



# **Attachment 1 to Item 4.1.2**

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Planning Proposal –  
172 Commercial Road, Vineyard

Date of meeting: 12 September 2023  
Location: Council Chambers  
Time: 6:30 p.m.



# Planning Proposal report

172 Commercial Road, Vineyard

PREPARED FOR  
EG FUNDS MANAGEMENT PTY LTD

August 2023  
MECONE.COM.AU

# Project Director

Chris Shannon

## Contributors

REVISION	REVISION DATE	STATUS	AUTHORISED: NAME & SIGNATURE
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\* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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## Executive summary

This Planning Proposal has been prepared in support of a request to Hawkesbury City Council to amend Schedule 1 of *Hawkesbury Local Environmental Plan 2012* (LEP) to include the following additional permitted use on land at Lots 2 and 3, DP 229135, 172 Commercial Road, Vineyard:

- Depot
- Light industry
- Warehouse or distribution centre.

The Site already benefits from existing use rights for long standing depot and related industrial usage, including storage of machinery, equipment and materials within open areas on the site.

The current RU4 zone ordinarily prohibits these existing lawful uses, but prevents making substantial improvements, which would include for example:

- upgrade of unsealed driveway / hardstand storage areas to sealed surfaces
- formalisation of the entry, exit and accessways
- site-wide landscaping including vegetative buffers to adjoining properties.

Importantly new warehouse structures would contain external activity and storage of machinery, equipment and materials. Existing use right provisions limit the extent to which these improvements can be carried out.

A Schedule 1 Additional Permitted Use (via a site-specific Planning Proposal) to enable light industry, warehouses and depot would facilitate these improvements and importantly enhance the environmental management of the Site via the development approval process and imposition of any related conditions.

In summary, the Planning Proposal demonstrates that it has site-specific and strategic merit to enable an amendment to Hawkesbury LEP 2012 as:

- the Site already benefits from existing use rights as a long standing depot storage and related industrial usage
- past planning studies designate the site and surrounding RU4 lands as future 'urban employment land'
- there is an unknown timeframe for rezoning of Vineyard Precinct Stage 2
- the Site is close to other employment activities, commercial uses and an urban release (Vineyard Precinct Stage 1)
- the proposed approach is consistent with many other Additional Permitted Uses listed in Schedule 1 of the Hawkesbury LEP 2012.





# 1 Introduction

## 1.1 Overview

This Planning Proposal has been prepared by Mecone on behalf of EG Capital Finance Pty Ltd (the Landowner), in support of a request to Hawkesbury City Council to amend *Hawkesbury Local Environmental Plan 2012* (LEP) in relation to land (the Site) at:

- Lot 2 DP 229135, 172 Commercial Road, Vineyard
- Lot 3 DP 229135, 172 Commercial Road, Vineyard.

The Planning Proposal seeks to amend the Hawkesbury LEP 2012 to include the following additional permitted use on the Site:

- Depot
- Light industry
- Warehouse or distribution centre.

The Planning Proposal has site-specific merit and strategic merit, in that:

- the Site already benefits from existing use rights as a long standing depot storage and related industrial usage
- past planning studies designate the site and surrounding RU4 lands as future 'urban employment land'
- there is an unknown timeframe for rezoning of Vineyard Precinct Stage 2
- the Site is close to other employment activities, commercial uses and an urban release (Vineyard Precinct Stage 1)
- the proposed approach is consistent with many other Additional Permitted Uses listed in Schedule 1 of the Hawkesbury LEP 2012.

## 1.2 Proponent and project team

The Planning Proposal has been prepared on behalf of the Landowner and is supported by the technical documentation listed in Table 1.

**TABLE 1 – CONSULTANT TEAM**

<b>ITEM</b>	<b>CONSULTANT</b>
Planning	Mecone
Flooding advice	Infrastructure and Development Consulting
Bushfire Assessment	Peterson Bushfire
Transport Assessment	JMT Consulting
Indicative Future Concept	Nettleontribe Architects



## 1.3 Purpose and content of report

The purpose of this report is to describe and justify the proposed amendment to Hawkesbury LEP 2012. It has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- the NSW Department of Planning and Environment's Local Environmental Plan Making Guideline (September 2022)
- relevant Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

This report has been split into two parts:

- Part A: Planning report – provides an overview of the Site and surrounds, planning history and planning framework
- Part B: Planning Proposal – prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Local Environmental Plan Making Guideline (September 2022) prepared by the NSW Department of Planning and Environment.

The report is structured as follows:

- Part A: Planning report
  - Chapter 2: Site and planning history – provides a description of the Site and surrounds, site history
  - Chapter 3: Site investigations - provides a summary of the technical investigations
  - Chapter 4: Concept masterplan
  - Chapter 5: Planning Framework – provides a summary of the relevant strategic planning policies and directions, legislation and statutory planning controls
- Part B: Planning Proposal
  - Chapter 6: Planning Proposal, including:
    - Part 1 – A statement of the objectives and intended outcomes
    - Part 2 – An explanation of the proposed provisions
    - Part 3 – The justification for those objectives, outcomes and the process for their implementation
    - Part 4 – Map
    - Part 5 – Details of the community consultation that is to be undertaken
    - Part 6 – A project timeline that outlines the anticipated timeframe for the plan making process.



# Part A – Planning report

## 2 Site and planning history

### 2.1 Local context

The Planning Proposal request relates to land at 172 Commercial Road, Vineyard (the Site), which is located within the Hawkesbury Local Government Area (LGA). The land comprises the following lots:

**TABLE 2 – 172 COMMERCIAL ROAD, VINEYARD (THE SITE)**

<b>LEGAL DESCRIPTION</b>	<b>ADDRESS</b>	<b>AREA</b>
Lot 2 DP 229135	172 Commercial Road, Vineyard	2.21 ha
Lot 3 DP 229135	172 Commercial Road, Vineyard	2.59 ha
<b>Total</b>		<b>4.80 ha</b>

The Site is situated on the corner of Commercial Road and Chapman Road, north-east of Windsor Road, in the suburb of Vineyard. The Site is irregularly shaped. It has an approximate frontage of 133 m to Commercial Road and 313 m to Chapman Road.

The Site is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. The Site contains an office and three warehouse buildings, with gravel and concrete hardstand. The north-western corner of the Site is affected by an electricity transmission easement. A telecommunications tower and associated kiosk is located at the north-eastern corner of the Site.

A riparian corridor associated with the Killarney Chain of Ponds traverses the southern boundary of the Site. It results in the rear of the Site being located below the 1 in 100 Average Recurrence Probability flood extent.

There are currently two driveway access points to the Site from Chapman Road, with no direct vehicle access currently available from Commercial Road. Commercial Road was previously available, however this driveway is gated off and not currently in use. The southern driveway facilitates the entry of heavy vehicles into the Site, with the northern driveway providing for exit movements back onto Chapman Road.





**FIGURE 1 - AERIAL PHOTO OF THE SITE**

*Source: Mecone MOSAIC*

## 2.2 Surrounding context

The Site is surrounded by predominantly rural residential properties, agricultural activities such as market farms, poultry sheds and mushroom growers, commercial activities and rural industries. It adjoins the urban release area of the Vineyard Precinct Stage 1 on the opposite side of Chapman Road. There are also a range of other semi-commercial uses close to Windsor Road that existing as additional permitted uses under the Hawkesbury LEP 2012.

The Killarney Chain of Ponds passes through the area in an east-west direction. There are a number of watercourses and tributaries to the Killarney Chain of Ponds that are all in a relatively degraded condition. There are also a number of ridgelines, primarily along Commercial Road and Menin Road. Three high voltage electricity transmission easements also traverse the area.

The Site and adjoining properties are located in the Vineyard Precinct of the North West Growth Area and is identified for future urban development for employment uses. It is located in Stage 2 of the Vineyard Precinct. The land on the opposite side of Chapman Road was rezoned for residential uses as part of Stage 1.

As part of the planning for the Vineyard Precinct Stage 1, Chapman Road is proposed to be realigned to meet with Commercial Road as a sub-arterial road. However, the realignment of Chapman Road bypasses the Site and will not impact on its ability to be developed in the future. The Site will still retain its street frontage and access from Chapman Road (the unaligned portion) and Commercial Road. Access to the future sub-arterial road will remain from Commercial Road to the east of the Site.



## 2.3 Site history

### 2.3.1 Overview

Legal advice was provided by Mills Oakley in relation to existing use rights on the Site.

The advice states that the Site benefits from existing use rights for its use as a 'depot' (formerly known as a 'road transport terminal') as:

- development consent was lawfully granted for use as a road transport terminal in 1976 and this consent is for all of Lots 2 and 3 DP229135 (the Site)
- the depot/road transport terminal use became prohibited in 1984 when the Hawkesbury LEP 2012 was enacted, which is referred to in 2 separate Council assessment reports
- we understand that the Site has continued to be used for the purposes of a depot at all times since 1984.

The Site therefore benefits from existing use rights. A detailed background outlining the site's history and the nature of existing use rights is described further in this section.

#### 2.3.1.1 Current use of the Site

The Site is currently used for the storage of large equipment by a number of different tenants (although there are different tenants, all are carrying out the same general use). This is confirmed by machinery and other objects stored on-site, both in open areas and a number of sheds.

The Site is zoned RU4 Primary Production Small Lots under the Hawkesbury LEP 2012. The current use of the Site is characterised as a 'depot' under the Hawkesbury LEP 2012. Depot is defined under the LEP as:

*a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.*

The current use of the Site as a depot is not listed as a use which is permitted with or without consent and is therefore a prohibited use within the RU4 Primary Production Small Lots zone under Hawkesbury LEP 2012. Notwithstanding, the current uses are lawfully operating in accordance with existing use rights.

#### 2.3.1.2 History of planning controls

Immediately prior to the Hawkesbury LEP 2012, the Hawkesbury LEP 1989 was in force. The Hawkesbury LEP 1989 had a different list of permissible land uses. The current uses fall under the land use of 'road transport terminal' in the Hawkesbury LEP 1989 ('depot' is not a defined term and 'road transport terminal' appears to be the definition used for this land use in 1989).

'Road transport terminal' is defined in the Hawkesbury LEP 1989 (which adopts the 1980 model provisions) as:

*a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.*

Whilst we don't have available information on the exact zoning of the Site under Hawkesbury LEP 1989, road transport terminal was prohibited in all rural zones. It is therefore concluded that the road transport use on the Site was prohibited under the Hawkesbury LEP 1989.

In terms of historical development consents, the assessment report for DA59/1986 which was a consent to 'extend the existing road transport terminal to allow for the erection of two grain storage buildings' notes that the



Site was zoned Rural 1c) and refers to the LEP in force at that time as the Hawkesbury LEP 1984. The assessment report states:

*In August 1976, Council issued development consent to the change of use of the then existing saw mill and timber storage yard to a road transport terminal, subject to a number of conditions, which were later amended in November 1976. However, since the gazettal of Hawkesbury Local Environmental Plan 1984, which prohibits road transport terminals in a rural 1c) zone, the development has enjoyed existing use rights.*

[emphasis added]

Based on Council's assessment report it appears that the 'road transport terminal' use became prohibited in 1984.

### 2.3.1.3 History of development consents

The key development consents applying to the Site are as follows:

- DA 2/1966 for Lot 2 to establish a sawmill
- DA 1/1972 for continuation of the operation of a sawmill and timberyard and the erection of additional buildings
- DA38/1976 for Lots 2 and 3 DP 229135, Commercial Road, for use of existing premises for road transport terminal (this is the primary consent that permits the existing uses)
- DA59/1986 to extend the existing road transport terminal to allow for the erection of two grain storage buildings
- DA365/89 for conversion of lower floor existing office building to provide additional office space associated with the existing road transport terminal

In Council's assessment report for the 1989 (DA365/89) development application, there is again a reference to the site benefiting from existing use rights for the purposes of a depot storage and the like.

