

Contents

1.	Introduction & Background.....	1
2.	The Site & Surroundings.....	2
2.1	Description of Site.....	2
2.2	Surrounding Land Use.....	3
2.3	Surrounding Zoning.....	4
3.	Statutory Context.....	5
3.1	Hawkesbury Local Environmental Plan 1989.....	5
3.2	Hawkesbury LEP 1989 Draft Amendment 154.....	6
3.3	Hawkesbury Draft LEP 2009.....	6
3.4	Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River.....	7
4.	Environmental Considerations.....	9
4.1	Flooding.....	9
4.2	Traffic and Access.....	10
4.3	Services.....	11
5.	Appropriate Zone for the Site.....	11
6.	Strategic Context.....	11
6.1	North West Subregional Strategy.....	11
6.2	Hawkesbury Employment Lands Study.....	11
7.	Section 117 Directions.....	12
8.	NSW Department of Planning Circulars.....	13
9.	Justification for Rezoning.....	14
11.	Development Controls.....	15
11.1	Building Form.....	15
11.2	Boundary Setback.....	18
11.3	Landscaping.....	18
12.	Conclusion.....	19

1. Introduction & Background

Montgomery Planning Solutions has been engaged by the owners of 66, 68 and 70 The Terrace, Windsor to prepare a planning proposal to support the rezoning of the properties from Housing to Business General 3(a) or B2 Local Centre.

The land, which is 2,214 square metres in area, is currently zoned Housing under the provisions of Hawkesbury Local Environmental Plan 1989. The Council has prepared a draft local environmental plan to rezone the remaining residential properties on the northern side of New Street from Housing to a Business zone. The subject land will therefore be effectively surrounded by commercial development.

On 24 June 2008 Hawkesbury City Council considered an application to rezone a number of properties adjoining Hollands Paddock, Howe Park and the Terrace to Business General 3(a). The application included the subject land; 66 – 70 The Terrace. However, due to concerns raised at the time about the contribution to the streetscape by the existing dwellings, the subject land was excluded from the rezoning.

A draft local environmental plan was prepared and exhibited during October and November 2009. The owners of 66-70 The Terrace made submissions concerning the exclusion of the properties from the draft local environmental plan. After considering these submissions, the Council resolved on 8 December 2009 (in relation to the subject properties) that:

".....2. Council resolve to rezone the following properties from Housing to Business General 3(a)/B2 Local Centre

<i>Lot 1 DP159404</i>	<i>70 The Terrace Windsor</i>
<i>Lot 1 DP741997</i>	<i>68 The Terrace Windsor</i>
<i>Lot 1 DP609363</i>	<i>66 The Terrace Windsor</i>

3. A Planning Proposal be prepared, at the landowner's expense, to support the rezoning of the properties."

Attachment 1 is a letter dated 22 December 2009 addressed to Mr & Mrs Woodford, which places the above quote in context.

This Planning Proposal provides a review of environmental considerations and the information necessary to prepare a draft local environmental plan in accordance with the Council's resolution. A framework is also suggested for a site specific development control plan.

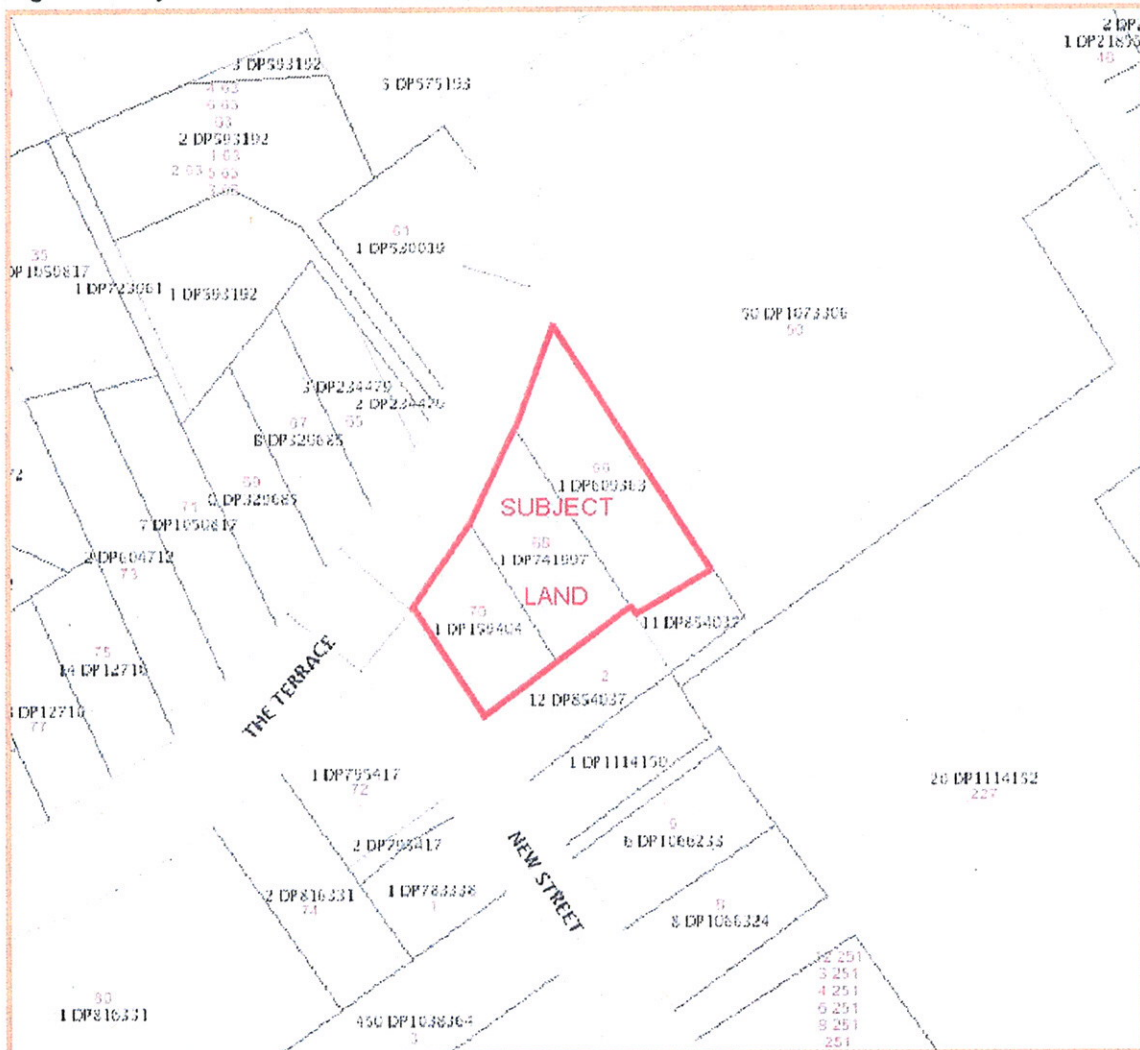
It is recommended that Council prepare a draft local environmental plan to rezone the land to 3(a) (Business General). Should the template LEP precede this draft plan, the appropriate zone for the land is B2 Local Centre.

