



# Hawkesbury City Council

## attachment 1 to item 166

Planning proposal to rezone  
part Lots A and B DP411701,  
126 and 130 Windsor Road,  
McGraths Hill to 4(b)  
Light Industry

date of meeting: 13 July 2010  
location: council chambers  
time: 6:30 p.m.



**Planning Proposal to rezone  
Part Lots A and B DP 411701,  
126 and 130 Windsor Road,  
McGraths Hill  
to 4(b) Light Industry**

## **Hawkesbury City Council**

### **Planning Proposal for Part Lots A and B DP 411701, 126 and 130 Windsor Road, McGraths Hill**

#### **Part 1. Objectives or intended outcomes of the proposed instrument**

The intended outcome of the proposed instrument is to rezone land at part Lots A and B, DP 411701 (excluding the areas identified for road widening), 126 and 130 Windsor Road, McGraths Hill, from Rural Living to 4(b) Industry Light zone.

#### **Part 2. Explanation of the provisions that are to be included in the proposed instrument**

The proposed instrument includes an amendment to:

- the Hawkesbury Local Environmental Plan 1989 map in accordance with the proposed zoning map shown in Attachment 1; and,
- the definition of “the map” in Hawkesbury Local Environmental Plan 1989 to include appropriate reference to this instrument.

#### **Part 3. Justification for objectives, outcomes and provisions and the process for their implementation**

##### Introduction

The subject site is located on the north western corner of Windsor Road and Mulgrave Road, at a distance of 1.5 kilometres from the Windsor Town Centre.

Under the provisions of Hawkesbury Local Environmental Plan 1989, 130 Windsor Road, McGraths Hill enjoys an extension to the zoning provisions to permit motor showrooms. This land is currently developed with a number of buildings and display yards. Boats, trucks and caravans are displayed for sale both within buildings and outdoors. The buildings are also used for ancillary offices, accessories showrooms and service workshops associated with the motor showrooms.

126 Windsor Road, McGraths Hill is currently occupied by a service station that has recently received approval for the addition of a car wash facility.

The change in zoning from Rural Living to 4(b) Industry Light will be more in keeping with the current uses of the site. A strip of road widening, approximately 22 metres wide and variable, exists along the Windsor Road frontage of the site. This area is currently zoned 9(b) Proposed Road. It is not proposed to change the zoning of the area shown for road widening.

A number of land uses surround the subject site. Adjoining to the west and north is the Hawkesbury City Council's McGraths Hill Sewage Treatment Plant. Adjoining to the south is Mulgrave Road with another service station and Windsor High School located on the southern side of Mulgrave Road. On the eastern side of Windsor Road, opposite the subject site, is residential housing on the eastern side of Pitt Town Road and a Hotel on the western



side of Pitt Town Road.

#### Section A - Need for the planning proposal.

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

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy. The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The Strategy provides:

- analysis of the existing supply of employment (industrial, commercial, retail) land;
- identification of the drivers of employment land development;
- identification of competitive opportunities for employment land development;
- projections of future employment land requirements by type over 25 years;
- criteria for the spatial distribution of employment lands;
- strategic planning approach for future employment land provision;
- identification of future investigation areas for industrial and commercial uses;
- an implementation strategy for the investigation areas;
- consideration of infrastructure capacity, identifying limitations/augmentations.

The Employment Lands Strategy has recommended a number of strategies for Council to pursue to address the economic prosperity of the LGA. One of these is to “*Identify appropriate development treatments for gateway areas*” which includes, whilst not specifically any particular site, land along Windsor Road as the entry to Windsor.

Strategy 8 in the Employment Lands Strategy identifies “*Windsor Road, Mulgrave (boulevard treatment with higher amenity showrooms and larger format retailing)*”. The proposed change to the zoning from Rural Living to 4(b) Industry Light is consistent with the Hawkesbury Employment Lands Strategy.

It is recognised that significant retail development in this location is not consistent with the government’s centres policy, or with supporting the Windsor Town Centre. In this sense, a number of uses may be appropriate for the site, but, retail uses, i.e, shops, should be discouraged at the site. It should be noted that the 4(b) Industry Light zone does not permit retail premises (except for service shops, such as food and drink).

Future development of the site would require a higher standard of urban design to ensure an appropriate treatment of the frontage of Windsor Road. This is a requirement of the Employment Lands Strategy and may be controlled via specific amendments to the Development Control Plan when that document is reviewed.

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

It is considered the planning proposal is the best means of achieving the intended outcome.

The proposal seeks to amend the LEP provisions on the subject site to provide for a more

appropriate zone that is more consistent with the current approved uses on the site. The existing Rural Living zone is no longer appropriate for the site due to the surrounding land uses, being the sewer treatment plant, service station and Windsor Road, and when the existing approved uses for motor showrooms and service stations are considered.

The site may be considered as part of the "gateway" into the Hawkesbury as identified in the Employment Lands Strategy. Given the unique situation of this site and the fact that the proposed change is consistent with the adopted Employment Lands Strategy, it is considered appropriate that the zone be changed.

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

The site already provides for employment activity by virtue of the existing approvals and uses on the site. The proposed zoning change will better provide for the protection and enhancement of this employment activity.

## Section B - Relationship to strategic planning framework.

### *4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Draft North West Subregional Strategy was released in December 2007 by the NSW Department of Planning and was exhibited for comment until March 2008.

The Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city
- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities

The draft Subregional Strategy contains employment targets for the city and the subregion as a whole. For the Hawkesbury the draft figure is 3,000 jobs by 2031. Councils are required to plan for sufficient land and infrastructure to achieve employment capacity targets. The Hawkesbury Employment Lands Strategy is consistent with the Draft North West Subregional Strategy and the current planning proposal is consistent with that Strategy.

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

On 13 October 2009 Council adopted its Community Strategic Plan (CSP). The CSP contains a part specifically dealing with supporting business and local jobs. The vision for this section is:

*In 2030 we want Hawkesbury to be a place where we have new and existing industries which provide opportunities for a range of local employment and training options, complemented by thriving town centres.*

The Directions that accompany this vision are:

- *Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.*
- *Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.*
- *Help create thriving town centres, each with its own character that attract residents, visitors and businesses.*

The proposal is consistent with the CSP's Strategy of:

- *Implement Employment Lands Strategy*

The proposal is consistent with the CSP's Goals of:

- *At least 3,000 additional jobs are created to retain the percentage of local employment*
- *Jobs across a greater range of industry sectors*

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

Relevant SEPPs that are applicable to the site are:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

State Environmental Planning Policy No 6—Number of Storeys in a Building

State Environmental Planning Policy No 19—Bushland in Urban Areas

State Environmental Planning Policy No 21—Caravan Parks

State Environmental Planning Policy No 30—Intensive Agriculture

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 44—Koala Habitat Protection

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 2007

Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

It is considered that the planning proposal is consistent with the above mentioned SEPPs.

In terms of Clause 6 (1) of State Environmental Planning Policy No 55—Remediation of Land it is considered that:

- (a) given the current and past uses of the subject lands there is the potential that the land may be contaminated however, at present this has not been investigated in detail by the proponent or by Council; and,
- (b) if the land is contaminated, Council 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 4(b) zone is permitted to be used; and,
- (c) if the land requires remediation to be made suitable for any purpose for which land in the 4(b) zone is permitted to be used, Council is satisfied that the land will be so remediated before the land is used for that purpose. This can be dealt with at Development Application stage for any subsequent development of the land.

Clause 6 (2) of State Environmental Planning Policy No 55—Remediation of Land is relevant to 126 Windsor Road, McGraths Hill given its current use as a service station. In preparing this planning proposal Council relies on “Environmental Site Assessment” report from Coffey Geosciences Pty Ltd dated 9 March 2009. This report was submitted in support of a development application for redevelopment of 126 Windsor Road, McGraths Hill. Whilst the report does not claim to have been prepared in accordance with *Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land*, the report concludes that “there is a low likelihood of widespread hydrocarbon contamination being present at the site” and “there is a low likelihood of widespread impact on the groundwater at the site”.

Council is satisfied that the land is suitable for any purpose for which the proposed zone will permit and is satisfied that the land will be remediated, if required, prior to such use.

*7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

#### Direction 1.1 Business and Industrial Zones

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.

As this Direction applies there are several matters relevant to Council, including giving effect



to the objectives of this Direction and to ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director General of the Department of Planning.

The Hawkesbury Employment Lands Strategy supports consideration of limited development of this site. It is considered that the proposed LEP is consistent with this Direction.

#### Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of existing rural land

The proposal is inconsistent with part of this Direction. However, the Direction does permit an inconsistency under certain circumstances. Given that the land currently has no agricultural value (and is most unlikely that it will ever be used for agricultural purposes given the existing land uses) and the proposal is consistent with the Hawkesbury Employment Lands Strategy, it is considered that the inconsistency with the Direction is acceptable.

#### Direction 3.4 Integrated Land Use and Transport

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.

The Department of Planning's guidelines *Integrated Landuse and Transport* seeks to improve the integration of landuse and transport planning. The proposed LEP will cater for the protection of the existing development and may provide additional employment opportunities should the site be redeveloped. It is considered that the proposed LEP is consistent with this Direction.

#### Direction 4.1 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.

The land is shown having a "Class 5" having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

Subclause (4) of this Direction states:

*The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.*

Subclause 6 of this Direction states:

*A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.*

An acid sulphate soils study has not been prepared at this stage.

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

- (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (b) of minor significance.

It is considered that given the existing uses of the subject land, the proposed rezoning of the land to 4(b) is a minor significance in the context of the potential for acid sulphate soils and hence an acid sulphate soils study is unnecessary at this stage.

#### Direction 4.3 Flood Prone Land

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.

The proposal is inconsistent with this objective and this inconsistency is of minor significance. The impact that the proposed LEP will have in relation to flooding will be virtually nil when compared to the approved existing uses on the site. Given that there is not likely to be significant increase in the flood risks for the site as a result of this proposed LEP it is considered that the inconsistency is justified.



#### Direction 4.4 Planning for Bushfire Protection

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.

All of 126 Windsor Road and part of 130 Windsor Road is mapped as “bush fire prone land”. Accordingly, Council is required to 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.

#### Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This planning proposal is consistent with this direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development

#### 7.1 Implementation of the Metropolitan Strategy

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.

This planning proposal is consistent with the NSW Government’s Metropolitan Strategy: *City of Cities, A Plan for Sydney’s Future*, published in December 2005 (‘the Metropolitan Strategy’) in so far as it will assist in achieving Actions A1.1 and A3.2

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

*8. 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 site does not contain any critical habitat. Given the uses and previous disturbance of the site it is considered unlikely that the land contains any threatened species, populations or ecological communities or their habitats.

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

Rezoning of the site increases the potential for redevelopment of the site thus proving for an incentive to achieve a better urban design outcome than the open display of vehicles which currently present to Windsor Road from 130 Windsor Road.

The site is below the 1 in 100 year flood event level of 17.3m AHD. It is considered that the nature of the flood affectation (generally slower moving back-up flood waters) do not make the site unsuitable for redevelopment as per that which would be permitted under the 4(b) zone and flood related development controls in the Hawkesbury Local Environmental Plan 1989.

