



# Hawkesbury City Council

## Attachment 2 to item 147

Planning Proposal

date of meeting: 12 july 2011

location: council chambers

time: 6:30 p.m.



Our Ref: PGH:07-0246



22 December 2010

The General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Dear Sir

**Submission of Rezoning Application**

**Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426  
Nos. 533 – 547 Windsor Road (cnr Chapman Road), Vineyard NSW**

We refer to the subject property and previous discussions with Council officers.

The attached rezoning application and documentation is submitted for Councils consideration, namely.

1. Application Form and fee.
2. Planning Proposal Submission Report – 4 copies.
3. CD containing a PDF copy of relevant documents.

We confirm that pursuant to Section 147(4) of the Environmental Planning and Assessment Act, 1979, neither myself or the land owners have made any reportable political donations to any local councillor or employee of the Council within the past two years.

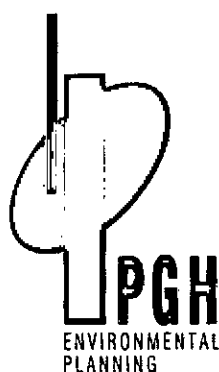
Should you wish to discuss the matter please do not hesitate to contact the office.

Yours faithfully  
**PGH Environmental Planning**

A handwritten signature in dark ink, appearing to read 'Patrick Hurley', written over a faint circular stamp.

**Patrick Hurley**  
Director  
*Encl.*

Corro to Cncl-submission of Rezoning 221210



# PLANNING PROPOSAL (REZONING)

Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674  
and  
Lots 10 and 11 DP 1080426

Nos. 533 - 547 Windsor Road (enr Chapman Road),  
Vineyard NSW

**Report:** Planning Proposal (Rezoning)  
Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and  
Lot 10 and Lot 11 DP 1080426  
Nos. 533 – 547 Windsor Road (cnr Chapman Road),  
Vineyard NSW

**Prepared for:** Vineyard Hardware Pty Ltd &  
Henry Bros Saws Pty Ltd  
Lot 2 Chapman Road  
Vineyard NSW 2765

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Report No:	PP 07-0246
Prepared by:	Patrick Hurley
Version	Final
Date:	20 <sup>th</sup> December 2010

December 2010

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## 1 Introduction

This Statement of Environmental Effects Report (the "**Report**") has been prepared by PGH Environmental Planning, on behalf of Vineyard Hardware Pty Ltd and Henry Bros Saws Pty Ltd (the "**client**"). The Report describes the existing site and locality, and outlines the justification for the rezoning.

The subject site (the "**site**") is known as Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426, Nos.533-547 Windsor Road (corner Chapman Road), Vineyard extending through to Old Hawkesbury Road. It has a combined area of 3.41hectares.

The land is presently zoned Rural Living ('RL') under Hawkesbury Local Environmental Plan 1989 ('**LEP 1989**') and is proposed to be zoned RU4 Rural Small Holdings under Hawkesbury draft Local Environmental Plan 2009 (the '**draft LEP 2009**').

The client's family businesses have been operating from the site continuously since the late 1950's (formally confirmed by Council on various occasions but initially in October 1980) initially as Henry Bros Pty Ltd and/or Vineyard Hardware Pty Ltd and more recently as Henry Bros Saws Pty Ltd.

The site presently contains eleven (11) main buildings containing a range of business activities, both commercial and industrial (sawmill, carpentry, manufacture and maintenance of industrial saws and knives, storage and sale of hardware products) as well as a brick veneer residence and a small block of four (4) residential units and associated carports and sheds.

Whilst there is a residential component, our investigations conclude that the proposed RU4 Rural Small Holdings zone does not reflect the historical commercial/industrial use of the site. If the RU4 zoning is endorsed these activities will be inconsistent with the intent of this zone and could only operate under the existing use rights provisions of the Environmental Planning and Assessment Act, 1979 and Regulation.

The client seeks the support of Hawkesbury City Council to rezone the site from Rural Living (proposed RU4 Rural Small Holdings) to a part B1 Neighbourhood Centre and part IN2 light Industrial which would allow a range of small scale retail commercial and light industrial activities generally consistent with present day activities.

This Planning proposal will involve a review and assessment of a number of issues (in no particular order), including:

- Bushfire;
- Vegetation;
- Traffic;
- Contamination;
- Flooding; and
- Services.



**Plate 1**

View southwest from Old Hawkesbury Road of the entrance to Henry Bros Saws on Lot 5.

Photo shows the industrial factory building, access driveway and parking area.



**Plate 2**

View northeast from Windsor Road.

Photo shows the former Vineyard Hardware and Restaurant Building (Lot 5) with the associated parking area (Lots 10 & 11) to the right of the photo.

The partly obscured industrial building to the left (Lot 53) contains a sawmill and woodwork/joinery factory.

## 2 Site and Locality

An inspection of the site and surrounding area has been undertaken, resulting in the following observations.

### 2.1 Site Location

The site is situated on the north-western corner of the Windsor Road and Chapman Road intersection, Vineyard and extends north-eastward through to Old Hawkesbury Road, Vineyard (refer **Figure 1**).

### 2.2 Site Description

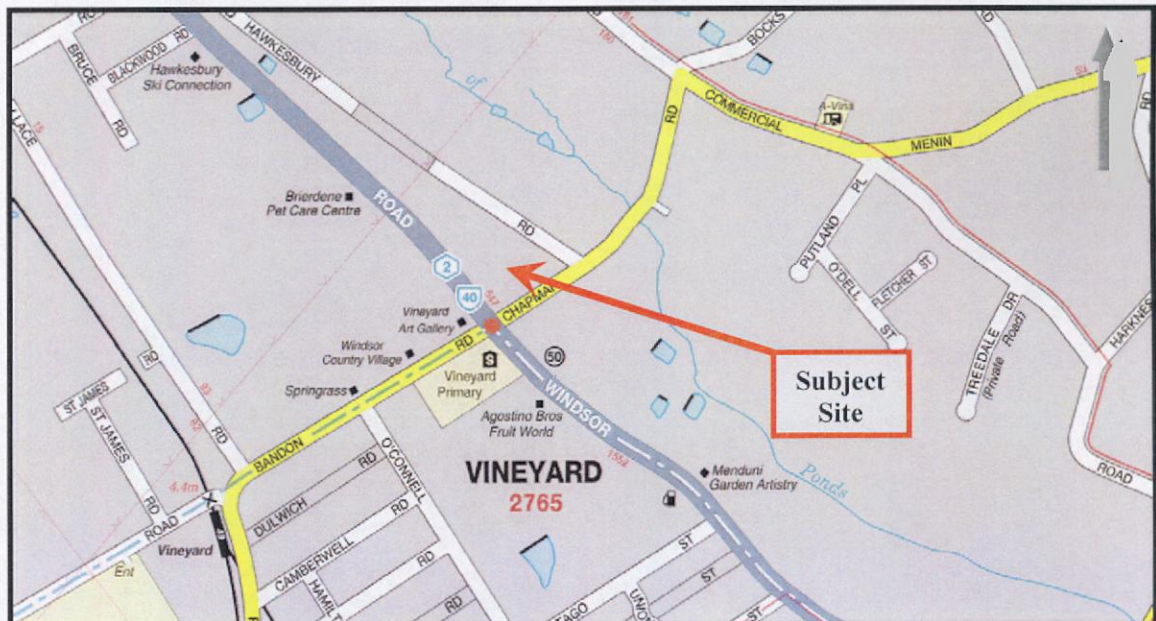
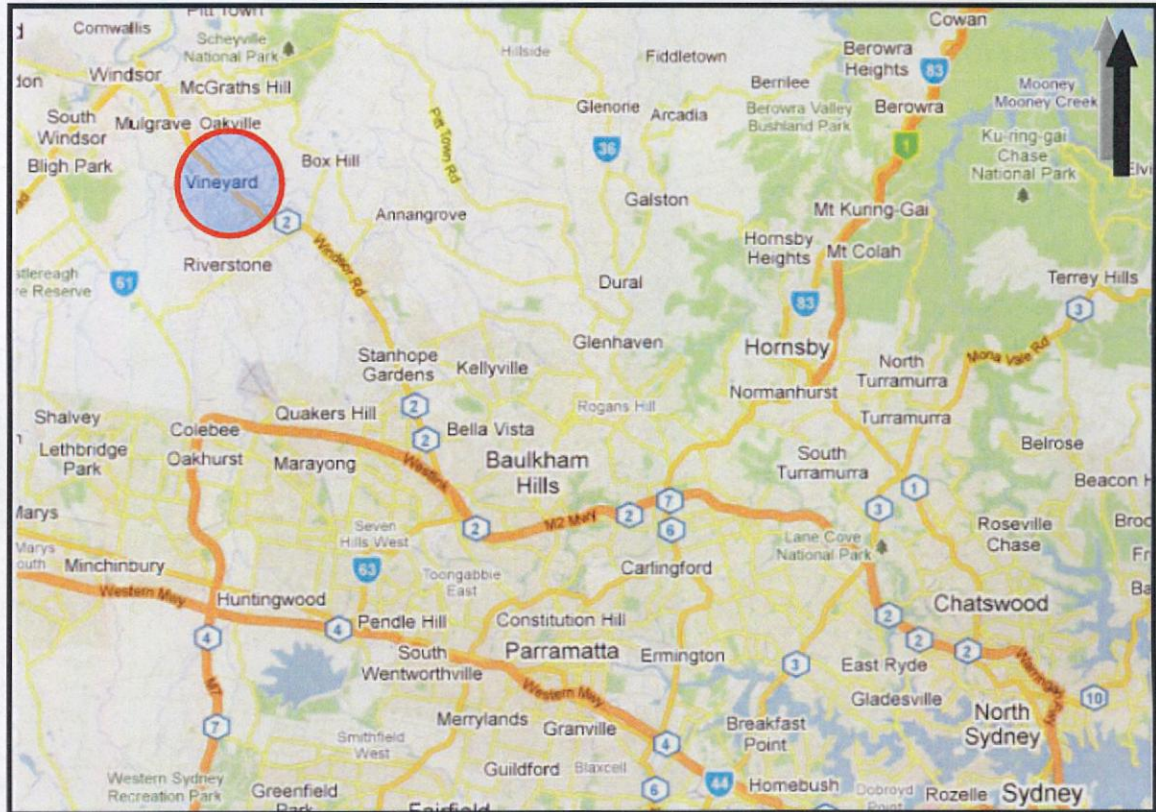
The site is an irregular shaped parcel with a frontage of approximately 145metres to Windsor Road and depth of up to approximately 225metres. The site extends through to Old Hawkesbury Rd to the north-east where it has a frontage of approximately 181metres. It has a total area of 3.41hectares. The site consists of five (5) allotments of land as follows (refer **Figure 2**).

