



Hawkesbury City Council

attachment 2
to
item 126

Redacted copies of submissions
received

date of meeting: 14 July 2020
location: by audio-visual link
time: 6:30pm

20th May, 2020

Trading as....

General Manager, Hawkesbury City Council
council@hawkesbury.nsw.gov.au

RE: Draft General Amendments to the HAWKESBURY LOCAL ENVIRONMENTAL
PLAN 2012

[REDACTED] wishes to submit the following comments on the proposed
amendment of the Hawkesbury Local Environment Plan 2012.

Amendments to the plan will need to have reference to impacts affecting existing
agricultural land uses for subdivision and new permissible and/or complying development.
While [REDACTED] encourages the complimentary uses of agriculture and tourism in
rural zones, we are concerned to see that prima facie, agriculture practice has precedence
over tourism and its allied uses.

In relation to some specific points;

- boundary realignments will need to consider whether water resources become
separated from agriculture or are impacted where water is shared between lots
- **proposed function** centres and eco-tourist facilities have undertaken land use conflict
risk assessment to ensure that adjoining or nearby agricultural activities will not be
restrained from undertaking standard farm activities that create noise, odour and dust.

In general, any 'new' use within a rural lot should not by virtue of having been implemented,
then act to sterilize or quarantine land for its original or previous permitted use – it should
not create a contested landscape. For example, a rural landholder gains permission to
establish an eco-tourist facility, and once established, then complains of use conflict where
the surrounding or neighbouring land holders continue agricultural practices that impinge on
the enjoyment of the facility's guests. Just because something is allowed within the zone,
should not mean it is then used as the reason to prevent or object to original or primary uses
within the zone. Indeed, we would recommend that rural land uses be classified as primary
or secondary uses for this purpose. If the planning instrument changes do not currently
foresee such implications, we recommend this be seriously considered and planning
conditions added to manage such risks. Incremental change in land use away from
agriculture does result in no-return conversion to non-agriculture uses.

For and on behalf of the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
20th May 2020

Dear General Manager HCC,

Re: Submission for Draft Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15)

Referring to Zone 4 Environmental Living.

We would like to see Transport Depots and Truck Depots removed from section '3. Permitted with consent' for the following reasons;

- i) there is nothing residential or lifestyle about a truck depot, especially when there is no actual residence involved. These depots are not anywhere like a '*low-impact residential development in areas with special ecological, scientific or aesthetic values*'; which much of Zone 4 Environmental Living is. These depots do not become a real part of the local community and remain an eyesore in what was often an almost pristine environment.
- ii) Truck and Transport Depots DO NOT '*promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*' When large areas of virgin bush must be removed for the facility to be viable it is not an industry that should even be considered as suitable for Zone 4 Environmental Living.

The photos below were taken over 18 months ago, where it all used to be virgin bush. Unfortunately the area still looks very much the same. This is not what we think of as Environmental Living



After a meeting with some local residents at Hawkesbury Council Chambers in October 2018 it was mentioned that it did not seem right that Transport Depots and Truck Depots should be allowed in Zone 4 Environmental Living. We were encouraged to put in a submission about this when the new LEP was being prepared. Here it is.

Thank you for the opportunity to put in this submission and for your consideration of it.

Kind regards



[REDACTED]

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

22 May 2020

**Re: Draft General Amendments to the Hawkesbury Local Environmental Plan 2012
(LEP 003/15)**

Dear Sir,

We act for [REDACTED] owners of land described as [REDACTED]
[REDACTED]
[REDACTED] all within the Richmond
Lowlands.

We are writing in response to the exhibition of the draft amendments to the Hawkesbury LEP 2012. Of particular concern is the proposed amendments to the permissible land use in the RU2 Rural Landscape zone which propose the inclusion of 'function centres' as a use permissible with consent and the amendment to clause 2.8 to permit Temporary Uses for 52 days in a calendar year.

The concern with the additional use of function centres sits squarely with the severe flood hazard in many of the areas zoned RU2 Rural Landscape, but particularly the Richmond Lowlands.

The concern with the increase in the number of temporary events relates to the potential intensity of occurrence of temporary events.

This submission is seeking Council's support to adopt the staff recommendation in the report dated 18 February 2020 to not proceed with the land use changes until further engagement with Agencies had been undertaken. As will be addressed in this submission, the staff recommendation was correct and prudent, given the changed circumstances since Council's original resolution to prepare a Planning Proposal on 31 March 2015.

This is particularly important to note as the Regional Flood Study was completed in July 2019, well after the resolution, to prepare the Planning Proposal in March 2015.

Flood Risk Background

"The Hawkesbury-Nepean Valley has the most significant flood risk exposure in NSW, if not Australia."

(Hawkesbury-Nepean Valley Regional Flood Study – Final Report – Volume 1 – Main Report) (Regional Flood Study)

The Richmond Lowlands, even in lesser flood events than the 1 in 100 AEP flood event, has hazard categories of H5 and H6 and flood depths between 2 to 4 metres – refer Figures 1 to 5 below.

[REDACTED]
[REDACTED]
[REDACTED]

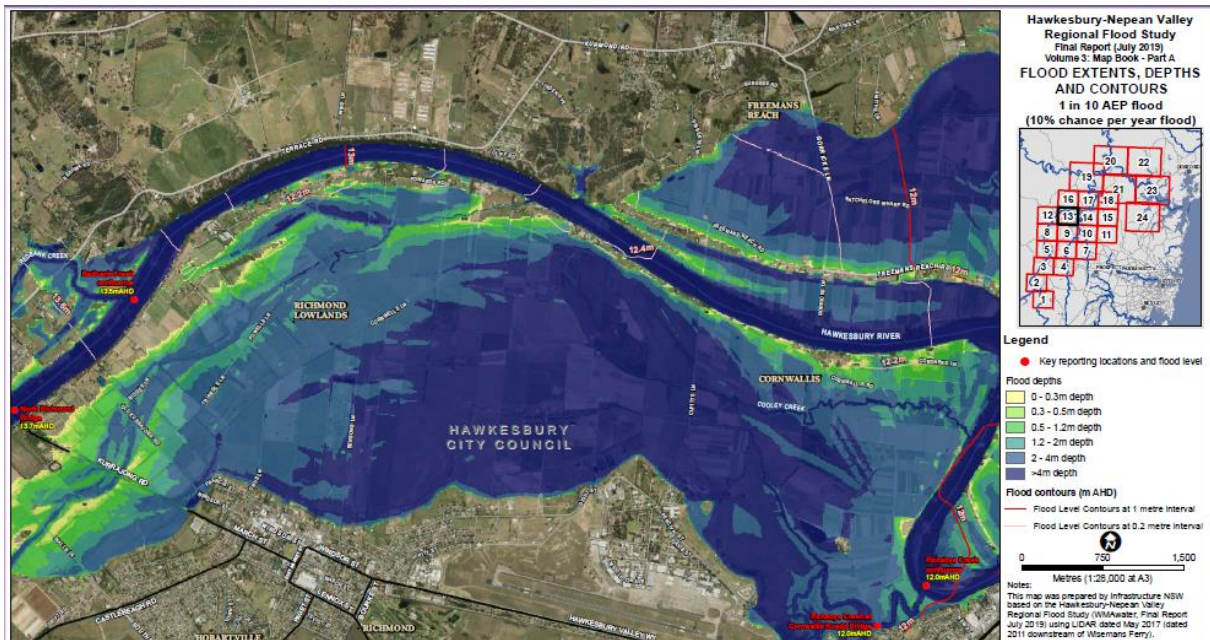


Figure 1: 1 in 10 AEP flood depths (Source: Regional Flood Study)

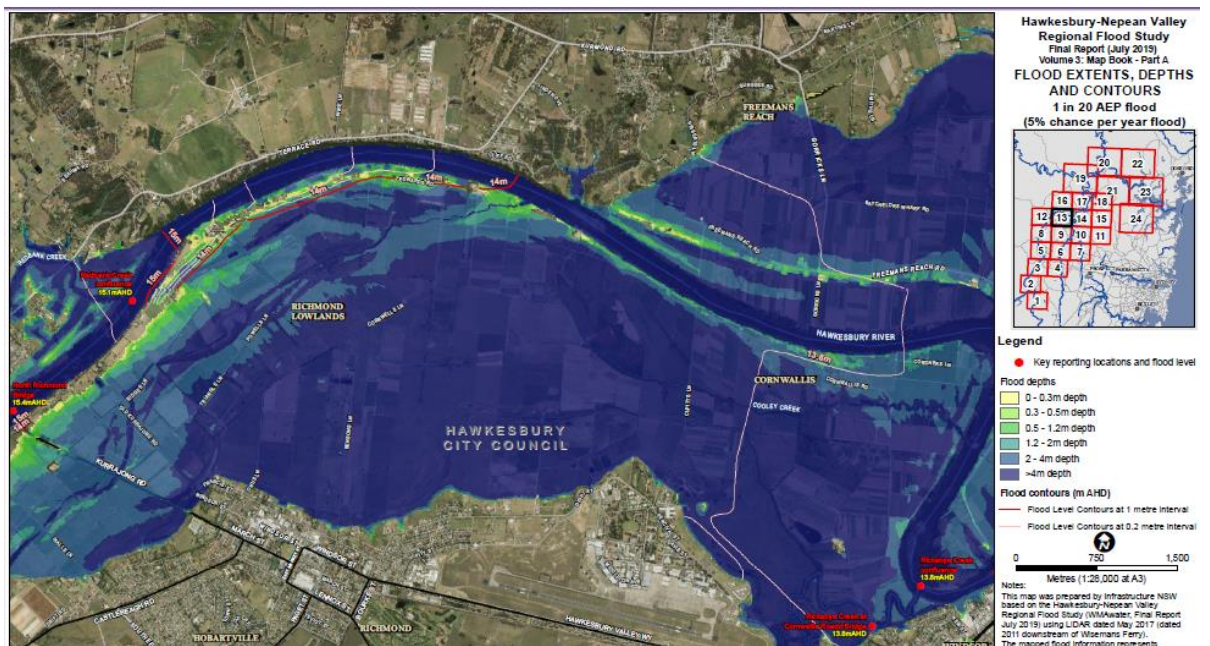


Figure 2: 1 in 20 AEP flood depths (Source: Regional Flood Study)

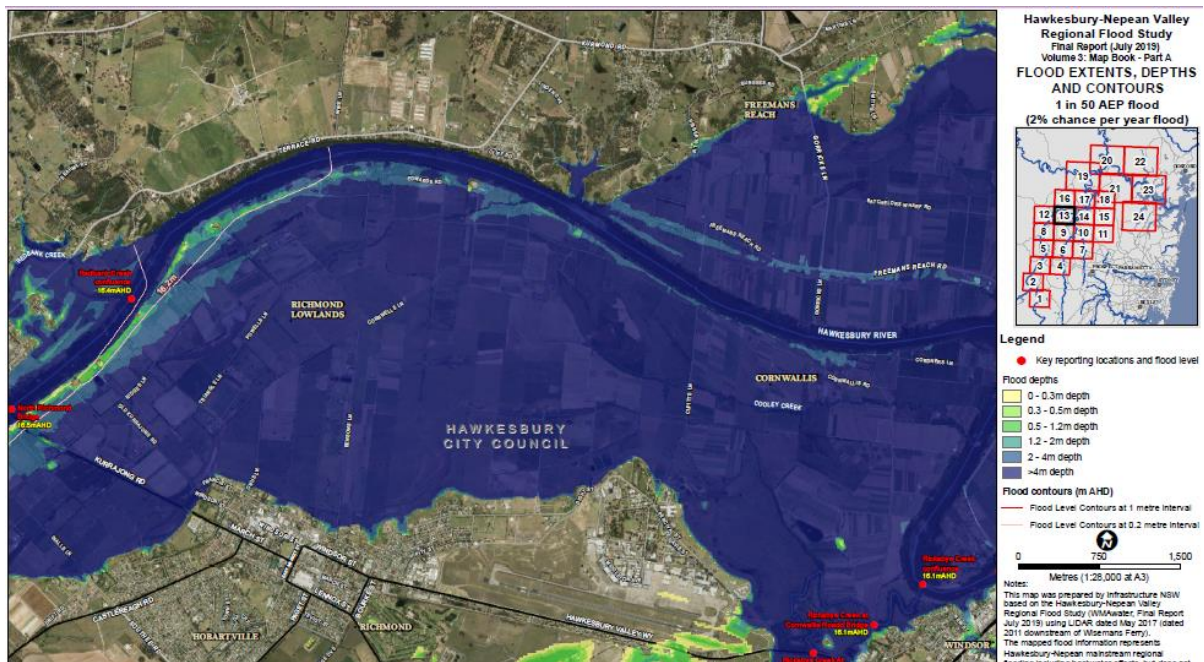


Figure 3: 1 in 50 AEP flood depths (Source: Regional Flood Study)

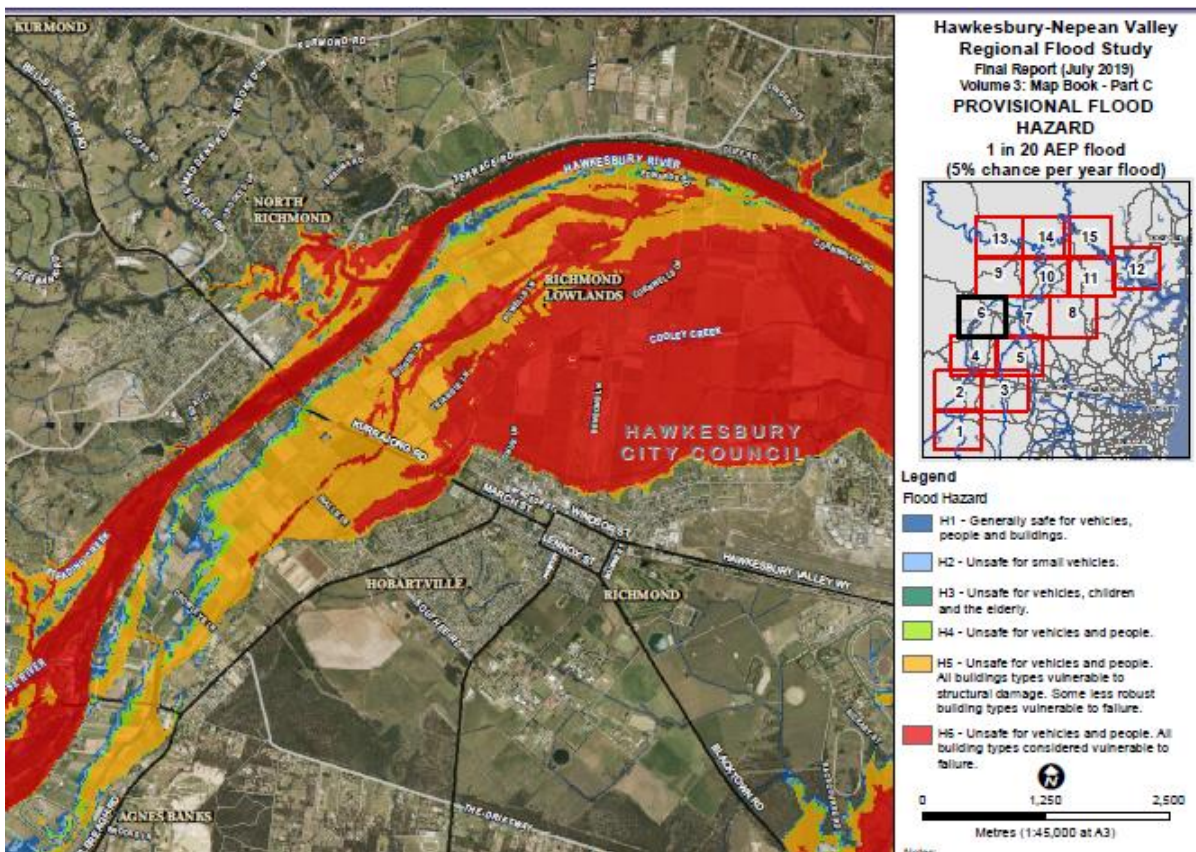


Figure 4: 1 in 20 AEP flood Hazard (Source: Regional Flood Study)

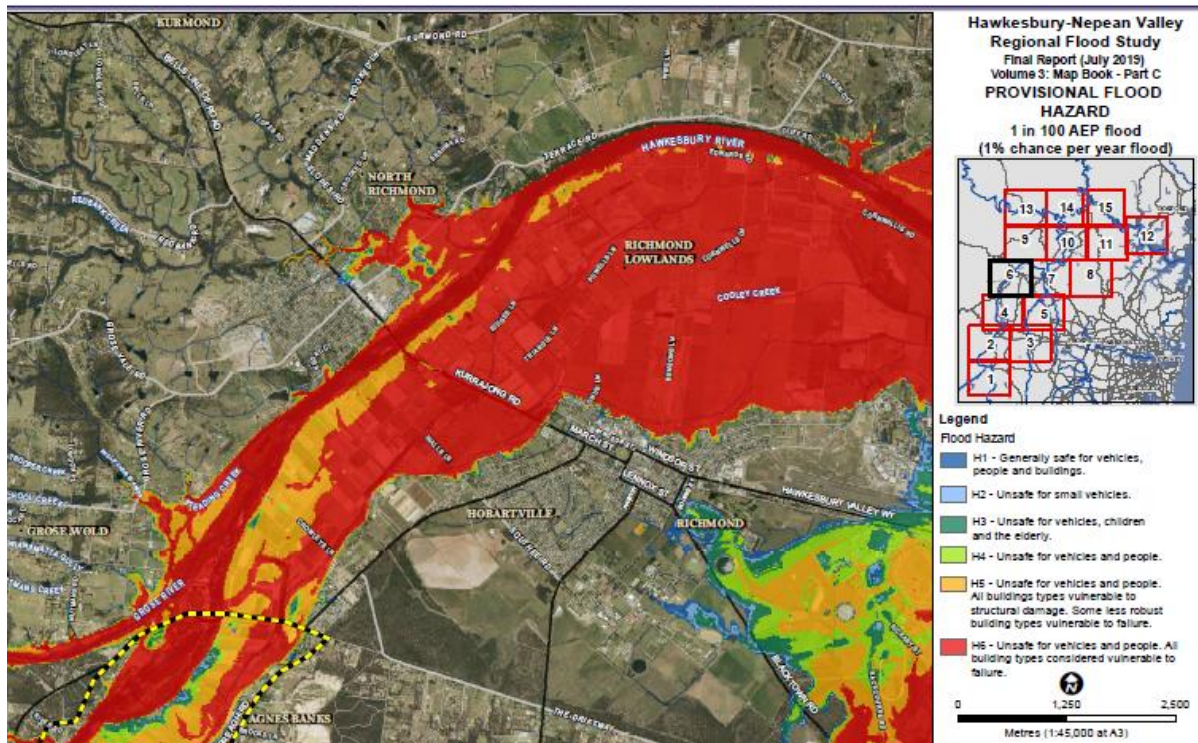


Figure 5: 1 in 100 AEP flood Hazard (Source: Regional Flood Study)

As is clear from the flood mapping, access into the Richmond Lowlands via Ridges Lane from Kurrajong Road is cut in a 1 in 5 year event with depths of 0.5 – 1.2 metres. In a 1 in 10 year event, the area is cut off with water depths between 2 metres and 4 metres. These depths are exacerbated by the flood hazard which is a function of water depth and velocity. In a 1 in 20 year event, the Richmond Lowlands has hazard categories of H5 and H6, with H6 being the highest hazard risk.

