



Attachment 1 to Item 4.1.1

Planning Proposal LEP003 23, 7 and 9
Fitzgerald Street, Windsor

Date of meeting: 10 October 2023
Location: Council Chambers
Time: 6:30pm



LEP003/23
7 and 9 Fitzgerald
Street, Windsor

PLANNING PROPOSAL

Division:	City Planning	Policy Number:	Nil
Branch:	Strategic Planning	Adopted Date:	Nil
Responsible Officer:	Strategic Planner	Next Review Date:	Nil
Director:	Director of City Planning	Version:	Nil



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1. INTRODUCTION

1.1 Overview

The planning proposal is seeking to rezone 7 and 9 Fitzgerald Street, Windsor (Lot C DP 331895, Lot D DP 360127, Lot 1 DP 1087936) from SP2 Infrastructure to E2 Commercial Centre and introduce associated planning controls of a 10m Height of Buildings limit. The rezoning is to correct an anomaly resulting from the conversion to the current Hawkesbury Local Environment Plan 2012 from the past Hawkesbury Local Environmental Plan 1989. The correct zoning for the subject site from the transition should have been R3 Medium Density Residential. The proposed E2 Commercial Centre zoning of the subject site is the optimal zone for the subject site as it is consistent with the present land use and the surrounding zones.