### 2.3.1.4 Existing use rights

Existing use rights apply where a use has become prohibited by the applicable environmental planning instrument (EPI).

As set out in section 4.65 of the *Environmental Planning and Assessment Act 1979* (EP& A Act), an existing use is established in either one of the following two ways:

- a building, work or land was being used for a lawful purpose immediately before that use became prohibited by the coming into force of an environmental planning instrument; and*
- a building, work or land was being used pursuant to a development consent which was granted before the use became prohibited provided that the use had started within one year after it had become prohibited and provided that the use was otherwise taking place lawfully (ie. the use was taking place in accordance with the consent and the consent had otherwise not lapsed).*

Section 4.66(1) of the EP&A Act then provides the general preservation of an existing use right, stating:

*'[e]xcept where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.'*

Accordingly, the depot/road transport terminal use on the Site would constitute an 'existing use' as the Site was being used lawfully for this purpose before the use became prohibited.



Existing use rights run with the land itself and will generally continue in perpetuity unless that use is 'abandoned'. Abandonment of an existing use right is defined in Section 4.66(3) of the EP&A Act, as follows:

- (3) ... a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

There has been continual use and no evidence or even suggestion of abandonment.

The proposal to list depot as an additional permitted use in Schedule 1 of the Hawkesbury LEP 2012 is a recognition that the Site benefits from this existing use. The Planning Proposal seeks to regularise the current use.

The addition of *warehouse or distribution centres* and *light industries* is to facilitate the relocation of outdoor storage and related items to be accommodated within a building, for internal storage.

This would have the effect of significantly improving the environmental management of the Site in addition to visual and acoustic amenity. Whilst these two uses don't currently exist on the Site, they are aligned and are compatible with its existing use as a depot and future use as an employment area.

A development application would need to be made within the timeframe nominated within the additional permitted use clause for the above uses (depot, light industry and/or warehouse), thereby providing the opportunity to regularise and improve the environmental management and on-going operational outcomes of the existing site activities.



## 3 Site investigations

### 3.1 Flooding

Infrastructure and Development Consulting was engaged to prepare a Flood Analysis Report in relation to the existing flooding behaviour on and around the Site and commentary on compliance with Council's flooding requirements. As no new physical works are proposed within the zone of flooding for the 1% AEP plus freeboard, the report focused on the management of the Site in extreme flood events, up to the PMF.

The report found that the Site is affected by mainstream flooding from both the upstream catchment and regional backwater flooding from the Hawkesbury-Nepean floodplain. The regional backwater flooding is more severe than the localised flooding and exhibits high depths, with little to no velocity.

The proposal has considered Council's flooding requirements for other commercial and industrial land, including:

- citing new buildings above the 100-year flood level
- avoiding earthworks, structures, etc. within the 100-year flood extents to eliminate affectation to any neighbouring properties
- providing a continuously rising driveway to Commercial Road and access to PMF flood free regional evacuation routes.

The advice demonstrates compliance is readily achievable to support the proposed LEP amendments, while future Development Applications for the built form will need to be supported with additional detail including a Site-Specific Flood Management and Evacuation Plan.



**FIGURE 2 - 1% AEP FLOOD EXTENT**

*Source: Infrastructure and Development Consulting*





## 3.2 Bushfire

A Bushfire Assessment Report was prepared by Peterson Bushfire. The objective of the report was to assess the bushfire hazard and recommend bushfire protection measures to achieve compliance with the relevant specifications and requirements for protection against bushfires. It identified that part of the Site is affected by 'Vegetation Category 1' and 'Vegetation Buffer' on the Bushfire Prone Land Map. A Planning Proposal on bushfire prone land must have regard to Ministerial Direction 4.3 – 'Planning for Bush Fire Protection', as well as the NSW Rural Fire Service document 'Planning for Bush Fire Protection 2019'.

The bushfire hazard consists of grassland paddocks adjoining to the west and woodland associated with the Killarney Chain of Ponds riparian corridor adjoining to the south.

The report identified the following bushfire protection measures to achieve compliance with the Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline:

- provision of Asset Protection Zone building setbacks to new warehouses aligning with Bushfire Attack Level Flame Zone
- application of ember protection construction measures to new warehouses
- vegetation and landscaping across Asset Protection Zones and the Site to be maintained to achieve the standard of Inner Protection Area
- the internal access road to be upgraded to comply with the Planning for Bushfire Protection standards for private property access roads
- a perimeter fire accessway of a minimum 6 m wide is to be provided to the western and southern boundaries
- hydrants are to be installed for new warehouses to achieve compliance with AS 2419.1:2005 – Fire hydrant installations: System design, installation and commissioning.

These matters will be implemented in future development applications.

The report concludes that the Planning Proposal, together with the recommended bushfire protection measures satisfies the specifications and requirements of Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline.





**FIGURE 3 - BUSHFIRE HAZARD ANALYSIS AND BUSHFIRE ATTACHED LEVELS**

Source: Peterson Bushfire



## 3.3 Traffic

A Transport Assessment Report was prepared by JMT Consulting. It identified that rationalisation of vehicle access to the Site compared to current conditions provides an overall benefit for the surrounding road network. Details around vehicle site access locations and car parking numbers would be outlined as part of a future development application for the Site.

The report found that the proposal may result in additional traffic movements of approximately 30 vehicles per hour in the commuter peak periods, equivalent to one vehicle every two minutes. This level of traffic generation would not have a significant impact on the surrounding road network.

### 3.3.1 Traffic modelling

Traffic modelling undertaken in accordance with Transport for NSW guidelines demonstrates that the operation of key intersections in the vicinity of the Site will not be impacted by the small number of additional vehicle movements associated with a future development application on the Site.

The traffic modelling demonstrates that the relatively small increase in traffic flows associated with potential redevelopment of the Site will not result in adverse impacts on the surrounding road network. The two key intersections in the vicinity of the Site retain their Level of Service when compared to a 'future base' scenario. This demonstrates that the proposal can be supported by the existing road network with no additional measures required to accommodate future traffic demands.

### 3.3.2 Car parking

The Hawkesbury Council Development Control Plan (DCP) requires parking for industrial uses to be provided at a rate of 4 spaces for all development up to 300 sqm of GFA, then 1 space for each 90 sqm of GFA or part thereof, in excess of 300 sqm. Based on an assumed net increase of 5,500 sqm of GFA, approximately 62 additional on-site car parking spaces would be required. The quantity of parking can be accommodated on-site. The layout of on-site car parking will be detailed as part of a future development application for the Site.

The report concluded that the traffic and transport impacts of the Planning Proposal request are acceptable.



## 3.4 Infrastructure servicing

The available servicing information has identified that there is no servicing constraints that would prevent the Planning Proposal and future development from proceeding. The additional permitted uses are intended to reflect the nature of the existing use, without any significant intensification that would generate a major upgrade to servicing.

Outlined below is more information on the Site's servicing capacity.

### 3.4.1 Water and sewer

The existing rural lots in Vineyard are fitted with on-site systems with wastewater treated and disposed of onsite or wastewater regularly collected and removed by tanker. to progress the Planning Proposal in order to allow an expanded range of development on the Site. A Dial Before You Dig (DBYD) confirms that the site can be serviced by potable water infrastructure, as there is a water main fronting the site along Chapman Road. The site is however not directly serviced by sewer infrastructure.

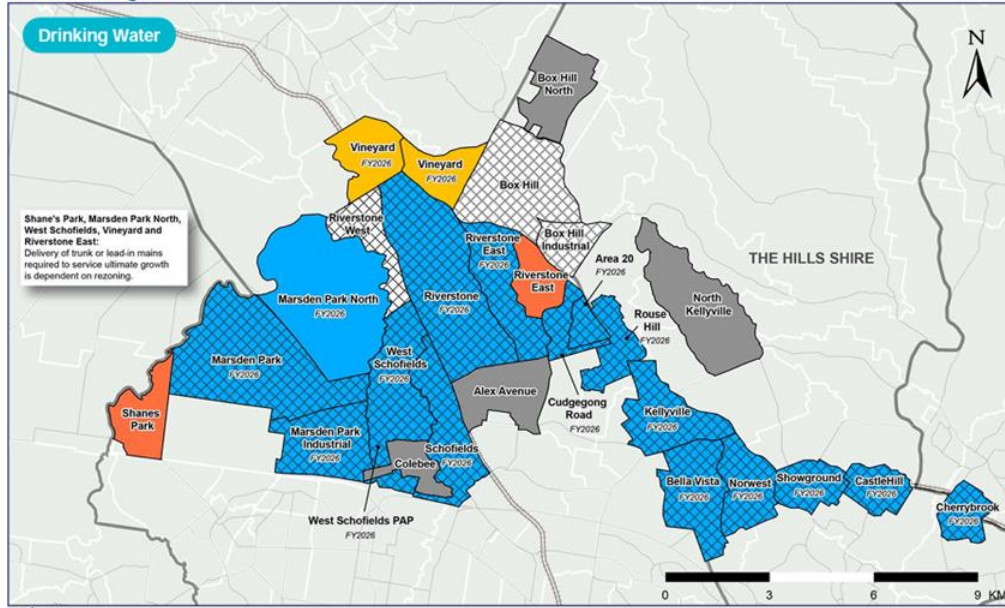
According to the Department of Planning and Environment's 'Vineyard Precinct Post-Exhibition Infrastructure Precinct Planning Report', Sydney Water proposed two new trunk services to the Vineyard area, including one new trunk service within Stage 2, being one that extends north along Riverstone Parade and into Stage 2 at Bandon Road, turning east towards Windsor Road and then north once reaching Windsor Road to approximately Level Crossing Road.

Sydney Water also proposed new wastewater services to Vineyard over two stages. The first suite of works for wastewater services was completed in 2015 to service Vineyard Stage 1. The works delivered a new gravity trunk main along the Killarney Chain of Ponds, draining north-west to a new pumping station located at Chapman Road. This new pumping station is located approximately 450m from the top of 172 Commercial Road, Vineyard. The 2015 works also included an associated rising main conveying wastewater from the new pumping station to the Riverstone Sewer Treatment Plant (STP) via Bandon Road.

The second stage of wastewater works to cater for the majority of Vineyard Stage 2 was initially forecast to be delivered by 2018. The works proposed by Sydney Water includes a new gravity main in the north-west portion of the Precinct within an existing branch to the main channel, which drains to a new pumping station within the Killarney Chain of Ponds. A new associated rising main is proposed to then connect to the first pumping station along Chapman Road, where wastewater is then directly conveyed to the Riverstone STP. Sydney Water has also identified a possible pumping station to service C5 and C6 catchment areas. The Site is situated in the C5 catchment area.

According to Sydney Water's annual Growth Servicing Plan 2022-2027, drinking water and wastewater servicing for the Vineyard Precinct is in the 'Option Planning' stage, which is where ideal locations, routes, staging and the size / scale of infrastructure required for delivery is being investigated. Following the 'Option Planning' stage, it then moves into the 'Concept Planning' stage. The timeframe from the 'Option' to 'Concept' planning influences the rezoning decision for Stage 2. The Growth Servicing Plan also states that developers and landowners in growth areas can apply to the NSW Government to independently fund and accelerate the planning and funding of infrastructure. Existing and planned infrastructure upgrades demonstrates that future development on the site is capable of being serviced.

