



# Hawkesbury City Council

## attachment 1 to item 223

Planning Proposal to  
Rezone Lot 201  
DP 801533 - 36 Argyle  
Street, South Windsor

date of meeting: 11 December 2012

location: council chambers

time: 6:30 p.m.



# **Planning Proposal** **(Rezoning)**



**At**

**No.36 Argyle St cnr Mileham St South Windsor**

**July 2012**

**Prepared by**

**Urban City Consulting**

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## **1. INTRODUCTION**

This report constitutes a Planning Proposal Submission and accompanies the submission of an application seeking to rezone the existing zone of the property 6 ( c ) Private Recreation to IN2 Industrial (Light) on behalf of Windsor RSL.

### **1.1 Scope**

The purpose of this planning proposal report is to assess the following matters:

1. Provide details of the existing land uses in the locality and the current and draft planning controls.
2. Provide details of the 4 parts of the planning proposal as outlined by the Department of Planning.

## **2. DESCRIPTION**

### **2.1 Legal Description**

The site is legally described as Lot 201 in Deposited Plan 801553 Number 36 Argyle St corner Mileham St South Windsor.

### **2.2 Site Location**

The site is located on the north eastern corner of Argyle and Mileham Streets

Refer to the aerial photo shown as figure 1 below



Subject Site

### **2.3 Physical Description**

The property is a rectangle shape property with an area of 2.33ha and street access and frontage to both Argyle and Mileham Streets.

The site is relatively flat in sections and slopes towards the north eastern corner of the property.

Refer to photos of the site attached to the Planning Proposal Report

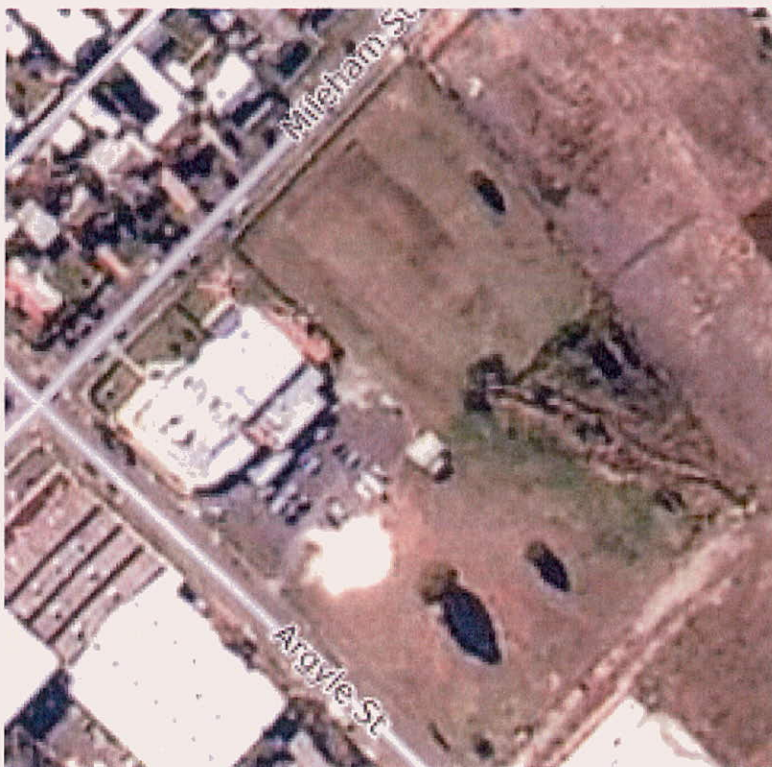
### **3.0 EXISTING DEVELOPMENT**

#### **3.1 On the site.**

The site currently contains the Windsor RSL club and associated parking that is located in the southern portion of the site.

The northern portion of the site is vacant and is not used for any purpose.

Refer to the aerial photo of the site below.



### **1.2 Neighborhood Character**

The surrounding neighborhood character is a mixture of residential (single dwellings along the western side of Mileham Street opposite the site and



Industrial development surrounding the site on the northern, eastern and southern sides.