**Table 1 – Lot description and Details**

Street Address	Property	Area
No.533 Windsor Road	Lot 53 DP 593354	1.878ha
No.541 Windsor Road	Lot 4 DP 536674	1003m <sup>2</sup>
	Lot 5 DP 536674	1.264ha
No.545 Windsor Road	Lot 10 DP 1080426	871.9m <sup>2</sup>
No.547 Windsor Road	Lot 11 DP 1080426	837.5m <sup>2</sup>

### 2.3 Existing Development

The site contains a number of commercial/industrial buildings and sheds, brick veneer residence and residential units and associated parking and driveways and external storage areas. The driveways and parking areas are unsealed with the exception of the car park area located in the southern corner of the site adjacent to the Windsor Road and Chapman Road intersection. The following land uses are presently on the site.



Source: Universal Publishers Pty Ltd ("Universal Publishers").

Figure 1 – Locality Map

Proposed Rezoning  
 Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674  
 and Lot 10 and Lot 11 DP 1080426  
 Nos.533-547 Windsor Road (corner Chapman Road), Vineyard

Not to Scale





Source: NSW Department of Lands SIX viewer © [www.six.nsw.gov.au](http://www.six.nsw.gov.au)

Figure 2 – Site Plan

Not to Scale

Proposed Rezoning

Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426  
Nos.533-547 Windsor Road (corner Chapman Road), Vineyard

**Table 2 – Lot Description and Land Uses as at December 2010**

Lot	Description
Lot 53 DP 593354	Industrial Building (saw mill, woodwork and carpentry) plus associated garages, parking areas (unsealed).
Lot 4 DP 536674	Residential Flat Building containing four (4) units plus associated on-site parking, car ports, and open space.
Lot 5 DP 536674	Commercial building (trailer hire), industrial building (Vineyard Hardware), industrial building (saw mill), brick veneer residence (with associated, garages and pergolas and open space).
Lot 10 DP 1080426	Vacant - sealed car park and storage of trailers.
Lot 11 DP 1080426	Vacant - sealed car park and storage of trailers.

## 2.4 Surrounding land uses

The site is bounded by Old Hawkesbury Rd to the north, Windsor Road to the south and Chapman Road to the east. To the west is a rural/residential property with its address to Old Hawkesbury Road.

Surrounding land uses include Vineyard Public School, Child Care Centre, Retirement Village (Windsor Country Village), Engineering firm (Pilequip Australia<sup>1</sup>) specialising in piling and foundation engineering equipment, materials and accessories, Construction Crane hiring and storage, and general retail (pet supplies, sheds). Refer **Figure 3**.

## 2.5 Character of Locality

The site is located within an historical rural business precinct that has been established along Windsor Road stretching from Mulgrave, eastwards through to Box Hill within the adjoining Hills Shire Council. These various businesses have traditionally serviced the surrounding rural-residential areas of Mulgrave, Pitt Town, Vineyard and Box Hill.

<sup>1</sup> <http://www.pilequip.com.au/>

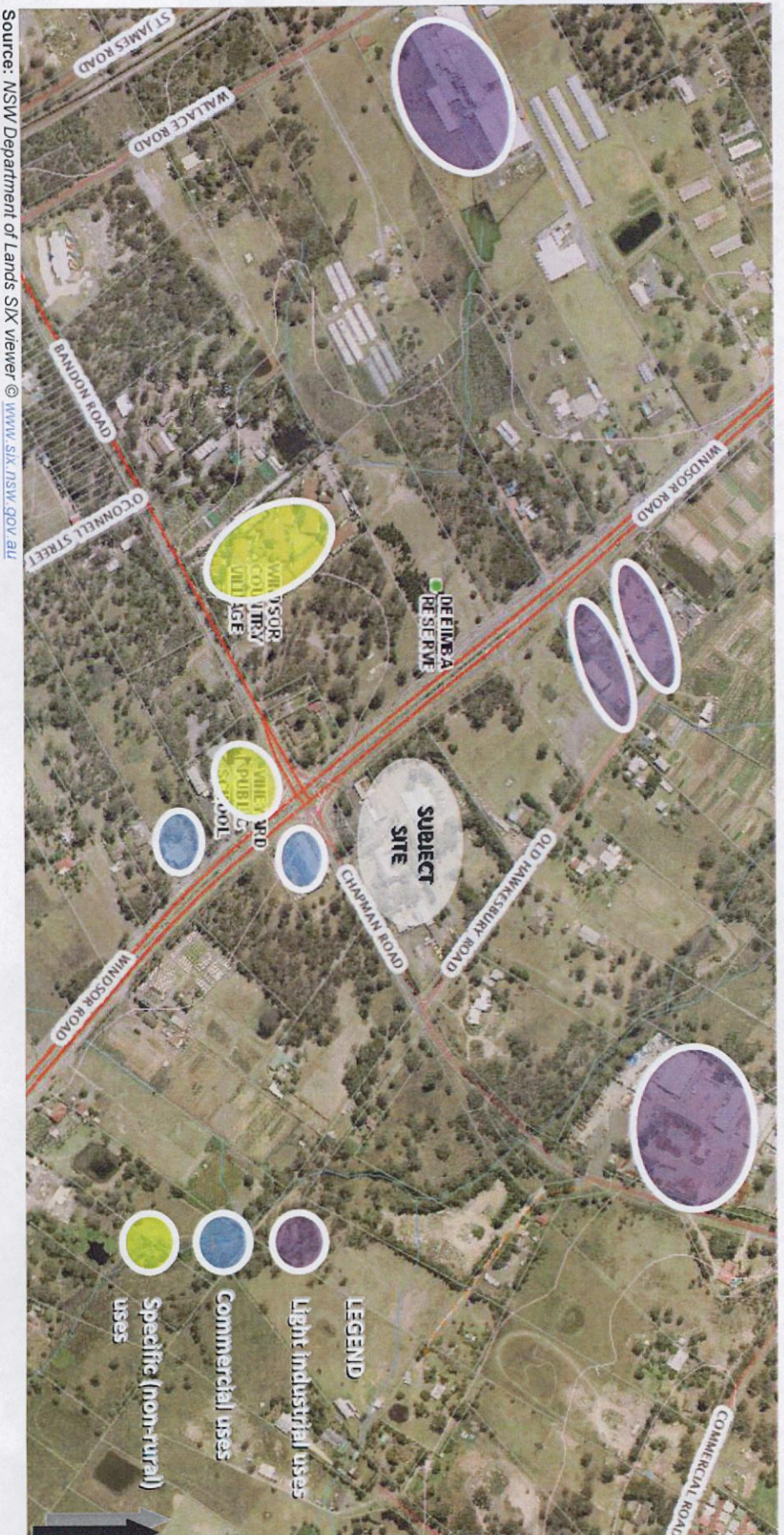


Figure 3 – Existing and Surrounding Land Uses

Not to Scale

Proposed Rezoning  
 Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426  
 Nos.533-547 Windsor Road (corner Chapman Road), Vineyard

## 2.6 Topography

The land experiences a slight fall of 1.5% between Windsor Road and Old Hawkesbury Road. The land level sits at RL18.5m AHD at its southernmost corner (intersection of Windsor Road and Chapman Road) and RL15m AHD at its north-eastern corner (intersection of Chapman Road and Old Hawkesbury Road).

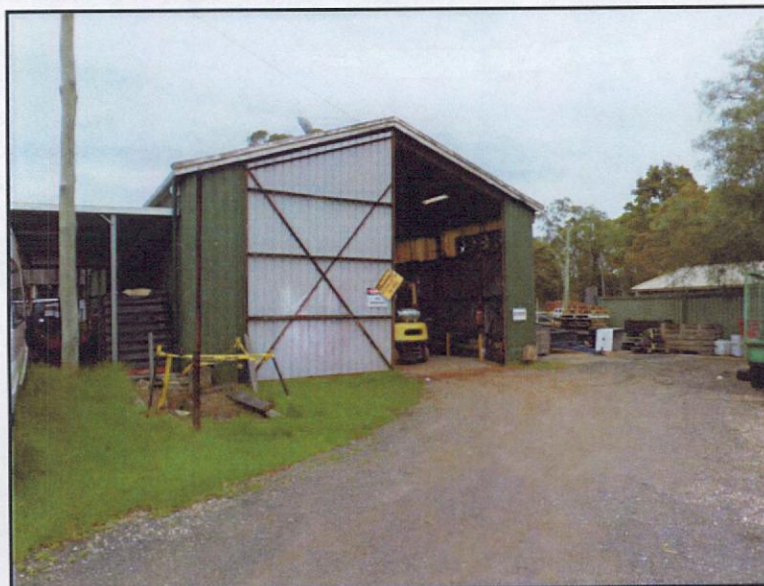
## 2.7 Vegetation

The site is largely cleared with stands of trees located on the boundaries and through the centre of the site. The vegetation on site is a mix of native and exotic species interspersed between the various buildings and structures.



**Plate 3**

View towards Windsor Road of the western parking area of lot 5 showing the industrial shed (green) used by Vineyard hardware and former restaurant building fronting Windsor Road.



**Plate 4**

View of the eastern end of the industrial shed (and associated storage area) that adjoins the former restaurant building on Lot 5.