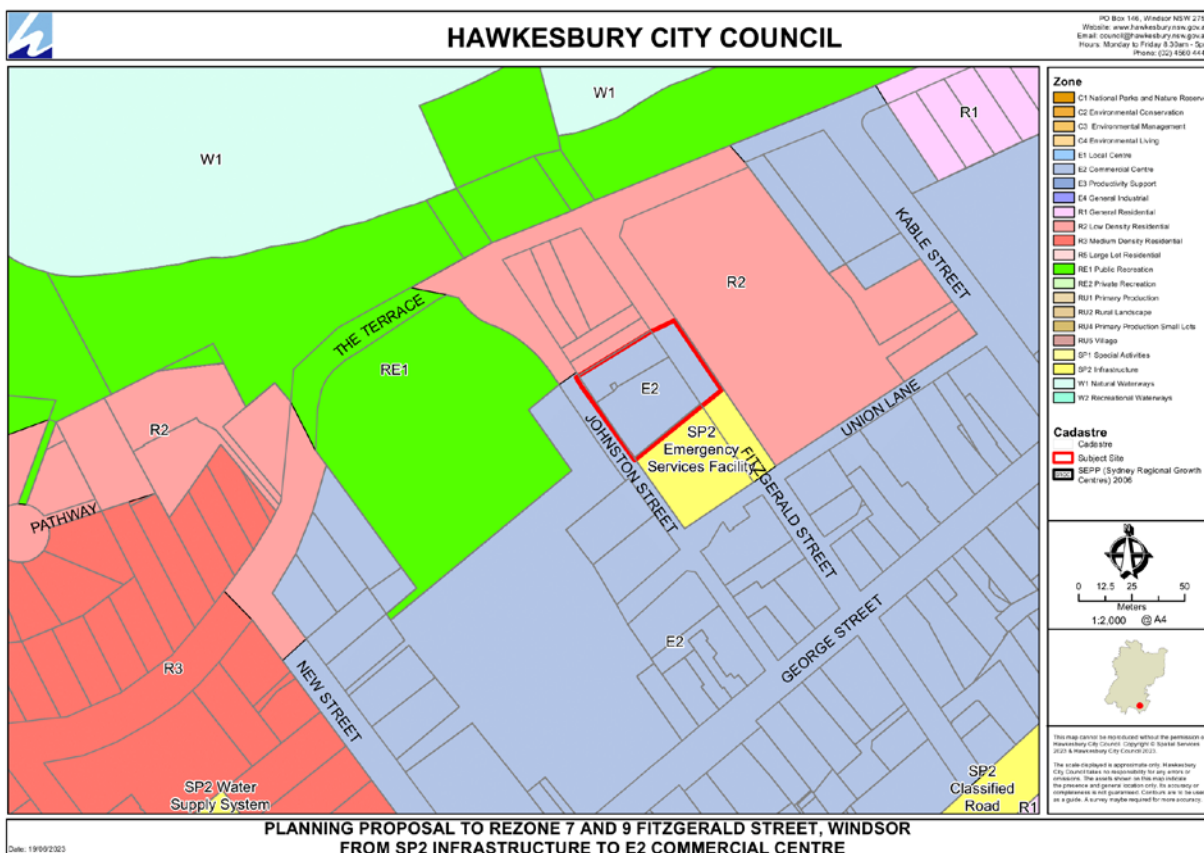


Figure 1 Proposed Rezoning of 7 and 9 Fitzgerald Street

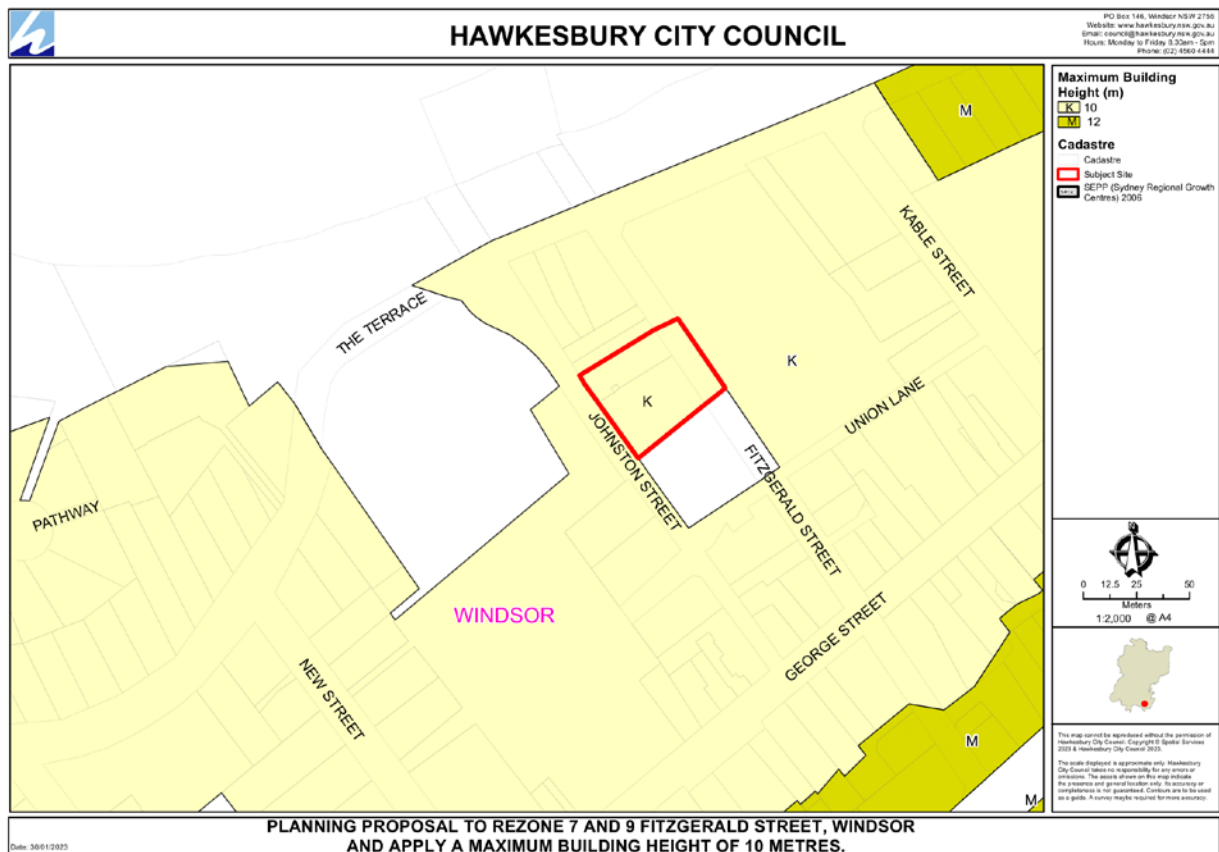


Figure 2 Proposed Height of Building Control for 7 and 9 Fitzgerald Street

1.2 Background

Under the previous Hawkesbury Local Environmental Plan 1989 the subject sites 7 and 9 Fitzgerald Street, were zoned MU – Multi Unit Housing (Fig. 3). On 21 September 2012, Hawkesbury City Council adopted the Hawkesbury Local Environment Plan 2012, replacing the Hawkesbury Local Environment Plan 1989. This adoption of a the LEP was instructed by the Standard Instrument 2006 and involved the conversion to standardised zoning system and updating and replacing of associated LEP maps. In this process an anomaly occurred whereby the subject sites, 7 and 9 Fitzgerald Street, Windsor, were incorrectly zoned SP2 Infrastructure (Fig 4). With both sites previously being zoned Multi Unit Housing, the standard conversion into present zoning should have been R3 Medium Density. Figure 3 and 4 below illustrates the subject site.