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

Given the current uses of the land and the recommendations of Hawkesbury's Employment Land Strategy, it is considered that the current zoning of the land is unduly restrictive and is preventing the land from achieving optimum development, both in terms of employment potential and urban design outcomes. The planning proposal has the potential to provide greater economic certainty for the owners, opportunity for redevelopment of the site, as well as increased employment opportunity for the community.

No negative social effects are expected.

Section D - State and Commonwealth interests.

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

126 Windsor Road has vehicular access to Windsor Road. 130 Windsor Road has vehicular access to Mulgrave Road.

130 Windsor Road is currently connected to the Windsor Sewerage Scheme. The owners of 126 Windsor Road are currently seeking approval to connect to the Windsor Sewerage Scheme. It is understood that the two sites are currently connected to all other relevant services.

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

Consultation to be undertaken.

**4. Maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,**

Attached are the following maps:

Locality Map  
Current Zoning Map  
Proposed Zoning Map  
Maps showing contours of land  
Bush Fire Prone Land Map

**5. Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.**

To be determined.

**Attachments:**

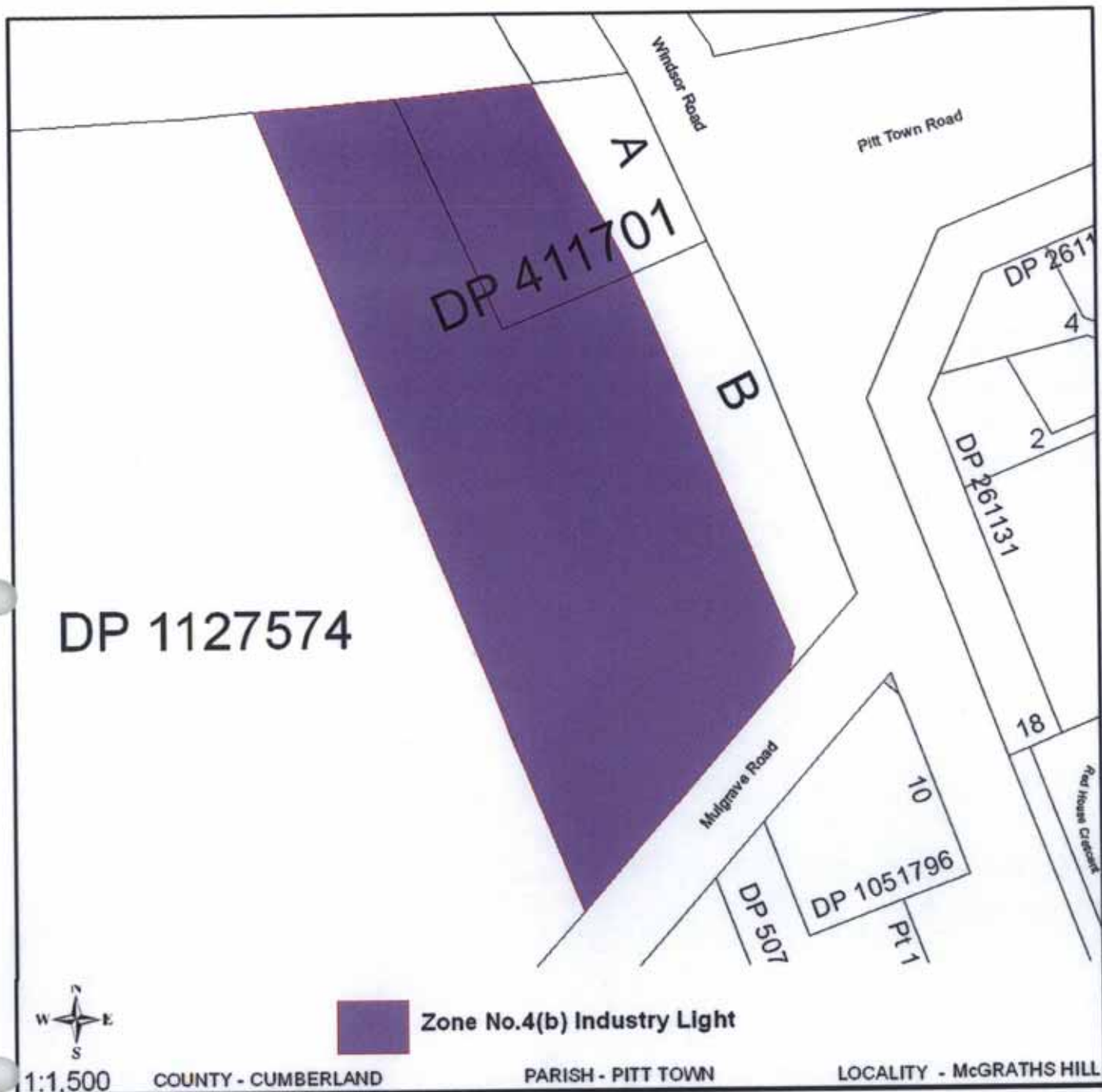
Attachment 1 – Maps

Attachment 2 – Council report dated 8 September 2009

Attachment 3 – Rezoning application from Montgomery Planning Solutions dated 6 June 2009

**Dated: 22 February 2010**

## **Attachment 1 – Maps**



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF **HAWKESBURY**

DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989  
(AMENDMENT NO. 157)

DRAWN BY: T.JOHNSON	DATE: 11/9/2009	STATEMENT OF RELATIONSHIP WITH OTHER PLANS  <b>THIS PLAN AMENDS HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989</b>
SUP. DRAFTSPERSON: T.JOHNSON		
PLAN OFFICER:		
COUNCIL PLAN NO:		
DEPT. FILE NO:		CERTIFICATE IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS GENERAL MANAGER: DATE:
GOVT. GAZETTE OF:		





## HAWKESBURY CITY COUNCIL

PO Box 105, White 1508 2759  
Email: [enquiries@hawkesbury.nsw.gov.au](mailto:enquiries@hawkesbury.nsw.gov.au)  
Hwy: Murrumbidgee Hwy 8.20km - 8.00km  
Phone: 02 4550 4544



### Legend

-  Land Parcels
-  Roads
-  Subjct Site



0 60 120 240  
Metres  
1:8,000



This map cannot be reproduced without the permission of Hawkesbury City Council.  
Copyright © Hawkesbury City Council 2008  
Hawkesbury City Council 2008  
The aerial photograph on this map indicates the location and general location only. It is not a cadastral map and does not show the boundaries of land parcels. A survey map is required for more accuracy.

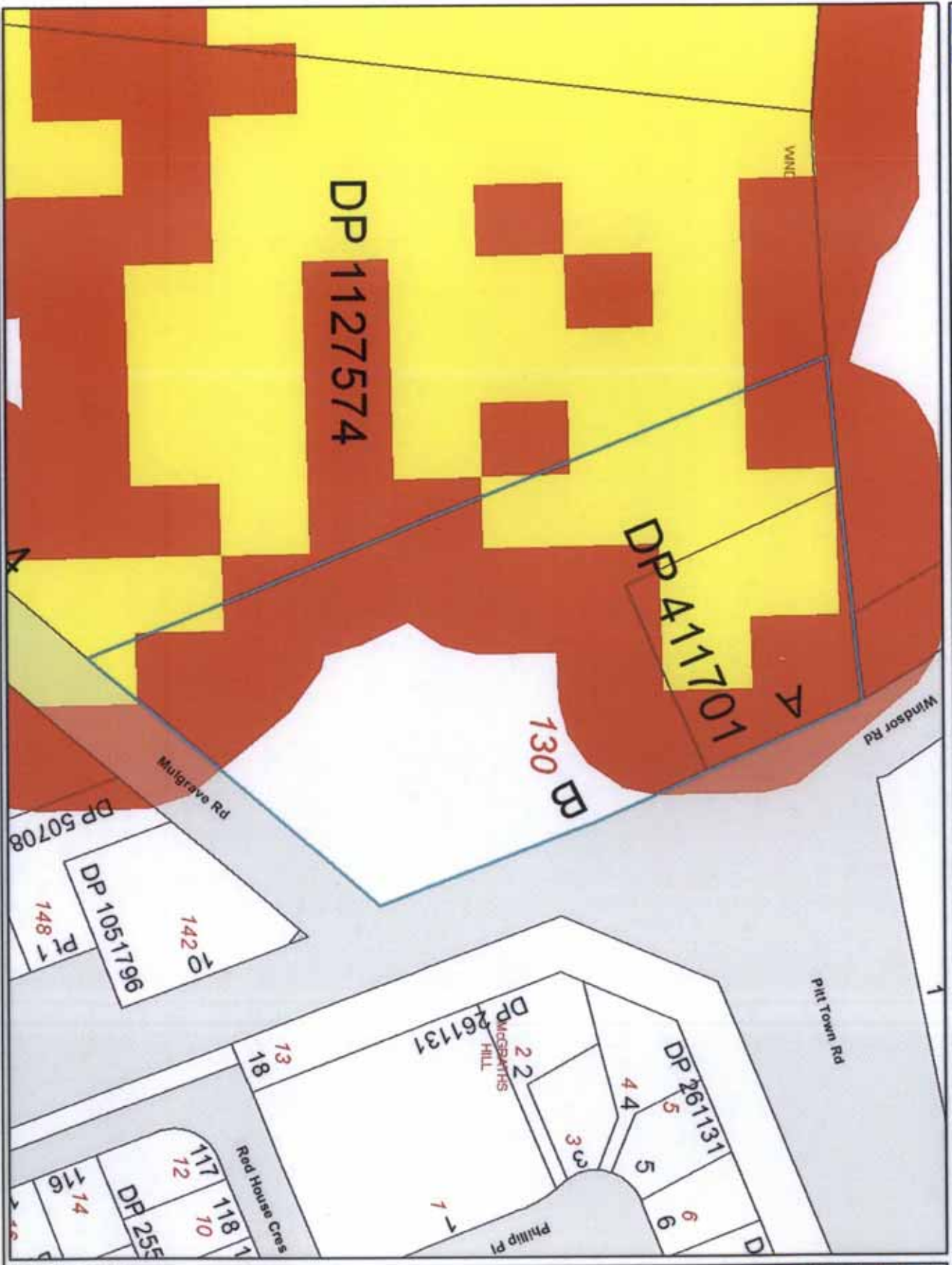
Amendment 177 Locality Map - 126 & 130 Windsor Road McGraths Hill





# HAWKESBURY CITY COUNCIL

PO Box 546, Windsor NSW 2770  
Website: [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)  
Email: [enquiries@hawkesbury.nsw.gov.au](mailto:enquiries@hawkesbury.nsw.gov.au)  
Phone: (02) 4500 4444