Refer to photos of the site and neighboring area attached to the Planning Proposal Report

#### **4.0 BACKGROUND**

##### **4.1. Development Consents Issued**

The site has been the subject of the following recent development consents:

- DA 0184/05 - Additions to club and refurbishment.
- DA 0647/06 – Club Additions of (2) Smokers Terraces.
- DA0255/08 – Alterations to Club

#### **5.0 CURRENT AND DRAFT ZONING**

##### **5.1 Site and Immediate Locality**

##### **Hawkesbury Local Environmental Plan 1989**

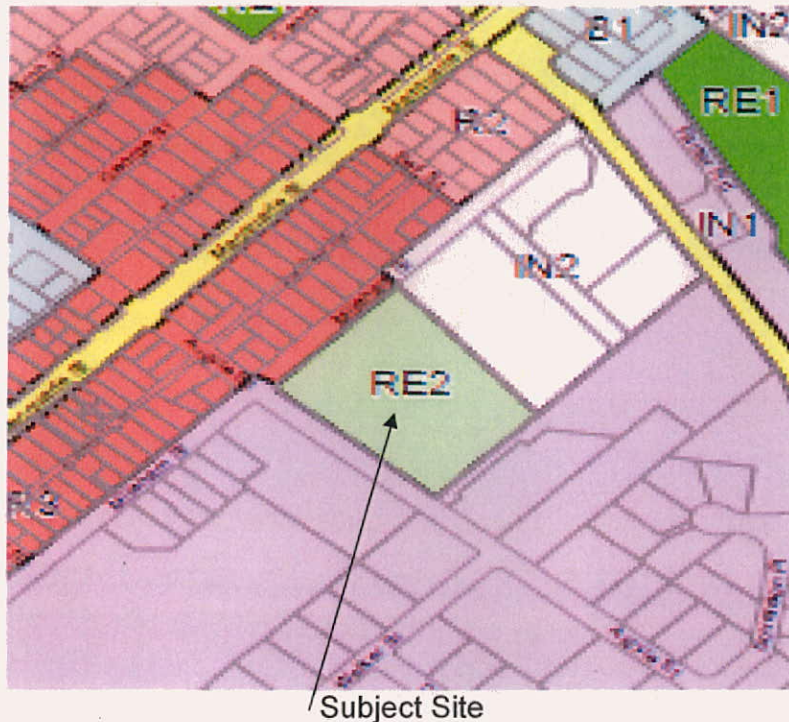
The property is zoned 6 ( c ) Open Space (Private Recreation) under the Hawkesbury LEP 1989.



Subject Site

## Draft Hawkesbury Local Environmental Plan 2011

The property is proposed to be zoned RE2 Private Recreation



## 6.0 POTENTIAL ENVIRONMENTAL ISSUES

### **6.1 Flooding**

The property is considered to be flood liable with the natural ground levels ranging from 17.5m AHD in the south western corner of the site to 11.75m in the north eastern corner of the site.

The property has a significant portion of land that is above 14.3m AHD which has a building entitlement under clause 25 of Hawkesbury LEP 1989.

### **6.2 Noise Impact**

The property is adjacent to a residential area on the western side of Mileham St and any development of the site needs to carefully consider any potentially impact on the residents of the residential properties.

### **6.3 Traffic Impact**

The future development of the site may have a potential impact on the adjoining residents in terms of additional traffic generation in terms of vehicle numbers and increase in noise from the vehicles.



## **7.0 PLANNING PROPOSAL**

The planning proposal prepared in accordance with the Department of Planning Guidelines is attached as **Attachment 1**

## **8.0 CONCLUSION**

The planning proposal involves rezoning the existing site known as Lot 20 DP 801553 No. 36 Argyle St from Private Recreation to Light Industrial which is consistent with the adjoining zone to the north.

The planning proposal will allow the surplus land of the Windsor RSL site to be better utilised with future uses and development when compared to the current uses and development permitted under the private open space zone .