**Plate 5**

View south from parking area (Lots 10 & 11) towards Windsor Road and Chapman Road intersection.



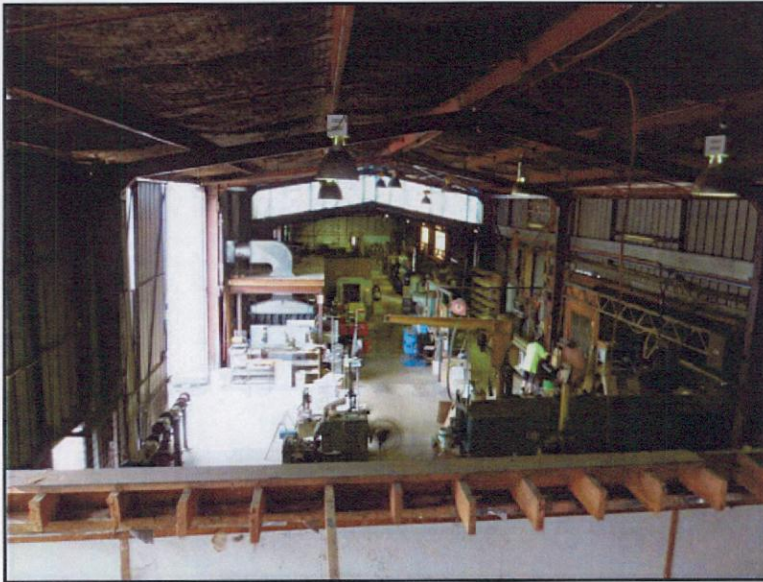
**Plate 6**

View from Chapman Road of the existing residence located on Lot 5.



**Plate 7**

View from Chapman Road of the existing residential flats located on Lot 4.



**Plate 8**

Internal view of building occupied by Henry Brothers Saws that fronts Old Hawkesbury Road.



**Plate 9**

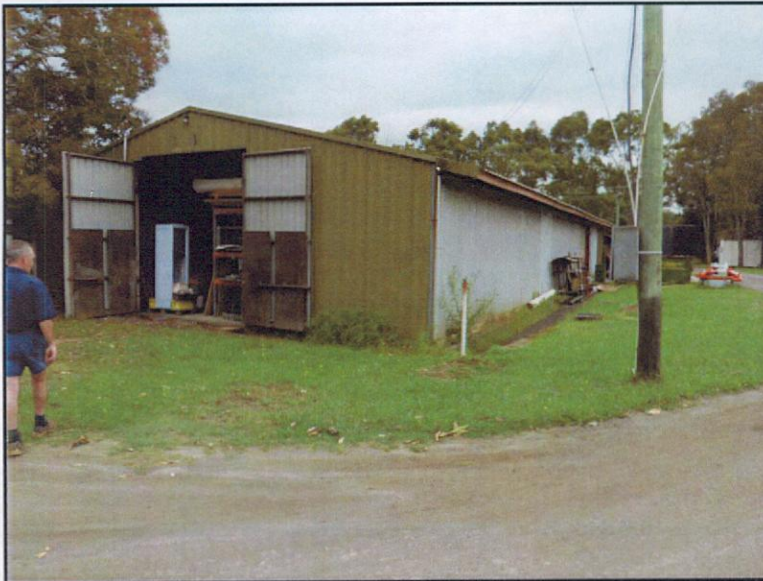
Internal view of building occupied by Henry Brothers Saws.



**Plate 10**

View from the Henry Brothers Saws building of north-western area of Lot 5 and the adjoining Lot 53 fronting Old Hawkesbury Road.

The boundary between the two lots generally follows the edge of the gravel driveway.



**Plate 11**

View of existing industrial building located on Lot 53 towards the Windsor Road frontage.



**Plate 12**

View south-east from the parking and driveway area adjoining Windsor Road looking towards the industrial and former Restaurant building located on Lot 5.



**Plate 13**

View from Chapman Road looking north-west along Old Hawkesbury Road.



**Plate 14**

View from Old Hawkesbury Road/Chapman Road intersection looking southwest towards Windsor Road.



**Plate 15**

View from Windsor Road/Chapman Road intersection looking northeast along Chapman Road.

The building to the right is a Child Care Centre.



**Plate 16**

View from Windsor Road/Chapman Road intersection looking northwest along Windsor Road.

The site (Lots 10 and 11) is to the right of the photo.

### 3 Site History

The site has a detailed history of approvals that have been previously documented by Council from pre-1951. Approved uses have included a shop and dwelling; general machinery and timber and hardware store; roofing supplies; storage sheds; residential flats; residence, carports; and swimming pool (refer **Appendix 1**).

The following chronology has been provided by the client to assist Council in understanding the depth and involvement of the various business activities on the site over the past 50 years.

In April 1957 F.E and S.A Henry relocated Henry Bros & Co Pty Ltd (**'Henry Brothers'**); which was a roofing and building company from Wentworthville to No.541 Windsor Road Vineyard. At the time there were two (2) existing buildings, the first was the original residence/general store and post office built in the 1920's, however in 1970, the then Department of Main Roads required that it be demolished to allow for the widening of Windsor Road. The second building was the disused 'Rivoli Theatre' which was used for the roofing and building operations.

In June 1968 approval was given for the hardware and Vineyard Hardware Pty Ltd (**'Vineyard Hardware'**) was thus created. Both Henry Brothers and Vineyard Hardware operated from the site and in October 1968 a storage/warehouse building was approved and built on Lot 5, fronting Old Hawkesbury Road. This building was used to store hardware products and roofing materials for Vineyard Hardware and Henry Brothers.

In 1971 approval was given to extend on the existing hardware store for a warehousing/storage facility and to expand the shop itself, approval was also granted to extend the warehouse building located at the Old Hawkesbury Road frontage of Lot 5. Around this time the hardware business was growing at a rapid pace and the demand for specialised products; in particular timber products, was increasing. Henry Brothers started manufacturing short run mouldings and some small joinery items which in turn would be sold back to Vineyard Hardware.

In the mid 1970's the Whitlam government of the day banned certain building products which rendered Henry Brothers unworkable as a roofing company. Henry Brothers turned in the direction of timber products to support not only itself, but the growing needs and demands of Vineyard Hardware and the current market requirements. A portable sawmill was built and located beside the rear warehouse building on Old Hawkesbury Road. This mill was used to increase manufacturing capacity to include the production of mouldings and architraves, folding garden lattice sheets and small joinery items; these of which were sold wholesale back to Vineyard Hardware and other hardware and garden suppliers.

The late 1970's saw Vineyard Hardware purchase the block of land beside it known as Lot 53 Windsor Road. In 1979 approval was granted for a bee apiary and auxiliary works to be established on this lot, which included the processing and packaging of the honey as well as the production of bee boxes, pallets and associated timber products required as necessary for the business to operate. The growth of Vineyard Hardware brought about the necessity to use this equipment for production of structural hardwood and timber fencing products due to increases in supply and demand. Further to the use of this equipment for timber products, the growth and direction of Vineyard Hardware has also seen the utilisation of the steam generated boiler equipment to make products such as steam bent trotting shafts, a limited number of chair backs and balustrade railing.

In the mid 1980's, the honey processing business wound down to a hobby sized farm only. In the meantime the equipment from the auxiliary works was utilised by the sawmill registered to Vineyard Hardware on Lot 53, which increased a growing product range to include hardwood slabs, structural softwood and hardwood timber planks for the production of hardware products such as pick, axe and shovel handles which were then produced in the factory at the rear of Lot 5 for resale in the hardware industry. Other products this factory produced included timber gates, timber fence panels and portable timber garden sheds.

During the early 1980's Vineyard Hardware expanded its services to include Vineyard Newsagency, Vineyard Gardenware, Vineyard Hire Service; hire of equipment such as wheelbarrows, cement mixers, ladders, scaffolding, portable sheds, power tools, selected specialty hand tools; and a saw sharpening service.

Due to the vast range of timber products being produced over the entire site, a need for in-house maintenance of saw blades arose. Equipment was purchased and a small sawshop was established in the factory located at the rear of Lot 5. This sawshop provided the necessary saw sharpening maintenance for Vineyard Hardware and the timber production side of business. At the same time the saw sharpening started to take on contract work from other timber mills and hardware stores within the Sydney Metropolitan area.

During the late 1980's the marketplace for the timber products manufacturing declined rapidly, however the saw sharpening side of the business was rapidly increasing. Henry Brothers continued to expand in the saw maintenance industry and commenced production of saw blades

In 1998 Henry Bros Saws Pty Ltd (**'Henry Brothers Saws'**) was established and took over the saw business from Henry Brothers, which still maintained timber production although at a lesser scale.

Over the next few years Henry Brothers Saws grew in size and industry demand increased. As the expansion of Henry Brothers Saws went into different markets the need for retail to meet the requirements of the ever growing client base emerged.

Today the capacity to produce and service a large variety of saws and knives has made Henry Brothers Saws one of the largest manufacturer, retailer, wholesaler, importer, exporter and mail order business of saw blades and related tooling. Part of this business includes the supply of specialised hardware products and services to other hardware stores, including Bunning's Hardware and commercial businesses.

In 2001 the hardware building fronting Windsor Road was outfitted as a family restaurant. However not all of this building area was required and Vineyard Hardware's remaining stock was moved to the rear of the building where it maintained operations dealing in hardware and timber products.

In early March of 2006 the restaurant business failed and ceased to operate. In late 2006 the premises was re-let to a trailer hire business. This trailer hire business is currently in the process of being relocated to alternative premises outside of the Hawkesbury Local Government Area. Vineyard Hardware maintains a presence in the rear of the building on Lot 5 and on the adjoining Lot 53.