2. The Site & Surroundings

2.1 Description of Site

The land is described as Lot 1 DP609363, Lot 1 DP741997 and Lot 1 DP159404 (Nos. 66-70) The Terrace, Windsor. The land is an irregular shape with an area of 2,214m² and a frontage to The Terrace of 64.1 metres and frontage to New Street of 22.7 metres.

Figure 1: Subject Land Source – NSW Department of lands SIX Viewer



The land is located on the north-east corner of the intersection of the Terrace and New Street. A separate dwelling is erected on each of the three lots, along with ancillary outbuildings etc.

Figure 2: Dwellings 66 – 70 The Terrace

2.2 Surrounding Land Use

The land is surrounded by a variety of land uses. Howe Park adjoins the land to the north-east. Land adjoining to the south-east comprises single dwellings. Dwellings are also located on the opposite side of New Street and The Terrace. The Riverview Shopping Centre, which comprises a supermarket, specialty shops and undercroft parking, is also adjacent to the site to the south-east.

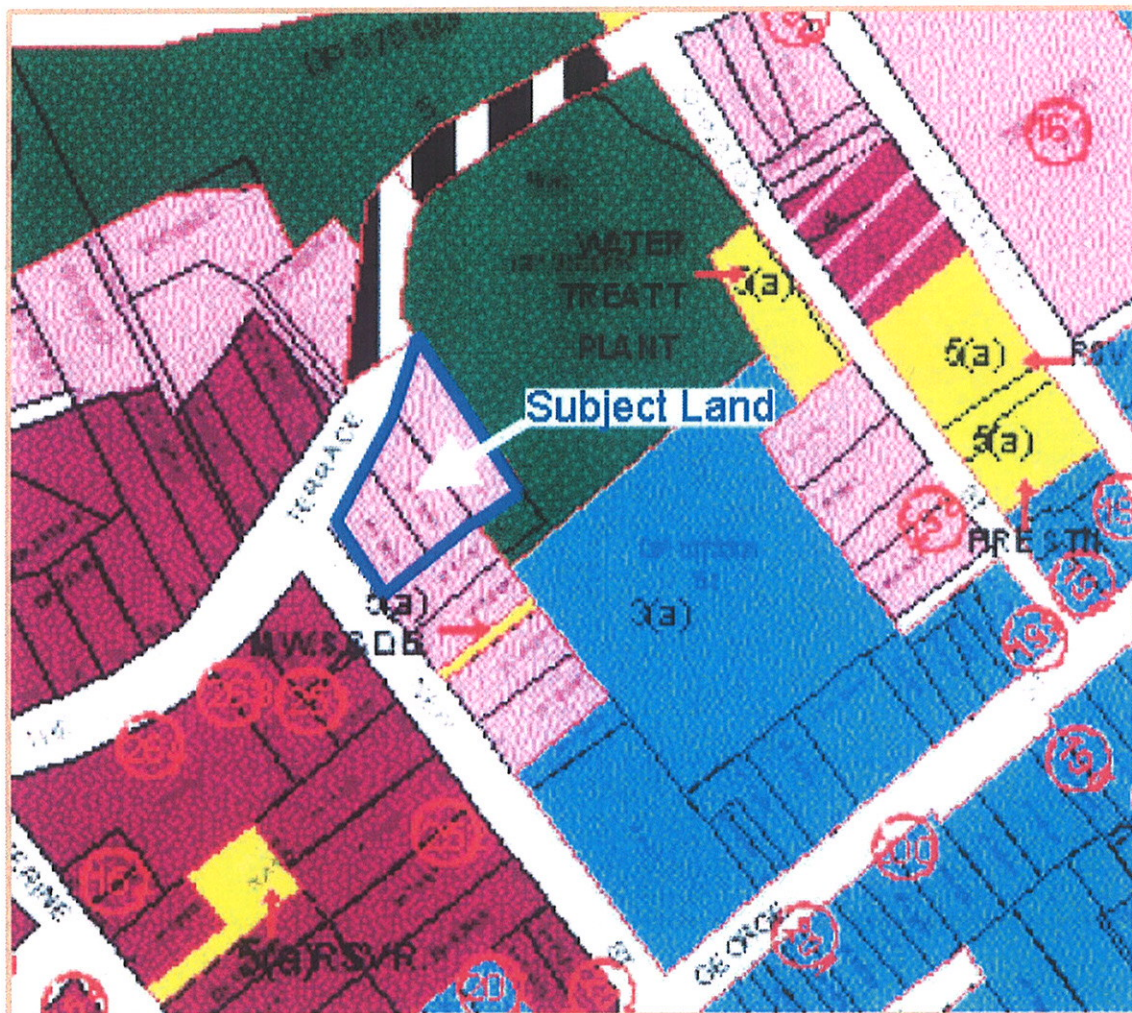
Figure 3: Surrounding Land Use Source – Source – NSW Department of lands SIX Viewer