### Legend

- Subject Site
- Land Parcels
- Roads
- Fire Prone Land
- Fire Prone Land Buffer

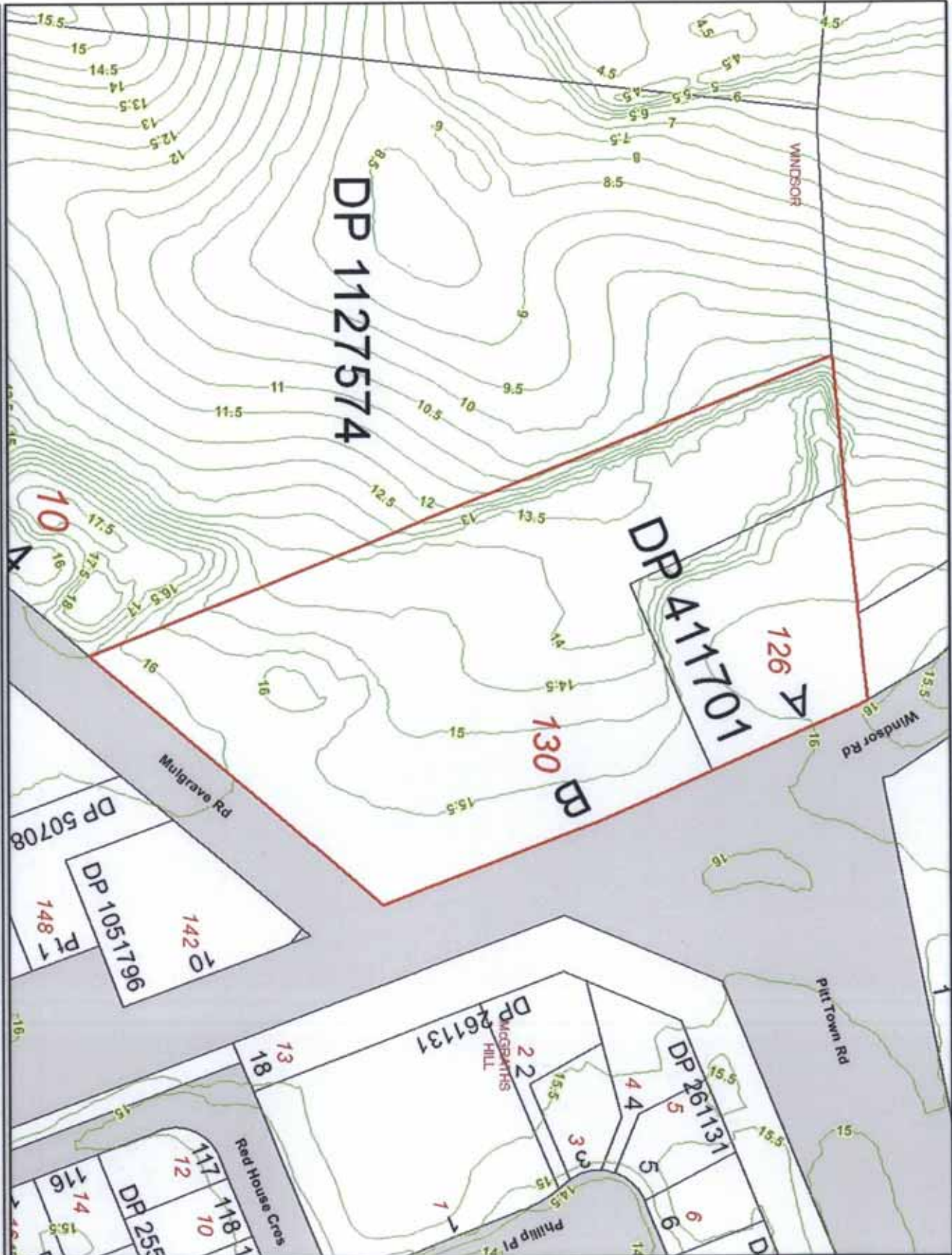
0 10 20 40  
Meters  
1:1,500

This map cannot be reproduced without the permission of Hawkesbury City Council.  
Copyright © Hawkesbury City Council 2008  
Hawkesbury City Council 2008  
The words shown on this map indicate the boundaries and general location only. No guarantee or responsibility is made for the accuracy or completeness of the data. A survey may be required for more accuracy.



# HAWKESBURY CITY COUNCIL

PO Box 106, Windsor NSW 2783  
Email: [enquiries@hawkesbury.nsw.gov.au](mailto:enquiries@hawkesbury.nsw.gov.au)  
Hours: Monday to Friday 8.30am - 5.00pm  
Phone: 02 4590 0444



- Legend**
- Contours
  - Land Parcels
  - Roads
  - Subject Site



This map cannot be reproduced without the permission of Hawkesbury City Council.  
Copyright © Hawkesbury City Council 2009  
Hawkesbury City Council 2009  
The areas shown on this map indicate the present or proposed location only. No guarantee is made by the Council as to the accuracy of the information shown. A survey report should be obtained for more details.

## Amendment 157 Contour Map - 126 & 130 Windsor Road McGraths Hill

## **Attachment 2 – Council report dated 8 September 2009**



## ORDINARY MEETING

Meeting Date: 8 September 2009

### CITY PLANNING

**Item: 181**      **CP - Application for Rezoning - Part Lot B DP 411701, 130 Windsor Road, McGraths Hill - (85712, 95498)**

---

#### **REPORT:**

##### **Introduction**

Council has received a request from Montgomery Planning Solutions, acting on behalf of the landowner, Mr S Bastian, to rezone land at part Lot B DP 411701, No. 130 Windsor Road, McGraths Hill, from Rural Living to 4(b) Light Industrial (or the equivalent zone IN2 Light Industrial in the Standard Instrument). A site specific extension to the current Rural Living zoning of the site was made to the Hawkesbury Local Environmental Plan 1989 in 1995 to permit a "Motor Showroom".

##### **Proposed Development**

The application seeks to rezone the land from Rural Living to 4(b) Light Industrial, or the equivalent IN2 Light Industrial zone under the NSW Standard LEP Template. Due to the site specific amendment in 1995 extending the zoning provisions, the land is currently occupied by a boat sales showroom, caravan showroom and truck showroom in accordance with existing approvals for the site.

##### **Description of Site and Surrounds**

The subject land is located on the north western corner of Windsor Road and Mulgrave Road, at a distance of 1.5 kilometres from the Windsor Town Centre. The site has a total area of 1.49 Hectares. Access to the site is restricted from Windsor Road and the current vehicular access is via Mulgrave Road.

The land is generally flat with a gentle slope in a northerly direction from Mulgrave Road. The site is currently developed with a number of buildings and display yards. Boats, trucks and caravans are displayed for sale both within buildings and outdoors. The buildings are also used for ancillary offices, accessories showrooms and service workshops associated with the motor showrooms.

A number of land uses surround the subject land. Adjoining to the west and north is the Hawkesbury City Council's McGraths Hill Sewage Treatment Plant. Immediately adjoining the northeast corner of the site is a Service Station, opposite the intersection of Pitt Town Road and Windsor Road. Adjoining to the south is Mulgrave Road with another service station and Windsor High School located on the southern side of Mulgrave Road. On the eastern side of Windsor Road, opposite the subject land, is residential housing on the eastern side of Pitt Town Road and a Hotel on the western side of Pitt Town Road.

The subject site is zoned Rural Living under the provisions of the Hawkesbury Local Environmental Plan 1989. The adjoining land to the west and south, being the Treatment Plant and the School, is zoned 5(a) Special Uses and the Service Station to the east is also zoned Rural Living. The land to the east of Windsor Road is zoned Housing. The land to the south of Windsor High School fronting Windsor Road is zoned 4(b) Light Industrial.

A strip of road widening, approximately 19 metres and variable, exists along the Windsor Road frontage of the site. This area is currently zoned 9(b) Proposed Road, and proposed to be converted to SP2 Infrastructure in the Standard LEP conversion. It is not proposed to change the zoning of the area shown for road widening.

## ORDINARY MEETING

Meeting Date: 8 September 2009

### Applicant's Justification of the Proposal

The applicant has provided a submission in support of the proposal. In summary the applicant's justification for the rezoning is:

1. *The Rural Living Zone is clearly no longer appropriate for the site, considering the current use of the land, the surrounding land uses and the 1995 site-specific LEP amendment.*
2. *The land has the appropriate physical characteristics to support light industrial development.*
3. *The proposed rezoning will make use of existing infrastructure.*
4. *The proposal will provide opportunities for a better urban design outcome than in the present zoning.*
5. *There will be no adverse environmental or visual impact as a consequence of development of the land.*
6. *The proposal will assist in achieving the gateway strategies contained within the Hawkesbury Employment Lands Study by facilitating "some higher amenity highway activities such as showrooms and larger format retailing".*

### Assessment

#### *Draft North West Subregional Strategy*

The Draft North West Subregional Strategy was released in December 2007 by the NSW Department of Planning and was exhibited for comment until March 2008. The Strategy is expected to be finalised by the State Government by the end of 2009.

As previously reported to Council, the Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city
- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities

The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent the Strategy. It is clear that Council must operate within the framework of a Metropolitan Strategy and Subregional plan and therefore must work to ensure that LEP's are consistent with the actions of the Subregional strategy. These are essentially "tests" that must be applied by Councils in preparing new strategies and subsequent LEP's.

The draft Subregional Strategy contains employment targets for the city and the subregion as a whole. For the Hawkesbury the draft figure is 3,000 jobs over the next 23 years. Councils are required to plan for sufficient land and infrastructure to achieve employment capacity targets. In relation to the current rezoning proposal, an assessment of this matter is made later in this report.

#### *Hawkesbury Employment Lands Strategy 2008*

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy. The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

## ORDINARY MEETING

Meeting Date: 8 September 2009

The Strategy provides:

- analysis of the existing supply of employment (industrial, commercial, retail) land;
- identification of the drivers of employment land development;
- identification of competitive opportunities for employment land development;
- projections of future employment land requirements by type over 25 years;
- criteria for the spatial distribution of employment lands;
- strategic planning approach for future employment land provision;
- identification of future investigation areas for industrial and commercial uses;
- an implementation strategy for the investigation areas;
- consideration of infrastructure capacity, identifying limitations/augmentations.

The Employment Lands Strategy has recommended a number of strategies for Council to pursue to address the economic prosperity of the LGA. One of these is to "*Identify appropriate development treatments for gateway areas*" which includes, whilst not specifically any particular site, land along Windsor Road as the entry to Windsor.

Strategy 8 in the Employment Lands Strategy identifies "*Windsor Road, Mulgrave (boulevard treatment with higher amenity showrooms and larger format retailing)*". The proposed change to the zoning from Rural Living to 4(b) Light Industrial is consistent with the Hawkesbury Employment Lands Strategy.

It is recognised that significant retail development in this location is not consistent with the government's centres policy, or with supporting the Windsor Town Centre. In this sense, a number of uses may be appropriate for the site, but, retail uses, ie, shops, should be discouraged at the site. It should be noted that the 4(b) Light Industrial zone, and the IN2 Light Industrial zone, do not permit retail premises (except for service shops, such as food and drink).

Future development of the site would require a higher standard of urban design to ensure an appropriate treatment of the frontage of Windsor Road. This is a requirement of the Employment Lands Strategy and may be controlled via specific amendments to the Development Control Plan when that document is reviewed.

### *Department of Planning Circulars & Sustainability Criteria*

Two Department of Planning Circulars are of particular relevance in considering the current rezoning proposal. They are *Spot rezoning*, dated 15 June 2006 and *Local environmental plan review panel*, dated 16 February 2006.

In the *Spot rezoning* circular the Department's objective to reduce the number of spot rezoning is outlined. The main reasons being:

- *Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis.*
- *Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel.*

The Circular does state that spot rezonings will continue to be considered by the Department. However justification for the rezoning should take into account the public interest and explain the implications of not proceeding with the spot rezoning.

The *Local Environmental Plan Review Panel* circular explains the role of the Department of Planning's LEP Review Panel and identifies the information required to be submitted to the Department.