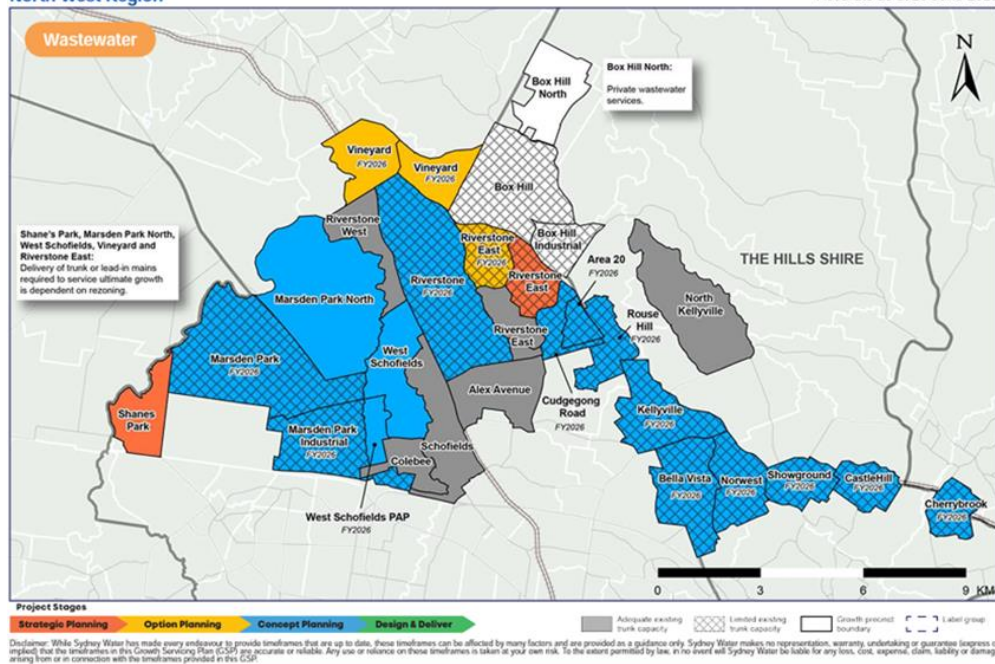




| Growth Servicing Plan 2022 – 2027

**FIGURE 4 - DRINKING WATER SERVICING IN THE NORTH WEST REGION**

Source: Sydney Water Growth Servicing Plan 2022-2027



| Growth Servicing Plan 2022 – 2027

**FIGURE 5 - WASTEWATER SERVICING IN THE NORTH WEST REGION**

Source: Sydney Water Growth Servicing Plan 2022-2027



### 3.4.2 Electricity

Vineyard is primarily serviced by the Riverstone Zone Substation, located at the intersection of Riverstone Parade and Bourke Street. Property connections are generally direct from the overhead network which connects to the substation.

TransGrid own and operate three existing transmission lines through the north-west, centre and south-east portions of Vineyard. The existing Vineyard Bulk Supply Point is located outside the south-west corner of the site, adjacent to the Riverstone STP.

The ultimate development strategy for Vineyard involves the current Riverstone zone substation to provide power to the northern portion of Vineyard Precinct. Once two new substations are commissioned (in Riverstone East / Box Hill and North Box Hill), power dedicated to the areas that these two substations serve, will become available to divert north from the existing Riverstone zone substation to Vineyard.

The Dial Before You Dig search revealed that there are only Endeavour Energy assets south-east of the Site at the pumping station site along Chapman Road. It includes a pad mount substation and underground cables that connect to utility poles. Arrangements will need to be made with Endeavour Energy to service the site as part of its future development.

### 3.4.3 Gas

Vineyard is currently serviced by a high pressure 300kPa gas system along Windsor Road which has the capacity to service 800-1,000 lots. Jemena has also outlined current staging strategies of the Rouse Hill Capacity Development Project which aims to provide new gas infrastructures to the new estate areas to enhance capacity and cater for growth demands.

A Dial Before You Dig search revealed that there are high pressure gas mains servicing the lots surrounding 172 Commercial Road Vineyard, including a secondary network main (1050kPa) along Old Hawkesbury Road turning south to Chapman Road. There is also an existing feeder main (210kPa) running along Windsor Road to the south. There is no direct connection on site. Lead-ins from the new mains will be required to service any new development on the site.

### 3.4.4 Telecommunications

Vineyard is serviced by the Windsor Exchange and the Riverstone Exchange. Most roads within Vineyard have copper telecommunication lines or a combination of copper and fibre optics lines traversing them.

172 Commercial Road Vineyard has Optus fibre optics telecommunication assets running underground from the intersection of Commercial Road / Bocks Road / Chapman Road and running south along Chapman Road.

The site is serviced by telecommunications network infrastructure including underground conduits and aerial cables owned by Telstra. PIPE Networks (owned by TPG) also operates telecommunications network infrastructure contained within the Telstra duct network within the Site. A telecommunications tower is located within the site, with a lease expiring in April 2026.

NBN have indicated that there are conduits in the vicinity of 172 Commercial Road Vineyard, running along the length of Chapman Road and Commercial Road.



## 4 Indicative Future Concept

An indicative future concept plan has been prepared by Nettletontribe to demonstrate how existing uses and/or proposed additional permitted uses could be developed on the Site, taking into consideration the findings of the site investigations.

The indicative future concept plan identifies and has regard to:

- the electrical easements in the north western corner of the site
- areas of significant vegetation along the Chapman Road and Commercial Road frontage, within a 15 m building setback
- a 30 m wide riparian zone from the Killarney Chain of Ponds riparian corridor at the rear of the Site
- access to the Site from Chapman Road and Commercial Road, connected by an internal driveway
- an indicative building footprint of 5,500 sqm to accommodate the additional permitted uses, located clear of the 1% AEP flood line at 17.3 AHD, which is in addition to the floorspace of the existing buildings floorspace that benefits from existing use rights.

The indicative concept plan demonstrate that the Site is capable of being developed for the proposed additional permitted uses. It is indicative only and the detailed site layout, footprint/s and design of future buildings will be subject to future development applications. The indicative plan is provided below.

The plan shows a 15 m landscaped setback from Commercial Road and Chapman Road that recognises the existing vegetation around the perimeter of the site. A DCP control could be prepared to ensure this is required to be incorporated as part of any future development application on the Site.



**FIGURE 6 - INDICATIVE FUTURE CONCEPT PLAN**

Source: Nettletontribe Architects



## 5 Planning framework

This section outlines the relevant strategic planning framework and statutory planning context that applies to the Site.

### 5.1 Strategic planning framework

#### 5.1.1 A Metropolis of Three Cities: Greater Sydney Region Plan

A Metropolis of Three Cities: Greater Sydney Region Plan (the Region Plan) was prepared by the Greater Sydney Commission (now Greater Cities Commission) in March 2018. It provides a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for the Greater Sydney region.

The Region Plan is built on a vision of three cities, *where most residents live within 30 minutes of their jobs, education and health facilities, services and great places*. It identifies four themes of infrastructure and collaboration; liveability; productivity and sustainability.

Within these four themes, a set of planning priorities and actions are identified to achieve the Region Plan's vision. The Region Plan includes a high-level structure plan identifying key centres and employment areas.

The Site is located within the Western Parkland City, which is expected to grow from 740,000 in 2016 to 1.1 million residents by 2036 and 1.5 million in 2056. The vision for the Western Parkland City is a polycentric city harnessing the potential of the Western Sydney International Airport and Aerotropolis, Liverpool, Greater Penrith and Campbelltown-Macarthur. These centres will establish the Western Economic Corridor, complemented by city shaping transport links such as the North South Rail Link, airport, east-west mass transit corridor and a potential Outer Sydney Orbital in the long term.

Hawkesbury LGA is in the Western City District. Directions for productivity include developing a well-connected city that supports shorter, localised connections to jobs, schools and services through integrated land use, transport and infrastructure planning, and enhancing productivity through strategic planning that enables jobs and skills growth and investment for LGAs. The Region Plan contains a number of objectives that will impact employment in Hawkesbury LGA. The key objectives are outlined below:

- *Objective 23: Industrial and urban services land is planned, retained and managed*

This objective recognises the value of industrial lands, where it is not necessarily the number of jobs provided, but the operational role and function industrial lands play that is of importance. Industrial lands in the Hawkesbury can support the economy of the LGA and the wider region, including a range of activities from major freight and logistics, heavy manufacturing, light industry, to urban services and creative uses.

A key principle for managing industrial and urban services land is to 'retain and manage' industrial and urban services (including future employment lands). This directly relates to the Site as it benefits from existing use rights as a depot and as a land release area identified for employment uses in the Vineyard Precinct – Stage 2 of the North West Growth Area, which is mapped in the Region Plan as 'retain and





manage'. The Planning Proposal request is consistent with this principle by expanding the range of permissible employment uses on the Site.

### 5.1.1.1 Review of the Greater Sydney Region Plan

We understand that the Region Plan is currently being reviewed by the Greater Cities Commission in accordance with the requirements of section 3.5(4) of the EP&A Act 1979 that states:

*The Greater Cities Commission must review the regional strategic plan and submit a draft regional strategic plan applying to the whole of the Six Cities Region to the Minister, before the end of 2023 and at the end of every subsequent period of 5 years.*

A revised draft Region Plan has not yet been exhibited.

### 5.1.2 Western City District Plan

The Western City District Plan was prepared in conjunction with the Region Plan in March 2018. It is a 20-year plan that guides implementation of the Greater Sydney Region Plan and acts as a bridge between region and local planning. It outlines directions, priorities and actions for managing growth, delivering infrastructure and protecting and enhancing bushland and biodiversity.

The District Plan seeks to accommodate and support growth through economic corridors, growth areas and infrastructure links and connections between strategic and metropolitan clusters and centres. Land release areas such as the North West Growth Area are key to securing economic development for the District.

The key planning priority from the District Plan is outlined below:

- Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land

The District Plan identifies that *future employment growth across all industries and urban services will require additional floor space, additional land or both*. Further, it states that *owing to the substantial long-term population growth and development in land release areas, there may be a need for additional industrial and urban services land*.

As part of its principles for managing industrial and urban services land, the District Plan states that *in land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth*. It maps the Site as part of the 'retain and manage' principles, which will apply to the Sites future rezoning for employment uses.

The Site is in a land release area within the Vineyard Precinct – Stage 2 of the North West Growth Area, which has been identified for future employment uses. The Planning Proposal request to for additional permitted employment uses on the Site is consistent with the planning priorities and industrial principles of the District Plan.

Further, the District Plan includes the following planning priority and action relating to the Metropolitan Rural Area, which is relevant due to the current rural zoning on the Site:

- Planning Priority W17 Better managing rural lands.



- *Action 78. Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.*

The District Plan states that urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in the Region Plan. The Region Plan identifies the Site as a land release area, as part of the Vineyard Precinct in the North West Growth Area. The proposed additional permitted uses are consistent with the future intentions of the Site as an employment area and as such does not need to be maintained as valuable rural land.

### 5.1.3 Hawkesbury Community Strategic Plan 2022-2024

The Hawkesbury Community Strategic Plan is a high-level plan that outlines the key aspirations for the Hawkesbury Local Government Area and sets the essential direction for future Council activities and decision making.

The Plan is divided into four Community Outcomes:

- Great place to live
- Protected environment and valued history
- Strong economy
- Reliable Council.

The planning proposal is consistent with the Community Outcome of a strong economy by satisfying the following long term objectives of the Plan:

- *3.2 Increase the range of local industry opportunities and provide effective support to continue growth*
- *3.3 Promote our community as the place to visit, work and invest.*

The Plan states that the success of these objectives relates to the employment opportunities in the city through increased businesses and industries. Whilst the planning proposal seeks to regularise the existing use, the additional permitted uses provides opportunities for industry to invest and enable employment opportunities locally, which is consistent with the Community Strategic Plan.

