

22, 39 and 41 Windsor Street, Richmond

Proposal Title : **22, 39 and 41 Windsor Street, Richmond**

Proposal Summary : **The proposal seeks to rezone land at 22, 39 and 41 Windsor Street, Richmond from R2 Low Density Residential to IN2 - Light Industrial. The amendment will facilitate future redevelopment of the site which is in context with the adjoining light industrial area.**

PP Number : **PP_2015_HAWKE_008_00** Dop File No : **15/13365**

Proposal Details

Date Planning Proposal Received : **03-Sep-2015** LGA covered : **Hawkesbury**

Region : **Metro(Parra)** RPA : **Hawkesbury City Council**

State Electorate : **HAWKESBURY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **22, 39 and 41 Windsor Street**

Suburb : **Richmond** City : **Sydney** Postcode : **2753**

Land Parcel : **Lot 10 DP2350439, Lot 10 DP2350439 and Lot 12 DP752032**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.50	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal. POLITICAL DONATIONS DISCLOSURE STATEMENT Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system. "The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications. The term relevant planning application means: - A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..." Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any). The Department has not received any disclosure statements for this Planning Proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Department's Lobbyist Contact Register was checked on 08 September 2015. There are no records of contact with lobbyists in relation to this proposal.		

Supporting notes

Internal Supporting Notes :

The land area consists of two parts, including the northern and southern site. The northern site is made up of Lot 9 and 10 DP2350439, 39 and 41 Windsor Street (northern side of Windsor Street) and the southern site is Lot 12 DP752032, 22 Windsor Street (southern side of Windsor Street). The northern site is approximately 1,148sqm in size and the southern site is approximately 4,047sqm. Both sites front Windsor Street.

Hawkesbury City Council is seeking delegation to carry out the plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate for this proposal.

At this stage of the application, the number of jobs created by the proposal is unknown as the specific use of the proposed IN2 Light Industrial land is unknown. This will be determined at the development application stage.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to rezone the subject land from R2 Low Density Residential to IN2 Light Industrial under the provision of the LEP to allow development of the site for light industrial purposes. The planning proposal will amend the Lot Size Map and Maximum Building Height Map of Hawkesbury Local Environmental plan 2012 (Hawkesbury LEP) applying to the subject land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended changes to the Hawkesbury Local Environmental Plan 2012 (Hawkesbury LEP). The intended changes include:

- Map changes to amend the zoning from R2 Low Density Residential of the land at Lot 12 DP752032, Lot 10 DP23504 and Lot 9 DP23504 to IN2 Light Industrial;
- Map changes to amend the lot size map to remove 450sqm minimum lot size provision applying to the land proposed to be rezoned to IN2 Light Industrial; and
- Map changes to amend the building height map to remove maximum 10m building height provision applying to the land proposed to be rezoned to IN2 Light Industrial. In this regard, Council will need to consider the appropriate height for any future development application, having regard to the adjoining aerodrome.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 Directions

1.1 Business and Industrial Zones

The proposal seeks to encourage employment growth in suitable locations and to

support the viability of identified strategic centres. As the proposal is located adjacent to existing Light Industrial zoning (Richmond light industrial precinct), has easy access to the regional road network and is within close proximity to the Richmond Town Centre, the sites have potential to boost economic, business and employment activities in the locality and help improve the viability of the town centre.

Comment: The proposal is considered not inconsistent with this Direction.

1.3 Mining, Petroleum Production and Extractive Industries

Direction 1.3 applies as the planning proposal may have the effect of restricting the potential development for mining, petroleum production and extractive industries through an increase in industrial land use. However, the subject land is not located within the Identified Resource Area, the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the former NSW Resource and Energy Division of NSW Trade and Investment. Further, the subject land is not located within or in the vicinity of land described in Schedules 1, 2 and 5 of the Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1995).

Council intends to consult with the Director General of the Department of Trade and Investment - Mineral Resources Branch, in accordance with Direction 1.3(4), to ensure that there are no issues with development on the land relating to resources extraction. This consultation will occur as part of the Gateway determination.

Comment: The planning proposal is not inconsistent with this direction.

2.3 Heritage Conservation

Heritage item no.193 (Avenue of plane trees along eastern approach to Richmond) adjoins the subject land along Windsor Street. This is listed as a local heritage item in Schedule 5 of the Hawkesbury LEP.