## ORDINARY MEETING

Meeting Date: 8 September 2009

With respect to Spot rezonings the Circular states:

*In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.*

Further the Circular states that rezonings unlikely to be supported include:

- *a land rezoning or change in development controls in isolation and in the absence of a context and where such a rezoning would be more appropriately included in the preparation of a comprehensive LEP.*
- *the introduction of additional uses to specific zones or to specific sites with no broader economic /employment imperative.*

The current proposal seeks to amend the LEP provisions on the subject land to provide for a more appropriate zone to be placed on the land that is more consistent with the current approved uses on the site. The existing Rural Living zone is no longer appropriate for the site due to the surrounding land uses, being the sewer treatment plant, service station and Windsor Road, and when the existing approved uses for motor showrooms are considered.

The site may be considered as part of the "gateway" into the Hawkesbury as identified in the Employment Lands Strategy. Given the unique situation of this site and the fact that the proposed change is consistent with the adopted Employment Lands Strategy, it is considered appropriate that the zone be changed.

The Local Environmental Plan review panel circular also provides pro-forma evaluation criteria for the consideration of spot rezonings. The applicant has provided a response to these criteria and this is reproduced in the table below along with a comment in reply.

	DOP Evaluation Criteria	Applicant's Response	Comment in Reply
1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	<i>The LEP will be compatible with the draft North West Subregional Strategy). The land will fall within Category 2 Employment Land.</i>	It is agreed that the proposed zone change will correct an anomaly in the zoning that will assist in protecting and enhancing the current employment capacity of the site. The draft Hawkesbury Employment Lands Strategy has identified this and other sites for limited, non-retail development.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	<i>The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit.</i>	Compliance with S117 directions are discussed later in this report.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	No	Agreed.
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<i>Yes. The LEP will facilitate permanent employment generating activity.</i>	The site already provides for employment activity by virtue of the existing

# ORDINARY MEETING

Meeting Date: 8 September 2009

	DOP Evaluation Criteria	Applicant's Response	Comment in Reply
			approvals and uses on the site. The proposed zoning change will better provide for the protection and enhancement of this employment activity.
5.	Will the LEP be compatible/complementary with surrounding land uses?	<i>The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of special uses, service stations and light industrial uses.</i>	Agreed. The zone change will correct an anomaly that will provide for a more appropriate zone that is compatible with the existing and surrounding land uses.
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	<i>The land already has a site specific zone to allow motor showrooms. A reasonable expectation for light industry zoning could be created for the owners of the adjoining service station sites. This would be appropriate, however is a matter for Council.</i>	This matter is discussed below.
7.	Will the LEP deal with a deferred matter in an existing LEP?	No.	Agreed
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	<i>There have been no other spot rezonings in recent years in the locality.</i>	Agreed

## Comments in relation to point 6 above.

This LEP is not likely to create a precedent. The site already enjoys an extension to the zoning provisions to permit motor showrooms. This extension has, in itself, created an expectation for the property owner that light industrial uses may be acceptable on the site. The change in zoning from Rural Living to 4(b) Industrial will be more in keeping with the current uses and the expectations of the owner and the community for the site.

The property immediately adjoining the site to the north-east is currently occupied by a service station that has recently received approval for the addition of a car wash facility. Given the proximity of this service station to the subject site and the fact that the adjoining land to the west falls steeply, is flood prone and occupied by the sewer treatment plant, it is considered appropriate that this adjoining parcel (known as Lot A DP 411701) be included in the current rezoning amendment.

It is considered that the proposed rezoning generally complies with the current Department of Planning guidelines or Circulars. Further, the draft Employment Lands Strategy supports consideration of limited development of this site.

## Section 117 Directions

As Council is aware the section 117 Directions under the provisions of the Environmental Planning and Assessment Act 1979 direct Council to consider various matters when preparing a draft local environmental plan.

## ORDINARY MEETING

Meeting Date: 8 September 2009

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

### Direction 1.1 Business and Industrial Zones

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.

The applicant states that the proposal is consistent with this Direction as:

*"The draft LEP will give effect to the objectives of the Direction by encouraging employment growth in a suitable location. The draft LEP will be in accordance with the Hawkesbury Employment Lands Strategy".*

### **Comment**

As this Direction applies there are several matters relevant to Council, including giving effect to the objectives of this Direction and to ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director General of the Department of Planning.

As noted above, the Hawkesbury Employment Lands Strategy supports consideration of limited development of this site. It is considered that the proposed LEP is consistent with this Direction.

### Direction 1.2 Rural Zones

The objective of this direction is to:

To protect the agricultural production value of existing rural land

The applicant states the following:

*"The draft LEP will be inconsistent with paragraph 4(a) in that the land will be rezoned from a rural zone to an industrial zone.*

*The draft LEP is not inconsistent with the objective of this Direction as the land has no agricultural production value.*

*The inconsistent is justified as the draft LEP is of minor significance."*

It is clear that this proposed LEP is inconsistent with part of this Direction. However, the Direction does permit an inconsistency under certain circumstances. Given that the land currently has no agricultural value (and is most unlikely that it will ever be used for agricultural purposes given the existing land uses) and the proposal is consistent with the Hawkesbury Employment Lands Strategy, it is considered that the inconsistency with the Direction is acceptable.

### Direction 3.4 Integrated Land Use and Transport

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 traveled, especially by car, and



## ORDINARY MEETING

Meeting Date: 8 September 2009

- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The applicant comments as follows:

*"The draft LEP will provide employment opportunities in a locality which is well serviced by public transport. The draft LEP is consistent with the relevant guidelines and policy."*

### Comment

The Department of Planning's guidelines *Integrated Landuse and Transport* seeks to improve the integration of landuse and transport planning. The proposed LEP will cater for the protection of the existing development and may provide additional employment opportunities should the site be redeveloped. It is considered that the proposed LEP is consistent with this Direction.

### Direction 4.3 Flood Prone Land

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.

The applicant states that the proposal is not consistent with the Directions and comments as follows:

*"The provisions of the draft LEP that are inconsistent are of minor significance."*

*The hazard is acceptable in terms of industrial use in this location."*

*It is considered that the inconsistency is justified."*

### Comment

The proposal is inconsistent with this objective and this inconsistency is of minor significance. The impact that the proposed LEP will have in relation to flooding will be virtually nil when compared to the approved existing uses on the site. Given that there is not likely to be significant increase in the flood risks for the site as a result of this proposed LEP it is considered that the inconsistency is justified.

### **Standard LEP Template Conversion**

As Council is aware the provisions of Hawkesbury LEP 1989 are currently being converted to the associated NSW Standard Template LEP zone. In this regard the new zone for the subject site will be IN2 Light Industrial which is a direct conversion of the existing 4(b) Light Industrial zone contained in the Hawkesbury LEP 1989.

The applicant has proposed either of the zones as the uses permitted in those zones are the same. The option to use an enabling clause to allow certain development on the subject land was used in 1995. That option has raised expectations for the site that additional Light Industrial uses may be suitable. The option of site specific zone extension is no longer recommended as best practice by the Department of Planning as it is contrary to the principle of "simplifying the planning system", and therefore a suitable template zone should be applied should the rezoning proceed.

It is considered that the most appropriate zone for the subject site is the IN2 Light Industrial. It is recommended that Council resolve to amend the zoning for the subject site to 4(b) Light Industrial (under

the provisions of the current Hawkesbury LEP 1989) or, should the Standard Instrument conversion be suitably progressed, this application for site specific rezoning be joined with the Template conversion and the zone be IN2 Light Industrial.

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

The relevant aims and objectives of Clause 2 of HLEP 1989 are:

- To provide a mechanism for the management, orderly and economic development and conservation of land with the City of Hawkesbury;
- To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;

In order to satisfy these objectives it is recommended that support for any change to zones, as proposed in this particular case, be considered in a wider strategic context such as a Strategy. The draft Hawkesbury Employment Lands Strategy has considered this and other sites as suitable for consideration of limited, generally non-retail, development.

### **Traffic and Access**

Access to Windsor Road is currently restricted for the site and access is obtained via Mulgrave Road. Any rezoning of the subject site would retain these access arrangements.

### **Services**

The site is currently occupied by motor showrooms that are connected to all relevant services.

### **Conclusions**

The draft Hawkesbury Employment Lands Strategy should form the basis of any decision making for rezoning and development of employment lands. The Department of Planning is also clear in its advice to Council about undertaking strategic studies to ensure that there is a proper framework for decision making. The draft Hawkesbury Employment Lands Strategy has considered this and a number of sites as suitable for "gateway" style development.

Therefore it is considered that the proposal has been justified in the strategic context.

When the surrounding land uses have been assessed it is considered that the site adjoining the subject land to the north east, containing the service station, should also be included in any rezoning.

Council is currently undertaking a conversion of the current LEP 1989 into the Standard Instrument. Whilst it is recommended that the current proposed LEP for 103 Windsor Road be progressed separately, if it is deemed timely, and appropriate to do so, it is to be incorporated into the draft Standard Instrument prior to gazettal.

### **Conformance to Strategic Plan**

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Investigating and planning the city's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."*

### **Funding**

The processing of a rezoning can have significant impacts on staff time in the processing of the relevant matters. The rezoning fees payable in this regard should cover these expenses.

## ORDINARY MEETING

Meeting Date: 8 September 2009

### Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

### RECOMMENDATION:

That:

1. Council prepare a Planning Proposal, under the provisions of Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at part Lots A and B DP 411701 (excluding the areas identified for road widening), 126 and 130 Windsor Road, McGraths Hill, from Rural Living to 4(b) Light Industrial zone.
2. The Planning Proposal be forwarded to the Minister requesting that the matter proceed
3. This draft amendment be progressed separately to the draft Standard Instrument. However, if it is deemed timely and appropriate to do so, it is to be incorporated into the draft Standard Instrument prior to gazettal.

### ATTACHMENTS:

AT - 1 Site Plan.



**Meeting Date:** 8 September 2009

130 Windsor Road, McGraths Hill

0000 END OF REPORT 0000

**ORDINARY MEETING**  
**MINUTES: 8 September 2009**

**CITY PLANNING**

**Item: 181**      **CP - Application for Rezoning - Part Lot B DP 411701, 130 Windsor Road, McGraths Hill - (85712, 95498)**

---

Mr Robert Montgomery, proponent, addressed Council.

**MOTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Paine.

*Refer to RESOLUTION*

**RESOLUTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Paine

That:

1. Council prepare a Planning Proposal, under the provisions of Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at part Lots A and B DP 411701 (excluding the areas identified for road widening), 126 and 130 Windsor Road, McGraths Hill, from Rural Living to 4(b) Light Industrial zone.
2. The Planning Proposal be forwarded to the Minister requesting that the matter proceed.
3. This draft amendment be progressed separately to the draft Standard Instrument. However, if it is deemed timely and appropriate to do so, it is to be incorporated into the draft Standard Instrument prior to gazettal.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Stubbs was absent from the meeting.