### 5.1.4 Hawkesbury Local Strategic Planning Statement 2040

The Hawkesbury Local Strategic Planning Statement 2040 (LSPS) sets out a 20-year land use vision for the Hawkesbury Local Government Area. The LSPS aims to promote sustainable growth and development in the Hawkesbury by guiding decision-making around land use and development. The LSPS is structured around six themes: Liveability, Employment, Environment, Infrastructure, Housing, and Character. These themes are underpinned by a range of objectives and strategies aimed at achieving sustainable outcomes for the Hawkesbury community. The LSPS structure plan identifies the Site in the North West Growth Area, which will be subject to future rezonings for urban development. The relevant Planning Priorities applying to the Planning Proposal request are:

- Planning Priority 7 – Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends



The proposed additional permitted uses on the Site is consistent with the priorities of the LSPS, particularly in relation to promoting employment growth and supporting the development of diverse industries within employment lands.

### 5.1.5 Employment Lands Strategy

The Hawkesbury Employment Lands Strategy analyses the quality and quantity of employment lands within the Hawkesbury LGA and provides guidance for land use planning that focuses economic development in the right locations.

The Strategy identifies changes in freight transportation. It states that:

*'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.'*

The proposed additional permitted uses on the Site specifically addresses this demand and related objectives within Council's endorsed Employment Lands Strategy by providing opportunities for a modest expansion of employment uses on the Site, but with greater environmental control and management.

### 5.1.6 Rural Land Strategy

The Hawkesbury Rural Lands Strategy analyses the quantity and quality of rural lands and identifies the needs of the local community and their aspirations for the future of rural lands. It includes an objective relating to the *future planning, development and management of rural lands*.

Whilst the Site is zoned rural, the Planning Proposal request seeks to align with the current and future planning and development of the Site for employment uses as identified in the North West Growth Area structure plan. It is no inconsistent with the objectives of the Rural Lands Strategy.

### 5.1.7 North West Growth Area

In 2006, the NSW Government released the North West Growth Centre Structure Plan to provide the planning framework for the North West Growth Area, as well as State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (now *State Environmental Planning Policy (Central River City) 2021*) to provide the legislative framework to implement Sydney's greenfield urban growth. The Growth Centres Development Code was also released in 2006 to provide the basis for the planning and design of precincts.

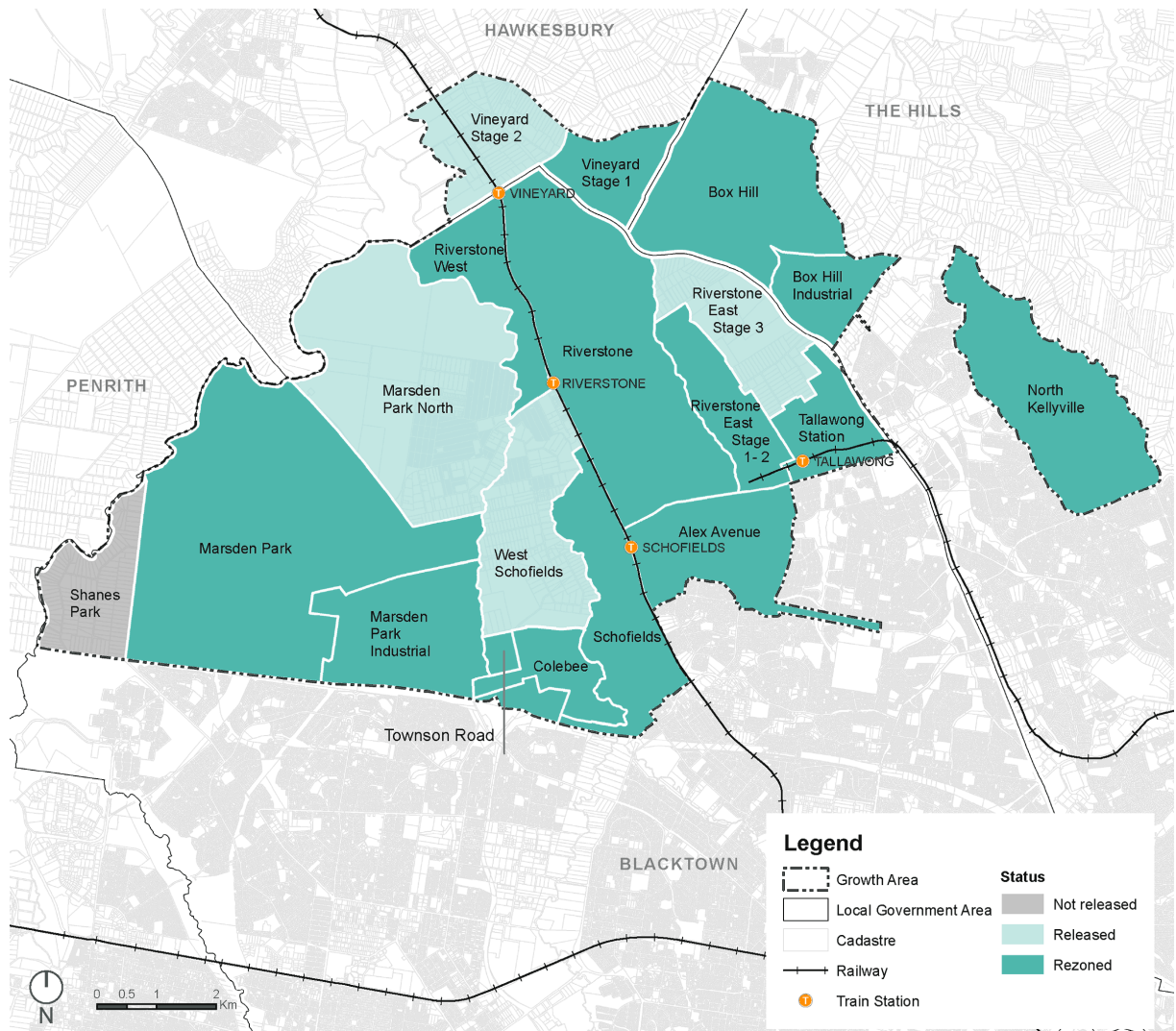
The 2006 planning framework for the North West Growth Area forecast 67,750 dwellings across 16 Precincts covering an area of approximately 10,000 hectares. Dwelling and population targets were established for each precinct. Twelve of the 16 precincts in the North West Growth Area are located in the Blacktown LGA, with three in The Hills LGA and one in Hawkesbury LGA, being the Vineyard Precinct.

In 2017, the NSW Government released the North West Priority Growth Area Land Use and Infrastructure Implementation Plan to update the strategic framework that was initially established in the North West Structure Plan in 2006.



### 5.1.7.1 Precinct planning status

To date, 15 of the 16 Precincts in the North West Growth Area have been released for precinct planning, with 11 Precincts rezoned for urban development. The rezoning of three Precincts has been staged, including the Vineyard Precinct. Only 1 Precinct is yet to be released. The precinct planning status is shown on the map below.



**FIGURE 7 – NORTH WEST GROWTH AREA PRECINCT STATUS**

Source: Department of Planning and Environment



### 5.1.7.2 Vineyard Precinct

The Site is located in the Vineyard Precinct in the North West Growth Area and was released for precinct planning in August 2013. The Vineyard Precinct is located at the northern end of the North West Growth Area, approximately eight kilometres from Windsor. The Precinct is immediately surrounded by the Box Hill Precinct to the south east and Riverstone and Riverstone West Precincts to the south.

The Vineyard Precinct covers an area of approximately 590 ha. The Precinct is bounded by Bandon Road and Windsor Road to the south, Boundary Road to the east, Commercial Road and Menin Road to the north, and Eastern Creek to the west.

The Killarney Chain of Ponds crosses through the Precinct extending from the Box Hill Precinct to the northern Precinct boundary. Windsor Road, which bisects the Precinct, is an arterial north-south road. It is a major flood evacuation route and provides access to the M2 and Parramatta to the south, and Windsor and Richmond to the north.

#### **STAGE 1**

Stage 1 of the Vineyard Precinct was rezoned for urban development in December 2017. It covers an area of 230 ha and is bound by Commercial Road and Menin Road to the north, Boundary Road to the east, Windsor Road to the south and Chapman Road to the west.

It has been planned to accommodate approximately 2,300 dwellings and a population of 7,000 people, a village centre, new school, open space and a road network and connections along the creek lines. New development in Stage 1 has been planned on land above the 1 in 100 year flood level. Stage 1 is supported by planning and delivery of essential infrastructure to meet the demand for new homes in the Precinct, including delivery of an electricity substation and lead-in sewer mains.

#### **STAGE 2**

The Site is located in Stage 2. Stage 2 has not yet been rezoned for urban development. It covers an area of approximately 360 ha. It was deferred due to:

- the lack of essential services to support urban development
- the need to confirm a preferred alignment of the Outer Sydney Orbital corridor.

We understand that there is no timeframe for the rezoning of Stage 2.

This Planning Proposal requests seeks to expand the range of permissible land uses on the Site consistent with the initial North West Growth Centre Structure Plan and the later Implementation Plan. It seeks to enable an expand range of development on the Site whilst the constraints to rezoning the whole of Stage 2 are being considered. The Planning Proposal also seeks to permit existing uses on the land and to enable their expansion as Stage 2 is being finalised.



## Outer Sydney Orbital

The NSW Government exhibited a proposed Outer Sydney Orbital corridor in March 2018. It proposed a corridor in close proximity to the Site, approximately 250 m to the west. This portion of the Outer Sydney Orbital, known as 'Stage 3', has been deferred and is currently under investigation.

The NSW Government's Future Transport Strategy 2056 and the Western City District Plan both identify the Outer Sydney Orbital as an 'initiative for investigation' over the next 20+ years. There is no timeframe or certainty on the final alignment of the corridor in Stage 3.

Notwithstanding, the exhibited alignment of the Outer Sydney Orbital will not be constrained by future development on the Site given its distance separation. The expanded range of employment land uses of the Site will complement the planned road corridor.

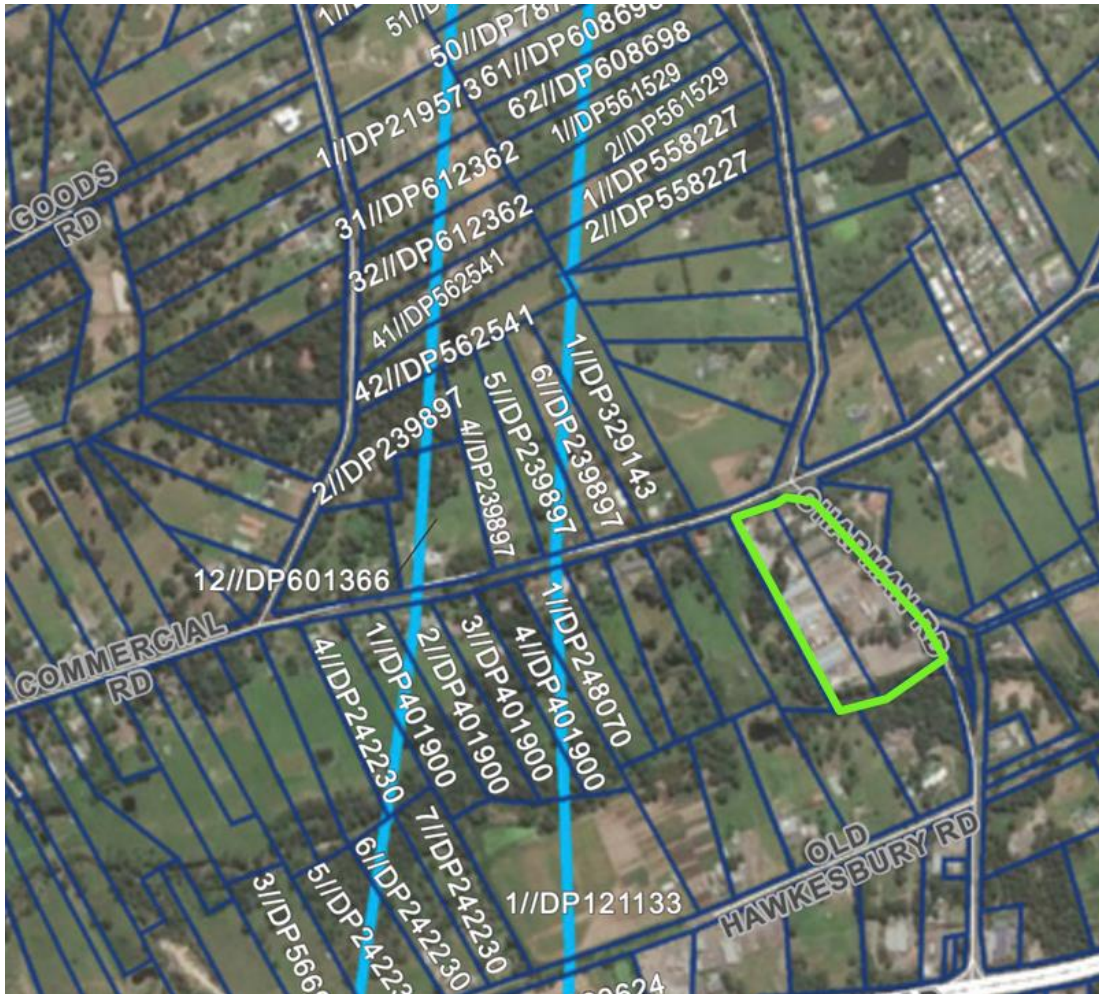


FIGURE 8 - OUTER SYDNEY ORBITAL

Source: Transport for NSW



## North West Growth Area Land Use and Infrastructure Implementation Plan

The 2017 North West Priority Growth Area Land Use and Infrastructure Implementation Plan identified the Site as 'Urban Employment'. The current and proposed additional permitted uses on the Site is consistent with its intended future use. This is shown in the figure below and is shaded 'Urban Employment' (in purple).