Comment: No specific development has yet been proposed for this land and as such, the proposal is not inconsistent with this Direction. Further, it is not proposed to amend the Heritage listing.

3.1 Residential Zones

Direction 3.1 applies as the sites are located on land identified zoned as R2 Low Density Residential zone under the Hawkesbury LEP. The objective of this Direction is to encourage a range of housing types that uses infrastructure and services efficiently. The subject land is currently used for industrial purposes and for a bulky goods premises and has no known history of residential uses. The site also adjoins the Richmond industrial precinct and is located within the Australian Noise Exposure (ANEF) range of 25-30 which is considered unacceptable for residential land uses.

Comment: The inconsistency with this direction is considered to be of minor significance. The Secretary's approval is required for the minor inconsistency.

3.4 Integrating Land Use and Transport

The subject site is within close proximity to road and rail transport networks including East Richmond Station and existing regional road networks. The proposal is also within close proximity to local business/retail activities and employment opportunities at the Richmond Town Centre and surrounding residential development. The proposal is likely to enable 0.5ha of industrial employment land. Given its close proximity to transport networks and relevant surrounding land uses, travel demand is likely to be minimised.

Comment: The proposal is not inconsistent with this Direction.

3.5 Development Near Licensed Aerodromes

The subject land is located within the vicinity of Richmond RAAF and as such, Direction 3.5 applies. The objective of this Direction is to ensure safe operation of aerodromes and to ensure residential development or development for human occupation is not adversely affected by aircraft noise. The subject land is situated within the ANEF contours of 25-30 and is considered unacceptable for residential land use. The proposed IN2 Light Industrial land use is considered to be acceptable where less than ANEF 30 contour and therefore is considered appropriate. Given the proposed change

in land use is in accordance with ANEF requirements for noise, the proposal is consistent with this Direction.

Comment: It is recommended that consultation should be carried out with the Department of Defence.

4.1 Acid Sulfate Soils

Direction 4.1 applies as the sites are located on land identified as 'Class 5' on the Acid Sulphate Soils Planning Map, as prepared by the Department of Planning and Environment. Hawkesbury Local Environmental Plan 2012 contains provisions (Clause 6.1 Acid Sulfate Soils) relating to acid sulfate soils, and it is considered that these provisions provide adequate protection against adverse impacts. Clause 6.1 (2) states that works on land in a 'Class 5' area require's Council consent if the site is within 500 metres of adjacent 'Class 1, 2, 3 or 4' land. All the land within 500 metres of the site is identified as 'Class 5' and development consent is therefore not specifically required for works that might disturb acid sulfate soils.

Comment: No specific development has yet been proposed for this site, therefore any inconsistency with Direction 4.1 is considered minor. The Secretary's approval is required for the minor inconsistency.

6.1 Approval and Referral Requirements

The proposal does not identify any development as designated development and does not include any concurrence, consultation or referral provisions.

Comment: The planning proposal is consistent with this Direction.

6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls.

Comment: The proposal is for amendments to the Land Zoning, Building Height and Lot Size Maps only and is therefore consistent with this Direction.

7.1 Implementation of A Plan for Growing Sydney

The subject sites fall within the West Subregion, as identified by A Plan for Growing Sydney, however the Richmond area is not identified as being of any regional or strategic significance.

The Plan refers generally to the importance of industrial land in Western Sydney and identifies that more industrial land will be needed to meet future demand. Due to the location of the subject land adjacent to the Richmond Industrial Precinct and existing IN2 Light Industrial zoned land, the subject land acts as a logical extension to the Richmond Industrial Precinct.

The Plan also promotes the provision of access to jobs close to home. Due to the relatively close proximity of the proposal to established residential dwellings, the subject land is appropriate for IN2 Light Industrial Zoned land, contributing to the number of jobs closer to home.

SEPP No 55 - Remediation of Land

SEPP 55 requires consideration for potential contamination of land. If the site is contaminated, consideration must be given as to whether the site is suitable for future permitted uses in its current state or if it requires remediation.

Council records indicate the northern site has previously been used as a service station. Clause 6 of SEPP 55 requires that Council carry out an investigative study if contamination is suspected. Council has stated that any investigation could be carried out following the issue of the Gateway determination. It is considered that, due to the potential risk of soil and groundwater contamination, an Investigative Study is required.

Prior to exhibition, the planning proposal should be referred to the NSW Environment Protection Authority (EPA) for comment. Any additional documentation prepared addressing site contamination or EPA requirements should be included with the

exhibition material.

