

Planning Proposal

Rezoning of Lot 1 DP 159404, Lot 1 DP 741997 and Lot 1 DP609363 (66, 68 and 70 The Terrace), Windsor

Hawkesbury City Council

Planning Proposal to Rezone Lot 1 DP 159404, Lot 1 DP 741997 and Lot 1 DP609363 (66, 68 and 70 The Terrace), Windsor

Part 1: Objectives or intended outcomes of the proposed instrument

The intended outcome of the proposed instrument is to rezone Lot 1 DP 159404, Lot 1 DP 741997 and Lot 1 DP609363 (66, 68 and 70 The Terrace), Windsor zoned Housing to Business General 3(a) zone under Hawkesbury Local Environmental Plan 1989 (HLEP 1989). This is to enable development of the land for future retail/commercial purposes.

Part 2: Explanation of the provisions that are to be included in the proposed instrument

The proposed instrument includes an amendment to:

- the Hawkesbury Local Environmental Plan 1989 (HLEP 1989) map in accordance with the proposed zoning map shown in Attachment 1; and,
- the definition of "the map" in Clause 5 of the Hawkesbury Local Environmental Plan 1989 to include appropriate reference to this instrument.

Part 3: Justification for objectives, outcomes and provisions and the process for their implementation

Introduction

Council received a Planning Proposal seeking the rezoning of the subject site to Business General 3(a) to allow retail/commercial and some shop top housing on the land. The subject site is located at the corner of New Street and The Terrace. The site is bounded by The Terrace, Windsor to the north, New Street to the South-West, Howe Park to the North-East and residential properties to which the draft HLEP 1989 (Amendment 154) applies to the South-East (see Attachment 2). The site has an area of approximately 2215m² with a 64.1m road frontage to The Terrace. Currently, a dwelling house is on each allotment. The surrounding land uses include the retail/commercial area of the Windsor Town Centre, Howe Park and a mix of dwelling houses and multi unit housing.

The Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) which is currently with the Department of Planning for finalisation and gazettal aims to rezone certain properties adjoining the subject site and the existing Riverview Shopping Centre, Windsor to Business General 3(a) to enable a retail/commercial development with some shop top housing on that land. Consequently, upon gazettal of Amendment 154, the subject site would be an isolated parcel of residential land in the block which is bounded by George Street, Johnston Street, New Street and the Terrace (see Attachment 3). Also, with future development of the land to which the Amendment 154 applies of up to 10 metres in height, the amenity of the remaining residential properties within the block may be significantly affected.

Given the above circumstances, rezoning of the remaining residential properties within this block to Business General 3(a) will not only address the above issues but also will enable more economical and appropriate use of the land and improved urban outcome through the expansion of the existing retail/commercial area to strengthen the position of the Windsor Town Centre as an attractive place to shop, work and live.

Section A - Need for the planning proposal.

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

The draft North West Subregional Strategy 2007 provides a long term framework for land use planning, development of the area, government investment and linking local and state planning issues. It also identifies a number of key directions for the region. Plans to meet employment and housing capacity targets and strengthen the roles of centres are two key directions.

The subregional strategy proposed an additional 3,000 jobs and 5,000 dwellings for Hawkesbury Local Government Area by 2031. The adopted draft Hawkesbury Employment Lands Strategy 2008 indicates that in order to achieve the above dwelling target, 7,342m² of supportable retail floor space would need to be provided within the existing town centres within the Hawkesbury LGA. The draft subregional strategy classifies Windsor which is one of the Hawkesbury's main commercial/retail centres as a 'Town Centre'.

This retail/commercial floor area could only be achieved through expansion or renewal of the existing town centres. According to the Employment Land Strategy 2008, Windsor Town Centre has little or no additional potential under the existing provisions or controls. Hence, the Planning Proposal to rezone the subject properties to Business General 3(a) to enable a retail/commercial development in close proximity to existing public transport and public infrastructure is warranted.

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

As previously mentioned, upon gazettal of Amendment 154, the subject site will be the only residential land within the block bounded by George Street, Johnston Street, New Street and the Terrace. Given the strategic location of the site and its access to existing public infrastructure and services in the locality, it is considered more appropriate to redevelop the land for retail/commercial purposes to achieve improved urban design outcomes for the locality. The current zoning of the land is Housing and this zone permits very limited commercial uses on the land. In order to achieve the best urban outcome and the economical use of the land, rezoning of the land to a suitable zone which allows retail/commercial premises is considered the most appropriate option.