FIGURE 9 - NORTH WEST GROWTH AREA LAND USE AND INFRASTRUCTURE IMPLEMENTATION PLAN

Source: Department of Planning and Environment

## 5.2 Statutory planning context

Clause 3.32 of the *Environmental Planning and Assessment Act 1979* identifies the planning proposal authority to be the council for the local government area to which the proposed instrument is to apply, subject to proposals which the Minister directs the Planning Secretary to be the planning proposal authority (cl. 3.32(2)). In this instance, Hawkesbury City Council will be the planning proposal authority unless otherwise stated by the Minister.

### 5.2.1 Section 9.1 Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires a planning proposal to demonstrate how it will achieve or give effect to principles, aims, objectives or policies specified in a Direction issued by the Minister for Planning.

Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal. This can be supported by technical or evidence provided as part of the justification.

The most current Ministerial Directions are dated 1 March 2022 and cover the following focus areas:

- Planning Systems
- Planning Systems – Place-based
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing



- Industry and Employment
- Resources and Energy
- Primary Production.

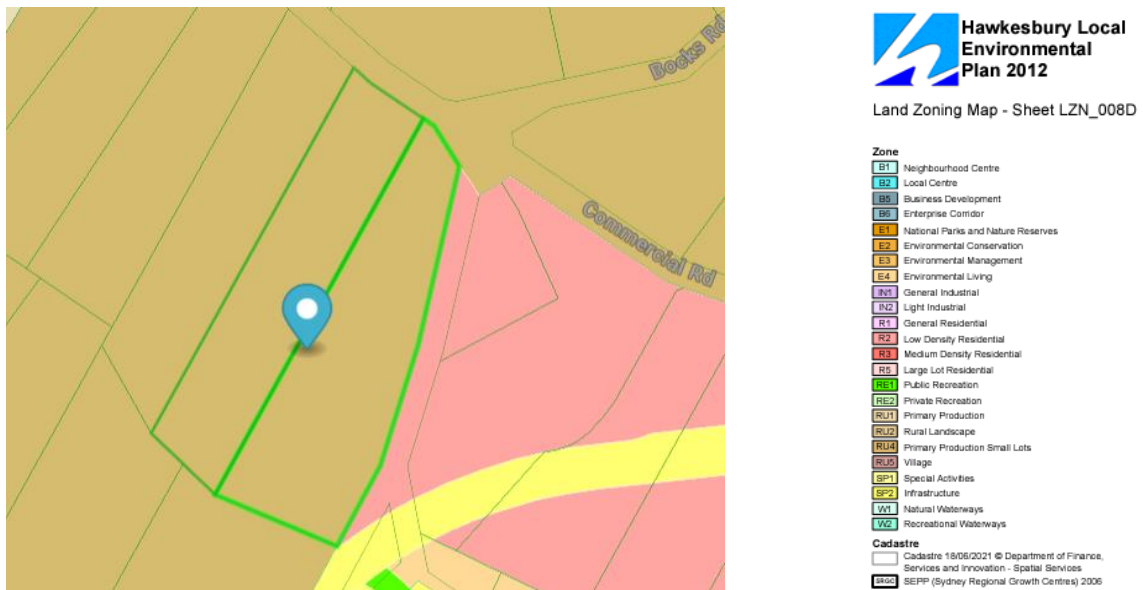
The preparation of the Planning Proposal has considered against each of the Ministerial Directions. It found that the Planning Proposal is not inconsistent with any of the Directions. A discussion against each Direction is provided in Part B – Planning Proposal.

## 5.2.2 Hawkesbury Local Environmental Plan 2012

The Hawkesbury *Local Environmental Plan 2012* (LEP) is the current local environmental planning instrument applying to the Site. The Hawkesbury LEP 2012 is likely to be replaced by *State Environmental Planning Policy (Precincts - Central River City) 2022* when the Vineyard Precinct - Stage 2 is rezoned.

### 5.2.2.1 Land use zoning

The Site, and the adjoining land to the north, south and west, is zoned RU4 Primary Production Small Lots under the Hawkesbury LEP 2012. The land to the east, on the opposite side of Chapman Road, is zoned R2 Low Density Residential under *State Environmental Planning Policy (Precinct – Central River City) 2021* as part of the Vineyard Precinct – Stage 1.



**FIGURE 10 - CURRENT LAND ZONING**

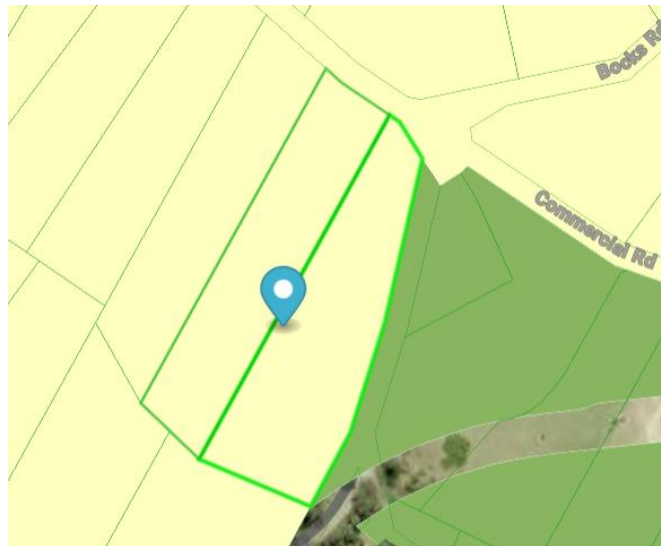
Source: Mecone





### 5.2.2.2 Height of buildings

The Site, and the adjoining land to the north, south and west, has a 10 m maximum height of buildings control under Hawkesbury LEP 2012. The land to the east has a 9 m maximum height of buildings controls.



Height of Buildings Map  
- Sheet HOB\_008D

Maximum Building Height (m)

K	10
M	12

Cadastral

Cadastral 18/06/2021 © Department of Finance,  
Services and Innovation - Spatial Services  
SRGC SEPP (Sydney Regional Growth Centres) 2006

FIGURE 11 - CURRENT MAXIMUM HEIGHT OF BUILDINGS

Source: Mecone

### 5.2.2.3 Minimum lot sizes

The Site, and the adjoining land to the north, south and west, has a 2 ha minimum subdivision lot size control under Hawkesbury LEP 2012. The minimum subdivision lot size control on the adjoining R2 Low Density Residential zoned land varies depending on the dwelling typology.

### 5.2.2.4 Schedule 1 Additional permitted uses

There are no current additional permitted uses on the Site. However, land located within 300 m of the Site at 541 Windsor Road permits 'light industries relating to saw manufacturing and repair' and 'industrial retail outlets' as additional permitted uses under Schedule 1 of Hawkesbury LEP. Additionally, land at 541-547 Windsor Road, Vineyard also permits 'hardware and building supplies' and 'vehicle sales or hire premises' as additional permitted uses.

The relevant provisions are extracted below:

#### **18 Use of certain land at 541 Windsor Road, Vineyard**

(1) *This clause applies to land at 541 Windsor Road, Vineyard, being part of Lot 5, DP 536674, identified as "5" on the [Additional Permitted Uses Map](#).*

(2) *Development for the purposes of light industries that relate to saw manufacturing and repairs, industrial retail outlets and associated car parking is permitted with consent if the*



*total area of the land on which that development is carried out is not greater than 3,000m<sup>2</sup>.*

*(3) Development consent under subclause (2) must not be granted for the purposes of industrial retail outlets if the total gross floor area of the development is greater than 150m<sup>2</sup>.*

*(4) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the [Hawkesbury Local Environmental Plan 2012 \(Amendment No 3\)](#).*

[emphasis added]

### **19 Use of certain land at 541–547 Windsor Road, Vineyard**

*(1) This clause applies to land at 541–547 Windsor Road, Vineyard, being part of Lot 5, DP 536674 and Lots 10 and 11, DP 1080426, identified as “6” on the [Additional Permitted Uses Map](#).*

*(2) Development for the purposes of hardware and building supplies, vehicle sales or hire premises (but only in relation to the hire of trailers) and associated car parking is permitted with consent if the total area of the land on which that development is carried out is not greater than 5,000m<sup>2</sup>.*

*(3) Development consent under subclause (2) must not be granted—*

*(a) for the purposes of hardware and building supplies if the total gross floor area of the development is greater than 250m<sup>2</sup>, or*

*(b) for the purposes of vehicle sales or hire premises if the total gross floor area of the development is greater than 325m<sup>2</sup>.*

*(4) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the [Hawkesbury Local Environmental Plan 2012 \(Amendment No 3\)](#).*

[emphasis added]

The Planning Proposal request for additional permitted uses on the Site is consistent with the approach taken on these sites in the vicinity that permit additional employment land uses in the RU4 Primary Production Small Lots under the Hawkesbury LEP 2012.

### **5.2.3 Agricultural land classification**

The Site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown*



*and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*

Notwithstanding this classification, the Site has been highly disturbed. It is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. It contains an office and three warehouse buildings, with gravel and concrete hardstand. The existing use is in accordance with historical approvals on the Site for a 'road transport terminal' now defined as a 'depot' under Hawkesbury LEP 2012.

The Agricultural Land Classification does not align with the nature of the current uses on the Site. Current and historical development on the Site suggest that it has very low agricultural value. The Planning Proposal does not change the permissibility of agriculture on the Site.

## 5.2.4 Hawkesbury Development Control Plan

Chapter 2 Part D of the Hawkesbury Development Control Plan states that it applies to all land zoned for industrial purposes. The site at 172 Commercial Road, Vineyard is zoned RU4 Primary Production Small Lots under Hawkesbury LEP 2012. As such, this part of the DCP does not apply to the Site.

Notwithstanding, the DCP could be amended to ensure that it applies to the Site and is considered as part of any future development application on the Site.



# Part B – Planning Proposal

## 6 Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the Local Environmental Plan Making Guideline (September 2022) prepared by the Department of Planning and Environment.