SREP No 9 - Extractive Industry (No 2 1995)

The site is not within the vicinity of land described in Schedule 1, 2 or 5 of the SREP, however the SREP applies to all land within the Hawkesbury Local Government Area. The subdivision is unlikely to restrict the removal of deposits of extractive material from such land. The land and surrounding area have no history of extractive industry. Due to the minor significance of the planning proposal it is therefore considered that the proposal is consistent with SREP No. 9.

SREP No 20 - Hawkesbury-Nepean River (No 2 - 1997)

The aim of the SREP 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 site falls within the middle Nepean and Hawkesbury River Catchment Area of the SREP 20. It is considered that the proposed light industrial zoning is unlikely to have a significant impact on the Hawkesbury-Nepean River system. Development controls in Hawkesbury LEP 2012 and Council's development control plan will also assist in minimising environmental impact of development in the catchment. However, it is considered consultation should be carried out with the Greater Sydney Local Land Services (former Hawkesbury Nepean Catchment Management Authority).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided a zoning map, lot size map and maximum building height map of the sites which is considered adequate for the purposes of consultation and shows the intent of the proposal.

However, to ensure consistency with consultation requirements, provision of current lot size and building height maps must be in the exhibition materials.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council propose to exhibit the proposal in accordance with 'A guide to preparing Local Environmental Plans 2013.'

There is a lack of detail regarding consultation, however it is recommended that the planning proposal be exhibited for at least 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2015**

Comments in
relation to Principal
LEP :

Hawkesbury Principal LEP was made in September 2012. The planning proposal seeks to make minor amendments to the Principal LEP.

Assessment Criteria

Need for planning proposal :

The subject land is identified in the Hawkesbury Employment Lands Strategy 2008 (HELS) as being directly adjacent to Richmond's largest industrial precinct. The HELS Strategy Map identifies the land area as being preferred for light industrial which is consistent with the proposal.

The proposal is considered a logical extension of existing light industrial zoned land adjoining the site and the Richmond industrial precinct. As such, the proposal will contribute to the increase in economic prosperity and competitiveness of the Hawkesbury region.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The Plan refers generally to the importance of providing new jobs and industrial land in Western Sydney, close to homes, centres and public transport transport. The proposal provides opportunity for people to be able to work closer to home to reduce commuting times and making Sydney more productive, given the sites location to existing residential areas, Richmond Town Centre and Richmond East Station.

The proposal is broadly consistent with A Plan for Growing Sydney, and due to the location of the subject land adjacent to existing IN2 Light Industrial zoned land, the subject land is considered to be a logical extension of the Richmond industrial precinct.

Draft North West Subregional Strategy

The draft North West Subregional Strategy does not refer to the site specifically. However, the planning proposal will assist in meeting the draft Strategy's target of 3,000 new jobs for the Hawkesbury local government area by 2031. The site is located within close proximity to the Richmond industrial precinct.

The proposal is considered to be generally consistent with this draft Strategy as it will assist in securing long-term employment lands in the North West Subregion. As such, the proposal is considered to be consistent with the strategy.

Hawkesbury Community Strategic Plan 2013 - 2032

The proposal is consistent with the Community Plan as it contributes the provision of a range of industries in the Hawkesbury region to stimulate investment and employment in the region.

Hawkesbury Employment Lands Strategy 2008

The third of the Strategy's eight 'recommended strategies' is to 'facilitate renewal of existing centres with capacity for growth whilst ensuring high quality urban design and structure planning'. It also identifies light industrial land uses to be within close proximity of populations, rail/ public transport, can be located adjacent to residential land uses, and recommends the Richmond industrial precinct as a suitable precinct. Given the proposal is within close proximity to residential land uses, Richmond East Station and is adjacent to the Richmond industrial precinct, the proposal is consistent with the recommendations of the Hawkesbury Employment Lands Strategy. The proposal is also considered to contribute to the industrial land supply within the Hawkesbury Employment Lands.

The planning proposal is not considered to be inconsistent with the relevant strategic planning frameworks (refer to Section 4.2 of the planning proposal - page 19 for further detail).

Environmental social economic impacts :

Environmental Impacts

It has been identified that land contamination is a potential risk for the northern site of the proposal. As such, a land contamination report is required prior to public exhibition.