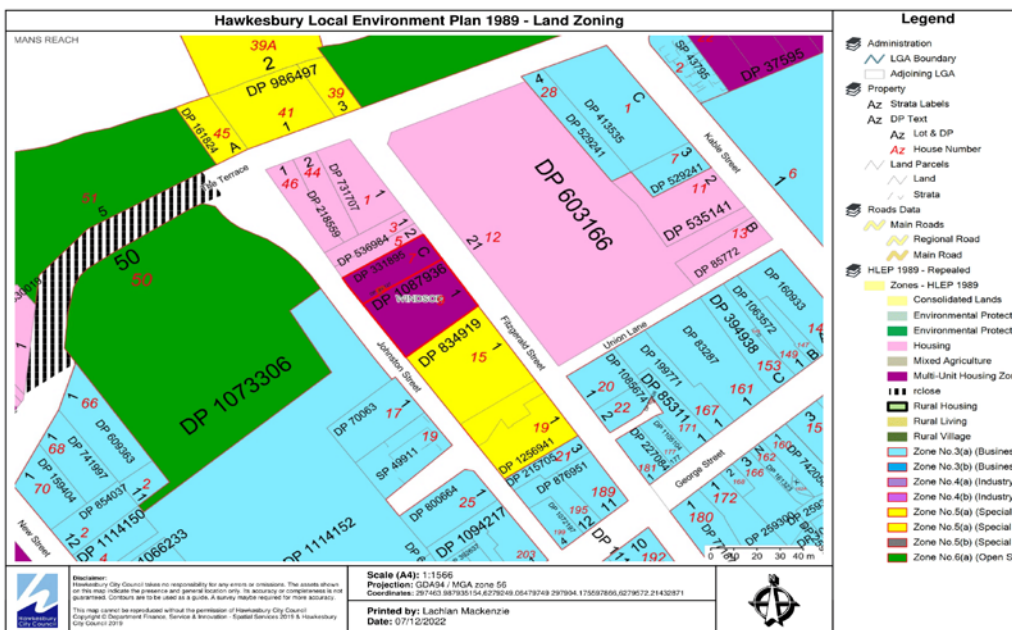


Figure 3 Hawkesbury Local Environment Plan 1989 - Zoning Map

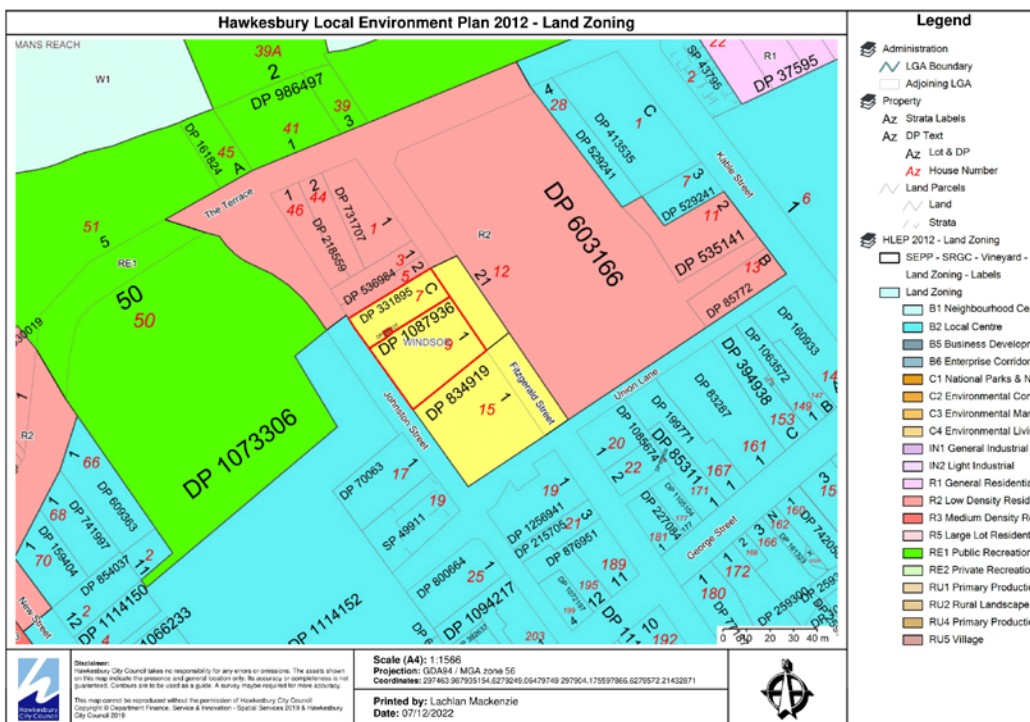


Figure 4 Hawkesbury Local Environment Plan 2012 - Zoning Map

The zone anomaly was identified by the property owner and after investigations, it was determined that it was a LEP roll over anomaly. After negotiations with the owner of the subject site, it was agreed to rezone the subject site to E2 Commercial Centre. Given the current commercial use of the subject site, and the surrounding properties are zoned E2 Commercial Centre, Council deemed it appropriate maintain the zone consistency instead of creating a spot zone of R3 Medium Density Residential.

1.3 Purpose of the Planning Proposal

The purpose of the planning proposal is to correct an anomaly that occurred as result of the rollover of the Hawkesbury LEP 1989 to Hawkesbury LEP 2012. To correct the anomaly, the planning proposal is seeking to rezone 7 and 9 Fitzgerald Street, Windsor (Lot C DP 331895, Lot D DP 360127, Lot 1 DP 1087936), from SP2 Infrastructure to E2 Commercial Centre and introduce the associated planning control of a 10m Height of Buildings.

1.4 Site Context

7 and 9 Fitzgerald Street, Windsor is located within the Windsor commercial area, north west of George Street near Howe Park. The subject site currently features a lawn mower retail and service facility on 9 Fitzgerald Street, and second-hand furniture store on 7 Fitzgerald Street. The surrounding area is predominately commercial on land zoned E2 Commercial Centre, with additional residential and recreational zoned land. The adjacent lot, 15 Fitzgerald Street, located south east of the subject site and sharing SP2 infrastructure zoning, is Sydney Water owned land containing an elevated steel reservoir. Further along Fitzgerald street is the former Windsor Fire Station which is presently used as office space and a boarding house. The land on which the former fire station and water reservoir were previously zoned Special Uses. In the rollover to Hawkesbury Local Environment Plan 2012, the site of former fire station was zoned B2 Local Centre (Now E2 Commercial Centre), and the site of the water reservoir the subject site of the planning proposal was zoned SP2 Infrastructure.



Figure 5 Subject Site - Current Use



Figure 6 Surrounding Development



Figure 7 Windsor Mall

With its location in the historic Windsor Town Centre, the subject site is in the vicinity of several locally listed items of environmental heritage (Fig.6). These items include 'Sunny Brae' (1161), a Victorian home and garden located opposite of the subject site. Additionally, the subject site is approximately 300 metres south east of the Thompson Square Heritage Conservation Area.

Due to the proximity of the site to the Hawkesbury River, and the broader context of Windsor on the Hawkesbury-Nepean floodplain, the subject site is located on flood liable land. The subject site is within the Flood Planning area, as it is inundated in the 1-100 ARI Flood event (Fig 7).