2.3 Surrounding Zoning

The adjoining Howe Park is zoned 6(a) Open Space (Existing Recreation). Land opposite the site on the north-west side of The Terrace is a mix of Housing and Multi Unit Housing zones. The land on the south-west side of New Street is zoned Multi Unit Housing.

The four dwellings on the northern side of New Street are currently zoned Housing, however this land is the subject of Draft Local Environmental Plan 1989 Amendment 154. This amendment will zone all of the remaining residential zoned land within the block bounded by George Street, Johnston Street, The Terrace and New Street to General Business 3(a). Draft LEP 1989 Amendment 154 is *Attachment 2*.

Figure 4: Surrounding Zoning Source - LEP 1989 Map Sheet 4



3. Statutory Context

The land is controlled by Hawkesbury Local Environmental Plan 1989 (HLEP 1989) and Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (SREP 20). There are also two relevant draft local environmental plans.

3.1 Hawkesbury Local Environmental Plan 1989

The land is zoned Housing under the provisions of Hawkesbury LEP 1989. The objectives of the Housing Zone are:

- (a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility,*
- (b) *to protect the character of traditional residential development and streetscapes,*
- (c) *to ensure that new development retains and enhances the existing character,*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,*
- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,*
- (g) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Although the existing dwellings on the land would satisfy most of the objectives for the Housing zone, the level of residential amenity is questionable given the proximity of the Riverview Shopping Centre to the land and the current draft LEP to rezone all remaining residential land within this block to Business General.

Clause 25 – Development of flood liable land

The 1 in 100 year flood level for Windsor is 17.3m AHD. The subject land ranges in elevation from approximately 14.5m to 19.5m AHD.

Any future buildings will satisfy the relevant provisions of Clause 25, ie

- 2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*
- 3) *Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1-in-100 year flood level for the area in which the land is located.*
- 5) *The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*

Accordingly, it is considered that the proposal is consistent with Clause 25 of Hawkesbury LEP 1989.

3.2 Hawkesbury LEP 1989 Draft Amendment 154

Following public exhibitions and receipt of submissions, Hawkesbury City Council resolved on 8 December 2009 to forward the Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) to the Department of Planning requesting that the plan be finalised and made. Attachment 2 is a copy of the draft plan as submitted to the Department of Planning.

It can be seen under Amendment 154 that the subject land is the only remaining residential zoned land within the block bounded by George Street, Johnston Street, The Terrace and New Street. The Council also resolved as follows in relation the subject land.

".....2. Council resolve to rezone the following properties from Housing to Business General 3(a)/B2 Local Centre