The planning proposal involves a site that was not identified in the Hawkesbury Employment Land Strategy but the rezoning is consistent with the main aims of the study as well as the Metropolitan Plan for Sydney 2036 and the Draft North West sub Regional plan as it provided industrial land that already has access to service, infrastructure and a transport network which will provide future employment opportunities and economic growth to the local community.

The planning proposal is consistent with the relevant s117(2) directions and the site has no constraints that would prevent or prohibit development for purposes permitted in a light industrial zone.

The future development as light industrial is unlikely to have any additional significant impact on the current amenity of the residential development opposite the site in Mileham St.

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## Attachments

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# 1. Planning Proposal



## THE PLANNING PROPOSAL

### **Part 1 -Statement of the objectives and intended outcome of the proposed LEP**

The objective and intended outcome of the planning proposal is to rezone the site from the current 6 (c) Open Space (Private Recreation) under the Hawkesbury LEP 1989 and RE2 Private Recreation under the Draft Hawkesbury LEP 2011 to 4(b) Industrial Light under Hawkesbury LEP 1989 and IN2 Light Industrial under Draft Hawkesbury LEP 2011.

The intended outcome of the planning proposal is to allow Windsor RSL the ability to sell a portion of the site that is surplus to the land requirements of the club for the current and future development of the club.

The portion of land to be sold will need to have adequate development potential with a range of uses and developments being permissible to make it economically viable.

The current and future zone under the Draft Hawkesbury LEP 2011 does not provide adequate development opportunities for the surplus land due to the restrictive land uses permitted in the current and draft zones.

The planning proposal will be consistent with the surrounding industrial land uses and developments.

As a secondary outcome the planning proposal would increase the land value and this would also assist in facilitating the future development and expansion of the club to provide additional services and facilities to the local community.

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## **Part 2- Explanation of Provisions**

Amendment to Hawkesbury Local Environmental 1989 zone map to change the zone on the map from 6 ( c) Open space (Private Recreation) to 4(b) Industrial Light.

Amendment to Draft Hawkesbury LEP 2011 Land zoning map to change the zone on the map from RE2 Private Recreation to IN2 Light Industrial.

### **Part 3- Justification for the proposed LEP**

#### **Section A Need for the planning proposal**

##### ***1. Is the planning proposal a result of any strategic study or report?***

The planning proposal is not as a result of any strategic study or report that was undertaken for the site.

However the Hawkesbury City Council has undertaken a study that examined the employment and employment lands within the Hawkesbury LGA and made recommendations on future strategic actions.

The study particularly focused on the employment activity areas located in the southern part of the LGA which included:

- (a) Industrial areas at North Richmond, Richmond, South Windsor, Mulgrave, McGarths Hill, and Wilberforce.
- (b) The Richmond RAAF base and UWS campus.
- (c) Retail and commercial centres of North Richmond, Richmond, Windsor/south Windsor, and several smaller neighborhood centres.

The study came up with a number of key findings and Council has adopted some of these findings as recommended strategies that have been adopted in the *"Hawkesbury Employment Lands Strategy" December 2008*.

A key finding of the study was that while there is no immediate shortage of industrial or business zoned land in the Hawkesbury LGA there were some existing constraints to development of some of this land.

In some industrial areas current vacant land is often unserviced, with the cost of providing the services and infrastructure make the development of this land not viable.

Also some of the land has poor access to key transport routes.

The adopted *"Hawkesbury Employment Lands Strategy"* has adopted several strategies such as:

*Investigate and facilitate the servicing of vacant industrial lands to unlock existing supply.*

*Investigate additional land supply to address future employment growth South Windsor (the areas east of Fairy Road not currently zoned industrial)*

While the site of the proposed planning proposal was not considered or was part of the study and adopted strategy it is considered that the proposed zoning of the



property to industrial is consistent with the strategy as it will provide industrial land adjacent to existing zoned industrial land and the land is currently serviced and has good access to key transport routes as well as opening up further industrial land to address future employment growth in the Hawkesbury LGA.