LEP003/23 7 and 9 Fitzgerald Street, Windsor

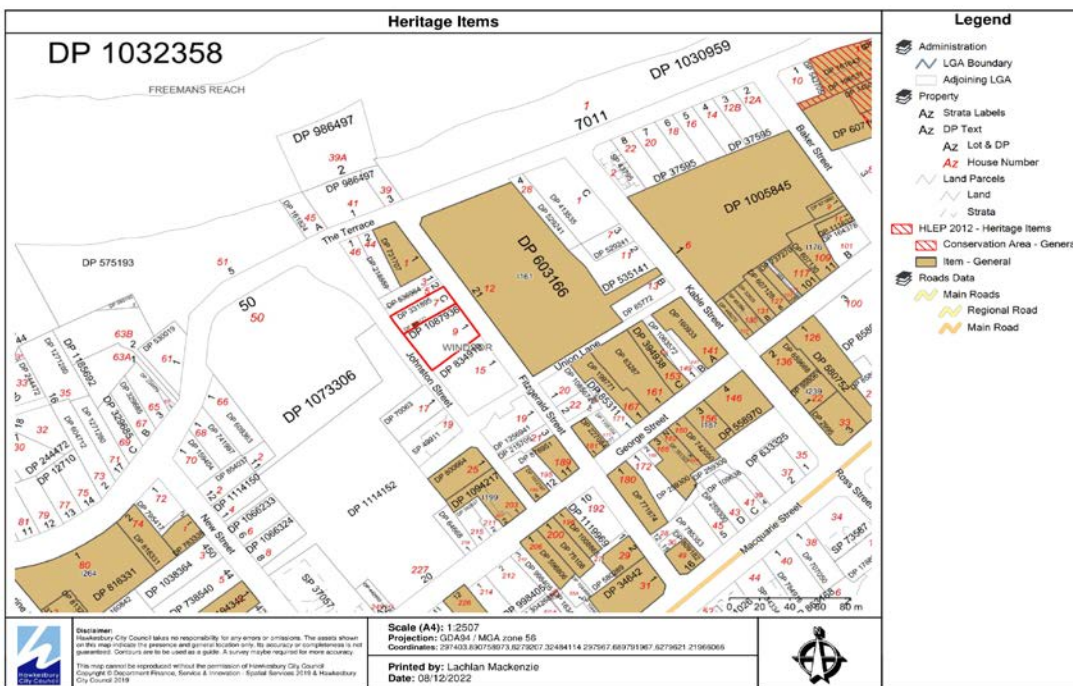


Figure 8: Local Heritage Items

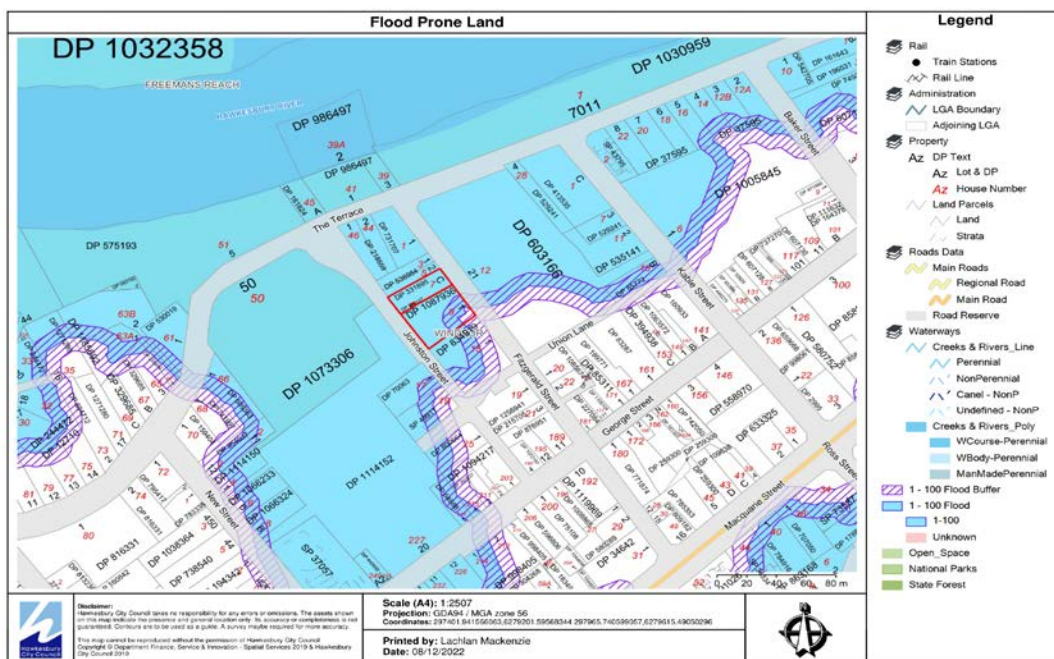


Figure 9: 1:100 ARI Flood Prone Land



2. PART 1 - Objectives and Intended Outcomes

The objective of the planning proposal is to amend the Hawkesbury Local Environment Plan 2012 to correct an anomaly resulting from the rollover of the Hawkesbury Local Environment Plan 1989 to Hawkesbury Local Environment Plan 2012, by rezoning 7 and 9 Fitzgerald Street to E2 Commercial Centre.

The Intended outcomes of this planning proposal are to:

- Ensure and improve the accuracy of the Councils planning instruments,
- Strengthen the commercial centres of the Hawkesbury,
- Support local business.

3. PART 2 – Explanation of Provisions

The planning proposal seeks to achieve the objectives and intended outcomes through amending the following maps of the Hawkesbury Local Environment Plan 2012.

Map Name	Map Number	Current Control	Proposed Control
Land Zoning Map	LZN_008DB	SP2 Infrastructure	E2 Commercial Centre
Height of Building	HOB_008DB	Nil	10m

These provisions are to correct the anomaly that emerged in the transition from the Hawkesbury LEP 1989 to the Hawkesbury LEP 2012. The decision to rezone the land E2 Commercial Centre rather than R3 Medium Density Residential is motivated by several factors. Firstly, the E2 zoning is consistent with the wider commercial centre of Windsor as per the employment zone reforms whereby the existing B2 Local Centre zoning will be converted to E2 Commercial Centre. Additionally, such rezoning will prevent creation of a spot zone as the subject site is not bordering any R3 Medium Density Residential sites. Considering site specific factors, the current use of the subject sites as a lawn mower retail and service store and a second-hand furniture store is more consistent with the objectives of E2 Commercial Centre than R3 Medium Density Residential.

