 	December 2023
12	Plan is made	<ul style="list-style-type: none"> Notified on Legislation web site 	December 2023
Estimated Time Frame			12 Months