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

The main objective and intended outcome of the planning proposal is to rezone the property from a Private Recreation zone to an Industrial zone to allow the club to sell off the surplus land that is not needed for any future development of the club that could be used for a wider range of uses and development that are not possible under the current zone.

The planning proposal will give the opportunity for a better future development to occur on the surplus land that currently has good access to services and infrastructure needed for future industrial development and uses.

The club has developed a plan for the future development of the existing club and associated car parking and as result of this plan there is a significant amount of surplus land that is unlikely to be needed for any activities associated with the existing club now and in the future.

The aerial photo attached to the planning proposal shows the future development of the club and the extent of this surplus land that is not needed by the club now and in the future this land could be made available for future industrial development.

This excess land is approximately 1.1ha or around 50% of the current site.

This land is surplus to the clubs current and future development needs.

The current and draft zoning being private recreation has a limited range of uses that are permitted and can be development on the property.

The current permitted uses are as follows:

Agriculture, childcare centres, clubs, community facilities, helipads, public buildings, recreation areas, recreation facilities, recreational establishments, refreshment rooms

Under the draft LEP the following uses are permitted.

Boat Sheds, Charter and Tourism Boating Facilities, Child Care Centres; Community Facilities; Environmental Facilities; Extensive Agriculture; Farm Buildings; Flood Mitigation Works; Food and Drink Premises; Helipads; Information and Education Facilities; Kiosks; Markets, Moorings, Recreation Areas; Recreation Facilities (indoor); Recreation Facilities (outdoor); Recreation

Facilities (major); Registered Clubs; Roads; Signage; Water recreation structures; Waterbodies (artificial)

As can be seen the majority of the uses and development relates to recreational activities.

These zones do not permit any industrial development or uses.

The IN2 Light Industrial zone will still permit the club and allow the future development and expansion to the existing club facilities.

The IN2 zone provides the flexibility for the club to continue to develop and expand in the future as well as allowing the ability for the surplus land that has good access to services and infrastructure to be developed in a more economically than is currently possible under the current private recreation zone.

The increase in land value with the rezoning to IN2 would also assist in facilitating the future expansions and development of the existing club to provide an increased services and facilities to the local community as a secondary outcome of the planning proposal.

The planning proposal as discussed above enables a better planning outcome as it would provide an area of 1.1ha of serviced industrial employment land that is adjoins an existing Windsor/South Windsor industrial area which will strengthen the image and economic activities of the industrial area.

The planning proposal is consistent with the State Government and Council's plans, policies and strategies being the draft North-West Subregional Strategy, Metropolitan Plan for Sydney 2036 and the Hawkesbury Employment Land Strategy which are discussed in more detail under section 7.3(4) and (5).

The proposed industrial zone is the best solution to achieve the main outcome and is consistent with the adjoining industrial zoned land that surrounds the site to the north, south and east and the various state and local planning strategies.

### ***3. Is there a net community benefit?***

There is a net community benefit for the planning proposal in the following ways

- The proposal to alter the zone to industrial has the opportunity to increase the potential for increased employment opportunity for local residents of the Hawkesbury in an established industrial area with the necessary services and infrastructure already available.  
This is consistent with the State Government and Council's strategies for employment and economic growth in the region which is discussed in

more detail below.

- The proposal also provides a large area of industrial zoned land (1.1ha) to assist in attracting development and money/investment into the Hawkesbury region.
- There is the potential increase in the land value of the site will permit the club the opportunity to be able to borrow sufficient funds to undertake further development of the existing club facility on site which is in need of some major refurbishment in order to remain an economically viable and sustainable club which currently provides a significant community benefits and support to the various community groups in the Hawkesbury area. The future upgrading work to the club will also provide a better facility for the local community.

The above community/public benefits could not be achieved under the current zoning of the site.

If the land is not zoned it would result in land with good access to existing infrastructure not being utilised to its best potential for the benefit of the region and the community.