H5 hazard risk is categorised as: Unsafe for vehicles and people. All building types vulnerable to structure damage. Some less robust building types vulnerable to failure

H6 hazard risk is categorised: Unsafe for vehicles and people. All building types considered vulnerable to failure.

For reference, the SES has simplified the understanding of the probability of a 1 in 20 flood event as being such an event occurring in an 80 year lifetime as a 98% probability of occurring. That is it is almost a certainty to occur.

The experience of February 2020 reaffirmed that flooding can be rapid and damaging, and that evacuation is problematic and that evacuation routes are compromised. The simple fact is that the geography of the Lowlands is such that it is a bowl which is quickly surrounded by floodwaters which cut off paths of escape.

Included with this submission is a review of flood risk for function centres in the Rural and Environmental Living zones undertaken by Advisian. The report includes more detailed flood modelling than the Regional Flood study and confirms that even in a lesser flood event of 1 in 5 AEP the Ridges Lane access into the Richmond Lowlands from Kurrajong Road will be cut by water depths up to 2.0m.

The flood review also confirms the unsuitability of the Richmond Lowlands in particular for land use intensification due to the limited flood warning times and the poor carrying capacity of the local road network particularly when these roads can be readily cut even in the 1in 5 AEP flood event.

Planning for Flood Hazard

The recommendation from Council staff in the report dated 18 February 2020 recommended that among other matters, not to proceed with the inclusion of 'function centres' in the rural zones at the present time so that further engagement with Agencies could be undertaken on the implications of the additional land uses.

This was in clear recognition that the justification for the Planning Proposal in March 2015 was outdated and many of the technical justifications, particularly relating to flood hazard, were no longer current. In particular, the Planning Proposal does not appropriately consider or address:

- Resilient Valley, Resilient Communities Hawkesbury-Nepean Valley Flood Risk Management strategy (January 2017)
- Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018)
- Western City District Plan (March 2018)
- Hawkesbury-Nepean Valley Flood Risk Management Strategy Taskforce Options Assessment Report (January 2019); and
- Hawkesbury-Nepean Valley Regional Flood Study (July 2019) – Infrastructure NSW

These policy documents reflect current land use management guidance and in the case of flood risk, the best available information.

This lack of regard for the best available information and policy framework relating to the management of flood risk is a major shortcoming in the Planning Proposal which Council's technical staff in their recommendation acknowledged, and provided a sound recommendation not to proceed so that these technical and policy documents could be properly considered in any future changes to land use planning. The recommendation to remove the consideration of land use changes acknowledged that the Agency submissions that had been received had not considered the current technical and policy positions reflected in the documents highlighted above.

We support the Council's staff position and urge that Council, should they consider proceeding to have the LEP made, exclude those matters relating to land use change in the Rural zones in particular so that a detailed consideration of the policy framework identified above can be undertaken.

Flood Risk Management

The Planning Proposal has proceeded to exhibition without any clear understanding of the position of the State Emergency Service (SES). This is of concern for two (2) reasons:

1. The Gateway determination of February 2016 specifically sought the views of the SES; and
2. The SES is heavily invested in Flood Risk Management and emergency evacuation.

It is the SES and their resources which would be tasked with managing evacuation from the Richmond Lowlands in a flood event. Any intensification of the population in the area of the State with the most significant flood risk must be carefully considered. This is in relation to not only the lives of those to be evacuated, but the risk to those tasked with any evacuation and the risk of damage to buildings and infrastructure. There is no indication that there are resources available to manage an increased evacuation population or that there are even appropriate evacuation routes available.

The Planning Proposal as it has evolved has not had appropriate regard to the management of risk or how that risk can be avoided in the first instance.

Prudent land use management for areas of known severe hazard would avoid expansion of land uses that increase the potential risk to life and property or that potentially place any increased burden on emergency services.

In areas of high hazard, the prudent strategy is to avoid the risk rather than having to rely upon management measures which in an emergency situation in an area with the type of hazard in the Richmond Lowlands, can fail. Avoidance of risk is the best approach.

In this regard, a better approach to land use management would be to exclude areas of high hazard (flooding or bushfire) and then consider making additional land uses permissible either by local provision and or mapping amendments. This approach removes areas of hazard from consideration up front and introduces permissibility in areas that are not subject to risk. The approach instead in the current planning Proposal which staff recommended not to proceed with cast a broad permissibility which pushed suitability to a later time to be considered in a Development Application. While this approach may be suitable in some circumstances it is a poor management approach when dealing with the level of flood hazard in the Hawkesbury Nepean Valley and the Richmond Lowlands in particular.

The current Planning Proposal is not informed by this level of analysis and consideration informed by the detailed flood and hazard risk analysis which has been completed since 2015. The information in the studies recently completed is available to be utilised and should be to be consistent with the policy direction that are now applicable under the Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) and the Western City District Plan (March 2018).

Due to the well known flood hazard in the Richmond Lowlands, [REDACTED] has obtained independent expert flood management advice which is attached to this submission. The advice from Advisian has been prepared by Chris Thomas, the Practice Lead in Water Resources at Advisian who is familiar with flooding and flood risk issues within the Hawkesbury Nepean Valley.

As outlined in the attached advice from Advisian the proposal is also inconsistent with the draft Guideline – Considering Flooding in Land Use Planning and the Draft Section 9.1(2) Direction for flooding which are currently on exhibition. The Draft Section 9.1(2) Direction requires that a planning proposal should not permit development that will exceed the capacity of established regional evacuation routes. The potential for function centres in the Richmond lowlands will further exceed the capacity of already overloaded evacuation routes.

Justification of current Planning Proposal

An element of justification for including ‘function centres’ in the rural zones was that cafés and restaurants are an existing permissible use. The inclusion of restaurant and cafes was a decision made well before the current regime of flood risk management. Further, there are distinct differences between these uses that do not support having function centres as permissible uses in the rural zones. These are:

Scale

A large restaurant would be a 100 seat restaurant. Function centres are typically able to accommodate events of up to 500 persons. The prospect of having such large gatherings in an area of high flood risk would place an unsatisfactory burden on emergency services. This substantial difference in the potential capacity must be taken into consideration.

Nature of the use

The argument could be made that a function centre is just a large restaurant. This however ignores the underlying difference in the purpose of the events held. Restaurant bookings can be easily delayed or rescheduled in a short time period should poor weather be predicted. Events at function centres are usually one-off special events which cannot be readily postponed or rescheduled. A wedding for example will not be readily rescheduled. A dinner booking will be.

Evacuation Capacity

In addition to the unknown position of the SES on resources to facilitate evacuation from the Lowlands, the capacity of the road network needs to be considered.

The existing roads are poor quality rural roads with limited capacity which do not, we are advised, facilitate a waste collection or school bus service even when there are no storm events. Having potentially large events relying upon these poor roads for emergency evacuation which are cut even in small rain events is an outcome that should be avoided by not making the land use permissible in the first instance.

Temporary Uses

Clause 2.8 of the Standard Instrument – Principal Local Environmental Plan provides the opportunity for development consent to be granted for land uses for limited occasions that are otherwise prohibited in a zone. This provision derives from a desire to regularise and manage events such as popup festival in urban parks and the use of school grounds for weekend markets and where previous Local Environmental Planning instruments had not contemplated such ancillary uses.

The Planning Proposal includes an amendment to increase the number of occasions in a Calendar year that temporary events can be held from 28 days to 52 days on a particular land parcel.

This raises a particular concern over the intensification whereby a temporary use could occur every weekend in a year with the proposed amendment. This outcome could not be considered to be temporary and raises the likelihood of proponents seeking to provide permanent infrastructure for these “temporary” uses. The almost doubling of the regularity of occurrences also increases the potential incompatibility with the provisions of clause 2.8(3) of the LEP which states:

- 2.8 (3) Development consent must not be granted unless the consent authority is satisfied that —*
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

The clause as drafted is a prohibition unless all four points, (a) to (d), are able to be answered in the positive. In the case of temporary uses in the Rural lands, any permanent infrastructure to support “Temporary” uses must be inconsistent with the carrying out of development for which the land is zoned and would have to be refused as being prohibited. In the case of the Richmond Lowlands any permanent infrastructure would also fail against considerations (b) and (c) as amenity would be diminished and the risk of natural hazards in the form of flooding would be increased.

Our submission is that a retention of the current 28 day limit is prudent in the circumstances of the Hawkesbury local government area and this limitation should be retained.

Conclusion

Staff in recommending to Council not to proceed with the land use changes at this stage in the Rural zones foresaw the shortcomings of the Planning Proposal relative to the policy framework which has evolved, particularly in relation flood management and flood risk. The making of land use permissibility decisions must have regard to known hazards, and when those hazards are well known and documented poor decisions should not be pursued to make land uses permissible on such a broad brush scale as proposed in the Planning Proposal that has been exhibited.

The 2015 Planning Proposal pursued a simplistic approach to adding function centres as a permissible land use in all of the Rural zones. The information and policy direction now available affords the Council, as prudent land use managers, the opportunity to consider a nuanced land use approach which has appropriate regard to land use decisions that preclude intensification in areas clearly unsuitable due to the

known existence of hazards such as in the case of the Richmond Lowlands. The unsuitability of function centres in the Richmond Lowlands is clearly highlighted in the attached report from Advisian addressing the flood risk in this locality.

In light of the numerous studies and policies finalised since March 2015, Councillors should endorse the staff recommendation of 18 February 2020 to not proceed with changes to land uses in the Rural zones at this stage. Instead these considerations should be pursued informed by the guidance provided by the Regional Flood study and the Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) and the Western City District Plan (March 2018). These considerations may well identify areas in the Rural zones that are free of hazard and suitable for the additional land uses proposed. However on the clear evidence available the Rural zoned lands in the Richmond Lowlands are inherently at risk from flooding from events much less than the 1 in 100 AEP event and unsuitable for any increase in intensity of use and persons present that may require evacuation in an emergency event.

To do otherwise is to entrench poorly informed planning decisions rather than implement decisions based upon sound evidence of hazard risk avoidance and management.

A deferral of the land use changes in the flood hazard areas of the Richmond Lowlands is further supported in the attached advice from Advisian which states:

“Any planning proposal that could result in an intensification of development on this land or an increase in the population density, even if only temporary, is at odds with the flood hazard that this land could be exposed to. In my opinion, the potential to “manage” this hazard and thereby reduce the risk is negligible due to the likely frequency of inundation of the land, the short flood warning times afforded to this area and the limited carrying capacity of the existing road network for evacuation during the onset of flooding.”

Should you wish to discuss any of the above matters, please do not hesitate to contact me on

[REDACTED]

Yours sincerely

[REDACTED]

Director

Attachment: Flooding advice from Chris Thomas, Advisian

[REDACTED]
[REDACTED]

Attachment 1

[REDACTED]
[REDACTED]
North Richmond 2754
22nd. May, 2020

General Manager
HAWKESBURY CITY COUNCIL

RE: GENERAL AMENDMENTS TO HAWKESBURY ENVIRONMENTAL PLAN 2012

I am writing to Hawkesbury Council to oppose a few points set out in the Planning Proposal 003/15, Amendment to the Hawkesbury Environmental Plan 2012. I would like to draw your attention to the section concerning Rural Lands and areas affected by Floods.

1. The contemporary guidance for land use would not support the current broad bush introduction of a land use into a zone or zones, rather encourage and guide an approach that sought to exclude land uses due to readily identifiable high risk in the circumstance of the RU2 Rural Landscape Zone in the Richmond Lowlands introducing land uses such as function centres into areas of mapped high flood hazard and high flood depth even in the 1 in 20 flood event would be poor risk management and therefore a poor land use management outcome.

2. The recommendation of staff in the report of 18 February 2020 to exclude the land use changes from the Planning proposal was prudent. This position should be adopted by excluding the land use changes from the Planning proposal that may be endorsed to proceed to be made and thus allowing land use decisions to be made that have regard to any response to the land use management framework relating to flooding and flood hazard which is now available.

I would request that you take the matters I have raised into consideration when finalizing the report.

Regards [REDACTED]



Our ref: DOC20/363922

Your ref: LEP003/15

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Attention: Andrew Kearns

Dear Mr Conroy

Subject: EES comments on draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15)

Thank you for your letter of 24 April 2020 requesting comments on the planning proposal which affects certain land within the Hawkesbury Local Government Area

The Environment, Energy and Science Group (EES) appreciates Council providing it with an extension in which to provide its comments. EES has reviewed the planning proposal for the draft General Amendments to the Hawkesbury Local Environmental Plan (LEP) and provides its recommendations and comments at Attachment A.

Please note that EES has not provided comments on Aboriginal cultural heritage matters at this time. This does not represent EES support for the proposal and this matter may still need to be considered by the consent authority.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au

Yours sincerely

04/06/20

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science**

Attachment A

Subject: EES comments on Draft General Amendments to the Hawkesbury Local Environmental Plan 2013

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Planning Proposal report (PPR) (LEP003/15) – General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP) – April 2020
- Ordinary Meeting Report – 18 February 2020
- Ordinary Meeting Resolution – 18 February 2020

and provides the following comments on the proposed amendments/ items outlined in the PPR.

Background

The PPR indicates the proposed amendments have been divided into four (4) main categories:

1. written Instrument Amendments to Hawkesbury Local Environmental Plan (LEP) 2012
2. mapping amendments to Hawkesbury Local Environmental Plan 2012
3. adoption of additional land uses
4. site specific reclassification of land.

Proposed LEP Amendments

Item 1.9 - Amend the *Hawkesbury LEP 2012* to identify relevant acquisition authority of land to be acquired or change the zone of certain lands

The PPR notes the identification of relevant land acquisition authorities is dealt with by Clause 5.1 (Relevant acquisition authority) in the LEP and this clause relates to land which is shown on the Land Reservation Acquisition Map and is zoned RE1, SP2 or E1 (page 31). The PPR indicates some lands shown on the Land Reservation map are also zoned E4 – Environmental Living and RU2 – Rural Landscape and include:

- Lot 1, DP 879449, 315 St Albans Road, Lower Macdonald - E4 Environmental Living
- Lot 2, DP 879449, 377 St Albans Road, Lower Macdonald - E4 Environmental Living
- Lot 3, DP 879449, 316 St Albans Road, Lower Macdonald - E4 Environmental Living
- Part Lot 10, DP 540848, 440 St Albans Road, Lower Macdonald - E4 Environmental Living (these lots are shown on air photo 1 below)
- Lot 1, DP 228068, 241 St Albans Road, Lower Macdonald - E4 Environmental Living (this lot is shown on air photo 2 below)
- Lot 1, DP 1121876, 203A Blacktown Road, Freemans Reach - RU2 Rural Landscape



Air photo 1 of land at St Albans Road, Lower Macdonald



Air photo 2 of land at St Albans Road, Lower Macdonald

The PPR indicates these lands are proposed to be either rezoned as appropriate to RE1, SP2 or E1 or an additional clause will be added like clause 5.1 to cater for such lands.

EES has liaised with National Parks and Wildlife Service (NPWS) in relation to these lands potentially being acquired and rezoned as E1. NPWS has advised it does not have any interest in the St Albans Road/Lower McDonald lands. The St Albans land is not connected to the NPWS estate and as it consists mainly of cleared land it is unlikely to be a priority if it became available to NPWS. The adjacent vegetated lands have not been identified by NPWS for acquisition either.