## 4 Zoning – Site and Immediate Surrounds

The site and surrounding area is affected by Hawkesbury Local Environmental Plan 1989 ('LEP 1989'). The site is on the intersection of Windsor Road, Bandon Road/Chapman Road. The land diagonally opposite forms the boundary between the Hawkesbury City and Blacktown City Council Local Government Areas, consequently the land to the south is affected by Blacktown Local Environmental Plan 1988 ('LEP1988').

The site and surrounding area is presently zoned Rural Living ("RL") under Hawkesbury Local Environmental Plan 1989. Council has exhibited draft LEP 2009 which proposes that the site and surrounding area be zoned RU4 Rural Small Holdings (refer **Figure 4**).

## 5 Environmental Issues

A review of the site has identified the following issues for consideration:

- Bushfire;
- Vegetation (Ecological);
- Traffic;
- Contamination;
- Flooding; and
- Services.

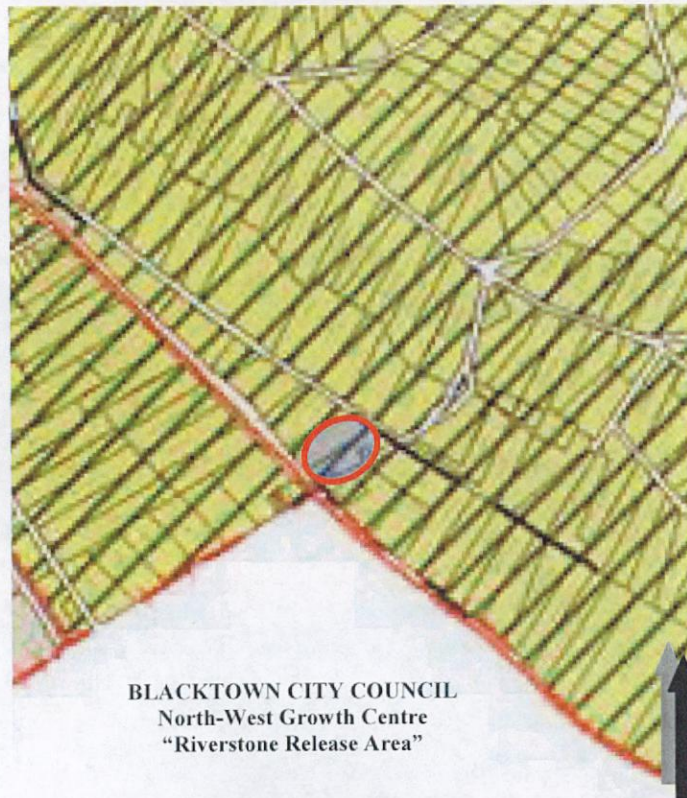
### 5.1 Bushfire

The site is identified as being bush fire prone and is affected by a mix of Category 1, Category 2 and Vegetation Buffer land.

Any future development will need to have regard to the provisions of the Planning for Bushfire Protection (PfBP) 2006 document and relevant legislation under both the Environmental Planning and Assessment Act 1979 and Rural Fires Act 1997.

Development proposals will need to comply with the performance criteria in respect of Asset Protection Zones, Access, Services, and Emergency and evacuation planning however any such assessment can ordinarily be addressed at the development application stage and is not considered to be an issue that would prevent the zoning amendment from proceeding.

### EXISTING ZONING

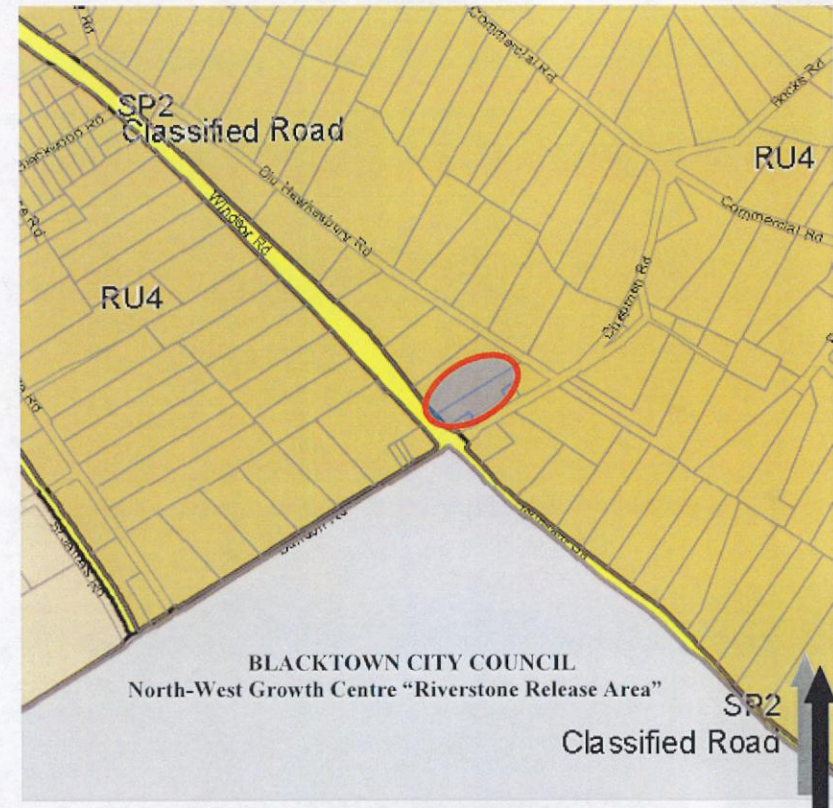


BLACKTOWN CITY COUNCIL  
North-West Growth Centre  
"Riverstone Release Area"

Rural Living (RL)

Source: LEP 1989 - Sheet 3

### DRAFT EXHIBITED ZONING



BLACKTOWN CITY COUNCIL  
North-West Growth Centre "Riverstone Release Area"

RU4 Rural Small Holdings

Source: Draft LEP 2009 - LZN Sheet 16

Figure 4 – Existing Zoning & Draft Exhibited Zoning

Not to Scale

Proposed Rezoning

Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674

and Lot 10 and Lot 11 DP 1080426

Nos.533-547 Windsor Road (corner Chapman Road), Vineyard

## 5.2 Vegetation

The site contains a mix of native and exotic species throughout the site however there are substantial areas of disturbed and un-vegetated land.

It is noted that the Biodiversity Protection Map accompanying the draft LEP 2009 identifies the site as containing mapped areas of *significant vegetation* on the Biodiversity Protection Map<sup>2</sup>. In this regard the attached aerial photograph clearly shows that lot 53 (No.533 Windsor Road) is partly developed (large shed and car park area) with pockets of remnant vegetation. In contrast the Biodiversity Protection Maps identifies this land as being affected by *significant vegetation* over where the parking area currently is. We have previously questioned the accuracy of this mapping in correspondence to Council<sup>3</sup>.

In our opinion the map is not accurate; however any assessment of this matter can ordinarily be addressed at the development application stage and is not considered to be an issue that would prevent the zoning amendment from proceeding.

## 5.3 Traffic

The site has three street frontages. Windsor Road is a dual carriageway arterial road and there is no existing access from this road. All current access is via Chapman Road and Old Hawkesbury Road and it is proposed that access to the site be restricted to Chapman Road and Old Hawkesbury Road.

There is adequate area for on-site parking and manoeuvring and the site has good vehicular access and clear sight lines on both approaches along Chapman Road and Old Hawkesbury Road to accommodate future development.

The intersection of Windsor Road and Chapman Road is signalised making the site suitable and capable of accommodating a range of activities and traffic generating developments with minimal impact upon the surrounding residential properties.

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<sup>2</sup> draft LEP 2009, Sheet BDP\_016

<sup>3</sup> Submission in response to draft LEP 2009, dated 14<sup>th</sup> April 2010.

#### **5.4 Contamination**

Based upon the history and variety of land uses if an application were to be made to convert any of the commercial and industrial uses to residential type activities a preliminary hazard analysis would be required. The proposal however is to continue similar types of land uses consequently it is a matter that would ordinarily be addressed at the development application stage and is not considered to be an issue that would prevent the zoning amendment from proceeding.

#### **5.5 Flooding**

The site varies from between RL15m AHD to RL18.5m AHD which is partly below the 1-in-100 year flood level of 17.3m AHD. The site is classified as a 'flood control lot' which is generally land identified as having potential to be affected by a 1-in-100 year flood event. This affectation is common to all land within the vicinity of the nearby Killarney Chain of Ponds Creek and associated tributaries. From discussions with our client we are advised that the site has not been affected by flooding since the late 1950's; a period of some fifty years.

It is expected that any future redevelopment will need to address the question of flooding and associated risk management however it is not considered to be an issue that would prevent the zoning amendment from proceeding.

#### **5.6 Services**

Investigations identify that both water and sewer connections are readily available and it is not considered to be an issue that would prevent the zoning amendment from proceeding.

## 6 Rezoning Proposal

The purpose of the proposed rezoning is to formally recognise the historic land uses by introducing zonings that will allow a range of small scale retail, commercial and light industrial activities generally consistent with present day activities.

### 6.1 Proposed Zoning for the Site

Of the available zones in draft LEP 2009 we consider that the most appropriate solution is to establish two (2) zones, namely: B1 Neighbourhood centre; and IN2 light Industrial as illustrated in **Figure 5**. Extracts of these zones is provided in **Appendix 2**.

### 6.2 Site Constraints and Opportunities

The site is conveniently situated on a signalised intersection fronting Windsor Road (a classified road) with three (3) street frontages allowing adequate opportunities for vehicular access. Windsor Road is the main traffic route between Castle Hill and Windsor with easy access to both the M7 and M2 Motorways. The site is located within 3 kilometres of Mulgrave and 6 kilometres of Windsor which is identified as a major business and shopping centre for the district.