This section is structured as follows:

- Part 1: A statement of the objectives and intended outcomes
- Part 2: An explanation of the proposed provisions
- Part 3: Justification of strategic and site-specific merit, outcomes and the process for implementation
- Part 4: Mapping
- Part 5: Details of community consultation that is to be undertaken for the Planning Proposal
- Part 6: Project timeline.

### 6.1 Part 1: Objectives and intended outcomes

The Planning Proposal aims to expand the range of permissible uses on the Site, consistent with its historic approvals and current use as a depot (formerly known and approved as a 'road transport terminal'), which includes storage of large equipment in open areas and sheds. Depot is a prohibited use within the RU4 Primary Production Small Lots zone under Hawkesbury LEP 2012, notwithstanding that the current uses on the Site are lawfully operating in accordance with existing use rights.

The intent of the Planning Proposal is to enable development of the Site for the purposes of a 'depot', 'light industry' and 'warehouse or distribution centre'. The definitions of the intended additional uses under Hawkesbury LEP 2012 are outlined below:

- **depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.
- **light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—
  - (a) high technology industry,
  - (b) home industry,
  - (c) artisan food and drink industry,
  - (d) creative industry.
- **warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

The Planning Proposal will not seek to amend any existing development standards that apply to the Site.



## 6.2 Part 2: Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes by amending Schedule 1 Additional permitted uses under Hawkesbury LEP 2012 to list 'depot', 'light industry' and 'warehouse or distribution centre' as additional permitted uses on the Site and identifying the Site on the Additional Permitted Uses Map – Sheet APU\_008D.

- a. The proposed amendment to Schedule 1 of Hawkesbury LEP 2012 is outlined below:

***Use of certain land at 172 Commercial Road, Vineyard***

*(1) This clause applies to land at 172 Commercial Road, Vineyard, being Lot 2 and 3 DP 229135 identified as "21" on the Additional Permitted Uses Map.*

*(2) Development for the purposes of a depot, light industry or warehouse or distribution centre is permitted with consent.*

*(3) Development consent under subclause (2) must not be granted unless:*

- (a) a development application is lodged within 2 years after the commencement of the Hawkesbury Local Environmental Plan 2012 (Amendment No X).*
- (b) the total gross floor area of buildings used for the purposes of a depot, light industry or warehouse or distribution centre within the site is less than 8,000 sqm.*
- (c) the light industry use is associated with a depot or warehouse or distribution centre on the site.*

- b. The Planning Proposal will result in an amendment to Hawkesbury LEP 2012 Additional Permitted Uses Map – Sheet APU\_008D to identify the Site as item 21.

### 6.2.1 Proposed sub-clause 3(b) – gross floor area

The indicative future concept plan that demonstrates how existing uses and proposed additional permitted uses could be developed on the Site. The concept plan shows existing buildings and a potential future building of 5,500 sqm, equating to a total GFA on the Site of approximately 8,000 sqm.

A new 5,500 sqm building is needed to store existing items that are currently stored outdoors across the Site and for any future light industrial activity to be internalised. The intent is to improve the visual amenity, environmental management of the Site and mitigate potential impacts with sufficient internal floorspace. A smaller floorspace could potentially result in continued outdoor storage due to insufficient internalised floorspace.

A maximum GFA of 8,000 sqm would represent a floor space ratio of 0.17:1, which is significantly less than the common 1:1 floor space ratio that is generally associated with industrial zones and development. The maximum floorspace reflects both the existing natural constraints on the Site due to flooding and electricity easements, whilst ensuring that site access and on-site parking and manoeuvring is maintained and improved. This floorspace has been assessed as acceptable as part of the traffic impact study.



## 6.2.2 Propose sub-clause 3(c) – associated light industry

The intent of the proposed 'light industry' land use is to provide flexibility in enabling a non-offensive light industrial activity associated with the existing depot and warehouse type uses. Light industry is an appropriate associated use to the existing uses on the Site and is consistent with the future intended employment use of the land.

The definition of light industry requires the carrying out of an 'industrial activity', with an important requirement that it does not interfere with the amenity of the neighbourhood. In this context, the amenity of the residential lands to the east will need to be maintained as part of any future development application. If it is determined that a future development application for a light industrial use would impact on neighbourhood amenity, the use would be prohibited.

Whilst light industry is not an existing approved use on the Site, it is considered preferable as an associated use to continue and improve the existing operations. It is difficult to single-out a specific use/s for the Site under the light industry definition as this will depend on the nature of the industrial activity being conducted. Industrial activity is broadly defined as follows:

*the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.*

The associated light industrial use is intended to be conducted within the confines of the buildings on the Site to eliminate amenity impacts. The intent of the proposed clause is therefore to refine the nature of the light industrial activity to being associated with depot or warehouse type uses that exist on-site in order to improve the existing operations on the Site.

## 6.3 Part 3: Justification of strategic and site-specific merit

### 6.3.1 Section A- Need for the Proposal

#### 6.3.1.1 Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal has arisen as a result of an opportunity to reinforce existing uses and expand the range of potential uses on the Site that is consistent with the structure plan for the North West Growth Area, which identifies the Site a future 'Urban Employment'.

The Planning Proposal is consistent with directions and objectives that relate to the Site within regional and local strategic planning policies. This includes the following:

- Western City District Plan
- Hawkesbury Local Strategic Planning Statement
- Draft Hawkesbury Employment Lands Strategy
- North West Growth Area Land Use and Infrastructure Implementation Plan.



### 6.3.1.2 Q1. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?

The Planning Proposal is the best means of facilitating the objectives and outcomes identified as the current zoning does not permit the range of land uses to facilitate the redevelopment of the Site as proposed.

The proposed site-specific additional permitted uses and sunset provisions ensures that the integrity of the RU4 Primary Production Small Lots zone under the Hawkesbury LEP 2012 is maintained. The additional permitted uses will not apply to other land zoned RU4.

In relation to light industries, the planning proposal does not seek to enable a specific light industrial use, but rather to enable flexibility to conduct a non-offence industrial activity that is associated with the storage of machinery and goods that are enabled by the depot and warehouse or distribution centre uses. The specifics of the use will be subject to future development applications.

## 6.3.2 Section B – Relationship to Strategic Planning Framework

### 6.3.2.1 Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan or strategies)?

The relevant directions, planning priorities and actions of the Greater Sydney Region Plan (2018) and Western City District Plan (2018) have been considered in the preparation of the Planning Proposal. The relevant objectives and strategies of the Greater Sydney Region Plan are outlined in the table below.

**TABLE 3 – GREATER SYDNEY REGION PLAN**

OBJECTIVE	COMMENT
Objective 16: Freight and logistics network is competitive and efficient	The Objective seeks to manage the interface of industrial areas by providing buffers to nearby activities such as residential uses and optimise the efficiency and effectiveness of the freight and logistics network.
<ul style="list-style-type: none"> <li>Strategy 16.1: Manage the interfaces of industrial area, trade gateways and intermodal facilities</li> </ul>	The Planning Proposal seeks to support the Objective by providing opportunities for warehouse or distributions centres to be located on the Site, which is in close proximity to Windsor Road that connects to Sydney Orbital Road network.
<ul style="list-style-type: none"> <li>Strategy 16.2: Optimise the efficiency and effectiveness of the freight handling and logistics network</li> </ul>	Chapman Road forms the eastern boundary of the Site. It is a planned as a sub-arterial road that provides direct access to Windsor Road and provides adequate separation to future residential uses in the Vineyard Precinct - Stage 1.
	Future redevelopment of the Site as facilitated by this Planning Proposal is capable of being adequately managed, given the nature of the uses, to ensure the residential interface is protected.
	The Site also forms part of a future larger employment area as part of the Vineyard Precinct – Stage 2.



<p>Objective 23: Industrial and urban services land is planned retained and managed</p> <ul style="list-style-type: none"> <li>• Strategy 23.1: Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land</li> </ul>	<p>The Objective identifies principles to ‘retain and manage’ industrial and urban services lands. In particular, it states that in land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth.</p> <p>The Site is identified for future employment lands in the North West Growth Area structure plan. The Region Plan maps the Site as ‘retain and manage’ in its approach to managing industrial and urban services lands. Its principle is it safeguard it from competing pressures such as mixed use or residential.</p> <p>The Site is located in the Vineyard Precinct in the North West Growth Area that is accommodating significant population growth in north west Sydney. The structure planning for the North West Growth Area has identified the Site as a future employment area.</p> <p>The Planning Proposal seeks additional permitted uses that are ordinarily located in employment zones and are consistent with the Site’s future intended urban use.</p>
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The relevant planning priorities of the Western City District Plan are outlined in the table below.

**TABLE 4 – WESTERN CITY DISTRICT PLAN**

PLANNING PRIORITY	COMMENT
<p>Planning Priority W10</p> <p>Maximise freight and logistics opportunities and planning and managing industrial and urban services land.</p> <ul style="list-style-type: none"> <li>• The Planning Priority identifies that urban services require access to industrial land across the District</li> <li>• Demand for this land increases with population growth</li> <li>• Local access to these services also reduces travel times and minimises traffic congestion</li> <li>• Future employment growth across all industries and urban services will require additional floor space, additional land or both</li> <li>• owing to the substantial long-term population growth and development in land release areas, there may be a need for additional industrial and urban services land</li> </ul>	<p>Similar to the Region Plan, the Planning Priority in the District Plan outlines principles to ‘retain and manage’ industrial and urban services land.</p> <p>The Site is identified for future employment lands in the North West Growth Area structure plan. The District Plan maps the Site as ‘retain and manage’ in its approach to managing industrial and urban services lands. Its principle is it safeguard it from competing pressures such as mixed use or residential.</p> <p>Further, the District Plan states that in land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth.</p> <p>The Planning Proposal seeks to support this priority and principle by expanding the range of permissible employment uses on the Site through an amendment to Schedule 1. This would enable the Site to be developed in accordance with its intended future use as employment lands.</p>





6.3.2.2 Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GSC, or another endorsed local strategy or strategic plan?

Yes. The relationship between the planning proposal and applicable local plans and strategies has been considered.

The table below demonstrates how the planning proposal is consistent with relevant LSPS planning priorities.

**TABLE 5 – CONSISTENCY WITH LSPS PLANNING PRIORITIES**

PLANNING PRIORITY	COMMENT
Planning priority 7: Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends.	The Planning Proposal seeks to enable additional employment uses that will meet the growing population in the North West Growth Area and supporting local businesses. The Site is identified as part of a future urban employment area in the Vineyard Precinct – Stage 2.

6.3.2.3 Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

**Future Transport Strategy 2056**

The Future Transport Strategy 2056 identifies a future Outer Sydney Orbital within close proximity to the Site.

In March 2018, the NSW Government exhibited a proposed Outer Sydney Orbital corridor in approximately 250 m to the west of the Site. This portion of the Outer Sydney Orbital, known as ‘Stage 3’, has been deferred and is currently under investigation.

The Strategy identifies the Outer Sydney Orbital as an ‘initiative for investigation’ over the next 20+ years. There is no timeframe or certainty on the final alignment of the corridor in Stage 3.

Further, in relation to the Outer Sydney Orbital, Hawkesbury Council’s LSPS states:

*at this stage there is uncertainty in terms of the corridor location within the Hawkesbury LGA which is impacting on the ability to effectively plan for certain areas of the LGA such as Vineyard Precinct Stage 2.*

Notwithstanding, the exhibited alignment of the Outer Sydney Orbital has been considered. It is concluded that it will not be constrained by future development on the Site given its distance separation. The expanded range of employment land uses on the Site will complement the planned road corridor, by improving accessibility for freight and distribution.



#### 6.3.2.4 Q6. Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal has considered all relevant state environmental planning policies (SEPPs) that could be applicable to future development on the Site. A response to each of the SEPPs is highlighted in the table below.