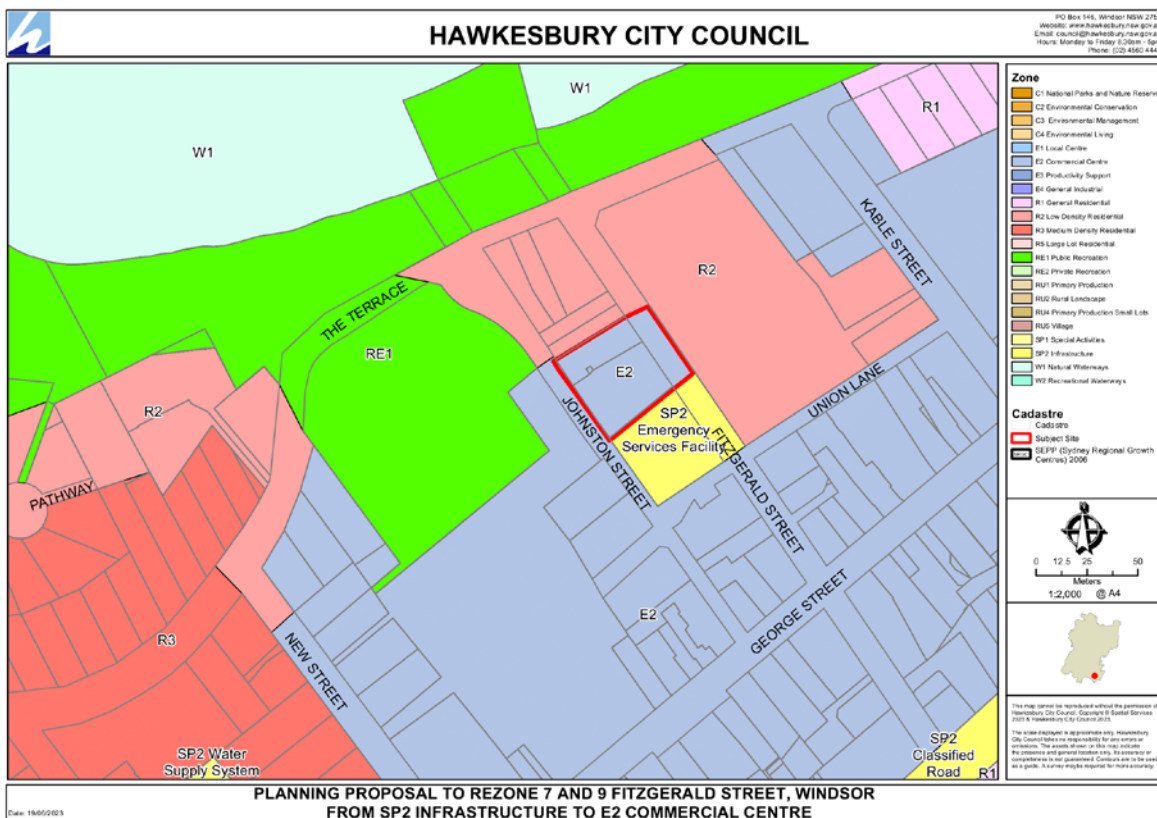


Figure 10 Proposed Rezoning of 7 and 9 Fitzgerald Street

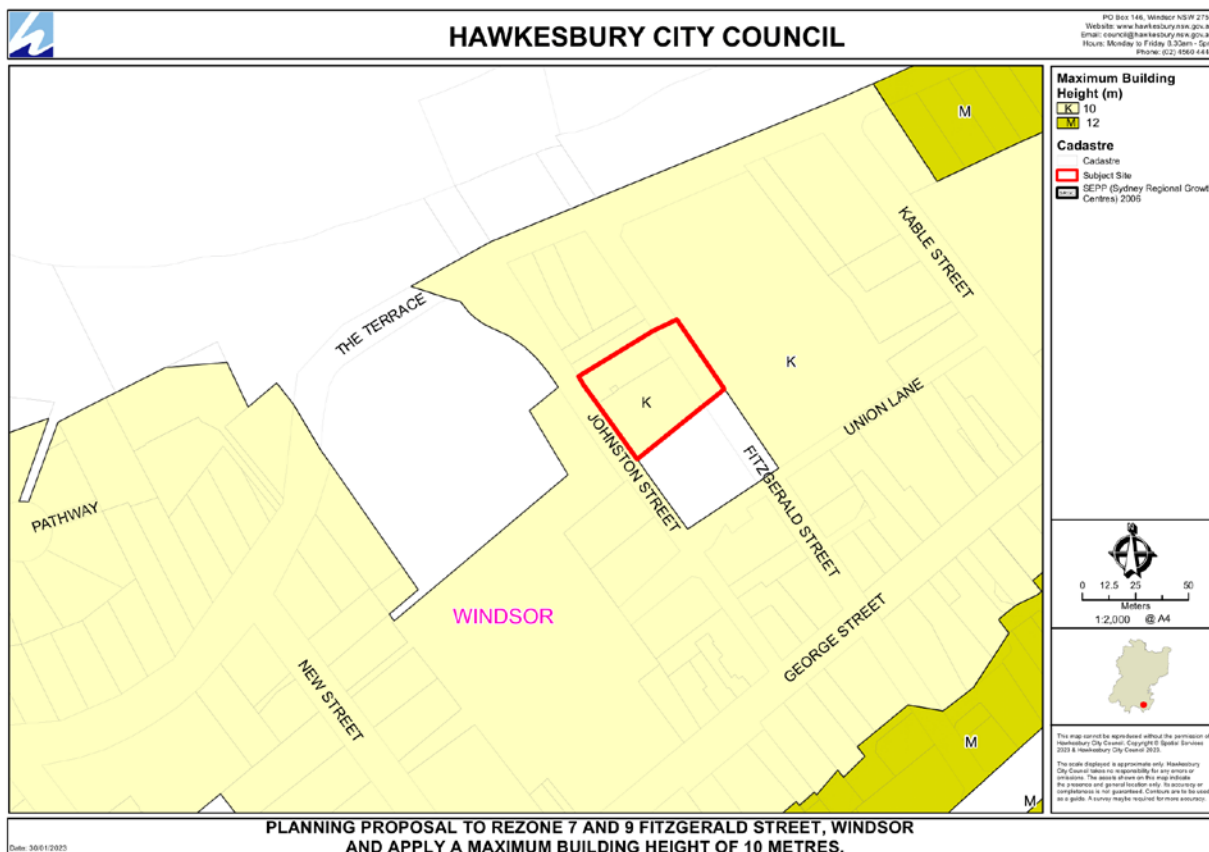


Figure 11 Proposed Height of Building Control for 7 and 9 Fitzgerald Street



4. PART 3 – Justifications

Section A - Need for the Planning Proposal

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

The planning proposal is not a result of an endorsed LSPS, strategic study or report.

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

The Hawkesbury Local Environment Plan 2012 is the principal planning instrument for Hawkesbury City Council, dictating land zoning and other planning controls. A planning proposal to amend the Hawkesbury Local Environment Plan 2012 is the most appropriate way of achieving the objectives and provisions of the objectives and intended outcomes, while ensuring consistency with relevant state, regional and local strategies and policies.

Section B - Relationship to Strategic Planning Framework

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

The planning proposal will give effect to the following regional and district plans.

Greater Sydney Region Plan - Metropolis of Three Cities:

The Greater Sydney Region Plan, established by the Greater Sydney Commission, is the key strategic plan governing the direction and objectives of the future of Sydney. The plan envisions a 'City of Three Cities', a multicentred future for Sydney that facilitates and co-ordinates the growth of Greater Sydney. The strategy outlines 10 directions, and 42 objectives guiding the future of Sydney.