## **Section B Relationship to strategic planning framework**

### ***4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***

The Metropolitan Plan for Sydney 2036 deals with how to manage the future growth and development of the Sydney Region and provides strategic directions for the growth and the concept of City of Cities approach.

The relevant objectives to the planning proposal are:

- Compact city of cities providing more jobs closer to home.
- To plan for 70% of future growth to be in existing urban areas.

Another key direction for the Metropolitan Strategy is the location of more jobs in Western Sydney.

Leading on from the Metropolitan Plan for Sydney a number of sub regional strategies were developed for the Sydney region.

The relevant sub region to the Hawkesbury Area is North West Sub Region. The sub region strategy consists of 7 subject areas:



1. Economy and Employment
2. Centres and Corridors
3. Housing
4. Transport
5. Heritage and Resources
6. Public Places and Culture
7. Implementation and Governance

One of the 2031 vision for the North West is:

- Provide a diverse range of job opportunities to support growing residential areas and promotion of sub regional self-containment.
- A range of vibrant and liveable centres where people can work, live work and access services.

The North West sub regional plan has developed key directions and key actions. The relevant direction and actions is shown below:

Key Direction	Key Actions
Plan to meet employment and housing capacity targets	<ul style="list-style-type: none"> <li>• Provide sufficient zoned residential, commercial and employment land to meet the housing and employment capacity targets.</li> </ul>

The North West Sub region has experienced rapid population growth that has not been matched by comparable growth in employment resulting in low levels of employment self-containment for the sub region.

The sub regional strategy suggests that growth should be located close to infrastructure such as train stations to maximise use of the infrastructure.

The key directions for the Economy and Employment Strategy in the North West Region is :

- Plan for an additional 130,000 jobs
- Protect strategic employment Lands
- Strengthen existing industry clusters

The aim of the draft strategy in terms of economy and employment is to ensure adequate supply of strategic employment lands to support a range of economic activities.

The employment target for the Hawkesbury in 2031 is 27,000 which is an 3,000 increase from 2001 figures.

The draft sub region strategy has identified the Windsor/South Windsor employment lands as having good access to Windsor Rd especially with the recent construction of the Windsor flood evacuation route.

The draft strategy also identified the need for North West councils to prepare Principal LEP's which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets.

The planning proposal is consistent with the Metropolitan Plan 2036 and the draft North West Sub Regional Strategy for the following reasons:

- The planning proposal will allow the land to be developed for a range of employment developments that will have the potential to provide jobs closer to workers homes in the North West region.
- Involves land within an existing established area that reduces the cost of providing additional infrastructure facilities required for the future employment land uses.  
This allows future growth of employment land to occur in existing developed areas which is an objective of both the Metropolitan plan 2036 and the draft North West Sub Regional Strategy
- Allows the opportunity of location and creating more potential jobs in western Sydney.
- The vision of the sub regional strategy being to provide a diverse range of job opportunities to support growing residential areas is achieved by providing the opportunity to provide a diverse range of job opportunities that the current zoning does not offer or has the potential to provide to the area.
- Offering an additional opportunity for job creation with the future development and this will assist Council in meeting the employment capacity targets for 2036 as identified in the draft sub regional strategy.
- Will assist in strengthening the existing industrial cluster by allowing uses that are consistent and not in conflict with the existing industrial development that surrounds the site.
- Providing land to support a wider range of economic activities when compared to the current situation.

The planning proposal as shown above is consistent with the objectives of the employment lands planning framework of the Metropolitan Strategy and Draft North

West Subregional Strategy.

While the area of the site is not significant when considered against other lands earmarked for future employment in the North Western Sector the planning proposal will provide additional employment opportunity in an area that is already well serviced by infrastructure needed by industrial development.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?**

The planning proposal as discussed previously in the submission is considered to be consistent with the adopted "*Hawkesbury Employment Lands Strategy*" and the *Hawkesbury Community Strategic Plan 2010-2030*.

The Community Strategic Plan contains 5 visions which are supported with directions, strategies, goals and measures to assist in achieving the visions.