The land on Blacktown Road is not of interest to NPWS either.

Item 1.10 - Amend Clause 5.1A Development on land intended to be acquired for public purposes

The PPR notes the current clause 5.1A in the LEP restricts development of affected land to only roads and recreation areas and the purpose of the amendment is to make the existing clause less restrictive and subject to merit assessment (page 32 of PPR).

EES notes that in comparing the Land Reservation Acquisition (LRA) maps with the Terrestrial Biodiversity (BIO) maps in the LEP that 'significant vegetation' and 'Connectivity between significant vegetation' is located where the LRA maps identify Local Open Space (RE1) and classified roads (SP2), for example:

LEP LRA and BIO maps	Biodiversity
LRA map- 008B with the BIO map- 008B	'Significant vegetation' is located where the classified road is (SP2) shown
LRA map- 008BA with the BIO map- 008BA	'Significant vegetation' is located where the classified road is (SP2) shown
LRA map- 008B with the BIO map- 008B	'Significant Vegetation' is located where the classified road is (SP2) shown
LRA map- 008DA with the BIO map- 008DA	'Significant Vegetation' and 'Connectivity between significant vegetation' is located where Local Open Space (RE1) is shown
LRA map- 008DB with the BIO map- 008DB	'Significant Vegetation' and 'Connectivity between significant vegetation' is located where Local Open Space (RE1) is shown

As 'Significant Vegetation' and 'Connectivity between Significant Vegetation' are mapped as occurring in areas identified on the LRA maps, EES recommends Clause 5.1A and any merit assessment should also consider the impact of development on biodiversity values, remnant native vegetation, waterways and riparian corridors etc and that Clause 5.1A includes the following amendments as shown in bold italics:

5.1A Development on land to be acquired for public purposes

(1) The objectives of this clause is are to:

(a) protect land that is intended to be acquired for a public purpose

*(b) **protect the biodiversity values of the land including remnant native vegetation, connectivity between significant vegetation, waterways and riparian corridors .***

(2) Development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map unless the consent authority is satisfied that:

a) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone, and

(b) the development will not prejudice the future public purpose use of the land by the relevant public authority concerned,

(c) the development and its use will cease no later than 5 years after development consent is granted.

*(d) **the development avoids and minimises impact on biodiversity values of the land including remnant native vegetation, connectivity between significant vegetation, waterways and riparian corridors.***

(3) In determining whether to grant development consent under subclause (2), the consent authority must consider the following:

(a) any impact the development will have on traffic movement and parking,

(b) any impact the development will have on existing pedestrian movement,

(c) any visual impact the development will have (including the installation of any advertisements),

(d) the need to carry out development on the land for the purpose for which it is to be acquired,

(e) the timing of the acquisition by the relevant public authority,

(f) any likely additional cost to the public authority resulting from the carrying out of the development

*(g) **any likely impact the development will have on biodiversity values including remnant native vegetation, connectivity between significant vegetation, waterways and riparian corridors.***

Item 1.16 (I) Insert State Heritage Register listed item i01817 Scheyville National Park

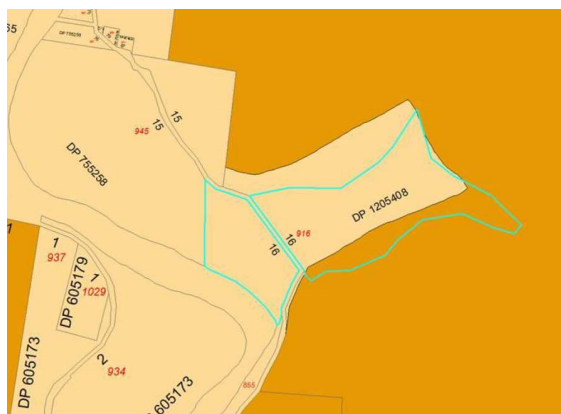
The PPR notes that Scheyville National Park was listed on the State Heritage Register on 9 April 2010. In order to ensure consistency between the State Heritage Register and *Hawkesbury LEP 2012* it is proposed include this item in Schedule 5 (page 51). EES has liaised with NPWS in relation to this item and NPWS supports the amendment to include Scheyville National Park State Heritage listing in the LEP and its maps.

Item 2.1(i) Heritage map amendment – Scheyville National Park

The PPR notes that Scheyville National Park was listed on the State Heritage Register on 9 April 2010. In order to ensure consistency between the State Heritage Register and *Hawkesbury LEP 2012* it is proposed include this item in the maps and insert State Heritage Register listed Scheyville National Park on maps HER_0013, HER_008DB and HER_008C (page 77). EES has liaised with NPWS in relation to this item and NPWS supports the amendment to include Scheyville NP State Heritage listing in the LEP and its maps

Item 2.6 - Amend LEP maps relating to Lot 16 DP 1205408, 916 Settlers Road, Central Macdonald

The PPR notes Council has received a new deposited plan (DP 1205408) that better describes the boundaries of 916 Settlers Road, Central Macdonald. The redefinition of the property has resulted in part of the land now being zoned E1 National Parks and Nature Reserves and as a result LEP maps may need amendment:



The proposed amendment is to amend Land Zoning Map 012 and associated LEP maps to match cadastral information for Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald (page 92 of PPR). The PPR notes that as part of the planning proposal process Council staff should consult with the Office of Environment and Heritage to resolve these inconsistencies and amend the LEP maps as needed as the proposed amendment seeks to correct an error in the LEP mapping (page 92)

EES has liaised with NPWs in relation to this issue and NPWS supports the amendment to the zoning map at Central McDonald to be consistent with the cadastral boundaries as NPWS reservation boundaries follow the cadastral boundary.

End of Submission

[REDACTED]

From: Andrew Kearns
Sent: Friday, 22 May 2020 3:39 PM
To: Karu Wijayasinghe
Subject: FW: Anonymous User completed Your Submission

Andrew Kearns | Manager Strategic Planning | Hawkesbury City Council
P (02) 4560 4604 | **F** (02) 4587 7740 | **E** andrew.kearns@hawkesbury.nsw.gov.au
W www.hawkesbury.nsw.gov.au

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From: Your Hawkesbury Your Say [<mailto:notifications@engagementhq.com>]
Sent: Friday, 22 May 2020 2:27 PM
To: Melissa Barry; Hawkesbury City Council
Subject: Anonymous User completed Your Submission

Anonymous User just submitted the survey Your Submission with the responses below.

First name

[REDACTED]

Surname

[REDACTED]

Postal address

[REDACTED] Richmond Lowlands, NSW 2753

Email address

[REDACTED]

Your Submission

I want to object to the following proposals , flagged under the Hawkesbury LEP 2012 housekeeping amendments. 1 - Allowing function centers in the RU2 zone is not a minor anomaly matter by any standard ,in fact the exact opposite and will change the use, landscape ,environment ,perception and history for all times. The proposal reeks of previous attempts functions to be permissible , under all kinds of false pretenses. Such approval will massively benefit the few individuals who have previous set up and operated without permission such a business . The clear and screaming message would be that Ignoring the rules gets you ahead of everyone else, and Hawkesbury council would be totally complicit in that. The function center proposal would not comply with state government directives and guidelines, dictating to protect rural lands and its value and rural land is not impacted adversely. The need to preserve areas like the Richmond Lowlands as is ,or what is left of it, has never been greater and supported by the many locals who have come to appreciate the area at present time. Recent approval for equine related events have stressed the area

to capacity regarding roads, traffic, noise, lights, and it should be clearly understood that "function centers" are non specific and are very likely to be used in different ways as was intended and the need for aid -ons endless. The need for "function centers" is easily accommodated in other areas already zoned for that purpose. 2- I also want to object to the proposal of reviewing the length of the temporary use as proposed. You can take it like the gospel truth and as sure as night follows day that the proposal is to extend the temporary use. How can anyone justify such proposal . As it stands the temporary use is already far to long and it should only be for emergency ,something you could not think of before hand, something rare or unusual. Anything that is calculated and predictable has no place there and comes under normal development . Thanks for considering those matters and they mean a lot to me !

[REDACTED]

From: Andrew Kearns
Sent: Friday, 22 May 2020 2:50 PM
To: Karu Wijayasinghe
Subject: FW: Changes to Hawkesbury LEP (LEP003/15)

Andrew Kearns | Manager Strategic Planning | Hawkesbury City Council
P (02) 4560 4604 | **F** (02) 4587 7740 | **E** andrew.kearns@hawkesbury.nsw.gov.au
W www.hawkesbury.nsw.gov.au

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Please consider the environment before printing this email.

From: [REDACTED]
Sent: Friday, 22 May 2020 1:14 PM
To: Hawkesbury City Council
Cc: [REDACTED]
Subject: Changes to Hawkesbury LEP (LEP003/15)

Reference: Draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15)

General Manager
Hawkesbury City Council

Dear Sir,

Please take my submission below into account for the changes to E4 zoning in the Hawkesbury Local Environmental Plan (LEP003/15).

During a Hawkesbury Independent Planning Panel meeting 18/10/2018 where an application for a truck depot in the E4 zone was unanimously declined, mainly on environmental grounds, and the unsuitability for industrial uses in an environmental living area. The Panel recommended to Council and Council planning staff that Truck Depot be removed from the permitted uses in the E4 zoning at the next tidy up of the LEP.

This is the first opportunity for council to act on this recommendation. I will note that the surrounding council areas do already exclude truck depots in the E4 zoning. It is clear to my wife and I that environmental living should be just that, trees, local flora and fauna. In the case of 152 Mountain Ave Yarramundi the mass clearing of virgin native bushland for a truck depot for Industrial use is beyond belief. The DA was refused however the damage has still been done to the Native Bushland.

I would like Council to consider the recommendation of its own Independent Planning Panel on this occasion.

Thank you for your time and I wish these changes to the E4 zoning be taken up in this review the Hawkesbury Environmental Plan.

Yours truly

[REDACTED]
[REDACTED]
Yarramundi 2753.

[REDACTED]

From: Andrew Kearns
Sent: Friday, 22 May 2020 2:49 PM
To: Karu Wijayasinghe
Subject: FW: Draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15).

Andrew Kearns | Manager Strategic Planning | Hawkesbury City Council
P (02) 4560 4604 | **F** (02) 4587 7740 | **E** andrew.kearns@hawkesbury.nsw.gov.au
W www.hawkesbury.nsw.gov.au

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Please consider the environment before printing this email.

From: [REDACTED]
Sent: Friday, 22 May 2020 12:15 PM
To: Hawkesbury City Council
Cc: [REDACTED]
Subject: Draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15).

To: The General Manager, Hawkesbury Council

We represent the entity that owns [REDACTED] Road, Richmond Lowlands, 2573, NSW (which is categorised as Rural (RU2)), and wish to comment on the Draft Amendments proposed to the LEP 2012.

We make the following observations on the proposed amendments (using numbering utilised in Appendix 3 of Councils proposed draft):

General Comment – the changes being proposed in Appendix 3, as they relate to impacts on land rated RU2, do not appear to be “minor housekeeping” changes but could have profound impact.

Item 3.1 – Permit function centres with consent in certain zones

We do not believe function centres are a suitable alternate use of land in the rural zones contemplated, and particularly in the Richmond Lowlands. The Lowlands are seriously flood prone, as was evident in a flash flood only a few months ago. The access roads are typically limited in scope and capacity and we do not believe Council can satisfactorily control noise or crowd behaviour in what is otherwise a quiet and peaceful rural producing area.

We are not against further development in the area per se, but any development needs to be consistent with the existing rural nature of the area, be capable of operation in a flood prone area and be of minimal impact on surrounding properties and their operations.

Item 3.2 – Permit eco-tourism facilities with consent in certain zones.

As per our comment above re willingness to consider further development, we are not against the ability to engage in eco-tourism with consent, where that request for consent has been advertised by Council, prior to approval, with all impacted communities, and community comment forms the basis for any consent being granted by Council.

Item 3.4 – Permit vet hospitals with consent in RU2 rural zone.

We are not against the opportunity for a vet hospital with consent, where that request for consent has been advertised by Council, prior to approval, with all impacted communities, and community comment forms the basis for any consent being granted by Council.

In Items 3.2 and 3.4, if it is the case that the draft amendments to the LEP 2012 give Council unilateral rights to grant consent without previously consulting with the affected community, then we object to the draft amendments outright as they would otherwise grant Council the ability to seriously damage the quiet and peaceful operation of the Richmond Lowlands to the detriment of those that have spent considerable time, effort and expense to create a wonderful area under the assumed RU2 land categorisation.

We also note Item 1.1 – Permit Bed and Breakfast with Consent, and wish to note our agreement with this amendment.

The lower environmental, physical and operational impact (and ability to withstand impact from inevitable flood conditions) from the activities proposed in Items 3.2, 3.4 and 1.1, versus those of Items 3.1 give rise to our general agreement or objection as the case may be.

We would be happy to discuss any of the above should that be required or useful.

Kind regards

[Redacted signature]

[Redacted signature]
[Redacted signature]

22 May 2020

Peter Conroy
General Manager
Hawkesbury City Council
366 George Street
Windsor NSW 2756

Subject: Objection to “house keeping” planning proposal LEP003/15

Dear General Manager

Our family company, [REDACTED] owns 6 parcels of land within the Richmond Lowlands (RL) where we maintain a residence, keep about 40 horses and conduct equestrian events. The land is zoned Rural Landscape (RU2).

We have owned these properties for about 20 years.

We have reasonable grounds to strongly object to those parts of the planning proposal that, if enacted, would allow function centres to become a permissible use within the rural zones (including the entire RU2 zone) of the Hawkesbury Municipality. We also object to the proposal to allow ‘temporary’ events or developments to be conducted for periods of up to 52 day in all zones throughout the municipality which would also, by stealth, expand the propensity to create pop-up functions centres for up to two months at a time.

Council would be aware that in recent years several unauthorised uses occurred over a significant period of time within the Lowlands one of which involved the operation of a number of function centres for weddings and the like across contiguous parcels of land held by one owner. This was challenged successfully in the Land and Environment Court and a court ordered prohibition remains in place.

Our grounds for objection include the following.

The Planning Proposal described as ‘minor housekeeping’ amendments is misleading.

The proposed changes contained in the exhibited planning proposal are described in Council’s resolution of 18 February 2020 as a “housekeeping LEP”. This implies they are technical changes with no material consequences. On the contrary, the proposed changes are very material and will have substantial consequences. This description is highly misleading for the following reasons:

- allowing function centres as a use across all rural planning zones (RU1, RU2, RU4, RU5 and E4) right across the municipality is NOT a “house keeping” change. This is effectively a rezoning of land to allow non-rural uses to occur universally within any rural zone and the extensive E1 environmental living zone. See page 95 of exhibited PP.
- Expanding the definition for temporary uses from uses that can occur for up to 28 days per year to uses that can occur up to 52 days per year, is NOT a ‘house keeping’ change. For example, pop up function centres could then occur for up to 52 days at a time. Because in rural areas many land owners own multiple parcels this change greatly enhances the risk that uses can be continued for substantial periods in by swapping them between venues in adjacent land parcels.

- Allowing eco-tourism facilities across 4 rural zones, 4 residential zones and 2 environmental zones is NOT a minor “housekeeping” change. See page 96 of exhibited PP.
- Allowing veterinary hospitals across the RU2 zone is also a substantial rezoning change.
- Removing numerous items from the heritage schedule is also a substantial change.
- Reclassifying land is also not a “house keeping” matter.

Improper process.

The documentation accompanying the planning proposal is flawed as it provides outdated comments from the relevant government agencies that were submitted in 2016 and are no longer timely given the regional flood studies that have been undertaken since that time, and the flooding experience that the Council and regulatory authorities gained in 2019. Councillors have admitted in public meetings since the 2019 widespread flooding events that Council’s policies, preparedness and responses to those flooding events were seriously inadequate, and as a result a wholesale review of any planning proposal against the latest studies, learnings and Council lessons is not merely appropriate, it is fundamentally necessary. Even more concerning is the lack of any exhibited response from the SES regarding the planning proposal given the intensification of use proposed on the flood plain.

These flaws were implicitly acknowledged by Council’s planning staff in their report to the meeting of 18 February 2020 wherein they recommended that the exhibition of the amendments concerning function centres be deferred to enable proper agency consultation.

In addition, the report to Council is seriously deficient as it does not properly consider nor address all the critical issues raised by the regional flood study and associated reports.

An inappropriate use of the “Additional Permitted Use” provision in the Hawkesbury LEP.

There is a well understood custom and practice that the use of this provision should be site specific and not used as a de-facto rezoning tool. Should function centres be made permissible throughout all rural zones (including RU2), the effect of this would be a recklessly broad expansion of a specific additional use without regard to any specific site or constraints affecting such a site.

If Council wishes to provide for function centres as an additional permitted use it should specify exactly which parcels of land that should apply to and justify the intrusion of those intensified uses into that rural land.

Incompatibility of function centres within the Richmond Lowlands.

Given the history of problems that function centres have caused in our neighbourhood (which is set out in judgments of the Land and Environment Court and in detailed correspondence with Council, which I will not repeat here), a blanket facilitation of function centres in the area as a permissible use represents an incompatible land use which should not be allowed.

Function centres attract substantial numbers of patrons – often many hundreds of people, usually drinking free alcohol, and many or most of whom drive to and from the function site, given the very limited public transport options into the rural zones - and the noise disturbance in the quiet rural community of the Richmond Lowlands would be a serious and persistent nuisance, if not intolerable, as Council is already aware.