**TABLE 6 – CONSISTENCY WITH LSPS PLANNING PRIORITIES**

STATE ENVIRONMENTAL PLANNING POLICY	COMMENT
SEPP (Biodiversity and Conservation) 2021	<p>Can be consistent.</p> <p>The SEPP does not prevent the development of the proposed additional permitted uses on the Site. The Site is not identified as a strategic conservation area or land to be avoided.</p> <p>In particular, clause 6.13 of the SEPP relating to Hawkesbury-Nepean conservation area sub-catchments applies to the Site. The Site is located in the South Creek Sub-catchment.</p> <p>However, the proposed additional uses are intended to regularise the existing operation on the site, without increasing the human interference in the sub-catchment or extending into areas of native vegetation that are located within the riparian corridor at the western end of the Site. Further, the Site is not located on the Hawkesbury-Nepean Riverine Scenic Area Map. As such, there is no existing scenic quality on the Site.</p> <p>Notwithstanding, future development applications will consider the conservation character of the South Creek Sub-Catchment.</p>
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not hinder the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not hinder the application of the SEPP.
SEPP (Housing) 2021	N/A
SEPP (Industry and Employment) 2021	Can be consistent.



	The proposed additional permitted uses can comply with the advertising and signage provisions of the SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	N/A
SEPP (Planning Systems) 2021	The planning proposal will not hinder the application of the SEPP.
SEPP (Precincts – Central River City) 2021	<p>N/A</p> <p>Clause 1.3 of Appendix 12 Hawkesbury Growth Centres Precinct Plan of the SEPP outlines the land to which the Precinct Plan applies. Clause 1.3 states that the Precinct Plan applies to land within the Vineyard Precinct as shown on the Land Application Map.</p> <p>However, the Land Application Map differs from the Vineyard Precinct Boundary Map. It shows that the Hawkesbury Growth Centres Precinct Plan does not apply to all the land within the Vineyard Precinct (as shown on the Vineyard Precinct Boundary Map). This confirms that the Central River City SEPP does not apply to the Site.</p>
SEPP (Precincts – Eastern Harbour City) 2021	N/A
SEPP (Precincts – Regional) 2021	N/A
SEPP (Precinct – Western Parkland City) 2021	<p>The planning proposal will not hinder the application of the SEPP.</p> <p>Consistent, as the planning proposal will permit land uses that will satisfy the matters for consideration under clause 3.21. Specifically, it will satisfy clause 3.21(1)(a) in not precluding the future urban and employment development land uses identified in the North West Growth Area Land Use Infrastructure and Implementation Plan, which is for employment uses.</p>
SEPP (Primary Production) 2021	<p>Can be consistent.</p> <p>The planning proposal does not change the rural zoning on Site. The SEPP will still apply to any future agricultural use on the Site.</p>
SEPP (Resilience and Hazards) 2021	Can be consistent.



The proposed additional permitted uses do not fall within the definition of potentially hazardous or offensive industries.

Chapter 4 of the SEPP requires that, as part of any future development on the site, consideration will need to be given as to whether the land is contaminated and if so, whether it is suitable for development. This is particularly so where there is a change of use.

The planning proposal does not seek to change the existing employment lands use, but simply to regularise the existing use and expand with ancillary employment lands uses. The intended future uses will remain consistent with the nature of the current employment uses.

Notwithstanding, a preliminary site investigation into contamination will be undertaken as part of any future development application on the Site.

SEPP (Resources and Energy) 2021	Consistent  The planning proposal will not create additional uses that fall within the definition of mining, petroleum production or extractive industries.
SEPP (Sustainable Buildings) 2021	The planning proposal will not hinder the application of the SEPP.
SEPP (Transport and Infrastructure) 2021	Can be consistent.  The planning proposal does not create additional uses that can't satisfy the provisions of the SEPP.

### 6.3.2.5 Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Consideration has been given to all Ministerial Directions in preparing the Planning Proposal. The Planning Proposal is consistent with all relevant Ministerial Directions as outlined in the table below.

**TABLE 7 – SECTION 9.1 MINISTERIAL DIRECTIONS**

CLAUSE	DIRECTION	CONSISTENT	COMMENT
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#### Focus area 1: Planning Systems



1.1	Implementation of Regional Plans	Applicable	The Planning Proposal is consistent with the directions, objectives and planning priorities identified in the Greater Sydney Region Plan and Western City District Plan in relation to planning and managing industrial and urban services lands, particularly in land release areas.
1.2	Development of Aboriginal Land Council Land	Not applicable	The Planning Proposal is not identified on Aboriginal Land Council land
1.3	Approval and Referral Requirements	Consistent	The proposal does not include consultation, referral or concurrence provisions, nor clarifies any development as designated development.
1.4	Site Specific Provisions	Consistent	The Planning Proposal does not propose any unnecessarily restrictive site-specific planning controls. It seeks to allow additional permitted uses and a sunset provision.
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable	The Site is not located in the Parramatta Road Corridor.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	The Site is located in the Vineyard Precinct – Stage 2 of the North West Growth Area. The Site is identified for future employment purposes. The Planning Proposal is consistent as it seeks to allow additional permitted employment uses that are generally associated with employments.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Greater Parramatta Priority Growth Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur	Not applicable	The Site is not located in the Glenfield to Macarthur Urban Renewal Corridor.



Urban Renewal  
Corridor

1.10	Implementation of the Western Sydney Aerotropolis Plan	Not applicable	The Site is not located in the Western Sydney Aerotropolis.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable	The Site is not located in the Bayside West Precinct.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	The Site is not located in the Cooks Cove Precinct.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable	The Site is not located in the St Leonards and Crows Nest.
1.14	Implementation of Greater Macarthur 2040	Not applicable	The Site is not located in the Greater Macarthur area.
1.15	Implementation of the Pymont Peninsula Place Strategy	Not applicable	The Site is not located in the Pymont Peninsula Place.
1.16	North West Rail Link Corridor Strategy	Not applicable	The Site is not located in the North West Rail Link Corridor.
1.17	Implementation of the Bays West Place Strategy	Not applicable	The Site is not located in the Bays West Place Strategy.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable	The Site is not located in the Macquarie Park Innovation Precinct.
1.19	Implementation of the Westmead Place Strategy	Not applicable	The Site is not located in Westmead Precinct.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable	The Site is not located in the Camellia-Rosehill Precinct.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable	The Site is not located in the South West Growth Area
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable	The Site is not located in Cherrybrook Station Precinct.



### Focus area 3: Biodiversity and Conservation

3.1	Conservation Zones	Not applicable	The Site is not identified as being in a Conservation Zone.
3.2	Heritage Conservation	Not applicable	The Site is not identified as being in a Heritage Conservation Area.
3.3	Sydney Drinking Water Catchments	Not applicable	The Site is located in the Hawkesbury LGA, which is not identified as being located in the Sydney Drinking Water Catchment.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	The Site is not identified as being in a C2 or C3 zone in the Far North Coast.
3.5	Recreation Vehicle Areas	Not applicable	The Site is not identified as or around sensitive land where impacts from recreational vehicles could occur.
3.6	Strategic Conservation Planning	Not applicable	The Site is not identified as containing high biodiversity value.
3.7	Public Bushland	Consistent	The Planning Proposal will not result in development that will negatively impact public bushland. The Site is capable of being developed outside of the riparian corridor at the rear of the Site.
3.8	Willandra Lakes	Not applicable	The Site is not located in the Willandra Lakes.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable	The Site is not located in the Sydney Harbour foreshore or waterway.
3.10	Water Catchment Protection	Consistent	The proposed additional permitted uses on the Site is capable of being developed outside of the Killarney Chain of Ponds riparian corridor at the rear of the Site.

### Focus 4: Resilience and Hazards

4.1	Flooding	Consistent	Advice was received from Infrastructure and Development Consulting in relation to the flood affectation on the Site. The advice identified that the Site is flood affected by the 1% Annual Exceedance Probability (AEP) flood event and is subject to Hawkesbury Council's
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Floodplain Risk Management Study and Plan (2012).

The advice provides flood related controls for development within the floodplain including suitability of land uses, freeboard requirements, flood evacuation and flood management requirements for the Site. Future development on the Site will need to demonstrate that there will be no adverse impact to neighbouring properties as a result of the development. These will be considered as part of future development applications.

The advice does not identify flooding as a constraint that prevents the proposed additional permitted uses on the Site. The concept masterplan prepared for the Site demonstrates that it is capable of being developed for the proposed additional uses outside of the areas affected by the 1% AEP.

It is recognised that the Hawkesbury-Nepean Valley is unique in terms of its flood hazard, large existing population, major population centres potentially inundated and/or isolated, future population pressures, and evacuation constraints.

The Planning Proposal seeks to regularise current uses on the Site by enabling existing outdoor storage areas to be accommodated within industrial buildings. Whilst part of the Site is impacted by the 1:100 flood extent, no development will occur within that part of the Site. Future development will only occur on land not impacted by the 1:100 year flood extent. Also, the planning proposal does not seek to permit residential uses, limiting the evacuation constraint.

4.2	Coastal Management	Not applicable	The Site is not identified as being located in a coastal area.
4.3	Planning for Bushfire Protection	Consistent	A Bushfire Assessment Report was prepared by Peterson Bushfire. It identified that part of the Site is affected by 'Vegetation Category 1' and





'Vegetation Buffer' on the Bushfire Prone Land Map. The report concluded that

The report identified bushfire protection measures to achieve compliance with the Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline. It concluded that Planning Proposal, together with the recommended bushfire protection measures satisfies the specifications and requirements of Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline.

4.4	Remediation of Contaminated Land	Consistent	The Planning Proposal seeks to retain and expand the existing employment uses on the Site. It is not seeking to change the use on the Site. The proposed additional permitted uses are consistent with the historic and existing use on the Site.
4.5	Acid Sulfate Soils	Not applicable	The Site is not mapped as containing acid sulfate soils.
4.6	Mine Subsidence and Unstable Land	Not applicable	The Site is not identified as being a constraint from mine subsidence.

#### **Focus area 5: Transport and Infrastructure**

5.1	Integrating Land Use and Transport	Not applicable	The Site is not zoned for urban purposes. Notwithstanding, the future use of the Site is identified for urban employment uses. It will provide opportunities for the efficient movement of freight as the Site is located near major arterial roads such as Windsor Road. Its future urban zoning will be consistent with this Direction.
5.2	Reserving Land for Public Purposes	Not applicable	The Planning Proposal does not reserve land for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable	The Site is not located near regulated airports or a defence airfield.
5.4	Shooting Ranges	Not applicable	The Site is not located near an adjacent shooting range.

#### **Focus area 6: Housing**

6.1	Residential Zones	Not applicable	The Site is not located in a residential zone.
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6.2	Caravan Parks and Manufactured Home Estates	Not applicable	The proposal does not involve any caravan or manufactured home estates.
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#### Focus area 7: Industry and Employment

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7.1	Business and Industrial Zones	Not applicable	The Site is not located in a business or industrial zone. The Site is identified for future employment lands in the North West Growth Area. The Planning Proposal is consistent with the future employment zoning on the Site.
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7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable	The proposal does not involve any non-hosted short-term rental accommodation.
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7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	The Site is not located along the Pacific Highway, North Coast
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#### Focus area 8: Resources and Energy

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8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	The proposal does not carry out any mining or production industries on the Site.
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#### Focus area 9: Primary Production

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9.1	Rural Zones	Consistent	The Planning Proposal does not seek to rezone the land or increase the permissible density. It seeks to enable additional permitted uses on the Site, within the existing zone and subject to the same development controls that apply to the Site.
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9.2	Rural Lands	Consistent	The Planning Proposal is consistent with the strategic planning framework applying to the Site, which identifies it for future employment uses. The proposal does not seek to change the existing minimum lot sizes within the rural zone.
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9.3	Oyster Aquaculture	Not applicable	The Site is not proposed for the purposes on Oyster Aquaculture
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9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	The Site is not located on the Far North Coast.
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## 6.3.1 Section C – Environmental, social and economic impact

### 6.3.1.1 Q8. 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 Terrestrial Biodiversity Map in the Hawkesbury LEP 2012 identifies that parts of the Site are mapped as 'Significant Vegetation' and 'Connectivity Between Significant Vegetation'. This is mainly at the western end of the Site, in the riparian corridor below the 1:100 year flood extent. Vegetation on this portion of the Site will be protected from future development as the land is not developable.