Objective 22 – Investment and business activity in centres

This objective aims to foster and promote commercial activity consistent with the hierarchy of centres as established within the plan. The planning proposal is consistent with this objective as it strengthens the commercial core of Windsor, a key strategic centre within the region plan, and aligns present use with land use objectives.

Objective 23 – Industrial and urban service land is planned, retained and managed

This objective emphasises the need to protect and maintain industrial and urban services land in Greater Sydney. Considering the current land use which can be categorised as urban services, the planning proposal is consistent with this objective through the alignment of this use with appropriate zoning and planning controls to best manage the urban service land.

Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced

The Greater Sydney Region Plan categorises all of the Hawkesbury local Government Area except for Vineyard as Metropolitan Rural Area. The objective of this categorisation is to protect the environmental, social and economic values of rural areas, accordingly urban development is not consistent with the objectives of Sydney's Metropolitan Rural Areas. With this considered, the planning proposal is consistent



with this objective as it is not to facilitate further development and is located within an existing commercial area of a metropolitan rural strategic centre.

The Western City District Plan:

The Western City District Plan provides planning priorities and objectives targeted and in consideration of the unique context of Western Sydney.

Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres

With Richmond-Windsor as a strategic centre, the planning proposal is consistent with this direction as it contributes to maintaining and supporting local employment lands. Facilitating the investment and business activity in an area with existing services and infrastructure.

Is the planning proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning secretary or Greater Sydney Commission, or another endorsed local strategy or strategic plan?

Hawkesbury Local Strategic Planning Statement 2040:

The Hawkesbury Local Strategic Planning Statement 2040 responds to objectives put forth in the Western City District Plan, to localise the strategic vision. The planning proposal is consistent with *Planning Priority 7 Promote and support all sectors of industry and business in the Hawkesbury to meet current and future demands and trends*, through the retention and enhancement of existing employment lands.

Hawkesbury Community Strategic Plan 2022 - 2042:

The Hawkesbury Community Strategic Plan 2022-2042 is the central strategic plan for Council, outlining the key aspirations and sets the direction for future Council activities and decision making. There are no inconsistencies with the Planning proposal against the Hawkesbury Community Strategic Plan 2022 - 2042.

Hawkesbury Employment Lands Strategy:

The Hawkesbury Employment Land Strategy provides an outlook to managing Hawkesbury's business and industrial lands, identifying opportunities and directions to protect and maximise the productivity of these lands. The strategy identifies a frequent mismatch in current use and zoning in lots adjacent to business zones in Windsor, and expansion of business zones should be considered. Through the planning proposal seeking to correct an anomaly through the alignment of land use, subsequently expanding the employment zoned land, it is consistent with this strategy.

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

The planning proposal is assessed to be consistent with relevant State Environmental Planning Policies as detailed in Appendix A. The following State Environmental Planning Policies are of particular relevance to the planning proposal.



State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala habitat Protection 2021

The subject site is less than 1 ha, not within an area with a koala plan of management and within an existing commercial area, accordingly the planning proposal is not subject to part 4.2 development controls for koala habitats.

Chapter 6: Water Catchment (Clause 6.13 Hawkesbury-Nepean conservation area sub-catchments)

The planning proposal is not anticipated to have any adverse impacts on the Hawkesbury-Nepean River or its sub catchments, as it seeks to correct a zoning anomaly and align the current land use.

State Environmental Planning policy (Resource and Energy)

Chapter 3: Extractive Industries in Sydney

The subject site of the planning proposal is in an existing commercial area and is not to facilitate expansion of urban land. As result, the proposal is not impacted by or impedes extractive industries

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

The planning proposal is assessed to be consistent with relevant Ministerial Directions, with the exception of direction 4.1 Flooding whereby there is a justified inconsistency. The following is of particular relevance to the planning proposal.

4.1 Flooding

An inconsistency with clause 2 of ministerial direction 4.1 is acknowledged. However, in consideration of the site and historical context, this inconsistency is justified as it is to correct the anomaly in the conversion to the Hawkesbury Local Environment Plan 2012. Accordingly, the planning proposal is not to facilitate development as the site has long established existing commercial use, in which the planning proposal aims to align with an appropriate zone.

5.2 Reserving land for Public Purposes

The planning proposal is consistent with this objective as it does not create, alter or reduce existing zonings or reservations of land used for public purposes. While currently zoned SP2 Infrastructure due to an LEP rollover anomaly, the subject site has long term commercial use and not used for public purposes.

7.1 Business and Industrial Zones

The planning proposal is consistent with this direction as the alignment of land use and zoning assists in protecting business and zones and supports the viability of business and industrial centres.



Section C - Environmental, Social and Economic Impact

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

The planning proposal does not permit development that would adversely impact critical habitat or threatened species, populations or ecological communities.

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

There are no anticipated environmental effects resulting from this planning proposal.

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

The planning proposal is not anticipated to result in any adverse social or economic effects.

Section D - Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The planning proposal is not anticipated to result in an increased demand for public infrastructure. In any case, the subject site is located in an existing well serviced commercial centre with a high degree of access to public infrastructure.

Section E - State and Commonwealth Interests

What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination?

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



5. PART 4 – Mapping

The planning proposal seeks to amend the following maps of the Hawkesbury Local Environment Plan 2012.

Map Name	Map Type	Map Sheet Number
Land Zoning Map	LZN_008DB	3800_COM_LZN_008DB_020_20210618
Height of Buildings Map	HOB_008DB	3800_COM_HOB_008DB_020_20210618

6. PART 5 – Community Consultation

Community Consultation will be undertaken after receipt of gateway determination should this proceed, in accordance with the conditions and timeframe stipulated in the determination.