The 5 visions are:

1. Looking after People and Place
2. Caring for Our Environment
3. Linking the Hawkesbury
4. Supporting Business and Local Jobs
5. Shaping Our Future Together

The relevant sections of the strategic plan that relate to the planning proposal are as follows:

<b>Looking after People</b>	
<b>Directions</b> <ul style="list-style-type: none"><li>Have future residential and commercial developments designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways</li></ul>	<b>Comment</b> <p>The future development of the site will have minimal impact on the local transport system and will allow easy access to the main gateways being Windsor, Richmond and Blacktown Roads</p>
<b>Supporting business and local jobs</b>	
<b>Directions</b> <ul style="list-style-type: none"><li>Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.</li></ul>	<b>Comment</b> <p>The future development of the land for future employment generating uses will stimulate both investment and employment in the area both during construction and operation of the business to the Hawkesbury region. The proposal is consistent with the Employment Land Strategy</p>
<b>Goals</b> <ul style="list-style-type: none"><li>At least 3,000 additional jobs are created to retain the percentage of local employment</li></ul>	The proposal will assist in council meeting the number of jobs by providing the opportunity for additional jobs to be created with future development.
<ul style="list-style-type: none"><li>Jobs across a greater range of industry</li></ul>	The proposal will provide the opportunity for the site to be development in the future to provide



**6. Is the planning proposal consistent with applicable state environmental planning policies?**

There are no State Planning Policies that are applicable to the planning proposal.

**7. Is the planning proposal consistent with applicable Ministerial Directions (S117 directions)?**

The following 117 directions are applicable to the planning proposal.

**1.1 Business and Industrial Zones**

**Objectives**

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
  - (b) protect employment land in business and industrial zones, and
  - (c) support the viability of identified strategic centres.

**Where this direction applies**

- (2) This direction applies to all relevant planning authorities.

**When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

**What a relevant planning authority must do if this direction applies**

- (4) A planning proposal must:
- (a) give effect to the objectives of this direction,
  - (b) retain the areas and locations of existing business and industrial zones,
  - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
  - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
  - (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

**Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:

- (i) *gives consideration to the objective of this direction, and*
- (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
- (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.*

**Comment:**

The objectives the direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) Support the viability of identified strategic centres

The planning proposal involving the extension of the existing industrial zone will encourage employment growth by the potential additional uses and development that would occur in an industrial zoned compared to the current private recreation zone.

The location of the site is considered suitable as it adjoins existing industrial land to the north, south and east and has current access to existing established infrastructure that is adequate for the future developments if the land was zoned industrial.

The existing employment land is not altered but will be increased with the planning proposal and this will assist in council achieving the employment capability targets set in the draft sub regional strategic plan and council's community strategic plan.

*A planning proposal must:*

- *give effect to the objectives of this direction,*
- *retain the areas and locations of existing business and industrial zones,*
- *not reduce the total potential floor space area for employment uses and related public services in business zones,*
- *not reduce the total potential floor space area for industrial uses in industrial zones, and*

The planning proposal as discussed above gives effect to the objectives of the direction.

The existing industrial zoned land will not be reduced but will be increased in size.

The potential floor space area for employment uses will not be reduced but will be increased with the future development of the land.

The planning proposal will encourage employment growth by rezoning the land to industrial from private recreation.

The planning proposal is considered to be consistent with this direction as outlined above..

#### **4.1 Acid Sulfate Soils**

##### **Objective**

- (6) *The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*

##### **Where this direction applies**

- (7) *This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.*

##### **When this direction applies**

- (8) *This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.*

##### **What a relevant planning authority must do if this direction applies**

- (9) *The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.*
- (10) *When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:*
- (a) *the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or*
  - (b) *such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.*
- (11) *A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to*

~~the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.~~

- (12) *Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).*

**Consistency**

- (13) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
  - (b) of minor significance.*

**Comment:**

The subject site of the planning proposal is identified on the map attached to Draft Hawkesbury LEP 2011 as a class 5 acid sulfate soil.