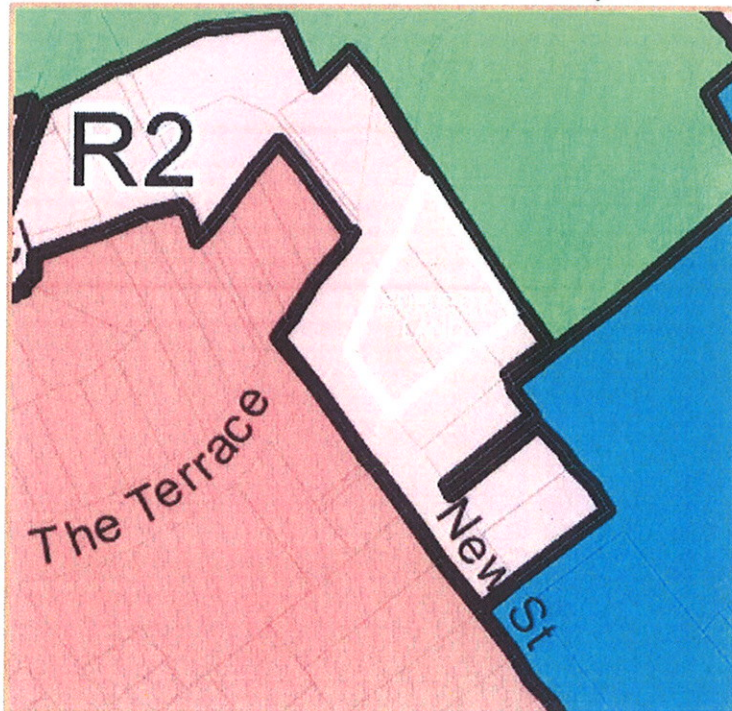
Lot 1 DP159404	70 The Terrace Windsor
Lot 1 DP741997	68 The Terrace Windsor
Lot 1 DP609363	66 The Terrace Windsor

3. A Planning Proposal be prepared, at the landowner's expense, to support the rezoning of the properties."

3.3 Hawkesbury Draft LEP 2009

Hawkesbury Draft Local Environmental Plan 2009 applies to the subject land. The zoning of the subject land is R2 Low Density Residential.

Figure 5: Draft Hawkesbury LEP 2009 Extract from Map 18



It is noted that the major difference between the current Housing zone and the proposed R2 zone is that the Housing zone permits a range of professional and commercial chambers, whereas the R2 zone limits this type of commercial use to health consulting rooms.

3.4 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies. The following specific policies and strategies are relevant to the proposed development:

(7) Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

Strategies:

- (a) *Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.*
- (b) *Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.*
- (c) *Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.*
- (d) *Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.*
- (e) *Consider the need for controls or conditions to protect those scenic areas.*
- (f) *Consider opportunities to improve riverine scenic quality.*

It is considered that the proposed rezoning is consistent with the Riverine Scenic Quality strategy of SREP 20.

(10) Urban development

Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.

Strategies:

- (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The proposal will not significantly increase the intensity of development on the land. Urban design matters and any increase in runoff related to future development will be subject to Council's development control plan and will be dealt with in future development applications for the site.

(12) Metropolitan strategy

Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.

Strategies:

- (a) Consider the impacts of transport infrastructure proposals on water quality and air quality.*
- (b) Consider the impacts of metropolitan waste disposal on water quality.*
- (c) Consider the impacts of development on air quality.*
- (d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.*
- (e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.*

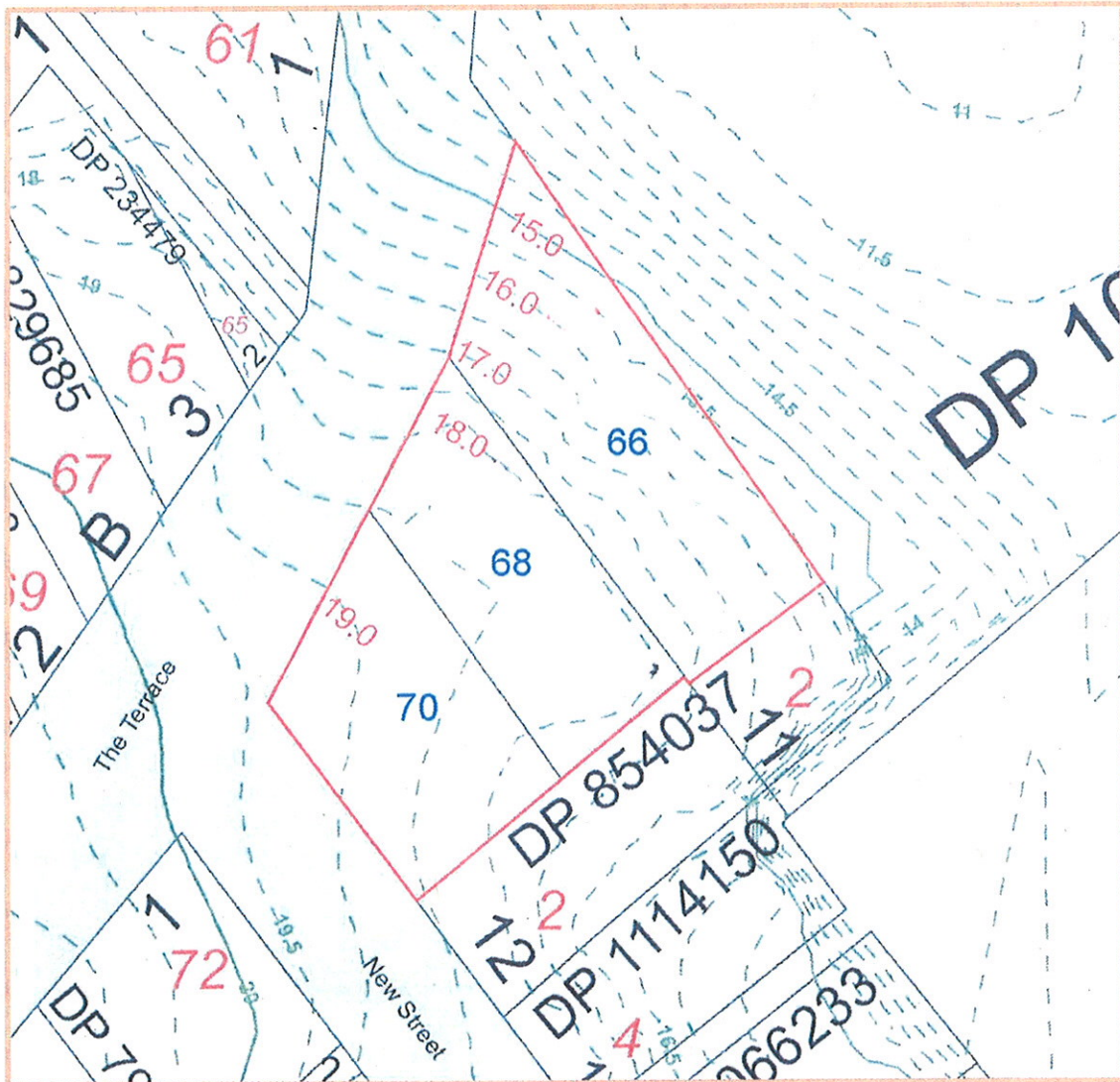
It is considered that the proposal will enable the land to be developed for commercial purposes and therefore provide additional variety and availability of business land within the Windsor town centre. The impacts in terms of the Metropolitan Strategy are negligible, however the proposal accords with the Strategy.