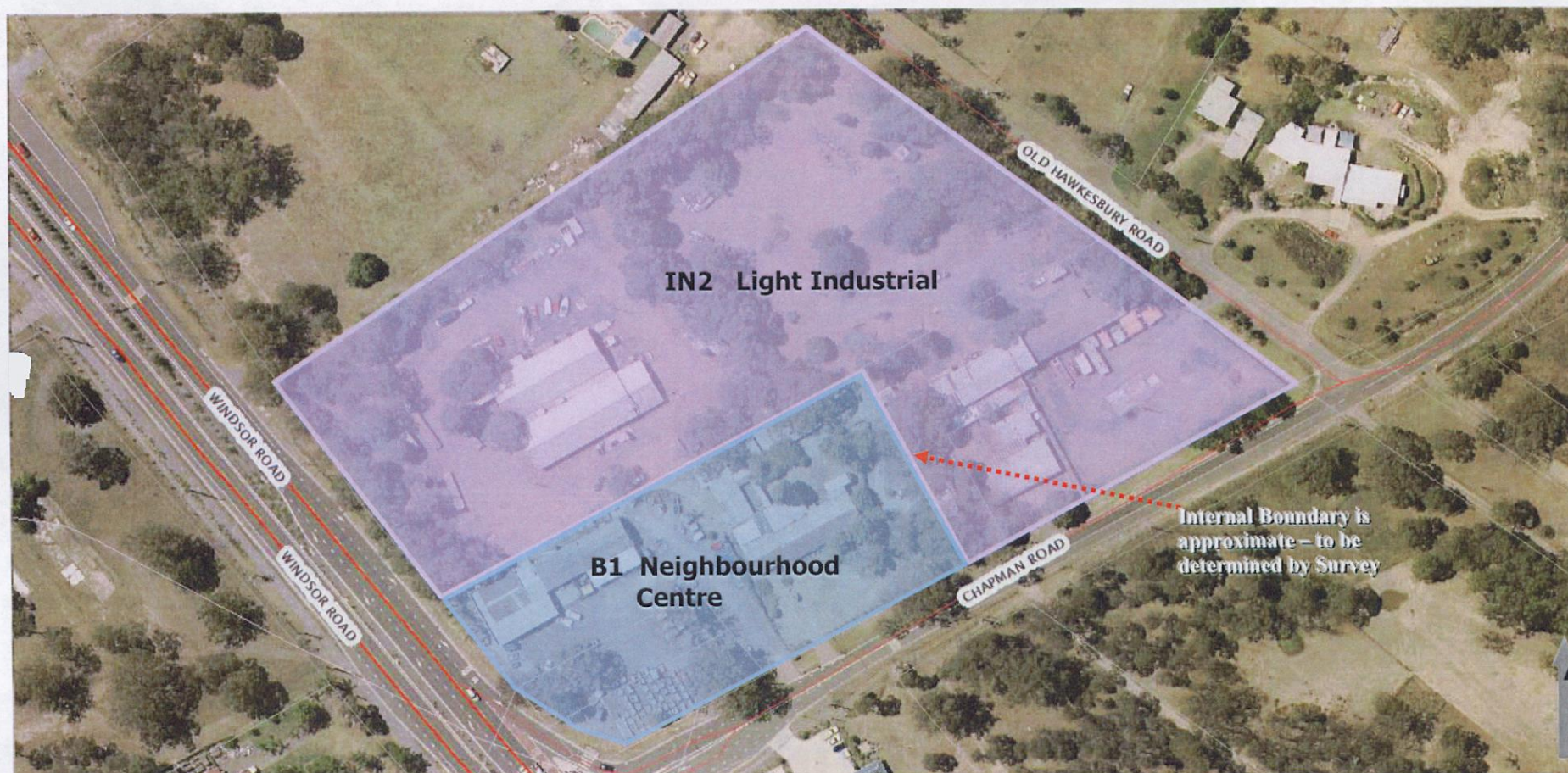
Although the site is identified as being flood affected in the 1 in 100 year event this constraint is not unique to the site or to the Hawkesbury Local Government Area. It also enjoys a relatively level topography with no significant vegetation or topographical constraints.

### 6.3 Review of Alternative Land uses

The current Rural Living zone and proposed RU4 Rural Small Holdings zone both identify in their respective objectives, the retention of agricultural and primary industries in conjunction with residential land uses whilst ensuring the protection of the natural landscape. Our client confirms that the site has not been used for agricultural purposes since the 1950's and it is their understanding that the previous owners also did not use the site for agricultural purposes.

The site and surrounding locality is largely identified as Class 3<sup>4</sup>. These lands now contain extensive sections of existing and future urban development.

<sup>4</sup> Agricultural Land Classification Atlas – Sydney Basin (Riverstone 9030-1-S), New South Wales Agriculture (1995).



Source: NSW Department of Lands SIX viewer © [www.six.nsw.gov.au](http://www.six.nsw.gov.au)

Figure 5 –Proposed Zoning For Site

NOT TO SCALE

Proposed Rezoning

Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426  
Nos.533-547 Windsor Road (corner Chapman Road), Vineyard

The proposed RU4 Rural Small Holdings zone represents a conversion from the Rural Living zone. This conversion process has not; in our opinion taken into account the circumstances of this site, particularly its historic use comprising a mix of residential, light industrial and commercial purposes. It is our view that the nominated zone(s) is based upon a historical classification rather than as an outcome of any detailed investigations into its agricultural capability or locational characteristics and suitability for rural/residential land uses. This Report will demonstrate that the site provides suitable opportunities for both commercial and light industrial development.

#### **6.4 Justification for the Rezoning**

This Report provides the argument and evidence for Council to support a rezoning in the manner proposed. The site is located within the North-West Growth Centre diagonally opposite the Northern edge of the Riverstone release area (refer **Plate 17**). Ultimately the site will form part of Vineyard Release Area Precinct and consequently we submit that the Council should be considering the long-term use of our client's land within this Release Area Precinct.

Windsor Road is a main road and the Bandon Road will carry high volumes of traffic from the Vineyard Railway station. Our clients have for some time maintained that the site is therefore suitable for commercial and other land use activities that provide employment opportunities. The proposed amendment is considered to be consistent with the existing land use pattern of the site. The surrounding area contains a range of land uses, ranging from residential to commercial which will not suffer any long term adverse impacts.

Our preliminary investigations demonstrate that there are no prohibitive issues or matters that are inconsistent with Council's strategic framework or directions issued by the State Government. The proposed zoning does not create an unnecessary demand upon existing infrastructure or services, rather it seeks to utilise the land in an orderly and economic manner having proper regard to identified physical and ecological constraints.

## **7 Policy and Statutory Planning Strategies and Controls**

The site is affected by a number of state, regional and local policy and statutory planning strategies and controls as follows:

### **STATE**

- Standard Instrument—Principal Local Environmental Plan.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No.55 – Remediation of Land.
- Section 117(2) Direction 1.1 Business and Industrial Zones.
- Section 117(2) Direction 1.2 Rural Zones.
- Section 117(2) Direction 3.4 Integrated Land Use and Transport.
- Section 117(2) Direction 4.3 Flood Prone Land.
- Section 117(2) Direction 4.4 Planning for Bushfire Protection.
- Section 117(2) Direction 7.1 Implementation of the Metropolitan Strategy.

### **REGIONAL**

- Sydney Metropolitan Strategy.
- Sydney Regional Environmental Plan<sup>5</sup> (SREP) No.20- Hawkesbury Nepean River.

### **LOCAL**

- Hawkesbury Local Environmental Plan (LEP) 1989.
- Hawkesbury Draft Local Environmental Plan (LEP) 2009.
- Hawkesbury Employment Lands Study (2008).

#### **7.1 Standard Instrument—Principal Local Environmental Plan**

The Standard Instrument (Local Environmental Plans) Order 2006 was gazetted on 31<sup>st</sup> March 2006 and requires Council's in New South Wales to prepare a new "standard" principle Local Environmental Plan in accordance with the Order.

It establishes compulsory and non-compulsory provisions and a set of standardised zones. Council exhibited its draft 'standard principle Local Environmental Plan' (draft LEP 2009) in early 2010 and the proposed zones are consistent with those nominated in the exhibited draft Plan.

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<sup>5</sup> From 1st July 2009 existing REP's become 'deemed' SEPPs under new Division 2, Part 3 of the EP&A Act.

## **7.2 State Environmental Planning Policy (Infrastructure) 2007.**

This Policy commenced on the 1<sup>st</sup> January 2008. The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

**COMMENT** – Although there is no specific development proposal before Council for assessment, the site fronts a classified road and therefore if the rezoning is supported it would be referred to the Roads and Traffic Authority as required under *Subdivision 2 Development in or adjacent to road corridors and road reservations, (clauses 98 – 104).*

Future development of the site would need to demonstrate that it would not compromise the effective and ongoing operation and function of Windsor Road.

Generally speaking issues that arise from development adjoining a classified road include the design of the vehicular access to the land, the emission of smoke or dust from the development, the nature, volume or frequency of vehicles using the classified road to gain access to the land, and any potential traffic safety, road congestion or parking implications of the development.

In our opinion these matters can all be addressed as part of any future development. The site has adequate opportunity for the provision of an integrated, safe and practical access from either Chapman Road or Old Hawkesbury Road, with sufficient area for the provision of the required on-site parking.

### **7.3 State Environmental Planning Policy No.55 – Remediation of Land.**

State Environmental Planning Policy (SEPP) No 55—Remediation of Land commenced in August 1998 and provides for a State-wide approach to the remediation of contaminated land. Clause 6 requires the consideration of contamination and remediation matters as part of a rezoning proposal, namely:

**6      *Contamination and remediation to be considered in zoning or rezoning proposal***

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

**Note.** *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) The following classes of land are identified for the purposes of this clause:*
  - (a) land that is within an investigation area,*
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

- (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

**COMMENT** – Essentially the Policy requires that Council consider whether it is possible, due to past land-use activities that the land may be contaminated and if so, whether it is suitable for the proposed use in its present (un-remediated) state.

The proposed zonings however are intended to reflect the current commercial and light industrial activities conducted on the site and if necessary the requested preliminary investigations can be carried out prior to any rezoning.