7. PART 6 – Project Timeline

Stage	Timeframe and Dates
Consideration by Hawkesbury Local Planning Panel	January 2023
Consideration and Decision by Council	February 2023
Submission to Department for Gateway Determination	March 2023
Gateway Determination	June 2023
Pre-Exhibition, completion of technical requirements.	June 2023
Public Exhibition Period	August 2023
Consideration of Submissions	September 2023
Report back to Council	October 2023



Appendix A

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Vegetation in Non-Rural Areas	The aims of this Chapter are- a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent The planning proposal does not facilitate the clearance of vegetation, as it is only to rezone to correct an LEP anomaly
Koala habitat Protection 2020	This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline- a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and b) by encouraging the identification of areas of core koala habitat, and c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Does not Apply to Hawkesbury LGA
Koala habitat Protection 2021	This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent The subject site is less than 1 ha and not within an area with a koala plan of management, accordingly it is not subject to clause 4.2 development controls for koala habitats.
River Murray Lands	The aims of this Chapter are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.	Does not Apply to Hawkesbury LGA
Water Catchments	This Chapter applies to land in the following catchments— the Sydney Drinking Water Catchment, the Sydney Harbour Catchment, the Georges River Catchment, the Hawkesbury-Nepean Catchment.	Consistent The planning proposal does not have any adverse impacts on the Hawkesbury-Nepean River or its sub catchments.



State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		
Building Sustainability Index: BASIX	<p>Regulations under the Act have established a scheme to encourage sustainable residential development (<i>the BASIX scheme</i>) under which:</p> <ul style="list-style-type: none"> a) application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. 	Consistent
State Environmental Planning Policy (Exempt and Complying Development) 2008		
Exempt and Complying development Codes	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards	Consistent
State Environmental Planning Policy (Housing) 2021		
Affordable Housing	<ul style="list-style-type: none"> a) enabling the development of diverse housing types, including purpose-built rental housing, b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, c) ensuring new housing development provides residents with a reasonable level of amenity, d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, e) minimising adverse climate and environmental impacts of new housing development, f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, h) mitigating the loss of existing affordable rental housing. 	Consistent
Diverse Housing	<ul style="list-style-type: none"> a) enabling the development of diverse housing types, including purpose-built rental housing, b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, 	Consistent



	<ul style="list-style-type: none"> c) ensuring new housing development provides residents with a reasonable level of amenity, d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, e) minimising adverse climate and environmental impacts of new housing development, f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, h) mitigating the loss of existing affordable rental housing. 	
State Environmental Planning Policy (Industry and Employment) 2021		
Western Sydney Employment Area	This Chapter aims to protect and enhance the land to which this Chapter applies (the Western Sydney Employment Area) for employment purposes.	Does not Apply to Hawkesbury LGA
Advertising and Signage	<p>This Chapter aims-</p> <ul style="list-style-type: none"> a) to ensure that signage (including advertising)- <ul style="list-style-type: none"> i. is compatible with the desired amenity and visual character of an area, and ii. provides effective communication in suitable locations, and iii. is of high quality design and finish, and b) to regulate signage (but not content) under Part 4 of the Act, and c) to provide time-limited consents for the display of certain advertisements, and d) to regulate the display of advertisements in transport corridors, and e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. 	Consistent
State Environmental Planning Policy No 65 (Design Quality of Residential Department Development) 2002		
Design Quality of Residential Department Development	This Policy aims to improve the design quality of residential apartment development in New South Wales.	Consistent
State Environmental Planning Policy (Planning Systems) 2021		
State and Regional Development	<p>The aims of this Chapter are as follows-</p> <ul style="list-style-type: none"> a) to identify development that is State significant development, b) to identify development that is State significant infrastructure and critical State significant infrastructure, 	NA



	c) to identify development that is regionally significant development	
Aboriginal Land	The aims of this Chapter are- a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.	NA
Concurrences and Consents	Provide overview of when the Planning Secretary may act as concurrence authority	Consistent
State Environmental Planning Policy (Precincts – Central River City) 2021		
Central River City	Provide planning policies for the Central River City	Does not apply to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
Eastern Harbour City	Provides planning policies for the Eastern Harbour City	Does not apply to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Regional) 2021		
Regional	Provides planning policies for the Regional NSW	Does not apply to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
State Significant Precincts	The aims of this Chapter are as follows- a) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, b) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.	Does not apply to Hawkesbury LGA
Sydney Region Growth Centres	The aims of this Chapter are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows- a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area, b) to enable the Minister from time to time to designate land in growth centres as ready for release for development, c) to provide for comprehensive planning for growth centres,	Consistent The planning proposal is not within and Sydney Region Growth Centres



	<ul style="list-style-type: none"> d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity, e) to provide controls for the sustainability of land in growth centres that has conservation value, f) to provide for the orderly and economic provision of infrastructure in and to growth centres, g) to provide development controls in order to protect the health of the waterways in growth centres, h) to protect and enhance land with natural and cultural heritage value, i. to provide land use and development controls that will contribute to the conservation of biodiversity. 	
Western Sydney Aerotropolis	<p>The aims of this Chapter are as follows-</p> <ul style="list-style-type: none"> a) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan. 	Does not apply to Hawkesbury LGA
Penrith Lakes Scheme	<p>The aims of this Chapter are as follows-</p> <ul style="list-style-type: none"> a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme, b) to identify and protect items of the environmental heritage, c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land, d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme, e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium. 	Does not apply to Hawkesbury LGA
St Marys	<p>The aims of this Chapter are to-</p> <ul style="list-style-type: none"> a) support the <i>St Marys Environmental Planning Strategy, 2000</i> of the Department of Urban Affairs and Planning by providing a framework for the sustainable development and management of the land to which this Chapter applies. 	Does not apply to Hawkesbury LGA
Western Sydney Parklands	<p>The aim of this Chapter is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney</p>	Does not apply to Hawkesbury LGA