4. Environmental Considerations

4.1 Flooding

The 1 in 100 year flood level for Windsor is 17.3m AHD. The subject land ranges in elevation from approximately 14.5m to 19.5m AHD. Figure 6 shows contours at 0.5m intervals over the land.

Figure 6: Contours Source – Hawkesbury City Council GIS extract



It can be seen that numbers 68 and 70 are at or above the 1 in 100 year flood level. Number 66 varies in height from approximately 14.5m to 18m and is therefore partially affected by the 1 in 100 year flood level. As the lowest level is 14.5m, there is no statutory prohibition under Hawkesbury Local Environmental Plan 1989 to future development of the land.

This area is likely to be isolated in a 1 in 100 year flood event and it could therefore be argued that commercial use of the land is preferable to residential.

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

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

- Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally quite inappropriate proposals may be approved."¹

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

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

- A merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations."

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

In my opinion, the proposed use of the land for commercial purposes rather than residential is a more appropriate use of the land in terms of the Floodplain Development Manual.

4.2 Traffic and Access

Access to the land is available from The Terrace and also from New Street (in an overall redevelopment). New Street and this section of the The Terrace are currently subjected to traffic circulating around the Windsor commercial centre. The existing road network has capacity for any additional traffic which may be generated by future commercial development on the site.

On-site parking arrangements would be subject to a future development application, in compliance with the Hawkesbury Development Control Plan.

It is considered that the proposed rezoning will have no significant impact on traffic in the vicinity.

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

4.3 Services

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

5. Appropriate Zone for the Site

Hawkesbury City Council has considered the appropriate zone for the site and on 8 December 2009 Council resolved to rezone the site from Housing to Business General 3(a) /B2 Local Centre.

Business General 3(a) is the appropriate zone under Hawkesbury Local Environmental Plan 1989. However, should the draft LEP for the subject site be finalised after the gazettal of Hawkesbury LEP 2009, B2 Local Centre would be the appropriate zone.

6. Strategic Context

6.1 North West Subregional Strategy

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

6.2 Hawkesbury Employment Lands Study

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

A key finding of the study is that although there is no immediate shortage of industrial or business zoned land, constraints to development are apparent. In commercial / business areas existing lot configurations, heritage and existing development constrains the potential for renewal and reinvestment.²

It is considered that this minor addition of commercial / business land to the Windsor commercial centre will assist in providing additional unconstrained land for development.

² Hawkesbury Employment Land Strategy, adopted report Dec 2008, SGS Economics and Planning, pg 111

7. Section 117 Directions

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

Direction	Consistency	Reason
1.1 Business and Industrial Zones	Yes	The draft LEP will give effect to the objectives of the Direction by encouraging employment growth in a suitable location. The draft North West Subregional Strategy identifies Windsor as Town Centre and suggests that although potential for growth is limited due to flooding constraints, there remains the opportunity to renew and improve the physical, economic and cultural environment of the centre. The draft LEP will partially address the key finding of the Hawkesbury Employment Lands Study.
3.1 Residential Zones	Yes	The draft LEP proposes rezoning land from <u>Housing</u> to <u>Business General 3(a)</u>. This will allow the site to be redeveloped for mixed use, including some shop top housing
3.4 Integrated Land Use and Transport	Yes	The land to which the draft LEP applies is located within the Windsor Town Centre, approximately 1,000m from Windsor Station (which is located outside of the Town Centre). The draft LEP will provide additional employment opportunities in a locality which is well serviced by public transport. The draft LEP is consistent with the relevant guidelines and policy.
4.3 Flood Prone Land	Yes	The provisions of the draft LEP that are inconsistent are of minor significance as only a small portion of the site is below the 1 in 100 year. The subject land is better suited to business use than residential. It is considered that proposal is consistent with the principles of the NSW Floodplain Development Manual.
5.1 Implementation of Regional Strategies	Yes	The draft North West Subregional Strategy is relevant to the proposal. The draft strategy identifies Windsor as Town

		Centre and suggests that although potential for growth is limited due to flooding constraints, there remains the opportunity to renew and improve the physical, economic and cultural environment of the centre. The draft plan is consistent with the draft Subregional Strategy.
6.1 Approval and Referral Requirements	Yes	The draft LEP will not require the concurrence of the Minister or a public authority and will not identify any use as designated development.