Any suggestion that Council could address all such disturbances (and the risks elaborated on below) through consent conditions ignores the fact that control of attendees at function centres, particularly alcohol-affected attendees, is never entirely within the control of the landowner.

Expansion of the temporary uses definition allows incompatible ‘pop-up’ developments

As explained above we object to the expansion of the definition of temporary uses from 28 days to 52 days without any limitation. This can allow for incompatible uses to occur throughout the Lowlands, such as function centres.

Where a landowner owns more than one parcel of land in the surrounding area, multiple “temporary” uses could be sought across the different parcels – so that for example a landowner with 3 parcels of land in one locality may be able to pursue 156 “temporary” uses per year and simply move the functions held between the 3 sites.

Many residents in the Lowlands and across the RU zones hold more than one parcel of land in close proximity, so this is not a mere theoretical possibility, it is a distinct and known risk to the Council. Indeed it was the exact case in point in the NSW Land & Environment Court case against the Council in relation to the “temporary use” approvals relating to Basscave land parcels.

The levels of scrutiny on applications for temporary development inevitably tend to be substantially less than for permanent development.

The extension from 28 to 52 days is sought to be justified in the exhibited planning proposal as allowing weekend markets, however such an expanded use should appropriately be limited to public land, or other more carefully delineated areas, than simply allowing such an expanded use across all rural zones, wherein such a wholesale expanded permissible uses would result in enormous unintended consequences and generate litigation against Council if applications to enjoy such expanded uses were then routinely denied.

If the intention was genuinely to cater for weekend markets then the provision ought to be amended to limit its compass accordingly.

Risk to life and property on flood prone land – Refer flood maps at Attachments A, B and C

Much of the land zoned RU2 within Hawkesbury is flood prone land. Nowhere is this issue more acute than in the Richmond Lowlands, which is seriously flood affected and has been described as the area of highest flood risk in New South Wales.

I refer you to the results of the Hawkesbury Nepean Regional Flood Study published in July 2019. Much of the Lowlands is under water even in a 1 in 5-year AEP rainfall event. See Attachment A. In a 1 in 10-year AEP event the water depth in much of the Lowlands is in the range 2-4 metres with no useable evacuation routes. In a 1 in 20-year AEP event virtually all premises will be inundated with water depths mostly above 4 metres.

Shelter in place is NOT an option in the Richmond Lowlands when rainfall events exceed a 1 in 10-year AEP event.

The Regional Flood Study hazard maps provide even more compelling information. As can be seen from Attachments D and E, even the 1 in 5-year AEP event, an H5 hazard level (the second highest hazard level) occurs for a substantial part of the Lowlands. But a 1 in 20-year AEP event the hazard level for most of the Lowlands rises to an H6 hazard – the highest hazard category under flood mapping.

Recent experience underscores this problem. I wrote to you on 12 February 2020 after a rainfall event that went within a whisker for requiring us to evacuate 40 horses on four trucks from our

premises. As the General Manager will recall, finding a suitable location to stable the horses on the previous weekend proved very difficult, even for him. The SES clearly struggled that evening.

This highlights that emergency services will be unable to cope with any further intensification in the Lowlands.

One could imagine the difficulty in evacuating an additional 500-600 people from a function during a flooding event with roads quickly becoming impassable to normal cars.

Unlike a restaurant use which normally has many fewer people and can easily be closed at short notice, there would be great difficulty in shutting down a major function with only several hours notice.

Moreover, I am advised that it is a strong principal in flood risk management that the evacuation route from the premises to be evacuated needs to be linked to flood free higher ground via ascending roads. This is because, when flooding occurs at the premises, occupants still have a safe evacuation route provided they leave in a timely manner.

The problem for the Richmond Lowlands is that most premises would become isolated and no evacuation route would be available in even modest flooding events. To create such ascending evacuation routes would be prohibitively expensive and virtually impossible.

I draw to your attention to the attached maps from the 2019 final report for the Hawksbury Nepean flood study. They show that even in a 1 in 10-year rainfall event most of the Richmond Lowlands would be under 2 – 4 metres of water and evacuation routes would be impassable.

The relative lack of public transport ingress and egress to the RU zones, and the increase in and impact of motor vehicle traffic as the inevitably dominant mode of ingress and egress for guests to such function centres, has not been appropriately addressed as part of this rezoning proposal.

The roads are, as a whole, unlit, and some are unsealed, in the RU zones. The suitability of situating function centres in flood prone areas with such road access simply requires further consideration and consultation with authorities, as implied by the Council's own executive's recommendation that the function centre permissible use be separated from the "house keeping" elements so further work could be done.

These matters will, if not properly address, create serious risk to human life and to property.

Inclusion of such intensified uses without addressing such clear risks would expose Council to substantial risk and possible prohibitive damages claims.

Permissibility

It is incorrect to assume that the above issues could be addressed, and the risks erased, through conditions to consent. Once permissibility is allowed, Council will be well aware that refusal, deemed refusal or the imposition of conditions on a permissible use, exposes the Council and the public purse to the risk of litigation since once a use is permissible, landowners will seek to utilise it, whether or not Council has adequately addressed the wider issues such as flooding, roads,

In conclusion

This proposed rezoning by stealth which seeks to introduce the additional permitted uses of function centres, of any size, within the entire rural zones of the Hawkesbury Municipality – under the guise of "house keeping" changes - would create the conditions for a catastrophe waiting to happen. This

is in addition to the incompatible and intensive use being located and allowed within quiet rural communities like the Lowlands.

I strongly urge Council to delete the proposed function centre use change to the RU2 zone from its proposed Planning Proposal and subsequent LEP amendments and, likewise, not increase the allowable period of temporary uses without strictly limiting its application.

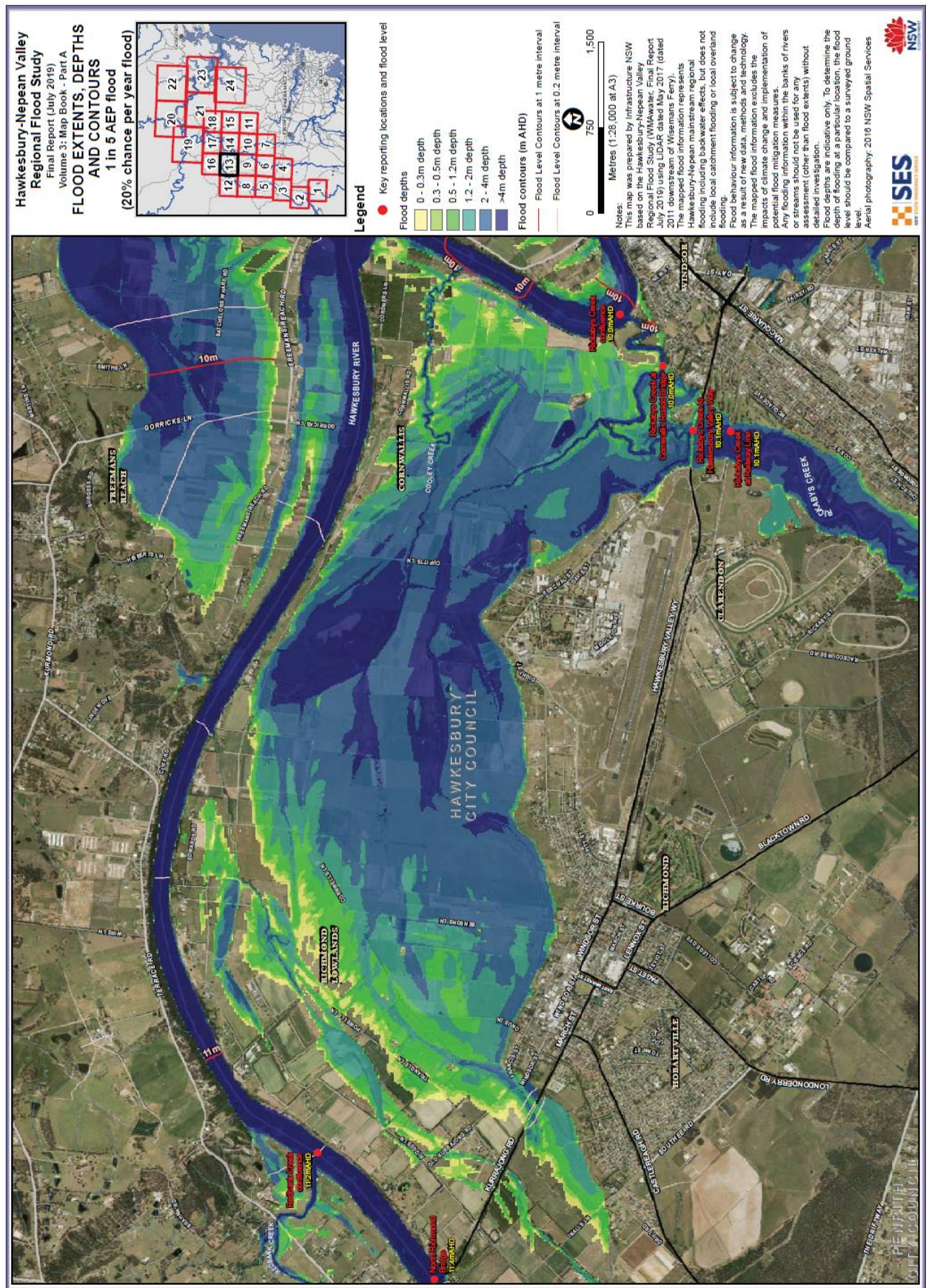
Yours sincerely

[REDACTED]

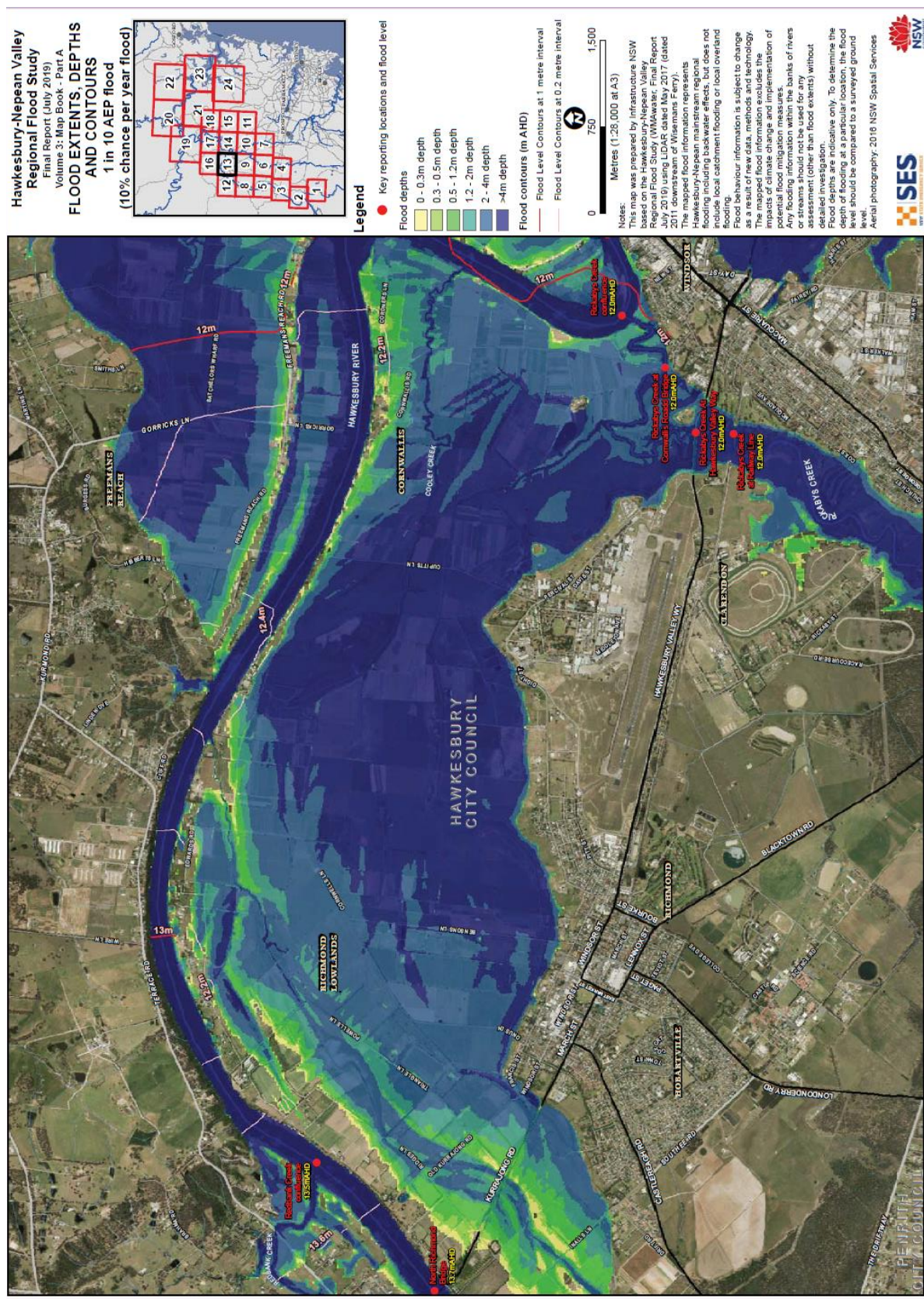
Chairman

[REDACTED]

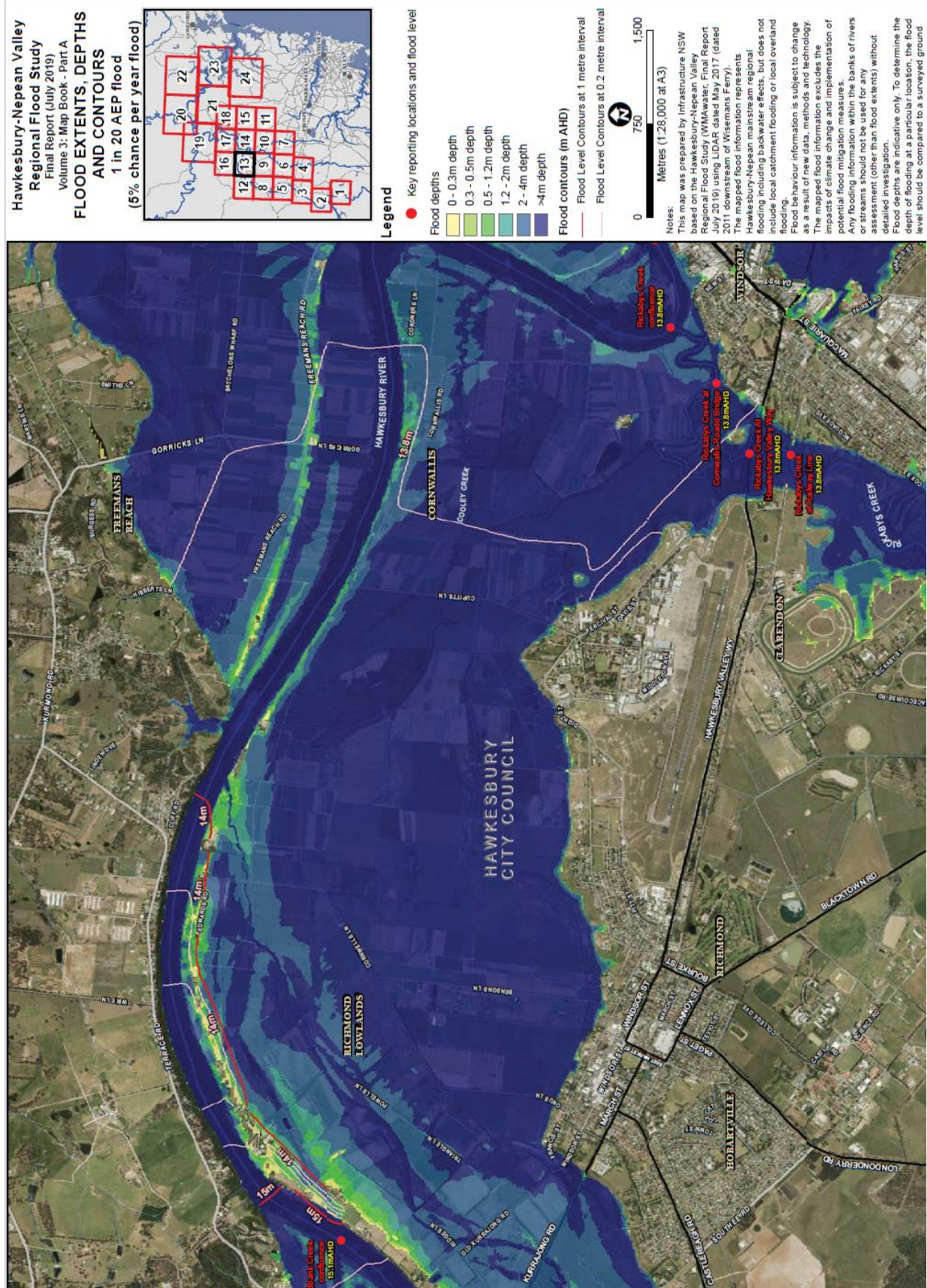
ATTACHMENT A – 1 in 5 year flood depths – Richmond lowlands