State Environmental Planning Policy (Primary Production) 2021		
Primary production and Rural Development	<p>The aims of this Chapter are as follows-</p> <ul style="list-style-type: none"> a) to facilitate the orderly economic use and development of lands for primary production, b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, e) to encourage sustainable agriculture, including sustainable aquaculture, f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors. 	<p>Consistent</p> <p>The planning proposal does not impact the productivity and character of rural lands.</p>
Central Coast Plateau Areas	<p>The general aims of this Chapter are-</p> <ul style="list-style-type: none"> a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses 	Does not apply to Hawkesbury LGA
State Environmental Planning Policy (Resilience and Hazard) 2021		
Coastal Management	<p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area</p>	Consistent
Hazardous and offensive Development	<p>This Chapter aims-</p> <ul style="list-style-type: none"> a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter 	Consistent



Remediation of Land	<p>This Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment-</p> <ul style="list-style-type: none"> a) by specifying when consent is required, and when it is not required, for a remediation work, and b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and c) by requiring that a remediation work meet certain standards and notification requirements. 	Consistent
State Environmental Planning Policy (Resource and Energy) 2021		
Mining, petroleum, and Extractive Industries	<p>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries-</p> <ul style="list-style-type: none"> a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and c) to promote the development of significant mineral resources, and d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development- <ul style="list-style-type: none"> i. to recognise the importance of agricultural resources, and ii. to ensure protection of strategic agricultural land and water resources, and iii. to ensure a balanced use of land by potentially competing industries, and iv. to provide for the sustainable growth of mining, petroleum and agricultural industries 	<p>Consistent</p> <p>The planning proposal does not impede existing extractive industries or the establishment of future extractive industries.</p>
Extractive industries in Greater Sydney	<p>This Chapter aims—</p> <ul style="list-style-type: none"> a. to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance 	<p>Consistent</p> <p>The planning proposal does not impede existing or the establishment of future extractive industries.</p>



State Environmental Planning Policy (Transport and Infrastructure) 2021		
Infrastructure	The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State	Consistent
Educational establishments and child care facilities	The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State	Consistent
Major Infrastructure Corridors	The aims of this Chapter are as follows- a) to identify land that is intended to be used in the future as an infrastructure corridor, b) to establish appropriate planning controls for the land for the following purposes- i. to allow the ongoing use and development of the land until it is needed for the future infrastructure corridor, ii. to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.	Consistent
Three ports – Port Botany, Port Kembla and port of Newcastle	The aims of this Chapter are as follows— a) to provide a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle, b) to allow the efficient development, re-development and protection of land at Port Botany, Port Kembla and the Port of Newcastle for port purposes	Does not apply to Hawkesbury LGA



Appendix B

Planning Systems		
Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent Planning proposal is assessed to be consist with relevant regional plans
Development of Aboriginal land council	The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	NA
Approval and referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent: The planning proposal does is not anticipated to require concurrence with the minister of planning or another public authority
Site Specific provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent The planning proposal does not propose any site-specific provisions.
Planning Systems - Place Based		
1.5-1.20	Site specific direction not relevant to the Hawkesbury LGA	Not Applicable to the Hawkesbury LGA
Biodiversity and Conservation		
Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent The planning proposal does not impact environmentally sensitive areas
Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent



Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not Applicable to the Hawkesbury LGA
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	Not Applicable to the Hawkesbury LGA
Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	Consistent
Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Consistent
Resilience and Hazards		
Flooding	The objectives of this direction are to: (a) 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) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.	Inconsistent – Justified An inconsistency with clause 2 of ministerial direction 4.1 is acknowledged. However, in consideration of the site and historical context, this inconsistency is justified as it is to correct the anomaly in the conversion to the Hawkesbury Local Environment Plan 2012. Accordingly, the planning proposal is not to facilitate development as it the site has long term existing commercial use, in which the planning proposal aims to align with an appropriate zone.
Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW.	Consistent
Planning for Bushfire Protection	The objectives of this direction are to: a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and	Consistent



	b) encourage sound management of bush fire prone areas	
Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent
Acid Sulfate Soils	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	Consistent
Mine Substance and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Consistent
Transport and Infrastructure		
Integrating land Use and Transport	<p>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:</p> <ul style="list-style-type: none"> 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. 	Consistent
Reserving Land for Public Purposes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) facilitate the provision of public services and facilities by reserving land for public purposes, and b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	<p>Consistent</p> <p>The planning proposal is consistent with this objective as it does not create, alter or reduce existing zonings or reservations of land used for public purposes. While currently zoned SP2 Infrastructure due to an LEP rollover anomaly, the subject site has long term commercial use and not used for public purposes.</p>



Development Near Regulated Airports and defence Airfields	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure the effective and safe operation of regulated airports and defence airfields; b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	Consistent
Shooting Ranges	<p>The objectives are to:</p> <ul style="list-style-type: none"> a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 	Consistent
Housing		
Residential Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage a variety and choice of housing types to provide for existing and future housing needs, b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) minimise the impact of residential development on the environment and resource lands. 	Consistent
Caravan Parks and Manufactured Home Estates	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) provide for a variety of housing types, and b) provide opportunities for caravan parks and manufactured home estates. 	Consistent
Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage employment growth in suitable locations, b) protect employment land in business and industrial zones, and 	<p>Consistent</p> <p>The correction of the anomaly aids in protecting an supporting of employment land.</p>



	c) support the viability of identified centres	
Reduction in non-hosted short-term rental accommodation period	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and b) ensure the impacts of short-term rental accommodation and views of the community are considered. 	Consistent
Commercial and Retail Development along Pacific Highway, North coast	<p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, b) prevent inappropriate development fronting the highway, c) protect public expenditure invested in the Pacific Highway, d) protect and improve highway safety and highway efficiency, e) provide for the food, vehicle service and rest needs of travellers on the highway, and f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns. 	Not Applicable to the Hawkesbury LGA
Resources and Energy		
Mining, Petroleum production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<p>Consistent</p> <p>The planning proposal will not result in conflict with existing or future extractive industries</p>
Primary Production		
Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Consistent
Rural Lands	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) protect the agricultural production value of rural land, b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, 	Consistent



	<ul style="list-style-type: none"> c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, f) support the delivery of the actions outlined in the NSW Right to Farm Policy. 	
Oyster Aquaculture	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	Consistent
Farmland of State and regional Significance on the NSW Far North Coast	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas 	Not Applicable to the Hawkesbury LGA