It is considered that the proposal is consistent with all relevant Section 117 Directions.

8. NSW Department of Planning Circulars

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

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

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

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

The Circular gives an overview of the Order and its implications for preparing local environmental plans. Council has prepared and exhibited draft Hawkesbury LEP 2009 which is a city wide plan prepared in accordance with the Standard Instrument.

This planning proposal supports the Council's resolution that the land be rezoned to General Business 3(a) or alternatively, B2 Local Centre, should the template LEP precede this draft plan.

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

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

In particular, the Circular states:

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

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

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

Council has already resolved to prepare the draft local environmental for the site. It is submitted that this planning proposal contains sufficient information to allow Council to proceed to preparation of the draft local environmental plan. A local environmental study is not required.

PS 06-015: Spot rezoning – 15 June 2006

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

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

9. Justification for Rezoning

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

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

1. With the recent adoption of draft amendment 154 to Hawkesbury LEP 1989, the subject land is the only remaining residential zoned land within the block bounded by George Street, Johnston Street, The Terrace and New Street.
2. The residential amenity of the subject land has been affected by the construction of the adjacent Riverview shopping centre. The residential amenity will be further diminished by construction of future commercial development on the land adjoining the subject land (land rezoned by draft LEP amendment 154).
3. The proposed rezoning will make better use of existing infrastructure and public transport services.

4. The proposal will assist in providing additional unconstrained land for new commercial development, and subsequent employment opportunities in the Windsor Town Centre.
5. The proposal will provide the public road (The Terrace) as physical separation between the commercial and residential zones.
6. The proposed R2 Low Density Residential zone will severely limit the ability for adaptive re-use of the dwellings, as the zone prohibits professional and commercial chambers.

11. Development Controls

In response to Section 62 consultations in respect of draft LEP 1989 (amendment 154), the Heritage Branch of the Department of Planning advised:

"The Heritage Branch also supports the non inclusion of No.s 66 ,68 and 70 The Terrace Windsor in the rezoning on the basis that redevelopment of these properties has potential to adversely affect streetscape and character of the Terrace. The Heritage Branch encourages the adaptive reuse of No.s 66, 68 and 70 The Terrace Windsor."

Following the Council's subsequent decision to rezone 66-70 The Terrace, MPS has discussed the matter with the Council's Director of City Planning. MPS was advised that it would be appropriate to prepare the framework for a development control plan which will ensure that future development of the site is in character with the established streetscape of the Terrace.

In our observation of the character and streetscape of The Terrace, it would be appropriate to control the following aspects of any future development on the site:

- Building Height
- Building Bulk and Appearance
- Roof Form
- Boundary Setback
- Front Gardens

11.1 Building Form

The Terrace comprises a mix of detached dwellings and some multi unit housing. The existing dwellings encompass a number of heritage listed cottages and examples of cottage styles from various decades of the 20th Century. Although the subject land contains no heritage listed buildings and is at the town centre end of The Terrace, there is merit in retaining some aspects of the existing building form.

Figure 7 shows the dwelling at No. 66 The Terrace with No. 68 in the background. This image was taken across Howe Park from the north-east. Figure 8 shows the dwelling at No. 70 The Terrace with No. 68 in the background.

Figure 7: 66 & 68 The Terrace**Figure 8: 70 & 68 The Terrace**

It can be seen from these photos that No. 66 is part single storey, part two storey, while Nos. 68 & 70 are two storey buildings. It is also observed that the building heights follow the natural landform to some extent. There is a difference of approximately 5 metres in ground level from New Street to the northern corner of No. 66. The building roof heights tend to follow this.

It is also noted that the adjacent Riverview shopping centre is of similar height as seen in the background of Figure 9.

Figure 9: 66 -70 The Terrace (Riverview Shopping Centre background left)*Proposed Development Controls – Building Form*

1. Buildings shall have a maximum of two storeys, measured from natural ground level.
2. Should a single building be constructed on the site, the roof shall take the form of three separate buildings.
3. Buildings shall relate to The Terrace with a pedestrian scale, and at least one pedestrian entrance from The Terrace.
4. Buildings must include windows facing The Terrace on each floor.
5. An application for development shall be accompanied by a character statement which demonstrates how the proposed building is appropriate in terms of the character of the locality.