**Attachment 3 – Rezoning application from  
Montgomery Planning Solutions dated 6  
June 2009**



## Rezoning Submission

# Lot B DP 411701 (No. 130) Windsor Road McGraths Hill

Submitted to  
Hawkesbury City Council

June 2009



© Montgomery Planning Solutions  
Reproduction of this document or any part thereof is  
not permitted without prior written permission  
Ph 02 4572 2042





## Contents

1.	Introduction.....	1
2.	The Site .....	2
2.1	Description of Site.....	2
2.2	Surrounding Land Use.....	4
2.3	Surrounding Zoning .....	5
3.	Statutory Context.....	6
3.1	Hawkesbury Local Environmental Plan 1989.....	6
3.2	Sydney Regional Environmental Plan No. 20 .....	7
4.	Environmental Considerations.....	7
4.1	Flooding.....	7
4.2	Traffic and Access.....	8
4.3	Services.....	8
4.4	Hawkesbury Sewage Treatment Plant .....	9
5.	Appropriate Zone for the Site.....	12
6.	Strategic Context .....	12
6.1	North West Subregional Strategy.....	12
6.2	Hawkesbury Employment Lands Study.....	12
7.	Section 117 Directions.....	14
8.	NSW Department of Planning Circulars .....	15
9.	Justification for Rezoning.....	16
10.	Conclusion.....	17
Attachment 1 – Site plan for sewage treatment plant and effluent reuse scheme		
Attachment 2 - LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning		
LEP		

## 1. Introduction

Montgomery Planning Solutions has been engaged by the owner of the land, Mr Stephen Bastion, to prepare a rezoning submission to Hawkesbury City Council. A preliminary discussion was held with the Mayor and City Planner in January 2009, where no objection was raised in principle to the proposal.

The land, which is 1.49 hectares in area, is currently zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. A site-specific amendment was made to Hawkesbury LEP 1989 in 1995 to permit a motor showroom. The land is currently occupied by a boat sales showroom, caravan showroom and truck showroom in accordance with consents issued since 1995.

The Rural Living zoning is somewhat of an anomaly in this location and the site-specific motor showroom amendment restricts the potential use of the land.

The site presents an opportunity to establish a more appropriate gateway development for this major entry to Windsor. This submission provides a review of environmental considerations and the information necessary to allow Council to make an informed decision with respect to preparing a draft local environmental plan.

It is recommended that Council prepare a draft local environmental plan to rezone the land to 4(b) (Industry Light). Should the template LEP precede this draft plan, the appropriate zone for the land is IN2 Light Industrial.



## 2. The Site

### 2.1 Description of Site

The land is described as Lot B DP 411701 (No. 130) Windsor Road McGraths Hill. The land is 1.49 hectares in area and is of irregular shape. Access is via Mulgrave Road.

Figure 1: Site Boundary Source – Google Earth



The land is located on the north-west corner of Mulgrave Road, a distance of 1.5 kilometres from Windsor town centre. The land is generally flat with a gentle slope down from Mulgrave Road to the north. Except for some landscaping around the boundary, the total site comprises hard paving.

A number of buildings are erected on the land, including a truck showroom building at the rear which is not shown in Figure 1. Boats, caravans and trucks are displayed outdoors on the paved areas of the site. The buildings are used for offices, accessories showrooms and service workshops associated with the motor showrooms.

**Figure 2: Site from Mulgrave Road**



**Figure 3: Windsor Road/Mulgrave Road Intersection**





## 2.2 Surrounding Land Use

The land is surrounded by a variety of land uses. Hawkesbury Sewage Treatment Plant adjoins to the west and partially north. One service station adjoins to the north, while another is located on the southern side of Mulgrave Road. A hotel and residential development is located on the eastern side of Windsor Road. Windsor High School is also located on the southern side of Mulgrave Road. Light industry and retail development is located south of the high school.

Figure 4: Surrounding Land Use Source – Google Earth



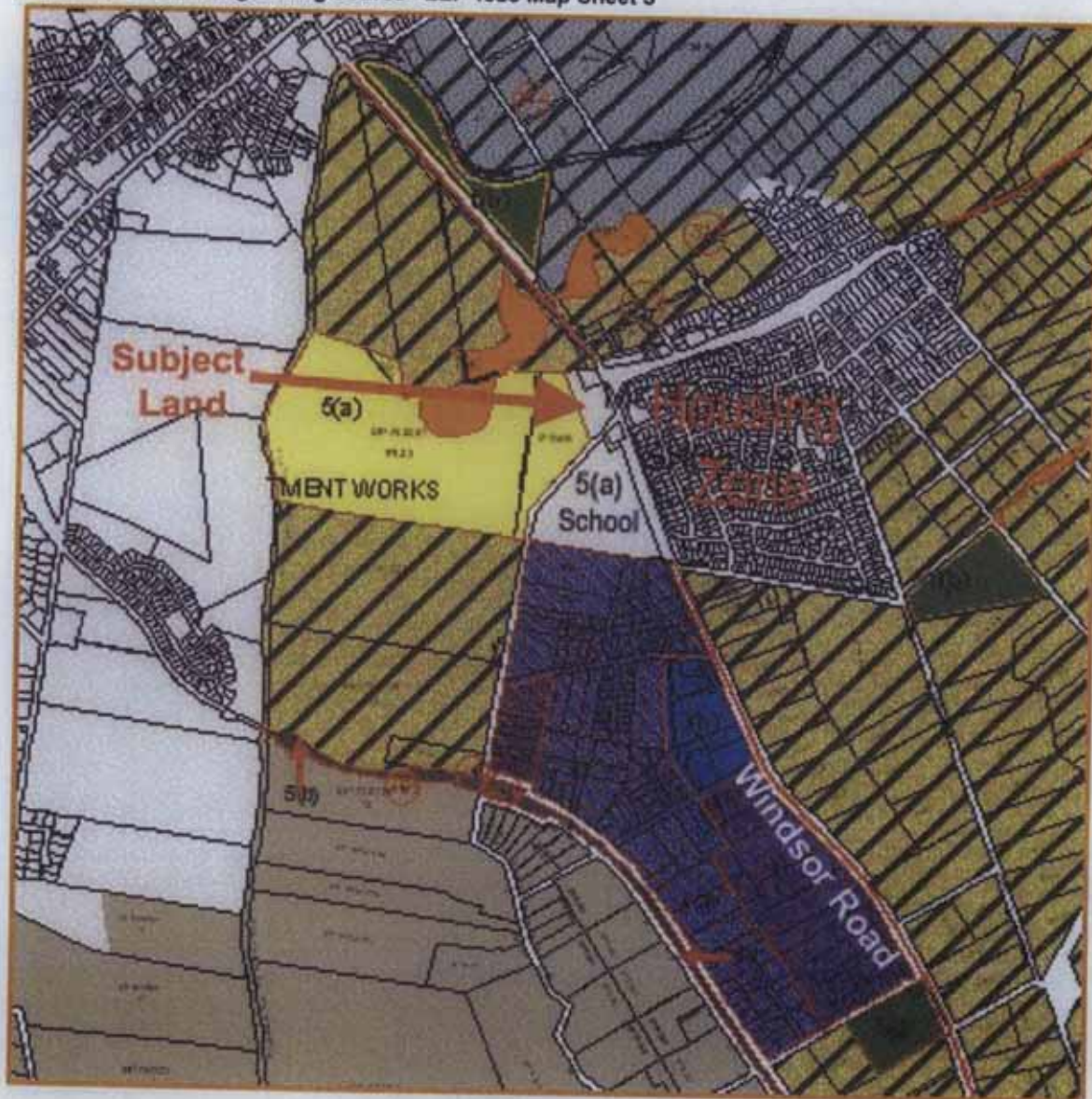


## 2.3 Surrounding Zoning

The Hawkesbury Sewage Treatment Plant and the Windsor High School sites are both zoned Special Uses 5(a). The subject land and the adjoining service stations are zoned Rural Living. It is assumed that the service stations enjoy the benefits of existing use rights under the provisions of the Environmental Planning & Assessment Act, 1979.

Land on the eastern side of Windsor Road, including the hotel site, is zoned "Housing". The area to the south of the high school, fronting Windsor Road has a combination of 4(b) Industrial and 3(b) business zones.

Figure 5: Surrounding Zoning Source - LEP 1989 Map Sheet 3





### 3. Statutory Context

The land is controlled by Hawkesbury Local Environmental Plan 1989 (HLEP 1989) and Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (SREP 20).

#### 3.1 Hawkesbury Local Environmental Plan 1989

The land is zoned "Rural Living" under the provisions of Hawkesbury LEP 1989. The current motor showrooms were approved under Amendment 37 to Hawkesbury LEP1989 which was gazetted on 18 August 1995.

The objectives of the Rural Living Zone are:

- (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,*
- (j) *to prevent the establishment of traffic generating development along main and arterial roads,*
- (k) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

It is clear that these objectives are no longer valid in respect of the land and surroundings. There is no rural residential lifestyle available, with two service stations, a sewerage treatment plant and Windsor Road surrounding the land. The landform is also highly modified and is not suitable for agriculture.

While LEP Amendment 37 permits the use of the land for motor showrooms, there are many other suitable potential land uses which are currently prohibited. In my opinion the current zoning has the effect of providing no incentive to achieve a better urban design outcome than the open display of vehicles etc, which now presents to Windsor Road.

### 3.2 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

SREP 20 contains a number of policies and strategies which apply to land within the City of Hawkesbury. None of the policies is relevant to the proposed rezoning of the subject land.

## 4. Environmental Considerations

### 4.1 Flooding

The land is below the 1-in-100 year flood level of 17.3m AHD. The level of the land is approximately 15.8m AHD at Mulgrave Road and falls gradually to 13.6m AHD at the building towards the rear of the land.

The New South Wales Floodplain Development Manual published in April 2005 states;

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

- o Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- o 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."<sup>1</sup>

The Manual also includes the following policy statement at page 1:

"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:

- o 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."

The Manual clearly advocates that decisions should be made on the merits of each specific proposal.

In my opinion, the current use of the land for motor showrooms and possible future light industrial type uses are suitable for the land, taking into account the affect of flooding.

<sup>1</sup> Floodplain Development Manual: the management of flood liable land, NSW Government, April 2005, pg 1.



It is noted that the adjoining property has been recently filled substantially to accommodate a proposed car wash development. Current Council policy therefore appears to permit filling for new development in this location

Figure 6: Filling on adjoining land



## 4.2 Traffic and Access

Access to the land is via a formed driveway from Mulgrave Road. The access is located some 100 metres from Windsor Road and has adequate sight distance in both directions. The three motor showrooms currently on the land generate a significant amount of traffic, including visitor and staff cars, car & caravan combinations, delivery trucks for boats, caravans and spare parts and truck movements associated with truck sales.

The site has adequate area for parking and manoeuvring and no specific problems have been encountered with traffic movements. It is considered that the location of the access is suitable for future possible uses which are consistent with a light industrial zone.

## 4.3 Services

All services are connected to the site, ie water, power, sewer and telecommunications.



#### 4.4 Hawkesbury Sewage Treatment Plant

The Council's McGraths Hill Wetlands and Effluent Reuse Scheme is located to the west and north of the subject land. Council has suggested that this operation should be considered both in terms of the potential impact of the Scheme on the land and the potential impact that future development may have on the Scheme.

The Wetlands and Effluent Reuse Scheme is located downstream of five disinfection ponds. These ponds provide further treatment to the secondary effluent produced by the main Sewage Treatment Plant (STP). Figure 7 below shows the main components of the scheme and their relationship to the subject land.