The planning proposal and the future potential uses and buildings on the site is unlikely to have a significant adverse environmental impact on the acid sulfate soil.

A further assessment report can be prepared to address this issue and confirm the planning proposal will not have a significant impact on the acid sulfate soil on the site.

**4.3 Flood Prone Land**

**Objectives**

- (14) The objectives of this direction are:
- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
  - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

**Where this direction applies**

- (15) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

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**When this direction applies**

- (16) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

**What a relevant planning authority must do if this direction applies**

- (17) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).
- (18) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
- (19) A planning proposal must not contain provisions that apply to the flood planning areas which:
- (a) permit development in floodway areas,
  - (b) permit development that will result in significant flood impacts to other properties,
  - (c) permit a significant increase in the development of that land,
  - (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
  - (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.
- (20) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).
- (21) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).



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**Consistency**

- (22) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:
- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
  - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

**Comment:**

The site is flood liable and any future development for industrial purposes will need to be considered in accordance with either clause 25 or Hawkesbury LEP 1989 or clause 6.7 of Draft Hawkesbury LEP 2011.

A non-residential use and development of flood liable land is a more preferable option when considering the potential impacts and the need for evacuation and safety of the residents.

The primary objective of the NSW Flood land Policy recognises the following important facts:

(a) flood liable land is a valuable resource that should not be sterilised by any unnecessarily restricting or limiting its development for an a suitable activity.

(b) If rezoning and development applications are assessed according to rigid and prescriptive criteria some appropriate proposals may not be supported while other inappropriate developments may be supported.

The policy is aimed at reducing the impact of flooding on individual owners and occupants of the flood liable land reduce the potential for private and public losses due to flooding.

The policy calls for a merit based approach for making development decisions on land that is flood liable.

The likely future development and land uses that would be associated with an industrial zone is considered to be capable of satisfying any concerns that may arise with the land being flood liable and a flood study is not required unless any proposed in the future involves raising the level of the land and reducing the flood storage area on site.

## **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

### **Objective**

- (1) *The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.*

### **Where this direction applies**

- (2) *This direction applies to the Hawkesbury local government areas:*

### **When this direction applies**

- (3) *This direction applies when a Relevant Planning Authority prepares a planning proposal.*

### **What a Relevant Planning Authority must do if this direction applies**

- (1) *Planning proposals shall be consistent with:*
- (a) *the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").*

### **Consistency**

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:*
- (a) *is of minor significance, and*
  - (b) *the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

### **Comment:**

The planning proposal is not inconsistent with the implementation of the Sydney Metropolitan Strategy.  
This matter has been discussed previously.

## **Section C- Environmental, social and economic impact**

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

The site does not contain any of the above and the proposal will have no impact on any of the above matters.

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

The main potential environmental effects of the planning proposal to rezone the land to industrial is the potential impact on the adjacent residential area along Mileham St in terms of noise impact and additional traffic generated by the for the future industrial development and uses.

The residential area is already the subject to a number of industrial and commercial developments and land uses that adjoin the subject site and it is considered that the additional industrial development that may occur with the planning proposal is not likely to have a significant impact on the current noise environment.

An acoustic study could be prepared that can address the likely additional impact of noise on the existing residential area adjacent to the site.

The proposed light industrial zone limits the type of future land uses to those that are more compatible with being located near a residential area and is consistent with the zone to the north of the site.

### ***10. How has the planning proposal adequately addressed any social and economic effects?***

The planning proposal is unlikely to have any negative impact or effect on social or economic matters.

The impact from an economic and social view are seen to be positive by creating industrial land that is already serviced and with access to a good transport network.

The proposal allows the potential for employment opportunities in the future both during the construction stage and with the likely uses of the building.

Also the planning proposal will allow the Windsor RSL to continue to develop the club's current facility and continue providing support for the local community of the Hawkesbury.