11.2 Boundary Setback

The setback of existing dwellings to The Terrace varies generally between 0 and approximately 10 metres. The most common setback is approximately 4 to 5 metres. The three dwellings on the subject site all have different setbacks as follows:

No. 66:	Approx 12m – 20m
No. 68	Approx 1m -7m
No. 70	Approx 5m – 7m

It is noted that as a result of the narrow road pavement in front of the subject land, the grassed footway in this location is approximately 5.0 - 5.5 metres wide. By comparison, the general footway width in the residential section of The Terrace is approximately 2.5 – 3.0 metres.

There is currently no setback requirement for commercial development on land within the 3(a) Business Zone. The challenge for this site is to retain elements of the residential streetscape, while not unduly reducing the depth and width of the land. The wide grassed footway will add to the effective visual setback. Accordingly, the following development controls are proposed.

Proposed Development Controls - Setback

1. Any wall which faces The Terrace shall have a maximum continuous length of 10 metres without articulation.
2. Any wall facing The Terrace which is longer than 10 metres must include varying setbacks from the Terrace.
3. Buildings shall be setback a minimum of 2.5 metres from The Terrace.

It is considered that building setbacks are not required for New Street or for Howe Park.

11.3 Landscaping

An important part of the existing streetscape of The Terrace is the domestic cottage-style front gardens. Any proposed new development should include landscaping within the setback to The Terrace which is of domestic scale.

Proposed Development Controls - Landscaping

1. The area between the building and the boundary to The Terrace shall be landscaped with a variety of lawn, trees, shrubs and gardens to reflect the domestic streetscape of The Terrace.
2. An application for development shall be accompanied by a detailed landscaping plan which demonstrates compliance with paragraph 1 above.

12. Conclusion

The purpose of this planning proposal is to examine the suitability of the land for rezoning to business general. The current Housing zone is inappropriate given the existing and proposed commercial uses on adjoining and adjacent land.

It is considered that the R2 Low Density Residential zone proposed by draft Hawkesbury LEP 2009 does not give sufficient flexibility in terms of permissible commercial/business uses for the adaptive reuse of the existing dwellings. Also conversion of the existing dwellings is not necessarily the most economic use of the land.

A purpose built commercial building, subject to appropriate controls as recommended will provide a far better outcome for the site in terms of economic use, internal layout and urban design.

Hawkesbury City Council has resolved to rezone the site for business purposes. This Planning Proposal is prepared in support of the Council's decision to rezone the land.

Having considered all matters relevant to the preparation of a draft local environmental plan, I make the following conclusions:

1. The land is suitable for commercial / business development, or a mixed use development which includes first floor residential accommodation.
2. The proposal is consistent with State and Regional Policies.
3. There will be no adverse environmental impacts arising from the proposal.
4. The concerns raised in relation to the character of the area can be satisfied by incorporating the proposed controls into the Hawkesbury Development Control Plan.
5. The appropriate zone for the site is Business General 3(a) under Hawkesbury LEP 1989, or the equivalent B2 Local Centre under draft Hawkesbury LEP 2009.

Accordingly it is recommended that Council proceed with preparing the draft local environmental plan in accordance with Council's resolution of 8 December 2009.



Robert Montgomery
BApSc (Environmental Planning) MPIA CPP
Principal
July 2010

Attachments:

- Attachment 1 – HCC Letter dated 22 December 2009 to Mr & Mrs Woodford
- Attachment 2 – Draft LEP 1989 Amendment 154
- Attachment 3 - LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning LEP

Attachment 1:**Hawkesbury City Council**

Our Ref: HLEP 1989 (Amendment 154)

22 December 2009

Mr L and Mrs B Woodford
17 Tollhouse Way
WINDSOR NSW 2756366 George Street
(PO Box 148)
Windsor NSW 2756
Phone: 02 4559 4444
Facsimile: 02 4559 4400
DX: 9601 Windsor

Dear Mr and Mrs Woodford

Draft Hawkesbury Local Environmental Plan 1989 -- Amendment 154**Rezoning of land in New Street, The Terrace and Johnston Street, Windsor**

Reference is made to the above rezoning proposal.

You are advised that on 8 December 2009 Council resolved as follows:

That:

1. Council forward the Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) to the Department of Planning requesting that the plan be finalised and made.
2. Council resolve to rezone the following properties from Housing to Business General 3(a)/B2 Local Centre

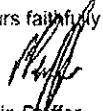
Lot 1 DP159404	70 The Terrace, Windsor
Lot 1 DP741997	68 The Terrace, Windsor
Lot 1 DP609363	66 The Terrace, Windsor

3. A Planning Proposal be prepared, at the landowner's expense, to support the rezoning of the properties.
4. Prior to the finalisation of the draft LEP, a Development Control Plan be prepared for Windsor, in accordance with the principles of the Windsor Master Plan, to assist in the guidance of development on these properties in relation to setbacks, height and heritage matters.
5. The Draft LEP and the draft Standard Template LEP be consolidated prior to sending to the Minister for gazettal if the progress and timing of the two draft plans becomes aligned.

*Where people make the difference.*All communications to be addressed to the General Manager
P.O. Box 148, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
E-mail: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 9.30am - 5.00pm

With respect to resolution number 3, it is recommended that an appropriately qualified and experienced planning consultant be engaged jointly by yourself and the other affected landowners to prepare the Planning Proposal for submission to Council and that the relevant consultant meet with Council staff prior to preparing the proposal. For your information enclosed is the Department of Planning's document titled "A guide to preparing planning proposals".