Figure 7: Sewage Treatment Plant Source – Google Earth and McGraths Hill W&ERS Manual





The main components of the scheme are as follows:

- **Irrigation Systems** – two irrigation pumps draw effluent from Pond 5 and deliver it via separate pipe work systems and irrigation sprinklers to pasture areas (usually planted with lucerne).
- **Chemical Phosphorous Reduction** – effluent that is not used for pasture irrigation is pumped from Pond 5 to the wetlands, passing through a chemical phosphorous reduction facility on the way. The effluent is dosed with alum solution to precipitate most of the phosphorus. After flocculation to prepare the precipitate and other suspended solids for removal by settling, the flow passes through sedimentation ponds where most of the aluminium phosphate settles out as part of the alum floc.
- **Wetland Bays and Lake** – effluent from the chemical phosphorous reduction process is distributed to multiple wetland bays. Nutrient chemicals, particularly nitrogen and phosphorous are taken up by wetland plants and utilised in their growth process, resulting in a further reduction of these nutrients in the effluent. The wetland lake downstream of the wetland bays provides further detention time and polishing of effluent quality, and may be operated as a storage for effluent in winter.
- **Low Phosphorous Irrigation System** – a small separate outlet pond downstream of the wetland lake contains a third irrigation pump. This pump delivers low-phosphorous water to an existing hillside woodlot and will deliver flow to landscaped areas to be developed in several stages in the future.
- **Outlet System with Flow Measurement** – the remainder of the flow that leaves the wetlands outlet pond is metered via a V-notch outlet weir on its way to discharge into South Creek.<sup>2</sup>

The hillside woodlot is the closest component of the effluent scheme to the subject site. The site is separated from the scheme by the following distances.

Component	Min distance to Boundary
Hillside woodlot	10m
Sewage treatment plant	220m
Disinfection ponds	400m
Constructed wetlands	100m
Wetland lake	120m
Phosphorous sedimentation ponds	550m
Irrigation areas	150m

Distances are approximate from each component to the closest point on boundary.

**Attachment 1** to this report is a plan showing the location of all components of the scheme.

<sup>2</sup> McGraths Hill Wetlands & Effluent Reuse Scheme Operation Manual, Hughes Trueman, August 2004.



The only chemical used in treatment of the effluent is Alum, also known as aluminium sulphate. Alum has been used as a raw material in the water treatment industry for many decades. Its large molecular size and weight, combined with low cost, make it an excellent flocculant for treatment of both drinking water and industrial waste water. There is no risk for people not in direct contact with Alum.

The plant is a scheduled activity, licensed by the EPA under Section 55 of the Protection of the Environment Operations Act 1997. The potential impacts of the sewer treatment plant and effluent reuse scheme on persons within the locality are odours and spray drift. It is noted that the licence does not identify any potentially offensive odour, nor does it require monitoring of odour or spray quality.

Anecdotally the plant is known to produce odours on occasions. The severity of the odour depends on the climatic conditions and wind direction and speed in particular. There are other licensed premises, market gardens and turf farms in the locality which also cause odour from time to time.

In our experience over many years, when an odour is detected in this locality, it is difficult to identify the source from the several potential sources in the locality.

In relation to potential spray drift, the Operations Manual recommends that spraying pastures be avoided when the wind is strong:

*"The effluent sprayed on the pastures for irrigation is secondary treated effluent that has received a degree of tertiary treatment due to retention in the disinfection ponds. Disinfection, whether due to natural die off of pathogenic micro-organisms, or due to chemical means such as chlorination, is never a 100% effective process. As with many treatment processes, the effectiveness is quite significant in relation to the objective of the process, but is not absolute.*

*Aerosols, being very fine droplets of spray, are carried a lot further by strong winds than larger water drops, and can cause a risk of spreading pathogenic organisms. Both plant operators and the public could be affected by this, so it is recommended that care be taken during any use of spray irrigation on windy days, and that it not be done on strongly windy days."*<sup>3</sup>

A search of Council's records and the EPA web site revealed no record of complaints of offensive odour received in relation to the plant.

It can be seen in Figure 7 that the Windsor High School buildings are closer to the sewage treatment plant and disinfection ponds than the subject site. The buildings are also located just as close to some irrigation zones. It is considered that the high school is a land use which is far more sensitive to the operations of the sewage treatment plant than the current or potential use of the subject land.

Having reviewed the processes and operations associated with the sewage treatment plant and effluent reuse scheme, it is my conclusion that the proposal to rezone the subject land is unlikely to have any impact in terms of the plant. Similarly, I do not see that future uses of the subject land will be any more or less sensitive than the existing uses.

<sup>3</sup> Ibid, pg7



## 5. Appropriate Zone for the Site

Based on the surrounding land uses and adjacent zones, it is considered that the most appropriate zone for the site is zone 4(b) (Industry Light). This zone provides a wider range of permissible land uses, including a number of uses which are likely to present a better urban design solution for the site.

Council is in the process of preparing a City-wide LEP in accordance with the NSW Department of Planning template. The most logical "template zone" for the site would be zone "IN2 Light Industrial". This would be consistent with the conversion of the existing 4(b) zone along Windsor Road.

It is therefore requested that a draft LEP be prepared to rezone the site to 4(b) (Industry Light) or alternatively, IN2 Light Industrial, should the template LEP precede this draft plan.

## 6. Strategic Context

### 6.1 North West Subregional Strategy

This Draft Strategy was released for comment in December 2007. The Strategy identifies an employment capacity target for Hawkesbury of 3,000 new jobs by 2031. This proposal will assist in adding to industrial land stocks and meeting the target.

The proposal would fall within Category 2 Employment Lands – Land with Potential To Allow for a Wider Range of Employment Uses.

### 6.2 Hawkesbury Employment Lands Study

The Hawkesbury Employment Lands Study was adopted by Council in December 2008. The study was prepared to provide a planning framework to support and enhance the economic competitiveness of the Region. It was undertaken within the employment lands planning framework set by the Metropolitan Strategy and the draft North West Subregional Strategy.

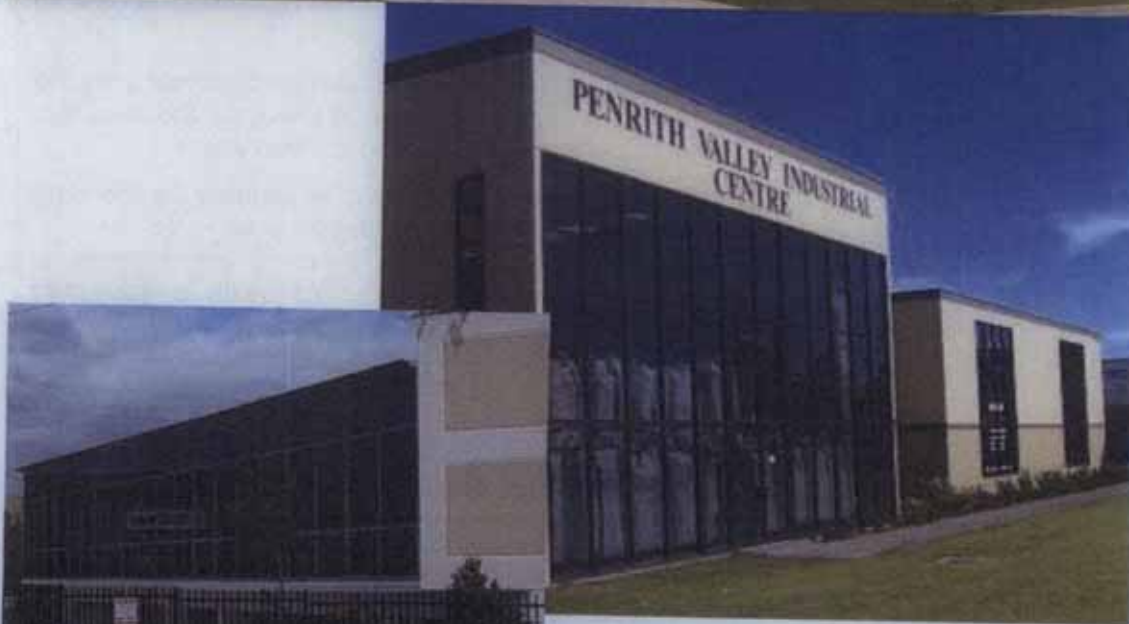
The subject land was not specifically included in the Employment Lands Study, as the brief was to examine existing industrial and commercial land, some specific sites and gateway areas generally. However, there is no doubt that the current zoning of the land is unduly restrictive and is preventing the land from achieving optimum development, both in terms of employment potential and urban design outcomes.

Rezoning of the subject land would be in accordance with Strategy 8 contained within the Study, which, in part, states:

*"There is a mix of experiences on the current gateways to the LGA. Appropriate land uses and urban form should guide development at these important locations and provide a higher level of amenity in terms of better presented streets, appropriate signage structures and good quality buildings and landscaping. The gateways and potential treatments are identified as: ...."*

*At Windsor Road, Mulgrave, visitors to the LGA from the south now tend to wind through Groves Avenue and the flood evacuation route on their way into or through Windsor. This corridor is again appropriate for highway related enterprise activity of a higher amenity that builds on the existing light industry activities. Similar to North Richmond gateway areas, a boulevard treatment is appropriate here, with some higher amenity highway activities such as showrooms and larger format retailing. Landscaping and treatments to the street will be important."*

The following images provide an indication of the type of development which may be achieved on the subject land with a light industrial zoning.





This style of development would clearly fit within the gateway strategy of the Hawkesbury Employment Lands Study.

## 7. Section 117 Directions

The following S117 Directions (as issued by the Minister for Planning on 17 July 2007) are relevant to the proposal.

Direction	Consistency	Reason
1.1 Business and Industrial Zones	Yes	The draft LEP will give effect to the objectives of the Direction by encouraging employment growth in a suitable location. The draft LEP will be in accordance with the Hawkesbury Employment lands Study.
1.2 Rural Zones	No	The draft LEP will be inconsistent with paragraph 4(a) in that the land will be rezoned from a rural zone to an industrial zone. The draft LEP is not inconsistent with the objective of this Direction as the land has no agricultural production value. The inconsistency is justified as the draft LEP is of minor significance.
3.4 Integrated Land Use and Transport	Yes	The draft LEP will provide employment opportunities in a locality which is well serviced by public transport. The draft LEP is consistent with the relevant guidelines and policy.
4.3 Flood Prone Land	No	The provisions of the draft LEP that are inconsistent are of minor significance. The hazard is acceptable in terms of industrial use in this location. It is considered that the inconsistency is justified.

The proposed rezoning is of minor significance and therefore the inconsistencies noted above are considered to be justified. The land is already developed for urban purposes and the draft LEP will not change this situation.

## 8. NSW Department of Planning Circulars

### ***PS 06-005: Local environmental plan review panel – 16 February 2006***

The Circular explains the role of the LEP review panel and sets out the evaluation criteria to be used.

**Attachment 2** to this submission is the LEP pro-forma evaluation criteria for spot rezoning with comments relevant to the proposal. The draft LEP would meet the evaluation criteria.

### ***PS 06-008: Standard Instrument (LEPs) Order 2006 – 3 April 2006***

The Circular gives an overview of the Order and its implications for preparing local environmental plans. Council has prepared its draft template LEP conversion and is waiting for the Department of Planning to issue a Section 65 Certificate.

This submission recommends that the land be rezoned to 4(b) (Industry Light) or alternatively, IN2 Light Industrial, should the template LEP precede this draft plan.