The north eastern corner of the Site towards Commercial Road is also mapped as containing vegetation. However, this portion of the Site is highly disturbed as it is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. It contains an office and three warehouse buildings, with gravel and concrete hardstand. The existing use is in accordance with historical approvals on the Site for a 'road transport terminal' now defined as a 'depot' under Hawkesbury LEP 2012.

Given the nature of the current uses, it is unlikely that any critical habitat or threatened species, populations or ecological communities or habitats present on the Site would be affected by future development. Nevertheless, the proposed additional permitted uses will not increase the level of impact that already occurs based on historic and current development. One of the outcomes of the planning proposal is to accommodate the various items currently stored outdoors inside a building, and by doing so, improve the environmental management operations on the Site.

Future development applications on the Site will assess and take into consideration the significant of existing trees and seek to minimise any adverse impact upon any valued flora and fauna. The development applications will include a landscape plan that will result in an improved vegetation outcome on the Site than what currently exists.

### 6.3.1.2 Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Site investigations were undertaken to consider any environmental effects resulting from the proposed additional permitted uses. Consideration was given to the flood affectation on the Site, bushfire protection and traffic implications. The investigations found that there are no likely environmental effects that would prevent any of the additional permitted uses from being developed on the Site.

#### **Flooding**

Advice was received from Infrastructure and Development Consulting in relation to the flood affectation on the Site. The advice identified that the Site is affected by the 1% Annual Exceedance Probability (AEP) flood event and is subject to Hawkesbury Council's Floodplain Risk Management Study and Plan (2012).

The advice provides flood related controls for development within the floodplain including suitability of land uses, freeboard requirements, flood evacuation and flood management requirements for the Site. Future development on the Site will need to demonstrate that there will be no adverse impact to



neighbouring properties as a result of the development. These will be considered as part of future development applications.

The advice does not identify flooding as a constraint that prevents the proposed additional permitted uses on the Site. The concept masterplan prepared for the Site demonstrates that it is capable of being developed for the proposed additional uses outside of the areas affected by the 1% AEP.

It is recognised that the Hawkesbury-Nepean Valley is unique in terms of its flood hazard, large existing population, major population centres potentially inundated and/or isolated, future population pressures, and evacuation constraints. This requires that development in the floodplain needs to be carefully managed, now and into the future.

The Western City District Plan sets out a series of principles for land-use planning in the Hawkesbury-Nepean Valley floodplain. These principles guide both strategic planning and development decisions, such as avoiding intensification and new urban development on land below the 1 in 100 year flood extent.

For planning purposes, the 1:100 year ARI flood extent has been used as the flood planning level, particularly across the North West Growth Area precincts, including the planning of the adjoining residential zoned land to the east in the Vineyard Precinct. The Site is impacted by the 1:100 year ARI flood extent at its western end. The indicative concept plan demonstrates how future buildings on the Site could be developed above the 1:100 year flood extent.

Further, the proposed industrial use does not have the same land use sensitivity as the adjoining residential use. It is a low risk land use in terms of flood affection on individuals. The flood evacuation route for individuals on the Site will follow the same flood evacuation as the higher risk, more sensitive adjoining residential uses.

The Planning Proposal seeks to regularise current uses on the Site by enabling existing outdoor storage areas to be accommodated within industrial buildings, improving the environmental management operations on the Site. Whilst part of the Site is impacted by the 1:100 flood extent, no development will occur within this part of the Site. Future development will only occur on land not impacted by the 1:100 year flood extent. Also, the Planning Proposal does not seek to permit residential uses, avoiding the need for evacuation.

Further, consideration was given to the 2022 NSW Flood Inquiry. It was established to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events. The Inquiry made 28 recommendations for change. The recommendations are intended to provide practical, proactive and sustained mechanisms to ensure readiness for and resilience to flood (and by extension, other disasters). These mechanisms include enabling governance structures, administrative tools, new or enhanced systems, and better technology and processes to improve the ways in which decision-makers at all levels (state and local government, community and within families and households), plan and prepare for, respond to and recover from flood. There were no findings in the Inquiry that would prevent the industrial use on the Site.

Notwithstanding, a detailed site-specific flood management and evacuation plan will be prepared and submitted for assessment at the development application stage.

### **Bushfire**

A Bushfire Assessment Report was prepared by Peterson Bushfire. It identified that part of the Site is affected by 'Vegetation Category 1' and 'Vegetation Buffer' on the Bushfire Prone Land Map.



The bushfire hazard consists of grassland paddocks adjoining to the west and woodland associated with the Killarney Chain of Ponds riparian corridor adjoining to the south.

The report identified the following bushfire protection measures to achieve compliance with the Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline:

- provision of Asset Protection Zone building setbacks to new warehouses aligning with Bushfire Attack Level Flame Zone.
- application of ember protection construction measures to new warehouses
- vegetation and landscaping across Asset Protection Zones and the Site to be maintained to achieve the standard of Inner Protection Area
- the internal access road to be upgraded to comply with the Planning for Bushfire Protection standards for private property access roads
- a perimeter fire accessway of a minimum 6 m wide is to be provided to the western and southern boundaries
- hydrants are to be installed for new warehouses to achieve compliance with AS 2419.1:2005 – Fire hydrant installations: System design, installation and commissioning.

These matters will be implemented in future development applications. The report concludes that the Planning Proposal, together with the recommended bushfire protection measures satisfies the specifications and requirements of Ministerial Direction 4.3 and the Planning for Bush Fire Protection guideline.

### **Traffic**

A Transport Assessment Report was prepared by JMT Consulting. It identified that rationalisation of vehicle access to the Site compared to current conditions provides an overall benefit for the surrounding road network.

The report found that the proposal may result in additional traffic movements of approximately 30 vehicles per hour in the commuter peak periods, equivalent to one vehicle every two minutes. This level of traffic generation would not have a significant impact on the surrounding road network.

Traffic modelling undertaken in accordance with Transport for NSW guidelines demonstrates that the operation of key intersections in the vicinity of the Site will not be impacted by the small number of additional vehicle movements associated with a future development application on the Site.

The traffic modelling demonstrates that the relatively small increase in traffic flows associated with potential redevelopment of the Site will not result in adverse impacts on the surrounding road network. The two key intersections in the vicinity of the Site retain their Level of Service when compared to a 'future base' scenario. This demonstrates that the proposal can be supported by the existing road network with no additional measures required to accommodate future traffic demands.

The report concluded that the traffic and transport impacts of the Planning Proposal request are acceptable.

#### **6.3.1.3 Q10. Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will improve economic productivity of the Hawkesbury LGA by expanding the range of permissible uses on the Site. The additional permitted uses will address the demand in freight



transportation generated by the growth in online retailing as identified in the Draft Hawkesbury Employment Lands Strategy. It will improve warehousing and distribution opportunities in Hawkesbury as well as providing opportunities for machinery storage in a depot. The expanded uses will also provide further employment opportunities in the region.

## 6.3.2 Section D – Infrastructure (Local, State and Commonwealth)

### 6.3.2.1 Q11. Is there adequate public infrastructure for the Planning Proposal?

The current uses on the Site benefit from access to public infrastructure, although there is no access to a reticulated sewer system. The additional permitted uses sought by the Planning Proposal will rely on existing services to the Site. The Planning Proposal does not seek to intensify the uses on the Site, but to rather provide for other uses to support the existing uses.

## 6.3.3 Section E – State and Commonwealth Interests

### 6.3.3.1 Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

At this stage, the views of relevant State and Commonwealth authorities have not been obtained. This will occur following Gateway determination.

## 6.4 Part 4 – Mapping

The Planning Proposal will result in an amendment to Hawkesbury LEP 2012 Additional Permitted Uses Map – Sheet APU\_008D to identify the Site.

There are no other map amendments required.

## 6.5 Part 5 – Community consultation

There has not been any community consultation undertaken to date. It is expected that community consultation will occur in line with the Council's Community Participation Plan, with the Planning Proposal to undergo public notification following receipt of a Gateway determination.



## 6.6 Part 6 – Project timeline

The anticipated timeframe for the completion of the Planning Proposal is as follows:

**TABLE 8 – PROJECT TIMELINE**

<b>ITEM</b>	<b>DESCRIPTION</b>
Submission of the Planning Proposal request	June 2023
Planning Proposal reported to Local Planning Panel	July-August 2023
Planning Proposal reported to Council	August-September 2023
Referral to Department of Planning and Environment for Gateway determination	August / September 2023
Anticipated commencement date (date of Gateway determination)	September / October 2023
Commencement and completion dates for public exhibition period	October to November 2023
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	October / November 2023
Timeframe for consideration of submissions	January 2024
Timeframe for consideration of a proposal post exhibition	February 2024
Consideration of planning proposal by Council	March 2024
Date of submission to the Department of Planning and Environment to finalise the LEP	April 2024
Anticipated date relevant planning authority will make the plan (if delegated) or anticipated date relevant planning authority will forward to the department for notification	May 2024
Anticipated date for publishing of the plan	May 2024



## 7 Conclusion

This Planning Proposal has been prepared in support of a request to Hawkesbury City Council to amend Schedule 1 of Hawkesbury LEP 2012 to include the following additional permitted use on the Site:

- Depot
- Light industry
- Warehouse or distribution centre.

This Planning Proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- the NSW Department of Planning and Environment's *Local Environmental Plan Making Guidelines* (September 2022)
- relevant Section 9.1 Ministerial Directions.

The NSW Department of Planning and Environment's Local Environmental Plan Making Guidelines (September 2022) sets out specific requirements for the preparation of a planning proposal. The Guidelines require a planning proposal to justify the strategic and site-specific merits of the proposal.

The Planning Proposal clearly demonstrates that the proposal has site-specific and strategic merit to enable an amendment to Hawkesbury LEP 2012 for the reasons outlined below:

- It is consistent with the directions, objectives, planning priorities and principles outlined in the Greater Sydney Region Plan, Western City District Plan and Hawkesbury Local Strategic Planning Statement in relation to planning and managing future industrial lands.
- It is consistent with the Land Use and Infrastructure Implementation Plan for the North West Growth Area, which identifies the Site for future 'urban employment land'. The timeframe for the rezoning of Vineyard Stage 2 to enable these employment uses is unknown.
- It is consistent with relevant Ministerial Directions and State Environmental Planning Policies.
- the indicative future concept plan prepared for the Site shows how the proposed additional permitted uses could be developed on the Site taking into consideration its constraints in terms of flooding, bushfire protection and traffic management.
- There are other employment activities and commercial uses within close proximity to the Site that are additional permitted uses listed in the Hawkesbury LEP 2012.
- The proposed additional permitted use clause will require a Development Application to be lodged within the nominated timeframe, thereby ensuring any future site activity and development would be regularised with significant improvement in environmental outcomes, operation and on-going management of the Site via the development approval process and imposition of related conditions.

The Site already benefits from existing use rights for long standing depot storage and related industrial usage, including storage of machinery, equipment and materials within open areas of the Site. New warehouse structures will allow containment of external activity and storage of machinery, equipment





and related items. In addition, any future warehouse on the Site will complement existing uses and would be highly beneficial from a regulatory, operational and environmental viewpoint.

The current RU4 zone ordinarily prohibits these existing lawful uses and prevents making substantial improvements. As such, the proposed additional permitted uses of depot, light industry and warehouse or distribution centre are needed to enable improvements and expansion of uses on the Site.