Therefore, the Planning Proposal which seeks to rezone the land from Housing to Business General 3(a) to allow a range of retail/commercial uses is considered the best means of achieving the intended outcome. The proposal will not only realise the above intended outcomes but also help achieve the Hawkesbury's employment target and strengthen Windsor Town Centre's position as a pleasant place to work, shop and live.

3. Is there a net community benefit?

The Planning Proposal will result in increased area for retail/commercial facilities and a range of businesses/services within the Windsor Town Centre to meet the varying needs of the existing and future community. It will also enable increased local job and training opportunities within a reasonable walking distance from surrounding residential areas thereby reducing the reliance of motor vehicles and the travel distance.

Section B - Relationship to strategic planning framework.

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

The Sydney Metropolitan Strategy and the Draft North West Subregional Strategy set out a broad planning framework and a number of key directions for the long-term development of the region, guiding government investment and linking local and state planning issues. One of the key directions for the subregion is to meet employment and housing capacity targets within the region. Both the Metropolitan and the draft subregional strategies place a clear focus on centres as the preferred locations for growth in employment.

The draft Subregional Strategy contains employment targets for all relevant LGAs and the subregion as a whole. According to these targets, Hawkesbury will need to provide 3,000 additional jobs within the LGA by 2031.

Therefore, Council is required to plan for sufficient land and infrastructure to achieve employment capacity targets. In line with this employment target, the adopted Hawkesbury Employment Lands Strategy (2008) has identified certain existing business centres/areas and other potential target sites within the LGA to meet the employment target. The strategy also recommends that Council facilitate the renewal of existing centres to allow for increased floor areas for retail/commercial uses. The planning proposal seeks to rezone the properties to Business General 3(a) zone to facilitate additional retail/commercial area adjoining the Windsor Town Centre is therefore consistent with the aims and objectives of both the Subregional Strategy and the draft Employment Lands Strategy.

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

On 13 October 2009 Council adopted the Hawkesbury Community Strategic Plan (HCSP). The HCSP contains five different themes, and one of the themes is known as 'Supporting Business and Local Jobs' deals with the Hawkesbury's new and existing businesses/industries, centres and employment opportunities. The vision for this theme is:

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

The Directions that accompany this vision include:

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

The Planning Proposal is consistent with the HCSP's Strategy to:

- *Implement Employment Lands Strategy.*

The Proposal is consistent with the HCSP's Goal of:

- *At least 3,000 additional jobs are created to retain the percentage of local employment.*

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

The Planning Proposal is consistent with the relevant State Environmental Planning Policies.

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

- (a) given the current and past uses of the subject properties for residential purposes, it is unlikely that the properties are contaminated, and
- (b) if the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the General Business 3(a) zone is permitted to be used; and,
- (c) if the land is contaminated and requires remediation to be made suitable for any purpose for which land in the General Business 3(a) zone is permitted to be used, Council is satisfied that the land will be so remediated before the land is used for that purpose. This can be dealt with at Development Application stage for any subsequent development of the land.

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

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

Direction 1.1 Business and Industrial Zones

Direction 1.1 requires the inclusion of appropriate provisions that encourage the provision of housing that will:

- (a) give effect to the objectives of this direction
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The Planning Proposal will give effect to the objectives of the Direction 1.1 through the provision of additional retail/commercial area adjoining the Windsor Town Centre, to attract new businesses/services, to facilitate increased local employment opportunities within the town centre, and improve the town centre's viability.

The Planning Proposal will not only enable increased choice and number of employment and training opportunities close proximity to the surrounding residential area thereby reducing travel times but also strengthen the image of the Windsor Town Centre as a place to shop, live and work and also facilitate viability of the town centre consistent with the draft subregional strategy.

Direction 3.1 Residential Zones

The objectives of this Direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The subject site comprising of three residential properties is currently zoned Housing and contains a single dwelling on each allotment. The Planning Proposal seeks to rezone the land to General Business 3(a) to allow a mixed use development containing retail/commercial area and some shop top housing on the land. Future redevelopment of the site as a mixed use development facilitating some shop top housing will increase the choice of residential development types for the area to meet the varying needs of the local community

Given the site's close proximity and easy access to existing infrastructure and services within the Windsor Town Centre, redevelopment of the site for mixed use development will make efficient and economical use of the existing infrastructure and services.

Finally, the future redevelopment of the site as a mixed use development with the incorporation of some dwellings will reduce the consumption of land for housing and associated urban development on the urban fringe by providing increased number and choice of dwellings within the Windsor Town Centre.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The proposed rezoning of the subject properties adjoining the already established retail/commercial area within the Windsor Town Centre and close proximity to the surrounding residential area, facilities and services will provide improved and easy access to jobs and services by walking, cycling and public transport, reduce the reliance of private cars and make use of the existing public transport in the area. It is considered that the proposed LEP is consistent with this Direction.