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## **Section D – State and Commonwealth Interests.**

### ***11. Is there adequate public infrastructure for the planning proposal?***

The planning proposal involves a site which is currently has access to utility services that are adequate for any future development of the land for uses associated with the light industrial zone.

As well the site has good access to public transport and other facilities that would be needed by the future developments on the site and the employees.

The site is in close proximity to main transport routes with Sydney and other regional areas.

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

The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.

#### ***Community Consultation***

The nature of the proposal it is considered to be categorised as low impact planning proposal.

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## 2. Photos of the site and surrounding area.



Above looking from Mileham St towards the rear of the site  
Below looking from Mileham St towards the north of the site (Surplus Land)







Above looking towards the north west corner of the site (surplus land)  
Below looking towards to south eastern corner of the site







Above and below area behind the existing club for future development of the club facilities

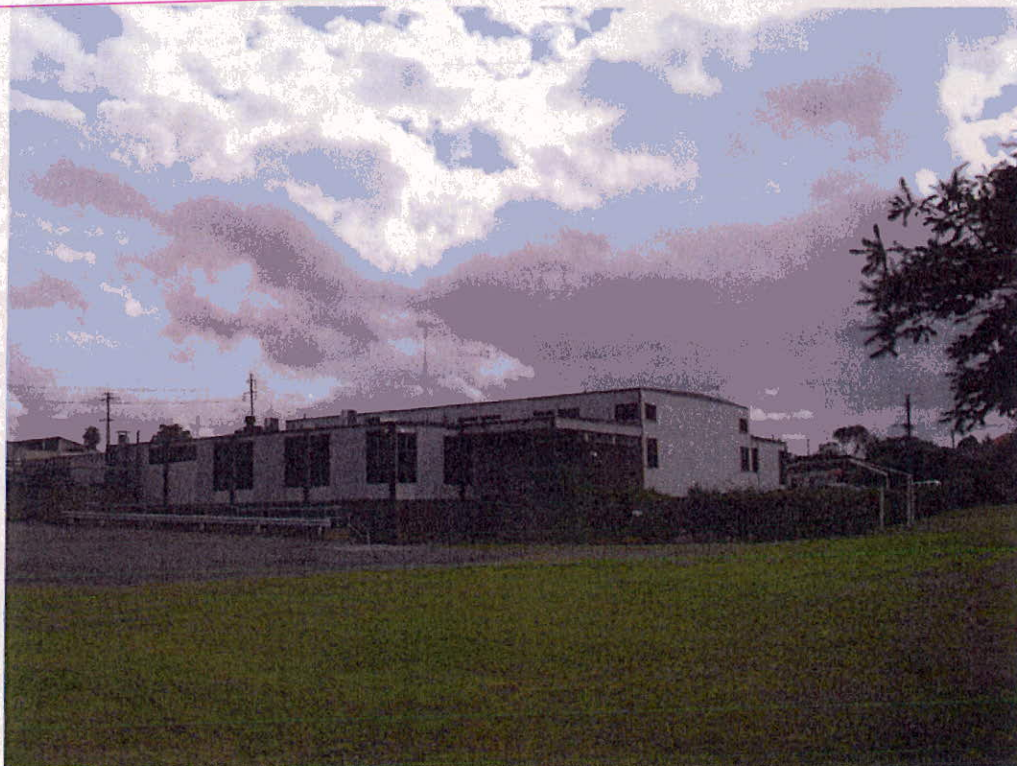




Above area behind the existing club for future development of the club facilities  
Below existing club building







Above and Below existng club building







Above residential development oppoiste the site in Mileham St  
Below adjoining industrial land to the north of the site







Above and below adjacent industrail development in Argyle St







Above adjacent industrial development in Argyle St  
Below adjacent industrial development in Argyle St







Above adjoining industrial development t to the east of the site  
Below industrial development to the south of the site along Mileham St







Above and below looking along along Argyle St towards the west and east from the site



### 3. Aerial Photo showing the proposed area for future expansion and surplus land





**Showing the proposed area for the future expansion of the club and surplus land**