#### **7.4 Section 117(2) Direction 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.*

**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 objectives of this direction,*
  - (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 objectives 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) *is of minor significance.*

**COMMENT** – the site has historically been used for light industrial and commercial uses which are clearly employment generating activities purposes. The proposal will not detract from the availability or attractiveness of employment lands within the existing business and industrial zones of Mulgrave, South Windsor, and surrounding areas.

The proposal seeks to formalise the zoning of the land in accordance with the current on-site activities. It is therefore considered that the proposal is of a minor significance and consequently does not warrant the preparation of a specific study.

## 7.5 **Section 117(2) Direction 1.2 Rural Zones**

### *Objective*

- (1) *The objective of this direction is to protect the agricultural production value of rural land.*
- (2).....
- (3).....

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

- (4) *A planning proposal must:*
  - (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
  - (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

### *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 objectives of this direction,*
    - (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 objectives 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) *is of minor significance.*

**COMMENT** – The site is within an area designated as ‘rural living’, with surrounding lands including detached housing, child care centre, primary school, retirement village, storage yards, engineering workshops, and retail shops.

The site does not represent ‘working agricultural land’ and does not have any future use in terms of potential agricultural production.

The area is identified within a future urban release area and it is therefore considered that the proposal is of a minor significance and consequently does not warrant the preparation of a specific study.

## **7.6 Section 117(2) Direction 3.4 Integrating Land Use and Transport**

### **Objective**

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
  - (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
  - (b) *increasing the choice of available transport and reducing dependence on cars, and*
  - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
  - (d) *supporting the efficient and viable operation of public transport services, and*
  - (e) *providing for the efficient movement of freight.*
- (2).....
- (3).....

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

- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
  - (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
  - (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

### **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 objectives of this direction,*
    - (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 objectives 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) *is of minor significance.*

**COMMENT** – As discussed previously the site is conveniently located on a classified road and is located within a future urban release area. It is approximately 850metres from Vineyard Railway Station, thereby providing convenient access to public transport, which reduces car dependence. It is therefore considered that the proposal is of a minor significance and consequently does not warrant the preparation of a specific study.

## **7.7 Section 117(2) Direction 4.3 Flood Prone land**

### **Objectives**

- (1) *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.*

(2).....

(3).....

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

- (4) *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).*
- (5) *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.*
- (6) *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.*
- (7) *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).*
- (8) *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).*

### **Consistency**

- (9) *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.

**Note:** "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the *Floodplain Development Manual 2005*.

**COMMENT** – The site is affected by flooding, and therefore any development will need to be considered in accordance with clause 6.7 – Flood Planning of the draft LEP 2009. In some respects a non-residential land use is preferable when considering potential impacts and the need for the evacuation and safety. Any development or rezoning will need to consider the NSW Floodplain Development Manual (2005). The manual provides that:

*The primary objective of the New South Wales Flood Prone Land Policy, as outlined below, recognises the following two important facts:*

- *flood prone land is a valuable resource that **should not be sterilised by unnecessarily precluding its development**; and*
- *if all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, **some appropriate proposals may be unreasonably disallowed or restricted**, and equally, quite inappropriate proposals may be approved.*

*The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:*

- *a **merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations**;*
- ***both mainstream and overland flooding shall be addressed, using the merit approach**, in preparation and implementation by councils of strategically generated floodplain risk management plans;*
- *the impact of flooding and flood liability on existing developed areas identified in floodplain risk management plans shall be reduced by flood mitigation works and measures, including on-going emergency management measures, the raising of houses where appropriate and by development controls; and*
- *the potential for flood losses in all areas proposed for development or redevelopment shall be contained by the application of ecologically sensitive planning and development controls (**emphasis added**)*

Having regard to the existing development and range of land uses on the property, the proposed rezoning is capable of satisfying any concerns that might arise due to flood affectation. It is considered that the proposal is of a minor significance and consequently does not warrant the preparation of a specific study.

## **7.8 Section 117(2) Direction 4.4 Planning for Bushfire Protection**

### **Objectives**

- (1) *The objectives of this direction are:*
- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
  - (b) *to encourage sound management of bush fire prone areas.*

(2).....

(3).....

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

- (4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*
- (5) *A planning proposal must:*
- (a) *have regard to Planning for Bushfire Protection 2006,*
  - (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
  - (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*
- (6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
- (a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*
    - (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
    - (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
  - (b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
  - (c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
  - (d) *contain provisions for adequate water supply for firefighting purposes,*
  - (e) *minimise the perimeter of the area of land interfacing the hazard which may be developed,*
  - (f) *introduce controls on the placement of combustible materials in the Inner Protection Area.*

### **Consistency**

- (7) *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 council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.*

**COMMENT** – The site is identified as being bush fire prone and is affected by a mix of Category 1, Category 2 and Vegetation Buffer land.

Any future development will need to have regard to the provisions of the Planning for Bushfire Protection (PFBP) 2006 document and relevant legislation under both the Environmental Planning and Assessment Act 1979 and Rural Fires Act 1997.

In our opinion the proposal is capable of satisfying the necessary statutory controls, and therefore complies with this direction.

## **7.9 Section 117(2) Direction 7.1 Implementation of the Metropolitan Strategy**

### ***Objective***

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

(2).....

(3).....

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

(4) *Planning proposals shall be consistent with:*

(a) *the NSW Government's Metropolitan Strategy: City of Cities, A Plan for Sydney's Future, published in December 2005 ('the Metropolitan Strategy').*

### ***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 Strategy:*

(a) *is of minor significance, and*

(b) *the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

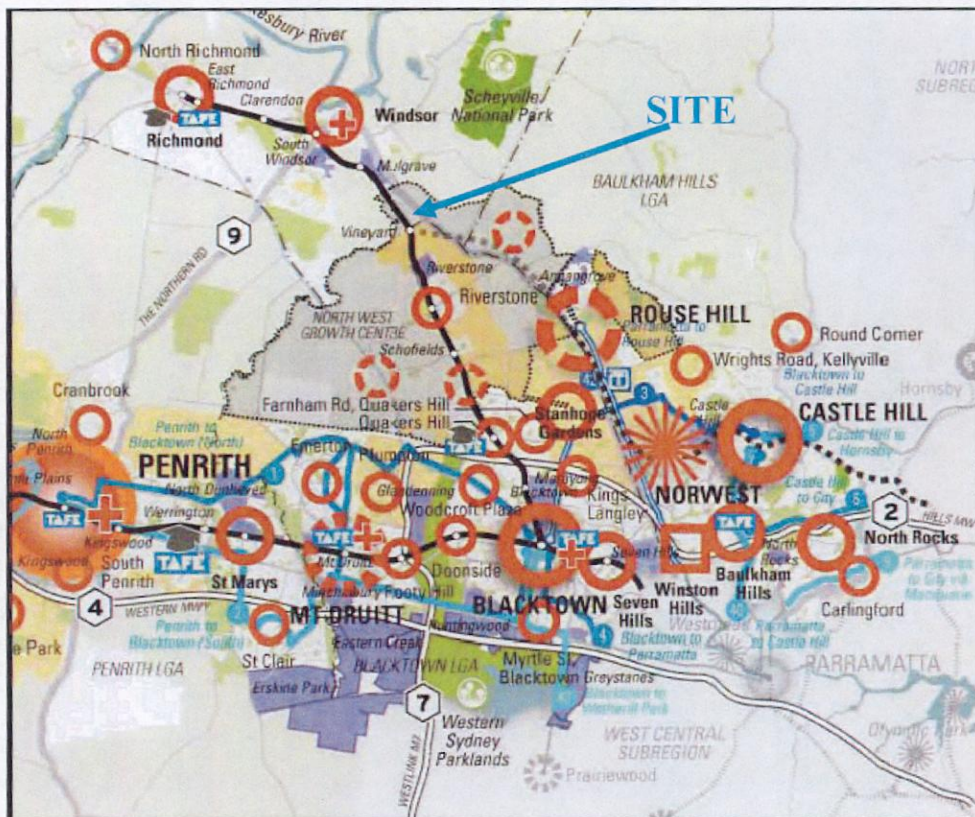
**COMMENT** – We have undertaken a review of the Strategy in the following Section of this report and consider that the proposal complies with this direction.

## **7.10 Sydney Metropolitan Strategy**

The Metropolitan Strategy 'City of Cities A Plan for Sydney's Future' and North West Subregional Strategy were released by the Department of Planning in December 2005 and December 2007, respectively. These documents outline the broad vision for the future planning of Sydney and the North West subregion to 2031.

It is anticipated that Sydney's population will grow by 1.1 million people between 2004 and 2031, from a current population of 4.2 million to 5.3 million by 2031.

To cater for this growth, the Government has predicted the need for 640,000 new homes and 130,000 jobs. In this respect the Employment Strategy aims to increase jobs within the Hawkesbury by 3000, from 24,000 to 27,000<sup>6</sup>.



**Plate 17 - Extract North West Sub Region Structure Plan**

The North West Subregional Strategy translates objectives of the Metropolitan Strategy to the local level, with the economy and employment identified as a key component.

The strategy<sup>7</sup> identifies the existing Mulgrave and Vineyard industrial area as being located, just outside of the growth area but recognises that this area is well-established, comprising a mix of industrial uses, such as manufacturing, automotive servicing and automotive sales as was faulty goods retailing. It also notes that the area surrounding it is flood prone and may not be suitable for further light industrial activities. This statement is seen as being of a generalised nature.

As stated previously, the site is located within the north-west growth centre and ultimately will form part of Vineyard Release Area Precinct. Consequently it is

<sup>6</sup> Economy and Employment Strategy. Table 4 Employment Targets, page 29.

<sup>7</sup> Economy and Employment Strategy, page 38.

considered that the use of the site in the manner proposed is not inconsistent with the aim of the strategy in terms of job creation.

The proposal reflects a balanced approach to urban growth. It is not inconsistent with the Strategy and therefore complies with this direction.

#### **7.11 Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

Sydney Regional Environmental Plan No.20 aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of its impacts on water quality.