### ***PS 06-013: Local environmental studies – 2 May 2006***

The Circular explains the processes used to identify when a local environmental study is required for an amendment to a local environmental plan. The Circular gives guidance on process, to the information required to support rezoning applications, who prepares a local environmental study, terms of reference and what should occur with material prepared on behalf of a proponent.

In particular, the Circular states:

*"The decision to rezone land and the amount of information required to make this decision is a matter for council. However, it is not appropriate that detailed local environmental study style rezoning applications be expected before council or the Director-General has agreed to proceed with a rezoning.*

*As such councils should refrain from asking for excessive amounts of detail before a proposal is considered by council and the Director-General."*

The Circular then provides a list to be used as a guideline for information to be provided.

It is submitted that this report contains sufficient information to allow Council to resolve to prepare a draft local environmental plan.



***PS 06-015: Spot rezoning – 15 June 2006***

The Circular restates the evaluation criteria set down in PS 06-005 and concludes that the Department will continue to assess spot rezoning proposals on a merit basis.

It is submitted that the proposal has sufficient merit to warrant consideration under this Circular.

## **9. Justification for Rezoning**

The NSW Department of Planning Circular PS 06-013, issued on 2 May 2006, suggests that the information submitted in support of a rezoning application should include compelling reasons for the proposed rezoning.

The reasons in support of the proposed rezoning are summarised as:

1. The Rural Living zone is clearly no longer appropriate for the site, considering the current use of the land, the surrounding land uses and the 1995 site-specific LEP amendment.
2. The land has the appropriate physical characteristics to support light industrial development.
3. The proposed rezoning will make use of existing infrastructure.
4. The proposal will provide opportunities for a better urban design outcome than the in the present zoning.
5. There will be no adverse environmental or visual impact as a consequence of development of the land.
6. The proposal will assist in achieving the gateway strategies contained within the Hawkesbury Employment Lands Study by facilitating "some higher amenity highway activities such as showrooms and larger format retailing".

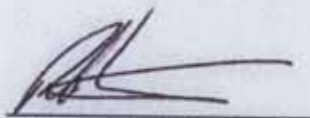
## 10. Conclusion

The purpose of this submission is to examine the suitability of the land for rezoning to light industrial. The current Rural Living zone is clearly inappropriate given the use of the subject land and the surrounding land uses. The site-specific LEP amendment, gazetted in 1995, allows the land to be used for motor showrooms. This amendment has effectively created the current development on the land, however is overly restrictive.

Other similar land along Windsor Road is zoned 4(b) light industry. The subject land is a gateway site, as an entry to Windsor. Light industry zoning will encourage redevelopment of the land to provide a more appropriate gateway presentation.

There will be no adverse environmental impacts arising from the proposal and this report has demonstrated that the subject land is suitable for rezoning.

Accordingly it is recommended that Council prepare a draft local environmental plan to rezone the land to 4(b) (Industry Light). Should the template LEP precede this draft plan, the appropriate zone for the land is IN2 Light Industrial.



Robert Montgomery  
BApSc (Environmental Planning) MPIA CPP  
Principal  
June 2009

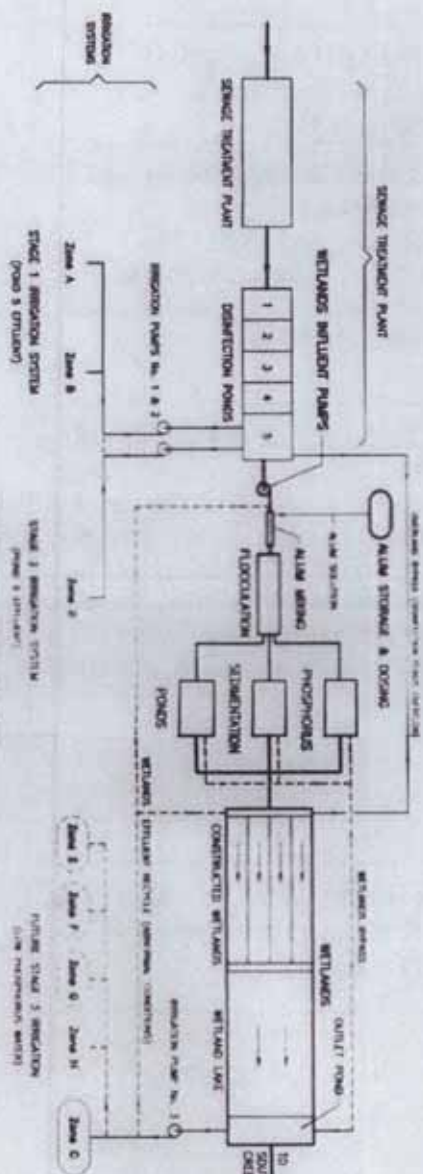
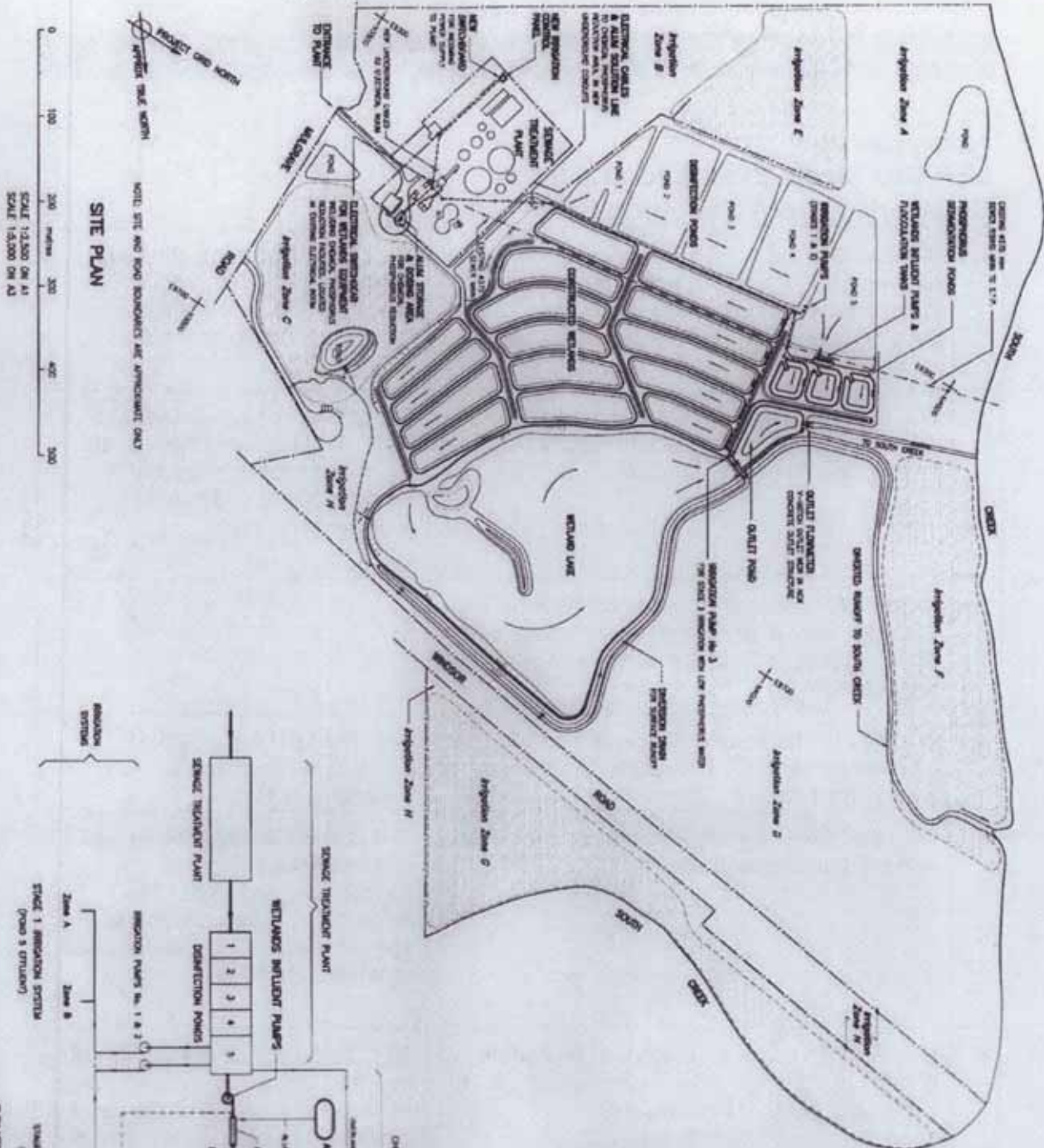
### Attachments:

- Attachment 1 – Site plan for sewage treatment plant and effluent reuse scheme
- Attachment 2 – LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning LEP

**Attachment 1: Site plan for sewage treatment plant and effluent reuse scheme**



NO.	DETAILS OF ISSUE/AMENDMENT	BY	DATE
1	PREFATORY ISSUE	REC	29 Mar 1999
2	1. MAIN TITLE, 2. ROAD ADJES NORTH OF HWY 701E RE ALCOHOLISM AMENDS	REC	15 Oct 1998
3	REDACTION PAGE NO. 3 SHOWN REWRITTEN, CONNECTED TO ISSUE 2. PLUS	REC	20 Jan 2004
4	OTHER WORK UNPUBLISHED & UNCOMMENCED	REC	



## WELLMAN &amp; DILLON REAL ESTATE

## OBJECTIVES AND ENVIRONMENTAL BENEFITS OF SOLAR

- [illegible]

ETHYLENE ULTRASATON ACTIVITIES

- [illegible]

**MITIGATION ZONES**

- Figure 1. a) an existing building, b) new building, c) new building with existing foundation, d) new building with existing foundation, e) new building with existing foundation.

## STANDARD DEVELOPMENT OF COMPOUNDS

- the software is being implemented over a period of seven years and subject to the major developments (2005 – project Stage 1 (prior to development of phase two, the first Network))

## 252

- 1998 Personal contact for organized crime by law and criminal law, migration and refugees  
1999 Law with 100 Criminal Proceedings against system  
2000 Criminal Proceedings for Criminal Proceedings against  
1998 Criminal Proceedings in migration (1000 articles)

FLUORESCENCE: 452/485 nm

- The size of the IT system handling financial data can also vary greatly, ranging from a simple spreadsheet to a complex database.
- The type of data being handled can also vary greatly, ranging from simple financial data to complex data such as customer information.
- The location of the data can also vary greatly, ranging from a single server to a distributed system.
- The type of user interface can also vary greatly, ranging from a simple command-line interface to a complex graphical user interface.
- The type of security measures can also vary greatly, ranging from basic password protection to advanced encryption and access control.
- The type of backup and recovery procedures can also vary greatly, ranging from simple file backups to complex disaster recovery plans.
- The type of integration with other systems can also vary greatly, ranging from simple data exchange to complex system integration.
- The type of reporting and analytics can also vary greatly, ranging from simple data reports to complex data analysis and visualization.
- The type of training and documentation can also vary greatly, ranging from basic user guides to comprehensive training programs.
- The type of support and maintenance can also vary greatly, ranging from basic troubleshooting to comprehensive system maintenance.
- The type of compliance and regulatory requirements can also vary greatly, ranging from basic data protection laws to complex industry regulations.
- The type of scalability and flexibility can also vary greatly, ranging from a static system to a dynamic system that can grow with the organization.
- The type of cost and budget can also vary greatly, ranging from a low-cost system to a high-cost system.
- The type of risk and security can also vary greatly, ranging from a low-risk system to a high-risk system.
- The type of performance and reliability can also vary greatly, ranging from a basic system to a high-performance system.
- The type of integration with other systems can also vary greatly, ranging from simple data exchange to complex system integration.
- The type of reporting and analytics can also vary greatly, ranging from simple data reports to complex data analysis and visualization.
- The type of training and documentation can also vary greatly, ranging from basic user guides to comprehensive training programs.
- The type of support and maintenance can also vary greatly, ranging from basic troubleshooting to comprehensive system maintenance.
- The type of compliance and regulatory requirements can also vary greatly, ranging from basic data protection laws to complex industry regulations.
- The type of scalability and flexibility can also vary greatly, ranging from a static system to a dynamic system that can grow with the organization.
- The type of cost and budget can also vary greatly, ranging from a low-cost system to a high-cost system.
- The type of risk and security can also vary greatly, ranging from a low-risk system to a high-risk system.
- The type of performance and reliability can also vary greatly, ranging from a basic system to a high-performance system.