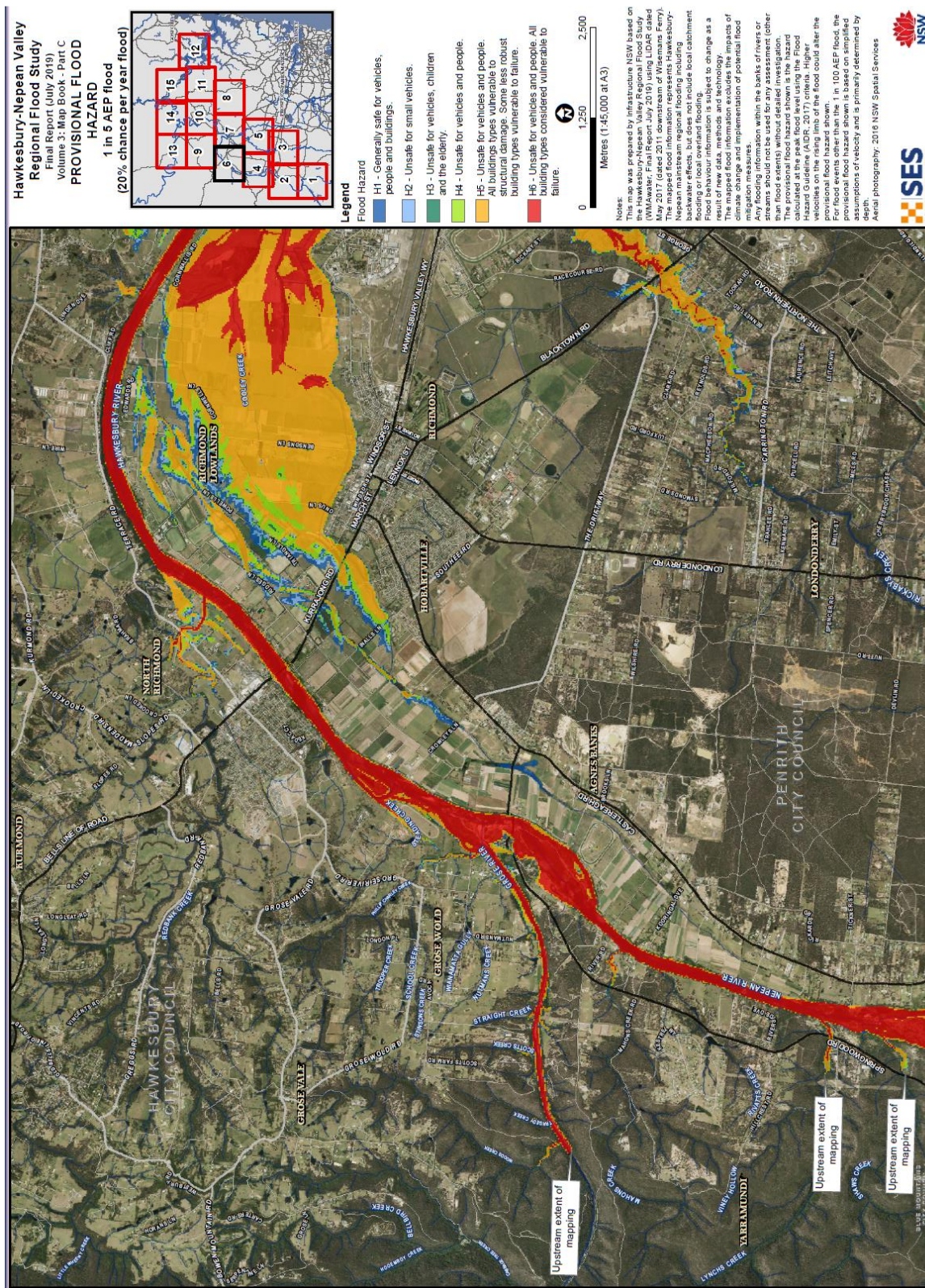
ATTACHMENT B: 1 in 10 year AEP flood depths – Richmond Lowlands



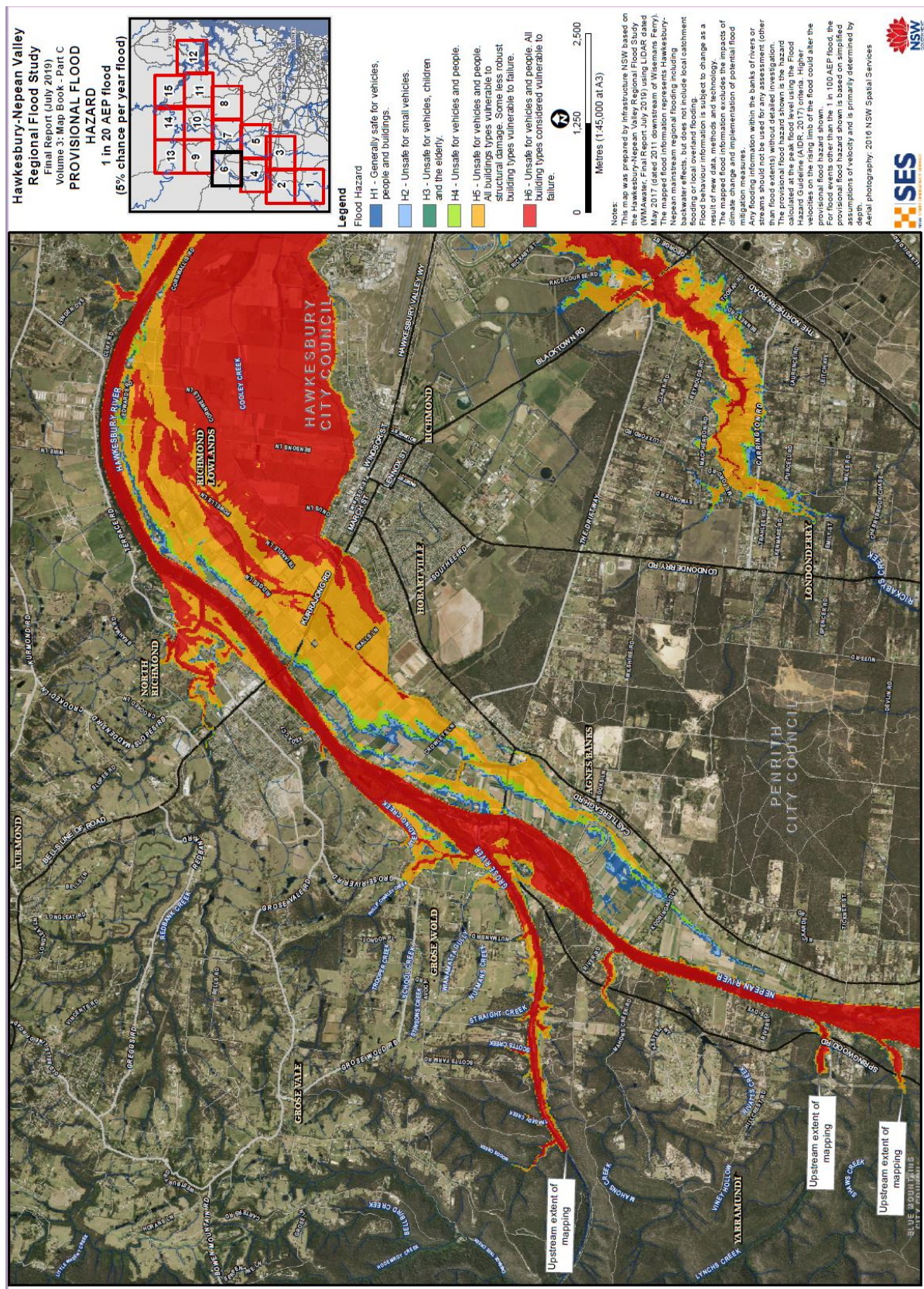
ATTACHMENT C- 1 in 20 year flood depths – Richmond Lowlands



ATTACHMENT D – Hazard level for 1 in 5 AEP year rainfall event – Richmond Lowlands



ATTACHMENT E: Hazard level for a 1 in 20 year AEP rainfall event – Richmond Lowlands



Andrew Kearns
Manager Strategic Planning
Hawkesbury City Council
BY EMAIL

Dear Andrew,

Thanks for your email dated 26 April 2020 regarding exhibition of the General Amendments (Housekeeping) LEP Amendments notifying that public exhibition of this document had commenced.

Please find below our submission on this matter:

Bed and Breakfast

We do not oppose the change from Bed and Breakfast from development without consent to development requiring consent. However we are concerned that many people currently operating Bed and Breakfast do not realise that they will have existing use rights as long as they don't cease operation for more than 12 months. Further they don't know ^{if} they stop operation because of fire, flood or COVID 19, there existing use rights are not affected.

Council could allay ^{iv}operates of Bed and Breakfast concerns regarding these proposed changes in the Housekeeping LEP matter via the Council Community Newsletter, the Mayoral Column in the Gazette/Courier and other public communication forum.

ECO tourism

The inclusion of eco-tourism in the LEP will greatly enhance economic activity in the bushfire affected, flood affected and now COVID 19 affected areas of the LGA. As stated on many occasions if Eco tourism is good enough to be in the LEP's or surrounding LGA's then it's good enough to put in the Hawkesbury LEP. It should have been in the 2012 LEP as a standard permissible use. The Biodiversity offsets scheme has also identified ECO tourism as a use for land in the scheme. There are significant areas of private land in the Hawkesbury that may become part of the scheme

Function Centres

Our comments are the same as for Eco-tourism. It is ridiculous that in an LGA so reliant on tourism to generation economic activity that there are no function centres in the LEP.

Visitor and tourist accommodation

The administrative error that saw Visitor and Tourist Accommodation taken out of the Bilpin district in the changeover to the standardised LEP 2012 should have been rectified immediately. It remains a testament to the poor administration of Council to date that 8 years later that a data entry mistake is only now being

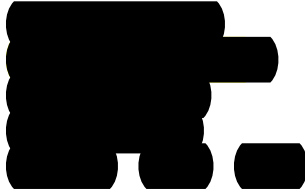
5/20/2020

Gmail - Submission on Housekeeping LEP

rectified. It is a miracle that ~~no~~ class action has been mounted against Council for the economic loss, failure to correct this error has caused.

See the June 7 2011 page 101 Hawkesbury business paper. Visitor and tourist accommodation was advertised in the wrong column. It was deleted . It should have been moved to the correct column.

If you require any further information on any of these matter please don't hesitate to contact us.



21st May 2020

Dear [REDACTED]

**HAWKESBURY LEP 2012 PLANNING PROPOSAL
ASSESSMENT OF FLOOD RISK ASSOCIATED WITH THE SITING OF FUNCTION CENTRES
IN RURAL AND ENVIRONMENTAL LIVING ZONES**

I refer to your recent request for advice in relation to the potential implications of flooding on a proposal by Hawkesbury City Council to amend its Local Environmental Plan (LEP 2012) to allow 'function centres' as a use permissible with consent on land zoned RU2 Rural Landscape.

I understand that [REDACTED] owns a number of lots situated at the Richmond Lowlands and is concerned that such an amendment would present significant flood risks to any function centre that may be developed on RU2 zoned land located on the Lowlands. It would also place patrons of a function centre at an unacceptable risk given the flood hazard to which the Richmond Lowlands are exposed, the limited warning time for evacuation and the restricted accessibility to high ground from most parts of the Lowlands.

As requested, in my capacity as a flood engineer with over 30 years' experience, much of which has involved the provision of flood advice for development and emergency response management in the Hawkesbury-Nepean, I have reviewed the Planning Proposal and have prepared the following report which highlights the flood risk issues that it could create.

1. HAWKESBURY CITY COUNCIL PLANNING PROPOSAL

Hawkesbury City Council has prepared a planning proposal titled, '*General Amendments to the Hawkesbury Local Environmental Plan 2012*'. The planning proposal consists of amendments to LEP 2012 which it regards to be '*mostly minor 'Housekeeping' matters relating to mapping, definitional and written instrument changes*'. However, there are a range of other amendments which are in addition to these 'Housekeeping' matters.

One of these amendments is a proposal to permit "*function centres*" with consent, in certain rural and environment protection zones. If implemented, the proposed changes would make function centres permissible on land with the following zoning:

- RU1 Primary Production;
- RU2 Rural Landscape;
- RU4 Primary Production Small Lots;
- RU5 Village; and,
- E4 Environmental Living Zone.

As noted under Item 3.1 of the Planning Proposal (*refer page 95*), Hawkesbury City Council has proposed this amendment because function centres were a new land use within the standard instrument and therefore, were considered to be outside the scope of like-for-like conversion of LEP 1989 to LEP 2012 land uses at the time of drafting LEP 2012.

Council likens *function centres* to *restaurants*, which are permitted in these land use zones. It has also become aware of circumstances whereby restaurants have been used as a function centre, such as for wedding receptions, which is noted as particularly being the case in Bilpin, Kurrajong Hills and Richmond. Bilpin and Kurrajong Heights are well above the Hawkesbury Nepean floodplain. Restaurants in Richmond are likely to be within a residential zoning that is also elevated above the floodplain.

However, much of the land immediately adjacent to the Hawkesbury River is zoned RU1 and RU2, and to a lesser extent RU4, RU5 and E4. The regional flood mapping shows much of this area to be flood affected even in lesser events such as the 1 in 5 Annual Exceedance Probability (AEP) flood.

Accordingly, it may be that Council has not given due consideration to the potential implications of allowing function centres on land liable to flooding from the Hawkesbury River. I understand of most concern to [REDACTED] is the proposal for function centres to be permissible in the RU2 Rural Landscape zone that applies to much of the Richmond Lowlands.

2. REVIEW OF FUNCTION CENTRE LANDUSE IN THE RU2 ZONE

The following provides a review of the *function centre* land use in the RU2 Rural Landscape zone in the context of best-practice floodplain management.

Consistency of this planning proposal with the following documents has been considered:

- Background reports documenting the flood risk in the Hawkesbury Nepean Valley
- Provisions of the NSW Floodplain Development Manual
- Draft flood management guidelines and policies by the NSW Government

2.1 Regional Flood Risk

The Hawkesbury-Nepean Valley has a long history of flooding. The largest flood on record in the Valley occurred in 1867 when the river level reached 19.7 metres above mean sea level at Windsor (considered to be equivalent to about a 1 in 500 AEP flood)

Owing to the unique geography of the valley, the discharge of flood flows becomes restricted by various gorges which can lead to widespread inundation upstream to depths that pose a significant hazard to life and property. The Valley has been described as a 'bathtub' with five main taps (being the main tributaries) but only one plug hole, Sackville Gorge. As a result, floodwaters back up and rise rapidly, causing significant flooding both in terms of areal extent of inundation and depth.

While planning has to some extent recognised this flood risk via the adoption of a flood planning level based on the 1 in 100 AEP flood, the significant additional depth of the flooding that could occur in rarer floods has largely been ignored or left for the consideration of emergency response management authorities. Current estimates indicate that the largest possible flood, the Probable Maximum Flood, could be as much as 9 metres higher than the flood currently used for planning purposes. Even the largest recorded flood in 1867 reached a level 2.4 m above the current estimate of the 1 in 100 AEP flood at Windsor.

Floodwater Depth

In 2019, Infrastructure NSW published a report titled, *'Hawkesbury-Nepean Valley Regional Flood Study'* (the Regional Flood Study) which was a key outcome from the NSW Government's *Hawkesbury-Nepean Valley Flood Risk Management Strategy (May 2017)*. The Regional Flood Study was developed to provide contemporary flood risk information for the valley and describes existing flood behaviour of the main Hawkesbury-Nepean River from Bents Basin near Wallacia downstream to Brooklyn. Detailed flood mapping is provided which includes those sections of the floodplain within the Hawkesbury City LGA, and which covers substantial areas zoned RU2 Landscape.

The Richmond Lowlands comprises an area of the Hawkesbury-Nepean floodplain located about 2.4km downstream of the Bells Line of Road bridge crossing of the Hawkesbury River at Richmond. The Lowlands are located on an inside bend of the river immediately downstream of Richmond in an area where the eastern floodplain of the Hawkesbury River rapidly widens. Flood mapping extracted from the Regional Flood Study is enclosed as **Attachment A** of this report and shows that floodwater depths across the Richmond Lowlands floodplain and through Freemans Reach in a 1 in 100 AEP flood generally exceed eight metres at the peak of the flood.

Mapping of floodwater extent and depth is also provided for more frequent events including the 1 in 5, 1 in 10 and 1 in 20 AEP floods. These serve to show the significance of the flood risk across large areas of the Hawkesbury LGA that are zoned RU2 Landscape. Even in a 1 in 5 AEP flood the Richmond Lowlands would be inundated to depths of between 0.5 and 1.2 metres.

Floodwater Flow Velocity

While the majority of the flow carried during major flooding of Hawkesbury-Nepean River is conveyed via the primary channel, there are a number of major 'breakouts' where a substantial proportion of the flow is distributed across the floodplain. One of these breakouts occurs about 2 km downstream of Richmond and results in the discharge of a significant proportion of the flow across the Richmond Lowlands.

Two-dimensional flood modelling of the Hawkesbury River undertaken by Advisian has investigated the distribution of flow across this area. **Figures 1 and 2** show floodwater depths and velocities across the Richmond Lowlands at the peak of the 1 in 20 AEP and 1 in 100 AEP events, respectively.