Direction 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. The subject area is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps having a probability of containing acid sulphate soils.

Any works proposed to be undertaken in Class 5 land which may lead to the lowering of the water table below one metre Australian Height Datum in adjoining Class 1, 2, 3 or 4 land would require the matter to be addressed in an application to Council. However the adjoining properties are also classified as "Class 5", and future redevelopment of the land for retail/commercial purpose is unlikely to lower the water table below one metre Australian Height Datum. Therefore, acid sulphate soils risk assessment may not be required.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

In accordance with the Floodplain Development Manual 2005, Council engaged Bewsher Consulting Pty Ltd to prepare the Flood Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury LGA in June 2010, and it is expected to be completed late 2011 or early 2012. The implementation of the Hawkesbury Flood Risk Management Plan will enable effective development and management of flood prone land with minimal impact of flooding on individual owners and occupiers of flood prone property and reduction in private and public losses resulting from major floods. In the interim Council resolved to proceed with the Planning Proposal similar to the current Draft HELP 1989 (Amendment 154) which aims to rezone certain flood prone land adjoining the subject site for retail/commercial purpose.

It should be noted that the above draft LEP includes a restrictive clause to limit the future dwelling yield on the land in response to the State Emergency Service's (SES) ongoing concerns over the capability of the existing flood evacuation system in the area. The intent of the current Planning Proposal is clearly to provide for mixed uses, including shop top housing. Therefore, an approach similar to Draft HELP 1989 (Amendment 154) to restrict the number of shop top housing on the land may need to be used in response to SES ongoing concerns until such time Council adopt and implement the Hawkesbury Flood Risk Management Plan.

Consultation on the Planning Proposal will be undertaken following Gateway Determination with the relevant government authorities/bodies.

Direction 6.1 Approval and Referral Requirements

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

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

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land.

However, given the subject site is partly flood affected, a suitable provision as a precautionary measure to limit the number of shop top housing on the land in response to SES's concerns over the capability of the existing flood evacuation system in the area may be required in the draft LEP until such time Council adopt and implement the Hawkesbury Flood Risk Management Plan similar. This is similar to the draft HLEP 1989 (Amendment 154) which seeks to rezone certain land adjoining the subject site to General Business 3(a) to allow a retail/commercial development and some shop top housing on the land.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. The Planning Proposal is consistent with the *Metropolitan Strategy*. The key objective of the proposal is to provide opportunity for additional employment/business land area within the Windsor Town Centre to assist achieve Council's employment target under the *Metropolitan Strategy*. This planning proposal is therefore consistent with the NSW Government's Metropolitan Strategy: *City of Cities, A Plan for Sydney's Future*, published in December 2005 ('the Metropolitan Strategy').

Section C - Environmental, social and economic impact.

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

Preliminary investigations indicated that the land does not contain any threatened flora or fauna or any endangered ecological communities, and therefore the proposal will not adversely affect any critical or threatened species, populations or ecological or their habitats.

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

This proposal is likely to have minimal environmental impacts and there are no other likely environmental effects as a result of the proposal. Should the amendment to Hawkesbury LEP 1989 be made, all future development that will result from the proposed amendment will be subject to individual development applications. Through this process, any impacts on the environment can be identified and addressed.

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

The Planning Proposal has potential to provide the following economic and social benefits to the community:

- Increased number and variety of job and training opportunities for the local community;
- Increased housing choice to meet the changing needs of the local community;
- Increased access to local businesses and services within a reasonable walking distance from the surrounding residential developments;

- Windsor Town Centre as a better place to shop, work and live;
- Improved local economy and increased competition among businesses;
- Improved liveliness of the Windsor Town Centre

Given the above circumstances, it is considered that the Planning Proposal will provide significant community benefits.

Section D - State and Commonwealth interests.

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

The area is well served with the existing public transport infrastructure, roads, and utility services including electricity, telecommunications, water supply and sewer to enable future development on the area for residential purposes.

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

Consultation will be undertaken with the government authorities/bodies as per the Gateway Determination of the proposal under Section 56 of the EP & A Act 1979.

Maps

Attached are the following maps:

Locality Map
 Subject Site Map
 Proposed and Existing Zoning Map
 Flood Map showing 1-in-100 year and PMF flood levels

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

Community consultation would need to be undertaken as per the Gateway Determination.

Attachments:

Attachment 1 – Maps
 Attachment 2 – Council report dated 8 December 2009
 Attachment 3 – Rezoning application from Montgomery Planning Solutions July 2010

Dated: 26 November 2010