Social Impacts

To ensure that potential social risks are properly addressed, consultation is necessary with a number of agencies prior to public exhibition, including the Department of Defence,

NSW Roads and Maritime Services and the NSW Trade and Investment.

Heritage Impacts

The subject land is not listed as a heritage item in Schedule 5 Environmental Heritage of the LEP (Schedule 5) or identified as an archaeological site. However both northern and southern sites directly adjoin the heritage item no.193 known as 'Avenue of plane trees along eastern approach to Richmond'. This is listed as a local heritage item in Schedule 5 Environmental Heritage of the LEP. The likely impact of any future development of the site on the significance or setting of the Avenue of plane trees along Windsor Street can be assessed at development application stage under Clause 5.10 Heritage Conservation of the Hawkesbury LEP.

Noise Impacts

The land area is classified within the 25-30 ANEF Contour for RAAF Base Richmond under Clause 6.6 Development in areas subject to aircraft noise in the Hawkesbury LEP. Clause 6.6 (3) states that the location of the development in relations to the criteria in Table 2.1 (Building site acceptability based on ANEF Zones) in 2021-2000 must be considered. Table 2.1 identifies that light industrial land use is acceptable in the 25-30 ANEF Contour. It is noted that the current R2 Low Density Residential Zone is considered inappropriate for land within this ANEF Contour. As such, it is considered that the proposed IN2 Light Industrial land use is appropriate.

Economic Impacts

By rezoning an additional 0.5ha of industrial land the proposal is likely to increase economic activity in the region and encourage further investment in the surrounding area, providing greater local employment opportunities.

Overall

The proposal is likely to have an overall positive social impact, providing potential for an increase of job numbers in an accessible area close to established residential areas, public transport opportunities and regional road network. Given the land area is adjacent to Richmond industrial precinct, the proposal is considered to be an appropriate extension of the precinct.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Department of Trade and Investment Transport for NSW - Roads and Maritime Services Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Contamination Report.

22, 39 and 41 Windsor Street, Richmond

Comment: Council records indicate the northern site has previously been used as a service station. Clause 6 of SEPP 55 requires that Council carry out an investigative study if contamination is suspected. Council has stated that any investigation could be carried out following the issue of the Gateway determination. It is considered that, due to the potential risk of soil and groundwater contamination, an Investigative Study is required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tag D - Letter to DP&E requesting a Gateway determination_ 3 September 2015.pdf	Proposal	Yes
Tag E - Planning Proposal for 22, 39 and 41 Windsor Street, Richmond.pdf	Proposal	Yes
Tag F - Council Report - Ordinary Meeting_25 August 2015.pdf	Proposal	Yes
Tag G - Council Resolution_25 August 2015.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that an amendment to rezone land at 22, 39 and 41 Windsor Street, Richmond from R2 Low Density Residential to IN2 Light Industrial proceed subject to the following conditions:

- 1. Prior to exhibition, Council is to prepare a contamination study for the northern site. This is to be included in the planning proposal's exhibition package.**
- 2. The Planning Proposal be amended prior to exhibition to:**
 - include a map identifying the current Lot Size Map of the Hawkesbury LEP,
 - include a map identifying the current Building Height Map of the Hawkesbury LEP.
- 3. Prior to exhibition the planning proposal be amended to include reference to Lot 39 to clarify land applicable to the proposal.**
- 4. Prior to exhibition the planning proposal should be referred to the NSW Environment Protection Agency (EPA) for comment in relation to State Environmental Planning Policy No. 55 - Remediation of Land. Any additional documentation prepared addressing site contamination or EPA requirements should be included with the exhibition materials.**
- 5. Council is to consult with the Australian Government - Department of Defence as per the requirements of S117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.**

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

- a) the planning proposal must be made publicly available for a minimum of 28 days; and
- b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).

7. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:

- Department of Trade and Investment, Mineral Resources
- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Delegation to Council

Council has requested delegation under the Minister's plan making powers under Section 59 of the Environmental Planning and Assessment Act 1979 to proceed with the planning proposal. Given the routine nature of this planning proposal, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

Supporting Reasons :

There is a strong strategic basis for rezoning the site to IN2 Light Industrial, given the logical extension of the existing industrial uses adjacent to the site in the vicinity of Richmond Town Centre and provides opportunity for working close to home, while contributing to the objectives and goals of the local, regional and state strategic plans.

There is potential for employment growth and economic benefit from this planning proposal.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

15/10/15