The results of this modelling highlight the significance of the breakout and the speed of floodwaters which would traverse across the Richmond Lowlands in events of this magnitude. The mapping indicates that velocities of up to 1 m/s are predicted across most of the Lowlands, which when combined with depths exceeding 5 m in the 1 in 20 AEP flood and 8 metres in the 1 in 100 AEP event, make the Richmond Lowlands an area exposed to extreme flood hazard. This is why the Hawkesbury-Nepean Valley has been described as having *'the most significant flood risk exposure in NSW, if not Australia'* (Infrastructure NSW, 2019).

Flood Hazard

The flood risk across the Richmond Lowlands is also significant in lesser flood events. For example, Ridges Lane which provides access to the Lowlands from Kurrajong Road, would be cut by floodwaters in a 1 in 5 AEP event with depths of up to 2 metres across some sections of the road. In a 1 in 10 year AEP event, floodwater depths of between 2 and 4 metres are predicted. In a 1 in 20 AEP event, the Richmond Lowlands is classified according to guidelines outlined in the Handbook 7 of the Australian Disaster Resilience Handbook Collection (2017) as a mixture of H5 and H6, with H6 being the highest hazard risk (refer **Attachment B**).

FIGURE 1

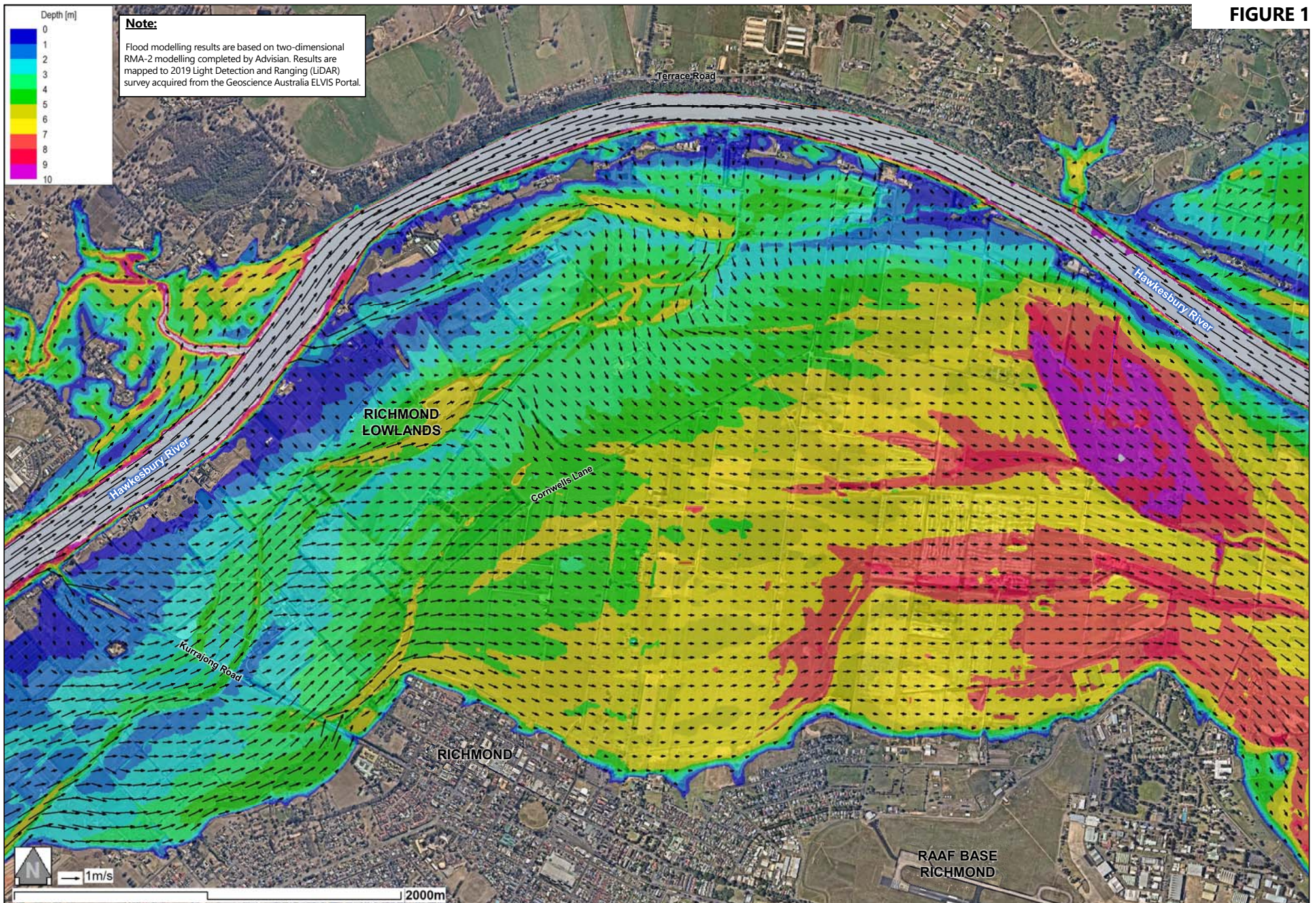


FIGURE 2

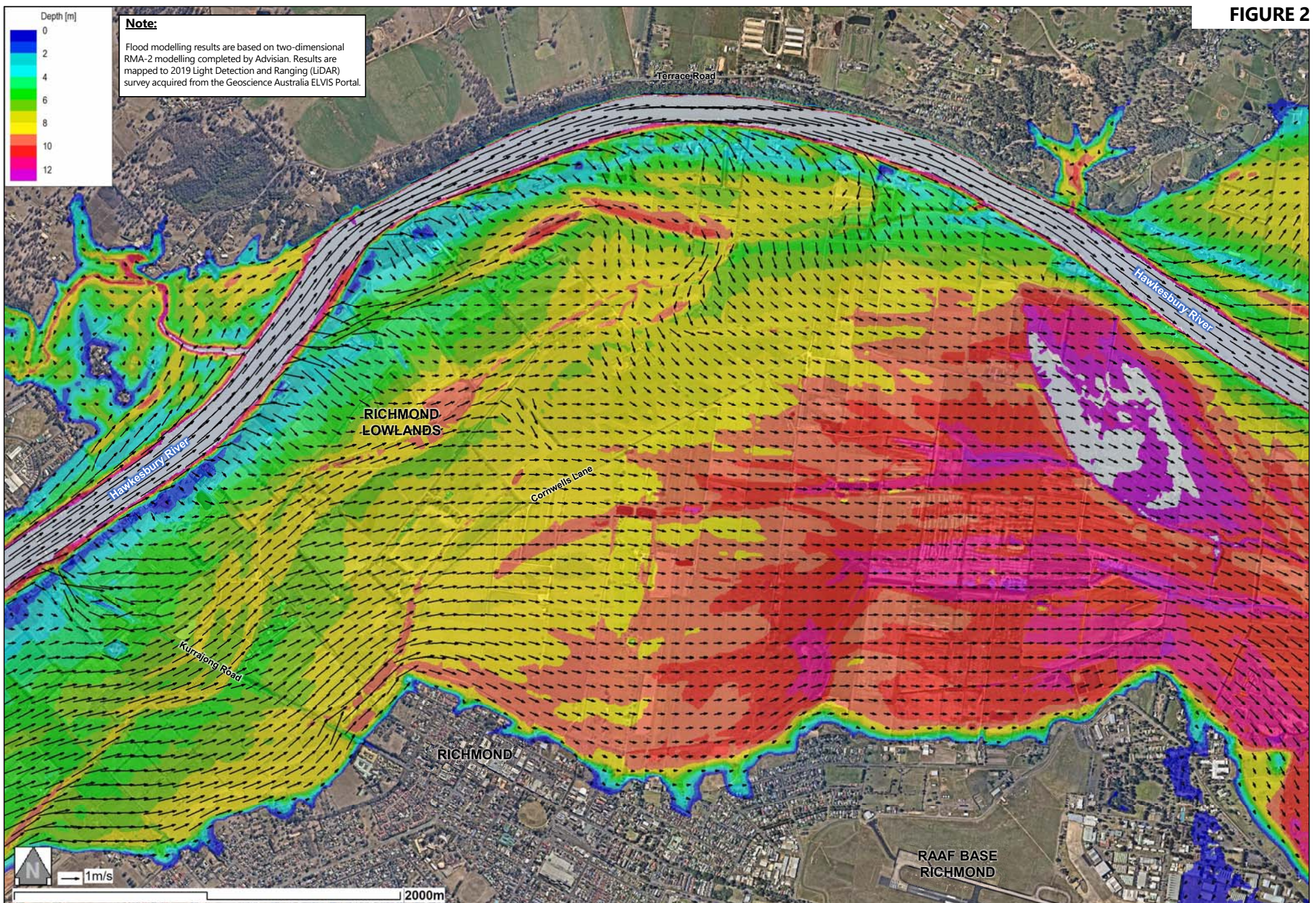
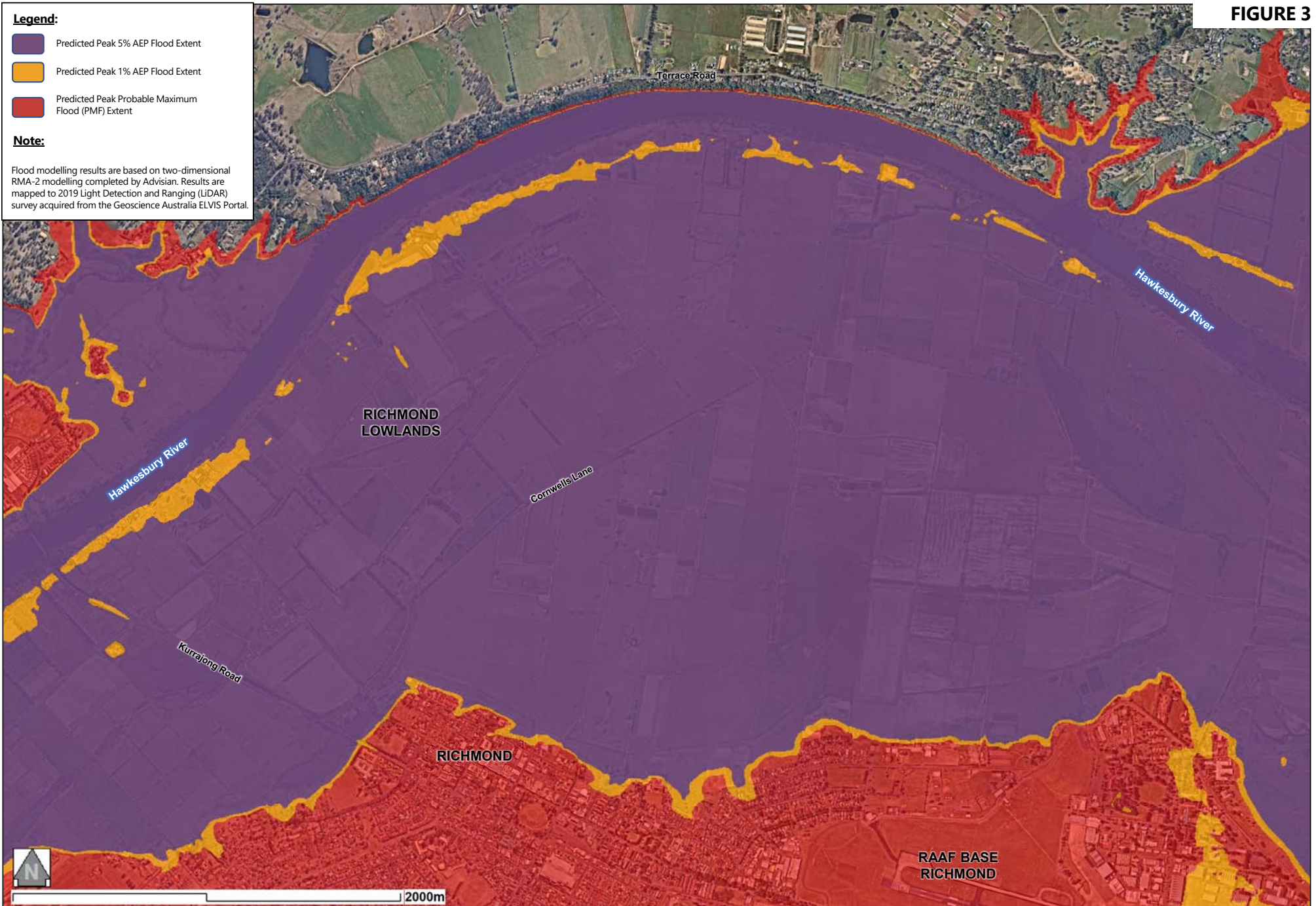


FIGURE 3



These hazard classifications are defined as follows:

- H5 hazard risk: Unsafe for vehicles and people. All building types vulnerable to structure damage. Some less robust building types vulnerable to failure.
- H6 hazard risk: Unsafe for vehicles and people. All building types considered vulnerable to failure.

Any planning proposal that could result in an intensification of development on this land or an increase in the population density, even if only temporary, is at odds with the flood hazard that this land could be exposed to. In my opinion, the potential to 'manage' this hazard and thereby reduce the risk is negligible due to the likely frequency of inundation of the land, the short flood warning times afforded to this area and the limited carrying capacity of the existing road network for evacuation during the onset of flooding.

2.2 NSW Floodplain Development Manual 2005

The NSW Government's Floodplain Development Manual supports the government's *Flood Prone Land Policy*. The primary objective of the policy is to reduce the impact of flooding and flood liability on individual property owner and occupiers of flood prone property, and to reduce private and public losses resulting from floods.

The policy "*provides for councils to be responsible for the determination of appropriate planning and development controls, including PFLs, to manage future flood risk to an acceptable level*". In that regard, the Manual provides a framework for the management of floodplain lands, including the consideration of risk to life issues related to the consequence of the full range of floods that could occur.

In my opinion, any planning proposal that resulted in the permissibility of function centres that increased the number of people situated on high hazard areas of the Richmond Lowlands that might require evacuation during the onset of major flooding, could not be considered to be consistent with the policy objectives of the NSW Government's Flood Prone Land Policy and the Manual.

2.3 NSW Government Draft Guideline – Considering Flooding in Land Use Planning

The draft guidance is focussed on the consideration of flooding in land use planning. This includes the preparation of Planning Proposals, such as that put forward by Hawkesbury City Council.

The guidance identifies three different categories where flood-related development controls may be applied/considered:

- in the Flood Planning Area (FPA);
- in the Regional Evacuation Consideration Area (RECA); and,
- via Special Flood Considerations (SFC).

The guidance refers to the fact that the Flood Planning Level is generally a combination of the Defined Flood Event (*typically the 1% AEP event as identified by the Floodplain Development Manual*) plus a freeboard.

It is noted the Hawkesbury LEP does not take this approach, as there is no provision for freeboard when defining the Flood Planning Level.

Accordingly, the proposed amendments to the LEP could result in the permission of function centres in the floodplain with habitable floor levels at the 1 in 100 AEP flood level without freeboard. This would be contrary to policy in all other LGAs within the Hawkesbury-Nepean Valley.

As per the guidance, the RECA includes areas that have known evacuation considerations within or outside the floodplain. It includes areas identified in regional flood evacuation strategies, such as the Hawkesbury Nepean Valley. It would require any land use changes to consider vehicle connectivity to regional flood evacuation routes consistent with the Hawkesbury Nepean Designing Safer Subdivisions Guide (2007).

The Special Flood Considerations guidance relates to land use between the FPA and the extent of the PMF. The controls generally relate vulnerable land uses that require high levels of assistance with evacuation. Although the majority of visitors to a function centre would be able-bodied persons, the large number function attendees could present significant evacuation issues.

It is also likely that many function attendees would be consuming alcohol, which would mean that evacuation by private car may not be possible and instead taxis or a communal form of transport (buses) would be required in the event of a flood evacuation. The requirement for taxis would introduce additional persons into the floodplain and thereby increase the risk to life. Buses would be difficult to organise at short notice.

2.4 NSW Government Draft LEP Flood Clauses

The proposed clauses relate to the Flood Planning Area, which is defined as the area of land below the Flood Planning Level (FPL). According to the Hawkesbury LEP, the FPL is defined as the level of the 100 year Average Recurrence Interval (ARI) flood, without freeboard.

The objectives of the clauses include minimising the risk to life, enabling safe and appropriate land uses, and enabling safe evacuation from the land. It states that development consent should not be granted unless it is demonstrated that the development will not adversely affect the safe and efficient evacuation or impact on the capacity of existing evacuation routes for the surrounding area.

The introduction of function centres into these zones would bring additional temporary population into the floodplain, which would hamper existing evacuation efforts that are already constrained and potentially overloaded.

2.5 NSW Government Draft Section 117 Directions

The draft guidance requires that a Planning Proposal is consistent with the NSW *Flood Prone Land Policy*, the Floodplain Development Manual (2005) and the draft guidance referred to in **Section 2.4**.

A Planning Proposal must not contain provisions that apply to the Flood Planning Area which permit development of potentially vulnerable facilities in areas where the development cannot effectively self-evacuate. As discussed above, the inherent purpose of a function centre and the associated consumption of alcohol by patrons will mean that self-evacuation is not possible, which could increase the number of persons in the floodplain if taxi cabs or buses are required to facilitate flood evacuation.

The guidance also requires that Planning Proposals should not permit development in the Regional Evacuation Consideration Area (RECA) that will exceed the capacity of established regional evacuation routes. A function centre development would introduce potentially hundreds of additional persons into the floodplain and hence exceed the capacity of already overloaded evacuation routes should flood evacuation be required.