The proposal involves the subdivision of the land for residential housing. Any subdivision works will be undertaken in accordance with "The Blue Book" Landcom (2004). *Managing Urban Stormwater: Soils and Construction*. It is considered that any future development can be undertaken in a manner that controls turbidity and sediment run-off without adversely impacting upon the environment.

It is considered therefore that the application is consistent with the aims and intent of the Policy.

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

The land is presently zoned Rural Living (RL) under LEP 1989 however it is proposed to convert this zone to RU4 under draft LEP 2009. The objectives of the Rural Living zone are as follows:

- (a) *to provide primarily for a rural residential lifestyle,*
- (b) *to enable identified agricultural land uses to continue in operation,*
- (c) *to minimise conflict with rural living land uses,*
- (d) *to ensure that agricultural activity is sustainable,*
- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*
- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*
- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*
- (h) *to ensure that development occurs in a manner:*

- (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- (ii) that satisfies best practice guidelines and best management practices,*
- (i) to prevent the establishment of traffic generating development along main and arterial roads,*
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services".*

**COMMENT** – The commercial and light industrial land uses on the site have traded continuously since the late 1950's and in our opinion the existing zoning which reinforces a rural residential use and lifestyle is not reflective of the predominate land use activities.

The proposal seeks to formalise the existing uses, utilising existing infrastructure and the report will demonstrate that zoning ought to respond to the actual on site activities.

### **7.13 Draft Hawkesbury Local Environmental Plan 2009**

The site is proposed to be zoned RU4 Rural Small Holdings under the draft LEP 2009.

The zone objectives are:

- To enable sustainable primary industry and other compatible land uses.*
- To maintain the rural and scenic character of the land.*
- To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- To enable identified agricultural land uses to continue in operation.*
- To ensure that agricultural activity is sustainable.*
- To ensure that agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands.*
- To prevent the establishment of traffic generating development along classified roads.*
- To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

**COMMENT** – The proposed zoning does not allow for light industrial or business operations in the manner that they are currently conducted on site; this includes Vineyard Hardware, the sawmill and Henry Brothers Saws. By way of comment Henry

Brothers is a large specialised manufacturer of industrial saws. The company is one of the largest within Australia servicing both nationally and internationally.

The objectives of the RU4 zone are focused towards rural land use, with an allowance for business activities provided they do not interfere with the rural character of locality and do not interfere with the agricultural activities.

It is acknowledged that there are a number of rural properties within the immediate vicinity of the site however there are also a number of significantly sized business activities ranging from commercial to industrial. These businesses are naturally clustered along the Windsor road arterial due to high traffic volumes and the reasonably convenient nature of access to the surrounding main road network such as the M2 and M7 motorways.

The existing on-site businesses are well-established, and need to be provided with a reasonable opportunity to expend and redevelop; the proposed RU4 zoning will unfortunately prevent this from occurring.

Future development will need to comply with the provisions of the draft plan and from our review there are no controls (apart from the zoning), which would specifically prevent the submission of a development application. Any application submitted will need to address all relevant requirements and demonstrate compliance with the draft plan in order to be recommended for approval.

In our opinion the proposed rezoning of the site in the manner proposed in this application, will enable land to be developed in an orderly fashion, without impacting upon the viability of the nearby Mulgrave light industrial and business centre.

#### **7.14 Hawkesbury Employment Lands Study (2008)**

The study identifies a number of strengths within the Hawkesbury region<sup>8</sup>, including:

*Hawkesbury's employment has consistently grown in the last 10 years though at a reduced rate since 2001. The economic analysis found that Hawkesbury LGA has:*

- *relatively high employment self-containment (ratio of local jobs to resident workers) and high self sufficiency (share of local residents working locally);*
- *a large proportion of qualified residents; and*

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<sup>8</sup> Hawkesbury Employment Land Strategy, page 4.

- *A comparable, or higher, proportion of managers and professionals in the key industries of Manufacturing and Construction, Education and Health sectors compared to the Sydney Region and North West subregion.*

The report acknowledges that some of the existing employment centres lack adequate road and service infrastructure; the exception is Mulgrave which has access to rail and 'superior access to a major road (Windsor Road)'<sup>9</sup>.

It is noted that (in part) 'a key finding of this study was is that there is no immediate shortage of industrial or business zoned land in the Hawkesbury LGA'<sup>10</sup>. However one of the recommended strategies (no.5) is to 'investigate additional industrial land supply to address future employment growth'<sup>11</sup>. Although it does not refer to the immediate locality of the subject site it is considered that the scale of this proposal is not of such significance that it would detract from or be inconsistent with the overall strategies of the Employment Lands Study.

## 8 LEP Pro Forma Criteria

This Section addresses the requirements of a "Spot Rezoning LEP"<sup>12</sup> as nominated by the Department of Planning.

Evaluation Criteria	Comments
1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes. <b>Section 7</b> provides a detailed assessment of the proposal against the relevant State and Regional policies.
2. Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	Yes. <b>Section 7</b> provides a detailed assessment of the proposal against the relevant State and Regional policies.

<sup>9</sup> Ibid., page 5.

<sup>10</sup> Ibid., page 6.

<sup>11</sup> Ibid., page 7.

<sup>12</sup> As nominated in the Department of Planning's Circular No. PS 06-005.

Evaluation Criteria	Comments
3. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	<p><b>Yes.</b></p> <p>As discussed in <b>Sections 6 and 7</b>, the site is located within the North-West Growth Centre diagonally opposite the Northern edge of the Riverstone release area (refer Figure 6). Ultimately the site will form part of Vineyard Release Area Precinct.</p>
4. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<p><b>Yes.</b></p> <p>The proposal seeks to reinforce and formalise existing employment generating activity without resulting in loss of employment lands.</p>
5. Will the LEP be compatible/complementary with surrounding land uses?	<p><b>Yes.</b></p> <p><b>Section 2, Section 3, Section 4, and Section 5</b> provide a description and assessment of the surrounding land uses. The proposal is considered to be compatible and complementary with the surrounding land uses.</p>
6. Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	<p><b>No.</b></p> <p>The proposal is not considered to create precedent. Refer <b>Section 6</b>.</p>
7. Will the LEP deal with a deferred matter in an existing LEP?	<p><b>No.</b></p> <p>This criteria is not seen as applicable to the proposal.</p>
8. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	<p><b>Yes.</b></p> <p>We are not aware of any other spot rezoning proposals that could potentially impact the proposal in the context of existing and future developments.</p>

## 9 Conclusion

The client seeks the support of Hawkesbury City Council to rezone the site from Rural Living (proposed RU4 Rural Small Holdings) to a part B1 Neighbourhood Centre and part IN2 light Industrial which would allow a range of small scale retail commercial and light industrial activities generally consistent with present day activities.

If the exhibited draft RU4 zoning is endorsed these activities will be inconsistent with the intent of this zone and could only operate under the existing use rights provisions of the Environmental Planning and Assessment Act, 1979 and Regulation.

Whilst it is zoned rural the site does not represent '*working agricultural land*'. The commercial and light industrial land uses on the site have traded continuously since the late 1950's and in our opinion the existing and exhibited draft RU4 zoning reinforces a rural residential use and lifestyle that is not reflective of the predominate land use activities.

The proposal reflects a balanced approach and seeks to promote the orderly and economic use of the land by identifying an opportunity for commercial and light industrial activities that are generally consistent with the various policies and strategies identified in this report. In our opinion the proposal will not erode the aims and strategies of the adopted Employment Lands Study or future urban characteristics of the locality. The existing on-site businesses are well-established, and need to be provided with a reasonable opportunity to expand and redevelop. It is our opinion that this proposal has merit and should be supported by Council.

## 10 Recommendation

It is recommended that Council prepare a draft Local Environmental Plan amendment to rezone Lot 53 DP 593354, Lot 4 and Lot 5 DP 536674 and Lot 10 and Lot 11 DP 1080426, Nos.533-547 Windsor Road (corner Chapman Road), Vineyard from Rural Living (proposed RU4 Rural Small Holdings) to a part B1 Neighbourhood Centre and part IN2 light Industrial generally in accordance with **Figure 5**.

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## 11 References

### PLANNING AND STATUTORY DOCUMENTS

- Environmental Planning and Assessment Act, 1979 ('EP&A Act').
- Environmental Planning and Assessment Regulation 2000 ('EP&A Regulation').
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No.55 – Remediation of Land.
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River (No.2-1997) ('SREP No.20').
- Hawkesbury Local Environmental Plan 1989 ('LEP 1989').
- Hawkesbury draft Local Environmental Plan 2009 ('draft LEP 2009')
- Section 117 Directions issued 1<sup>st</sup> July 2009  
<http://www.planning.nsw.gov.au/LocalEnvironmentalPlans/LocalPlanningDirections/tabid/248/language/en-AU/Default.aspx>
- NSW Metropolitan Strategy '*City of Cities A Plan for Sydney's Future*', dated December 2005.

### REPORTS AND PLANS

- NSW Floodplain Development Manual, dated April 2005.
- Hawkesbury Employment Land Strategy (December 2008) prepared by SGS Economics and Planning Pty. Ltd.

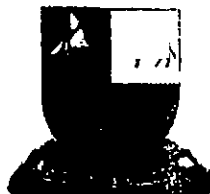


# **Appendix No. 1**

**HISTORY OF APPROVALS AND LAND USES**

ALL COMMUNICATIONS TO  
BE ADDRESSED TO THE  
TOWN CLERK

OFFICE HOURS  
MON. - FRI.  
9.00 - 4.00



# WINDSOR MUNICIPAL COUNCIL

COUNCIL CHAMBERS, GILLESPIE PLACE, WINDSOR, N.S.W. 2756  
PHONE: 045 77 4822

24th October, 1980.  
D2/1/CC R.A.Cole

The Manager,  
Vineyard Hardware Pty. Ltd.,  
Windsor Road,  
VINEYARD. N.S.W. 2765

Dear Sir,

Reference is made to your letter received on 15th October requesting details of the various consents granted for land at the corner of Windsor Road and Chapman Street, Vineyard.