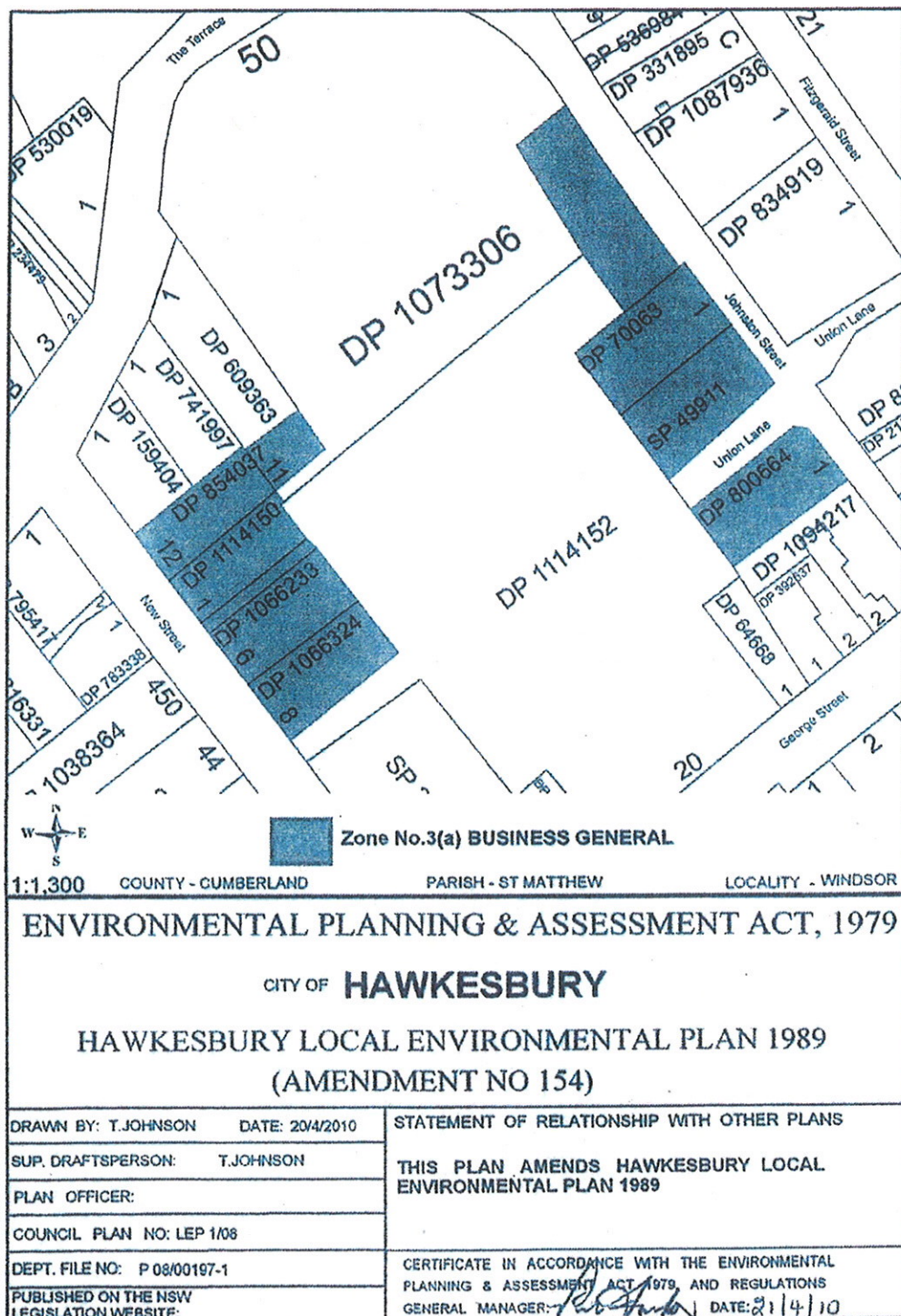
Yours faithfully



Philip Pfeffer
Strategic Planning Co-ordinator
Ph: 4560 4544

Encl.

Attachment 2 – Draft LEP 1989 Amendment 154



DataWorks Document Number: 3395466

Attachment 3:
LEP Pro-forma Evaluation Criteria
Category 1: Spot Rezoning LEP

1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	Yes. The LEP is compatible with the draft North West Subregional Strategy.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	Yes. The LEP will be consistent with State and Regional Policies and Ministerial (s117) Directions. In regional terms the proposal is relatively minor and should be considered on merit.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No. The land is located within Windsor, an identified town centre under the draft North West Subregional strategy.
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The LEP will facilitate permanent employment generating activity.
5.	Will the LEP be compatible/complementary with surrounding land uses?	The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix commercial and residential.
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	No. The site is the only land which is zoned residential within a block which is essentially commercial in zone and use.
7.	Will the LEP deal with a deferred matter in an existing LEP?	No.
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. This is an extension to the area which is the subject of draft Hawkesbury LEP 1989 Amendment 154. The cumulative effects are considered to be acceptable.