Evacuating people away from flood affected areas is the primary method of reducing the risk to life during a flood. In the Valley, the NSW State Emergency Service identifies mass self-evacuation by private motor vehicles as the primary method for evacuation, as other transport options are highly vulnerable to floods or have limited capacity.

Currently, there is not enough road capacity to safely evacuate the whole population on time, with multiple communities relying on common, constrained and congested road links as their means of evacuation. This is compounded by many key evacuation routes becoming flooded at low points long before population centres are inundated, creating flood islands.

Accordingly, any proposal that seeks to make function centres permissible on land within the Richmond Lowlands would serve to increase the number of people that could potentially need to self evacuate or require evacuation during flooding of the Hawkesbury-Nepean River. Due to the relatively short warning time (less than 5 hours) any substantial increase in the population requiring evacuation via the constrained road network that would function as the evacuation route from the Lowlands, would in my opinion be contrary to current State Government policy.

I trust that this letter report suitably outlines the significant flood risks associated with any amendment to the Hawkesbury LEP that would serve to make function centres permissible on land zoned RU2 Landscape that is located within the floodplain of the Hawkesbury-Nepean River.

If you require further information or clarification of any item please do not hesitate to contact me on 0407 063711.

Yours faithfully

ADVISIAN



Principal Consultant

Practice Lead – Water Resources

ATTACHMENT A

Flood Depth Mapping for the Richmond Lowlands

Hawkesbury-Nepean Valley Regional Flood Study (2019)

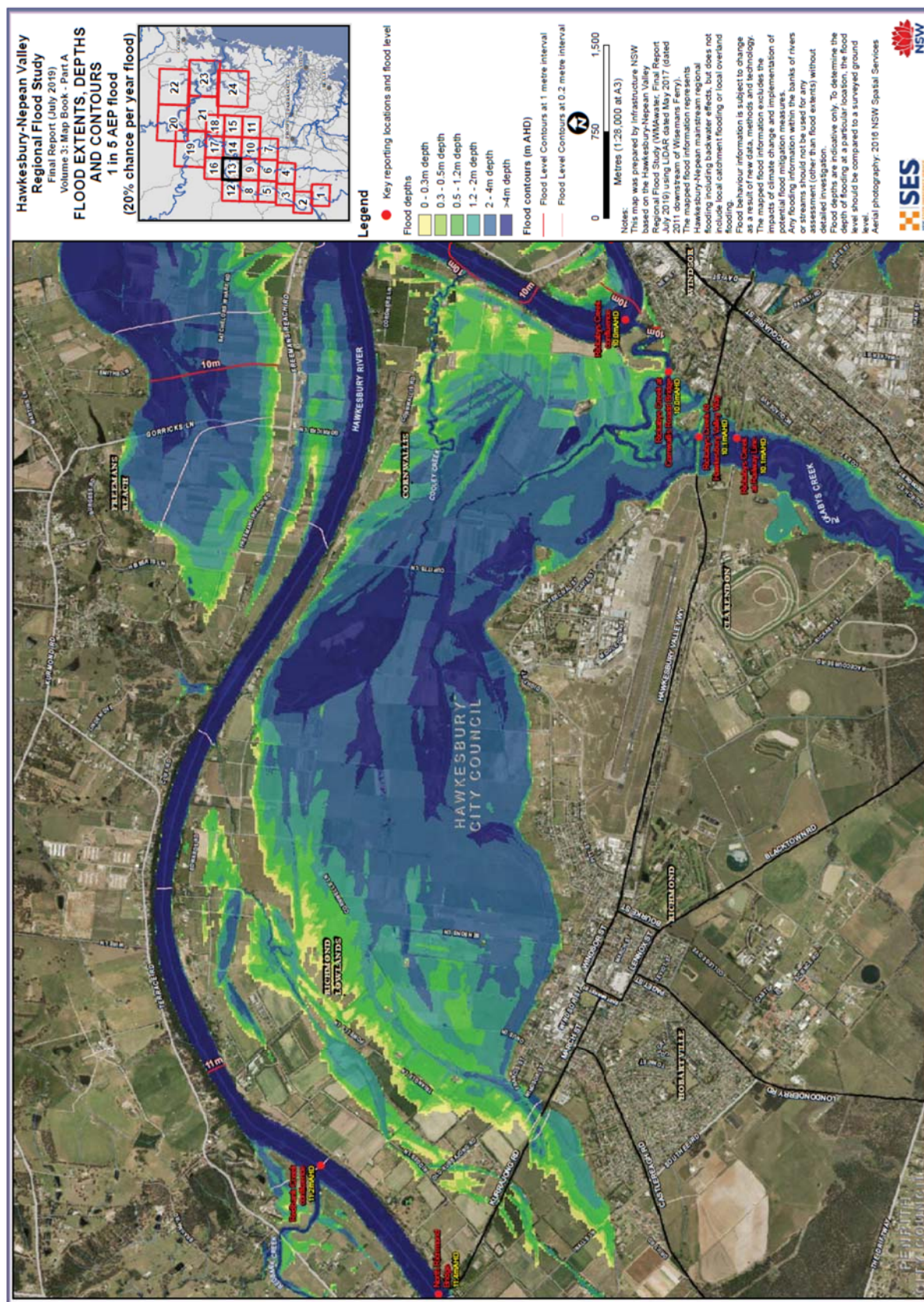
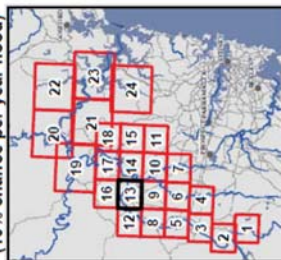


Figure A1 1 in 5 AEP flood depths – Richmond Lowlands

Hawkesbury-Nepenean Valley
Regional Flood Study
Final Report (July 2019)
Volume 3: Map Book - Part A

FLOOD EXTENTS, DEPTHS AND CONTOURS 1 in 10 AEP flood (10% chance per year flood)



Legend

● Key reporting locations and flood level

Flood depths
0 - 0.3m depth
0.3 - 0.5m depth
0.5 - 1.2m depth
1.2 - 2m depth
2 - 4m depth
>4m depth

Flood contours (m AHD)

— Flood Level Contours at 1 metre interval
— Flood Level Contours at 0.2 metre interval

0 750 1,500

Metres (1:28,000 at A3)

Notes:
This map was prepared by Infrastructure NSW
based on the Hawkesbury-Nepenean Valley
Regional Flood Study (WNWWSR, Final Report
July 2019) using LIDAR dated May 2017 (dated
2011 downstream of Wisemans Ferry).
The mapped flood information represents
Hawkesbury-Nepenean mainstream regional
floods, including backwater effects, but does not
include local catchment flooding or local overland
flooding.
Flood behaviour information is subject to change
as a result of new data, methods and technology.
The mapped flood information excludes the
impacts of climate change and implementation of
potential flood mitigation measures.
The mapped flood information is not intended to
be used for any assessment (other than flood extents) without
detailed investigation.

Flood depths are indicative only. To determine the
depth of flooding at a particular location, the flood
level should be compared to a surveyed ground
level.
Aerial photography: 2016 NSW Spatial Services

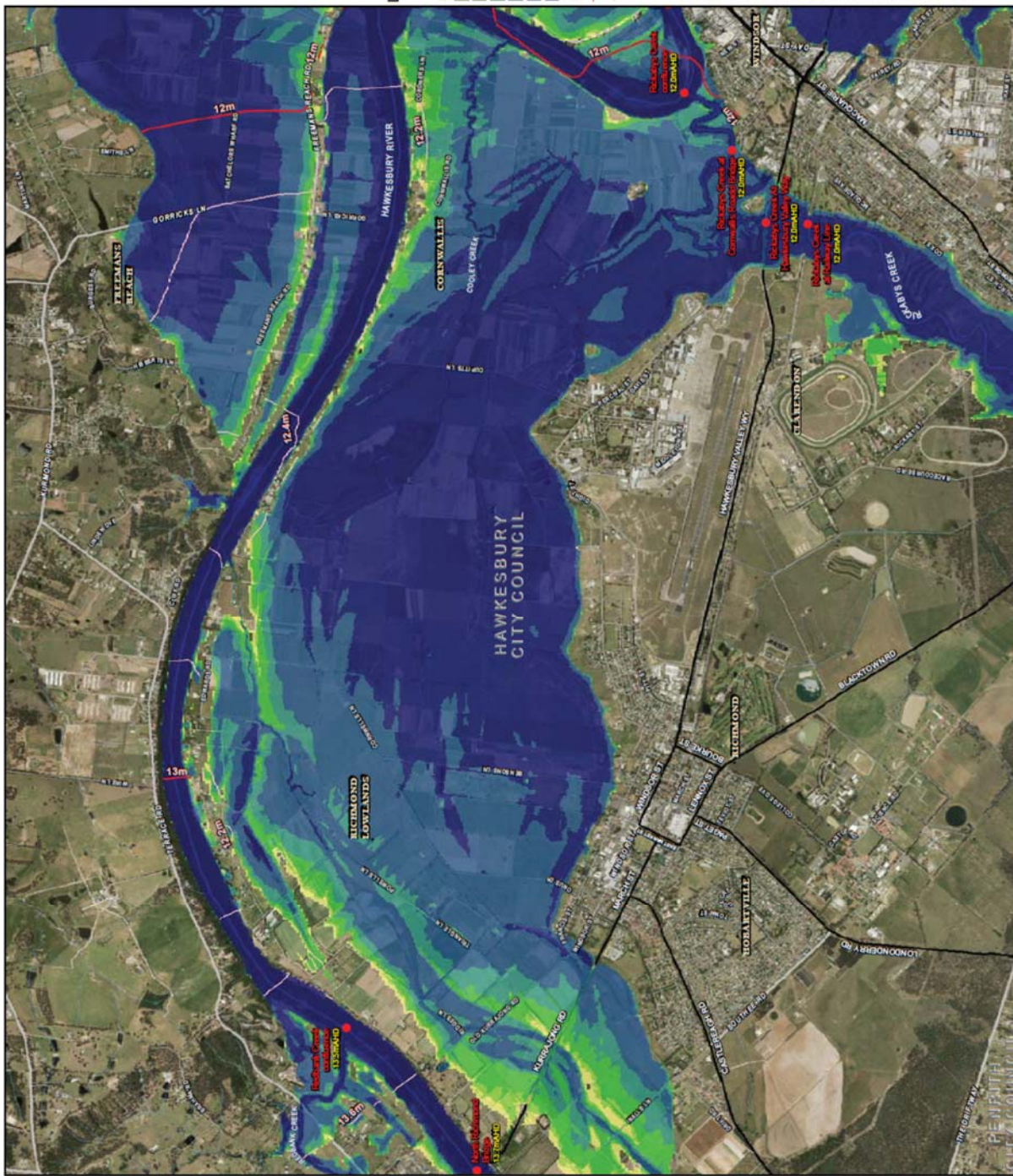


Figure A2 1 in 10 AEP Flood Depths – Richmond Lowlands

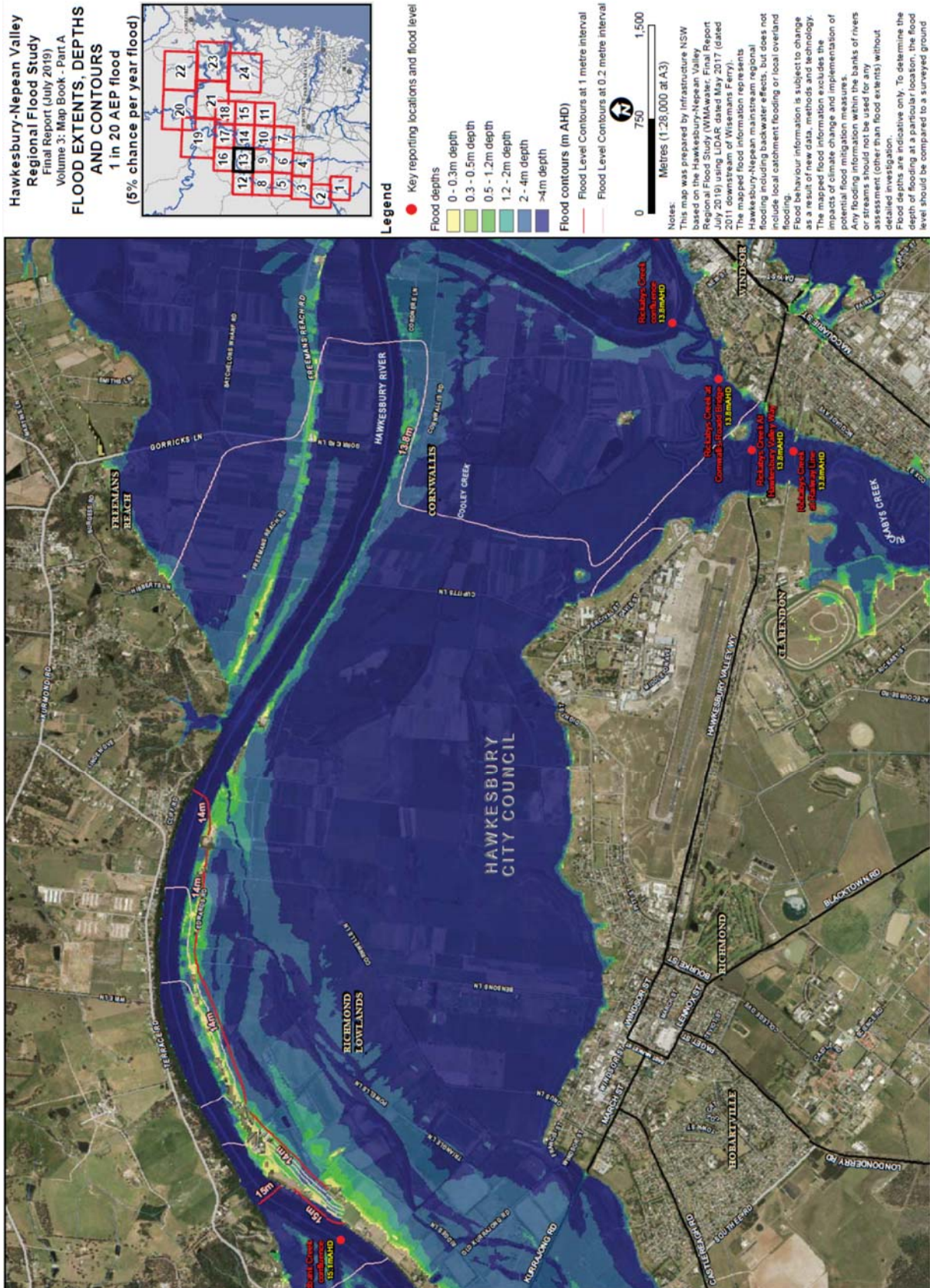


Figure A3 1 in 20 AEP Flood Depths – Richmond Lowlands

ATTACHMENT B

Flood Hazard Mapping for the Richmond Lowlands

Hawkesbury-Nepean Valley Regional Flood Study (2019)



Ir311015-00110crt200521-Hawkesbury LEP Planning Proposal.docx

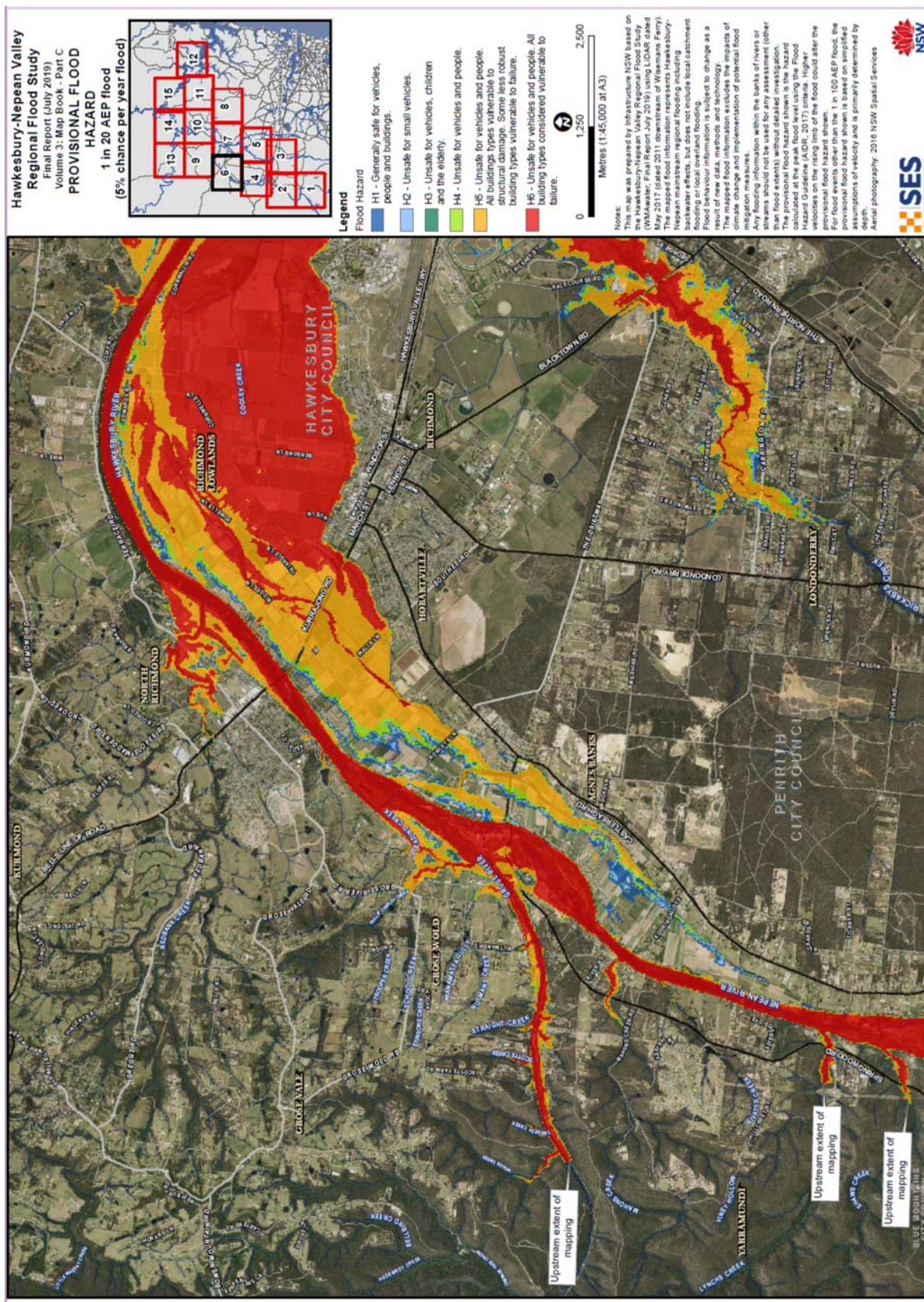


Figure B2 1 in 20 AEP Flood Hazard – Richmond Lowlands



OUT20/5719

15 May 2020

Mr Peter Conroy
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Mr Conroy

Planning Proposal LEP 003/15, PP_2015_HAWKE_007_00 General Amendments to Hawkesbury LEP 2012

Thank you for your correspondence dated 24 April 2020 providing the opportunity to comment on the above planning proposal. The NSW Department of Primary Industries (DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

DPI Agriculture has reviewed the proposal and notes the intention to permit function centres and eco-tourist facilities with consent in zones RU1 Primary Production and RU2 Rural Landscape, as well as other zones.