The following history of approvals is submitted for your information:-

|            |                                                                                                                                                     |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Prior 1951 | Shop and dwelling on land.                                                                                                                          |
| 9/4/1957   | Approval for F.E.Henry & Co. to erect a general machine shop for working building timber and store.                                                 |
| 5/12/1963  | R.E.Eaton & Co., Solicitors on behalf of F. Henry and J.M. Wilson, application to subdivide into 2 lots and erect a joinery works on the new lot 1. |
| 10/12/1963 | Resolved by Council to refer application to C.C.C. and Solicitor advised.<br>No further reference of result of application can be found.            |
| 20/9/1965  | Approval given for builders hardware store in "Rivoli" theatre.                                                                                     |
| 28/6/1968  | Sign approved stating "Roofing supplied and fixed, Brownbuilt, strammit repairs, tiles, fibro slates.                                               |
| 13/9/1968  | Approval for storage shed 100' x 30' and 2 flats.                                                                                                   |
| 13/11/1968 | B.A. 230/68 for storage shed.                                                                                                                       |
| 10/4/1969  | B.A. 34/69 2 flats.                                                                                                                                 |
| 5/6/1970   | B.A. 138/70 Carport.                                                                                                                                |
| 16/9/1970  | B.A. 253/70 Double Carport.                                                                                                                         |
| 16/11/1970 | Approval given to relocate residence to new lots 1 and 2 Chapman Road. Shop to be demolished.                                                       |

Vineyard Hardware Pty. Ltd.

24th October, 1980

11/2/1971

Approval given for:

1. Extensions to existing shop.
2. Extensions to storeroom attached to shop.
3. Extensions to outside storage area.
4. Extensions to existing flat building.
5. Extensions to existing residence.

23/3/1971

B.A. 79/71 Additions to shop and storage shed.

20/4/1971

B.A. 96/71 Additions to flats.

13/5/1971

Notification from D.L.I. application to register factory for "Key and Timber Cutting"  
No letter of objection from Council.


25/8/1971

B.A. 258/71 Swimming Pool.

3/11/1971

B.A. 362/71 Additions to hardware store (warehouse).

Yours faithfully,



R.L. Rawson,  
Town Clerk.

**HISTORY OF APPROVALS -- VINEYARD HARDWARE P/L**  
**HENRY BROS & CO P/L, F.E. & S.A. HENRY**  
**541/533 WINDSOR RD VINEYARD 2765**

---

|            |                                                                                                                                                                                                                                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRIOR 1951 | SHOP AND DWELLING ON LAND AT 541 WINDSOR RD                                                                                                                                                                                                                                                          |
| 9/4/1957   | APPROVAL FOR F.E. HENRY & CO. TO ERECT A GENERAL MACHINE SHOP FOR BUILDING TIMBER AND STOREAGE.                                                                                                                                                                                                      |
| 5/12/1963  | APPROVAL TO SUBDIVIDE INTO 2 LOTS & ERECT A JOINERY WORKS ON THE NEW LOT 1, 541 WINDSOR RD                                                                                                                                                                                                           |
| 20/6/1968  | APPROVAL GIVEN FOR BUILDERS HARDWARE STORE IN "RIVOLI THEATRE"                                                                                                                                                                                                                                       |
| 28/6/1968  | SIGNAGE APPROVED STATING "ROOFING SUPPLIED AND GENERAL HARDWARE"                                                                                                                                                                                                                                     |
| 13/9/1968  | APPROVAL FOR STORAGE SHED 100' X 30' & 2 FLATS                                                                                                                                                                                                                                                       |
| 11/2/1971  | APPROVAL GIVEN FOR:- <ol style="list-style-type: none"><li>1) EXTENSIONS TO EXISTING SHOP.</li><li>2) EXTENSIONS TO STOREROOM ATTACHED TO SHOP.</li><li>3) EXTENSION TO OUTSIDE STOREAGE AREA.</li><li>4) EXTENSION TO EXISTING FLAT BUILDING.</li><li>5) EXTENSION TO EXISTING RESIDENCE.</li></ol> |
| 13/5/1971  | NOTIFICATION FROM D.C.I. TO REGISTER FACTORY, NO OBJECTION FROM COUNCIL.                                                                                                                                                                                                                             |
| 3/11/1971  | APPROVAL FOR ADDITIONS TO HARDWARE STORE ( WAREHOUSE )                                                                                                                                                                                                                                               |
| 21/6/2001  | APPROVAL GRANTED TO CHANGE EXISTING HARDWARE STORE INTO A REFRESHMENT ROOM / RESTAURANT                                                                                                                                                                                                              |

**LOT 53 / 533 WINDSOR RD VINEYARD**

|           |                                                                                                                                                            |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15/8/1979 | APPROVAL GIVEN FOR THE BUILDING OF A BEE APARIE AND ANCILLARY WORKS INCLUDING, HONEY PROCESSING AND PACKAGING, SAWMILLING AND CRATE AND BOX MANUFACTURING. |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|

# **Appendix No. 2**

**ZONING LAND USE TABLES (RU4, B1 & IN2)  
DRAFT LEP 2009**

**Zone RU4 Rural Small Holdings****1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To enable identified agricultural land uses to continue in operation.
- To ensure that agricultural activity is sustainable.
- To ensure that agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands.
- To prevent the establishment of traffic generating development along classified roads.
- To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

**2 Permitted without consent**

Environmental Protection Works; Extensive Agriculture (excluding within an area mapped as Environmental Constraint Area); Home Occupations

**3 Permitted with consent**

Animal Boarding and Training Establishments; Aquaculture; Boarding Houses; Business Identification Signs; Cemetery; Child Care Centres; Community Facilities; Dual Occupancies (Attached); Dwelling Houses; Educational Establishments; Entertainment Facilities; Environmental Facilities; Extensive Agriculture (within an area mapped as Environmental Constraint Area); Farm Buildings; Farm Stay Accommodation; Flood Mitigation Works; Food and Drink Premises; Home Based Child Care; Home Industries; Horticulture; Intensive Livestock Agriculture; Intensive Plant Agriculture; Landscape and Garden Supplies; Places of Public Worship; Public Administration Buildings; Recreation Areas; Recreation Facilities (indoor); Recreation Facilities (outdoor); Registered Clubs; Roads; Roadside Stalls; Rural Supplies; Rural Workers Dwellings; Tourist and Visitor Accommodation; Veterinary Hospitals; Waterbodies (artificial)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B1 Neighbourhood Centre****1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To promote the development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury.
- To preserve the historic character of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.
- To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

**2 Permitted without consent**

Environmental Protection Works, Home Occupations

**3 Permitted with consent**

Boarding houses; Business Premises; Child Care Centres; Community Facilities; Neighbourhood Shops; Shop Top Housing; Roads; Animal Boarding and Training Establishments; Helipads; Heliports; Home Industries; Warehouse/Distribution Centres; Any other development not specified in Item 4 below

**4 Prohibited**

Airports; Airstrips; Aquaculture; Boat Repair Facilities; Boat Sheds; Caravan Parks; Cemeteries; Charter and Tourism Boating Facilities; Correctional Centres; Crematoria; Depots; Extensive Agriculture; Extractive Industries; Farm Buildings; Farm Forestry, Forestry; Freight Transport Facilities; Group Homes; Hazardous Industries; Hazardous Storage Establishments; Heavy Industries; Highway Service Centres; Home Occupation (sex services); Hostels; Intensive Livestock Agriculture; Intensive Plant Agriculture; Industrial Retail Outlets; Light Industry; Liquid Fuel Depots; Manufactured Home Estates; Marinas; Mining; Moorings; Movable Dwellings; Offensive Industries; Offensive Storage Establishments; Port Facilities; Recreation Facilities (major); Research Stations; Restricted Premises; Rural Industries; Rural Worker's Dwellings; Self Storage Units; Sewerage Systems; Sex Services Premises; Transport Depots; Vehicle Body Repair Workshops; Waste or Resource Management Facilities; Water Recreation Structures; Water Supply Systems

**Zone IN2 Light Industrial****1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To set aside certain land for the purposes of light industry within convenient distances of the urban centres of Hawkesbury;
- To allow commercial and retail development for:
  - (i) uses ancillary to the main use of land within the zone; and
  - (ii) the day-to-day needs of the occupants and employees of the surrounding industrial area.
- To ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution

**2 Permitted without consent**

Environmental Protection Works; Home Occupations.

**3 Permitted with consent**

Depots; Light Industries; Neighbourhood Shops; Roads; Warehouse or Distributions Centres; Animal Boarding and Training Establishments; Extensive Agriculture; Self Storage Units; Liquid Fuel Depots; Health Consulting Rooms; Heilpads; Heliports; Hospitals; Food and Drink Premises; Any other development not specified in Item 4 below

**4 Prohibited**

Aquaculture; Airports; Airstrips; Amusement Centres; Boat Sheds; Bulky Goods Premises; Business Premises; Car Parks; Caravan Parks; Cellar Door Premises; Cemeteries; Charter and Tourism Boating Facilities; Educational Establishments; Exhibition Homes; Exhibition Villages; Farm Buildings; Farm forestry; Forestry; Hazardous Industries; Hazardous Storage Establishments; Health Services Facilities; Heavy Industries; Highway Service Centres; Home Business; Home Industry; Home Occupation (sex services); Home-based Child Care; Intensive Livestock Agriculture; Intensive Plant Agriculture; Kiosks; Manufactured Home Estates; Marinas; Markets; Medical Centres; Moorings; Movable Dwellings; Office Premises; Offensive Industries; Offensive Storage Establishments; Port Facilities; Recreation Facilities (major); Research Stations; Residential Accommodation; Restricted Premises; Roadside Stalls; Sawmill or Log Processing Works; Sex Services Premises; Sewerage systems; Shops; Tourist and Visitor Accommodation; Vehicle Body Repair Workshops; Wholesale Supplies; Waste or Resources Management Facilities; Water Recreation Structures; Water supply systems.