## OCEANOGRAPHY: THE JOURNAL OF THE OCEANOGRAPHIC SOCIETY OF AMERICA

1995

## SCHEMATIC FLOW DIAGRAM

**LYALL MASONRY**  
CONSULTING ENGINEERS  
2001 N. 10th Ave.  
Phoenix, AZ 85016  
Tel: 261-1111  
Fax: 261-1111  
20 Nov 1989

PHOENIX CITY COUNCIL  
MAGNATITE HILL WETLAND AND EFFLUENT REUSE  
OVERVIEW OF SCHEME

**Attachment 2:****LEP Pro-forma Evaluation Criteria****Category 1: Spot Rezoning LEP**

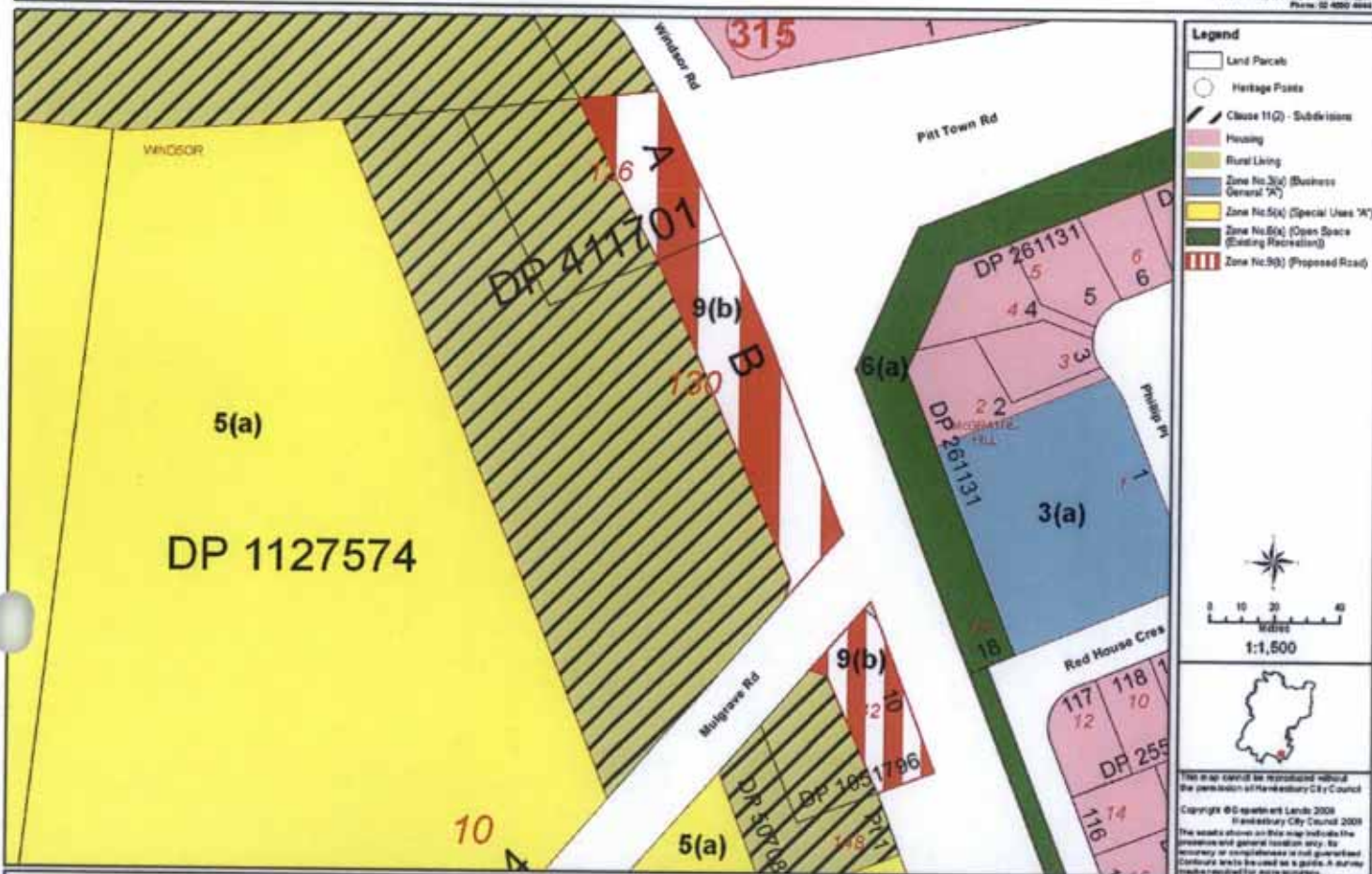
1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	The LEP will be compatible with the draft North West Subregional Strategy. The land will fall within Category 2 Employment land.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No.
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The LEP will facilitate permanent employment generating activity.
5.	Will the LEP be compatible/complementary with surrounding land uses?	The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of special uses, service stations and light industrial uses.
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	The land already has a site-specific zone to allow motor showrooms. A reasonable expectation for light industry zoning could be created for the owners of the adjoining service station sites. This would be appropriate, however is a matter for Council.
7.	Will the LEP deal with a deferred matter in an existing LEP?	No.
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There have been no other spot rezonings in recent years in the locality.





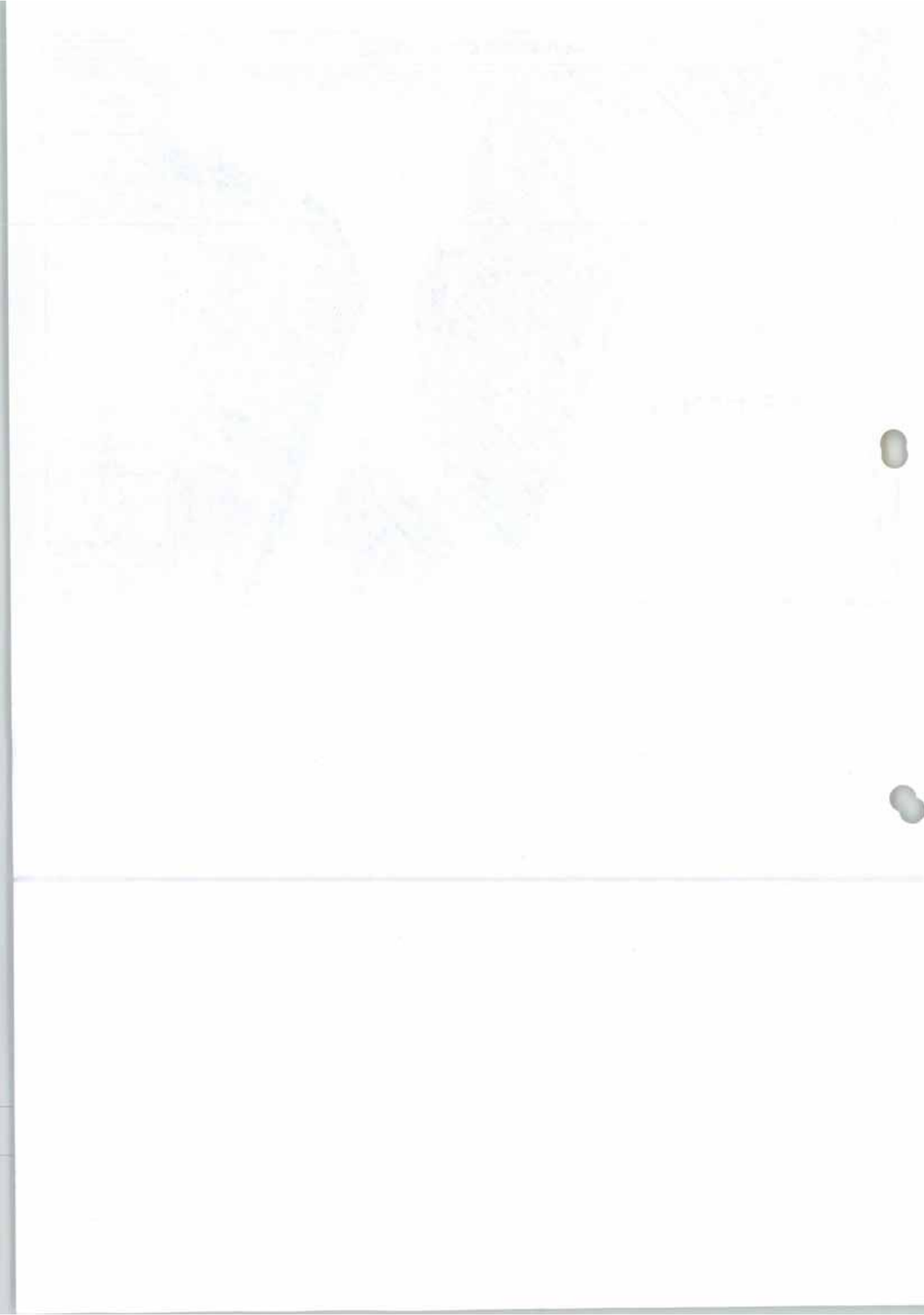
# HAWKESBURY CITY COUNCIL

PO Box 148, Windsor NSW 2780  
Website: [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)  
Email: [enquiries@hawkesbury.nsw.gov.au](mailto:enquiries@hawkesbury.nsw.gov.au)  
Phone: 02 4550 4000



Amendment 157 Current Zone Map - 126 & 130 Windsor Road, McGraths Hill





## 4.5 Community consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals generally as follows:

<i>planning proposal type</i>	<i>exhibition period</i>
Low impact planning proposals*	14 days
All other planning proposals	28 days

\* 'Low impact planning proposal' means a planning proposal that, in the opinion of the person making the gateway determination: is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Community consultation is commenced by giving notice of the public exhibition of the planning proposal:

- ✓ in a newspaper that circulates in the area affected by the planning proposal;
- ✓ on the web-site of the RPA; and
- ✓ in writing to adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

The written notice must:

- ✓ Give a brief description of the objectives or intended outcomes of the planning proposal;
- ✓ Indicate the land affected by the planning proposal;
- ✓ State where and when the planning proposal can be inspected;
- ✓ Give the name and address of the RPA for the receipt of submissions; and
- ✓ Indicate the last date for submissions.

During the exhibition period, the following material must be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the planning proposal.

The community consultation is complete only when the RPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP. [EP&A Act s. 57(8)]