DPI Agriculture objects to items 3.1 and 3.2 of the planning proposal to permit function centres and eco-tourist facilities with consent in zones RU1 Primary Production and RU2 Rural Landscape. DPI Agriculture's objects to these proposed amendments for the following reasons:

1. the permissibility of function centres and eco-tourist facilities in rural areas has the potential to have adverse impacts on agricultural land and resources and increase land use conflict with agricultural land uses;
2. large areas of the RU2 zone in Hawkesbury LGA are mapped as Biophysical Strategic Agricultural Land and should therefore be prioritised for agricultural purposes;
3. the proposal to permit function centres in these rural zones is inconsistent with the Western City District Plan which seeks to contain urban land uses to mapped urban areas;
4. land in these zones is unlikely to have special ecological or cultural features necessary to satisfy the definition of an eco-tourist facility; and
5. the land use 'tourist and visitor accommodation' is already permissible with consent in zone RU1.

It is strongly suggested that Council await the completion of the work between the Department of Planning, Industry and Environment and the NSW Small Business Commissioner relating to agritourism land uses in rural areas before Council considers permitting additional land uses in the RU1 and RU2 zones.

Should Council wish to proceed with a proposal to permit wedding venues and similar land uses in rural zones, DPI Agriculture strongly recommends adopting the approach taken by

Byron Shire Council to introduce provisions for 'rural event sites'. Any such provisions should include specific provisions to ensure:

1. the rural event sites are not established on Biophysical Strategic Agricultural Land or other high quality agricultural land;
2. a proposal for a function centre or eco-tourist facility does not have an adverse impact on agricultural land or resources;
3. a land use conflict risk assessment is conducted at development application stage and the proposed development is located at an appropriate distance from the property boundary; and
4. where there is potential for land use conflict an acceptable vegetated buffer is established on the proponent's land.

Should you require clarification on any of the information contained in this response, please contact Paul Garnett, Agricultural Land Use Planning Officer, on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C. Tumney'.

Christine Tumney
Group Director, Agricultural Resources
Department of Primary Industries - Agriculture



Health

Nepean Blue Mountains
Local Health District

HPRM Ref: 20/13973

14 May 2020

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear General Manager

Public Exhibition of Planning Proposal (LEP003/15) - Draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (1 space)

Thank you for inviting Nepean Blue Mountains Local Health District to comment on planning proposal (LEP003/15).

Staff from NBMLHD have reviewed the documentation and would like to advise there is no comment.

Yours sincerely

Kay Hyman
Chief Executive
Nepean Blue Mountains Local Health District

TOGETHER
ACHIEVING
BETTER HEALTH

Nepean Blue Mountains Local Health
District
ABN 31 910 677 424

PO Box 63, Penrith NSW 2751
Tel (02) 4734 2000
Website www.nbmlhd.health.nsw.gov.au

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

Via email: council@hawkesbury.nsw.gov.au

16 May 2020

Dear Sir/Madam

Re: Draft General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15).

Integrated Consulting has been commissioned by [REDACTED] to prepare a submission in relation to the above-mentioned proposed amendment (LEP003/15) to the Hawkesbury Local Environmental Plan 2012 (LEP). [REDACTED] has interests in properties within and in the vicinity of the town of Bilpin.

Bilpin is a township along the Bells Line of Road which comprises a cluster of residential development, contains a number of businesses serving locals and tourists visiting the area, and includes other services such as the Primary School. The land outside of the Bilpin township is characterised by primary production such as orchards, small hobby farms, and ancillary tourist accommodation/activities. Beyond this area is National Park Estate. Bilpin is considered to be a significant township in the context of the environment of the Bells Line of Road corridor.

The entire corridor along the Bells Line of Road outside of the National Parks Estate is zoned RU2 Rural Landscape under the current LEP. The objective of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses in the zone and land uses in adjoining zones.
- To ensure that development occurs in a way 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 waterways.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

The (former) Department of Planning's LEP Practice Note PN 11-002 identifies that the RU2 Zone is to be used in the following situations:

This zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as 'viticulture'), but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints. This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

Whilst it is acknowledged that the locality generally does have ecological and scenic qualities, the township of Bilpin itself does not comprise “rural land that is used for primary production”. Given this, it is considered that the current zoning does not reflect the use of the land in the township area. The tourism and other ancillary activities/industries that are growing in the Bilpin area are only going to continue to expand as primary producers continue to diversify their product and society demands tourism and other food conveniences and experiences.

On this basis it is requested that Council revise the zoning of the Bilpin township. It is considered that changing the zoning to reflect the existing land uses could be a housekeeping matter and as such accommodated within the proposed LEP Amendment.

To best fit the character of the area and land uses, it is recommended that the town area be rezoned to RU5 Village. The (former) Department of Planning’s LEP Practice Note PN 11-002 describes the RU5 Village Zone as:

This zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

Further, the objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To maintain the rural character of the village and ensure buildings and works are designed to be in sympathy with the character of the village.
- To protect hilltops, ridge lines, river valleys, rural landscape and other local features of scenic significance.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

This characterisation appropriately captures the character of the township of Bilpin. Consequentially it is considered to be far more appropriate in terms of land use than the current zoning. Such a zoning would provide for a more efficient and transparent planning framework rather than having to rely on existing use rights for the continuation of uses to support the community. It would also provide for clear guidance for the future development of the area based on the current uses and character of the area.

If you have any questions regarding this submission, please contact the undersigned on 0400 940 482.

Yours sincerely



Director | Registered Planner PIA

19th May 2020

Dear Hawkesbury Council Mayor, Councillors and General Manager,

Re: Submission Planning Proposal LEP003/15

We write in support of Eco Tourist Accommodation and Facilities with Consent, being permitted within the Hawkesbury LGA.

The loss of prime agricultural land to intense residential development should be of great concern and all encroachments and changes to land use in these zones deserves cautious and deliberate consideration and we thank you for your consideration in these matters.

As evidenced in nearly all of the governmental and privately commissioned reports we have read, there is a strong and growing demand for unique and experiential accommodation across the Australian hospitality sector. This is due, in large part, to the increasing awareness and sensitivity regarding the environmental impacts of scale and the effects of creating 'permanent' style dwellings in areas of environmental and significant value. There is a desire to support businesses that touch the land as 'lightly' as possible.

According to the Regional Australia Institute, 400,000 people moved from Australia's capital cities into regional areas between 2011 to 2016. This migration to regional areas was most popular among people aged 30-39 and 60-69 the report stated. We suspect that with the advent of COVID-19 this migration will intensify.

Conflict over more passive land use versus agricultural land use has become an increasing problem within Hawkesbury LGA as this transitioning shift occurs. Land clearing, dam building, pollution, noise, odour etc are all making it harder for farmers to conduct traditional farming within the Greater Sydney or Metropolitan Rural Area.

If the aspiration of the Greater Sydney Commission objectives is to maintain the rural urban interface then consideration must be given as to how practically this can best be achieved given the changing nature of property ownership and land use(s).

Some land described as RU2 is not conducive to intensive agriculture but is conducive to eco and agri-tourism. The zoning and land uses for these areas needs to better reflect and respond to these new potential uses.

The rapid growth of Western Sydney and its close proximity to the Bilpin district has seen a huge surge in day visitors to the district.

There has also been a significant increase of people from Greater Sydney seeking 'experiential' or ecotourist accommodation as well as other tourist and hospitality facilities within the district.

The Bilpin district faces the reality that the agricultural nature of the district has changed significantly in the last two decades.

Bilpin is now primarily Rural Residential, this conforms with the main land use within the Hawkesbury LGA which was reported as 86%.

Bilpin was once a thriving orchard area, boasting approximately 70 commercial orchards. It now has only 6, with two of the larger orchards Saliba & Sons Orchard (Bells Line of Road) and Wheeney Creek Orchard (Mt Lagoon Road) now on the market as their owners are at an age where the physical demands have become too great. Neither business has family members interested in continuing the orchards.

These remaining orchards rely almost entirely upon day visitors for their financial viability; most of whom come from Greater Sydney to experience a working orchard and to pick their own fruit. This use is now more aligned with agritourism rather than intensive agriculture.

The current LEP only allows for detached farm stay accommodation which requires properties to provide evidence of intensive farming activity. This criteria is rendered largely irrelevant because of the diminishing working farms in the district. It also completely ignores the world renowned wilderness nature of this area that being the southern-most part of the Wollemi National Park and flanked on the western ridgeline by The Grose Valley.

If the objective of the Metropolitan Rural Area (MRA) is to maintain the 'rural nature' of the Hawkesbury and Greater Sydney areas then land owners should have the option available to them under the Local Environment Plan to submit compliant, well designed and sensitively located eco accommodation to the Hawkesbury Council for consideration.

Alternative and passive streams of revenue should be encouraged as a way of defraying the many costs associated with well managed acreage.

Good land stewardship should be a collective community goal and providing the most sustainable financial means of doing this should be a priority.

The revenue generated by ecotourism gives owners an opportunity to keep investing in the maintenance and upkeep of the land.

Another benefit is that in many cases the eco and agritourism model encourages the continuation of some agricultural practice, if only to enhance the 'rural experience'.

As we know hospitality and accommodation facilities and activities provide employment for many local residents. The workforce once employed by orchards and farms have the ability to transition into an economy that can not only take advantage of their acquired agricultural knowledge and skill, but can also broaden their skill set.

By the Hawkesbury Councils own reports, it states that traditional Agriculture practice and employment is on the decline within the Hawkesbury LGA. This will mitigate such a decline.

In the past 6 months The Hawkesbury LGA community has contended with drought, an unprecedented bushfire season, flooding and now COVID-19. For our communities to survive and prosper it must be encouraged and enabled to adapt quickly and economically to alternative enterprises that provide employment and revenue.

If we as a community are not well positioned and prepared for the changes that are already taking place, then the economic wellbeing and condition of our local communities and environment are at risk.

There is now a tremendous opportunity to 're-think' how best to achieve this and one of those avenues should be the creation of quality eco accommodation, and aligned facilities. The Hawkesbury LGA is an area that is rapidly and deservedly growing in popularity and reputation.

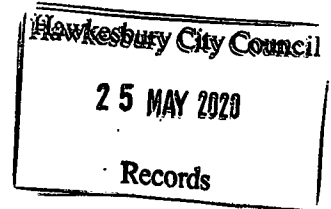
Thank you for your consideration.

Yours sincerely,

A black rectangular redaction box covering the signature of the sender.

Bilpin NSW 2758

G&M Stockton
136 Mountain Ave
YARRAMUNDI NSW 2753



The General Manager
Hawkesbury City Council
WINDSOR NSW 2756

22 May 2020

Dear Sir,

We would like to make a submission to Council regarding;
The Draft of General Amendments to The Hawkesbury Local Environmental Plan 2012, (LEP 003/15).

We live in an area 'Zoned E4' in Yarramundi and firmly believe there are two activities allowed 'with consent' in E4 zones, that should no longer be permitted under any circumstances.

First we consider there is no place for Truck Depots within E4 Zoned Areas. We and 3 other families attended a Hawkesbury Local Planning Meeting '18-10-18' to speak against an application for a Truck Depot on 152 Mountain Ave Yarramundi.

On completion of our presentations the Panel voted 4/0, to reject the DA for the truck depot. Then recommended to council that consent for truck Depot's should no longer be permitted the E4 Zoned areas.

Secondly, we would like to suggest permitting Goat Farms to exist within E4 Zones, cease as soon as possible.

Unfortunately we live next to a property that was permitted to release goats on their property and 12 months after the goats have been removed, the Fauna is still showing minimal signs of recovery. Their impact on the land has been catastrophic and if Council do consider removing Goats from E4 zoned areas, the panel or it's representative would be more than welcome to visit our property to witness at first hand witness the difference between our natural bush and whats left on the other side of the fence.

Yours Sincerely,

George Stockton,

A handwritten signature in black ink, appearing to read "G Stockton", written over a dotted line.

Michele Stockton,

A handwritten signature in black ink, appearing to read "M Stockton", written over a dotted line.



SCANNED



CHAPEL HILL

BERAMBING - NSW

21st May 2020

Andrew Kearns
Manager Strategic Planning
Hawkesbury City Council
By Email

Diane Koh & Peter Lee
36 Berambing Crescent
Berambing NSW 2758
Mobile : 0414668633

Dear Andrew,

Thank you for giving residents and business owners of Bilpin/Berambing a chance to email through our submissions for General Amendments to the Hawkesbury Local Environmental Plan 2012 (LEP003/15).

We have bought Chapel Hill Retreat in 2011 as our investments and new business venture. This beautiful property being operating as a wedding venue, function centre, accommodation, coaches' stopovers with groups for lunches etc for over 30 years. We have been local businesses operators/owners in the Hawkesbury since 1982 with numerous Hawkesbury properties, venues, and restaurants along Bells Line of Road. In saying these, we had upgraded and continuously planning to expand Chapel Hill with more accommodation, perhaps another function building to cater for our ever-growing weddings and accommodation bookings. Unfortunately, in 2011/2012 during the changeover to the standardised LEP 2012, Visitor and Tourist Accommodation was taken out of the Bilpin/Berambing district due to the administrative error. This could have been rectified immediately, but to date it remains unchanged. In Hawkesbury business paper dated 7th June 2011 on page 101. Visitor and tourist accommodation were advertised in the wrong column and was deleted instead of moving to the correct column. Due to this error, Bilpin district suffers major losses in Tourism business opportunity to offer visitors for the last 8 years.

Our business and ourselves highly support ECO tourism, Function Centres, Visitor and Tourist Accommodation. Currently our state government has been promoting our area for over night stays but LEP (Local Environment Plan) has extremely limited rules for what we can build on our properties, our Bilpin/Berambing area. Bilpin is one of the major Tourist destinations of Sydney and Hawkesbury, therefore we need to have more accommodation develop in the area to accommodate the growing demand.

Example of our venue, we have a DA in place to hold up to 150 guests in development progress, imagine we could have back to back weddings on each event of guests between 100 to 150 guests every weekend, that's a total of up to 450 guests coming up either for an overnight or 2 nights stay. Is easily fill our accommodation on site and how many other cabins (accommodation) could we fill locally to accommodate guests who need after the party? How much would all our local businesses

Chapel Hill Retreat
36 Berambing Crescent
BERAMBING NSW 2758

Tel: (02) 4567 2156
Fax: (02) 4567 2157



CHAPEL HILL

BERAMBING - NSW

benefit from these events each week when guests stay overnight or the weekend? Our common feedback when couples did not book our venue because there is not enough accommodation available on site or locally to accommodate their guests for the weekend.

Along Bells Line of Road, Kurrajong Heights to Berambing, there are a few popular venues that hold weddings and functions events each weekend as well, the amount of revenue and attractions that could bring into Hawkesbury Tourism is substantial. Unfortunately, we cannot fulfill that role to its potential as Bilpin/Berambing are lack of support from our local council on ECO Tourism Opportunities, Bed & Breakfast facility for Visitor and Tourist Accommodation because we it is not in our zonings for developments.

With the recent Bushfires, Floods and Covid 19 virus, it is even more critical to promote tourism developments in our area to generate economic activities, job opportunities and make Bilpin a destination for Australian & the rest of the world to visit.

We trust our submission would encourage Hawkesbury Council to understand the urgency and expedite in getting the Tourism back into LEP housekeeping for Bilpin/Berambing zoning for developments.

Please contact us if you need further information and we look forward to your favourable reply.

Yours faithfully,

Diane Koh