

ORDINARY MEETING

Meeting Date: 25 August 2015

Item: 135 CP - LEP004/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 22, 39 and 41 Windsor Street, Richmond - (95498, 124414)

Proposal Information

File Number: LEP004/15
Property Address: 22, 39 and 41 Windsor Street, Richmond
Applicant: Montgomery Planning Solutions
Owner: John Charlton Superannuation Pty Limited, Mr RSC Kennard and Ms M J St Clair
Date Received: 30 June 2015
Current zone: R2 Low Density Residential
Proposed zone: IN2 Light Industrial

Recommendation: Council support the preparation of a planning proposal

REPORT:

Executive Summary

This report discusses a planning proposal from Montgomery Planning Solutions (the applicant) which seeks to amend Hawkesbury Local Environmental Plan 2012 (the LEP) to rezone Lot 12 DP 752032, 22 Windsor Street (the southern site), Lot 10 DP 23504, 39 Windsor Street and Lot 9 DP 23504, 41 Windsor Street, Richmond (the northern site) from R2 Low Density Residential to IN2 Light Industrial under the LEP.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a Gateway determination.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (the Act) and associated Regulations and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to rezone the subject site from R2 Low Density Residential to IN2 Light Industrial under the LEP to allow development of the site for light industrial purposes. The planning proposal aims to achieve the intended outcome by amending the Land Zoning Map of the LEP (Map Ref No - 3800_COM_LZN_008DA) to change the zoning of the site to IN2 Light Industrial.

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Subject Site and Surrounds

The subject site consists of the following two parts (see Figure 1 below):

Southern Site (South of Windsor Street)		
Property Description	Street Address	Site Area (M ²)
Lot 12 DP 752032	22 Windsor Street, Richmond	4,047
Site Area		4,047
Northern Site (North of Windsor Street)		
Property Description	Street Address	Site Area (M ²)
Lot 10 DP 2350439	39 Windsor Street, Richmond	585.6
Lot 9 DP 2350439	41 Windsor Street, Richmond	562.4
Site Area		1,148.0

The subject site has a total land area of approximately 5,195m².

The northern site consisting of Lots 10 and 9 DP 23504, 39-41 Windsor Street, Richmond is located on the corner of Windsor Street and Pitt Street. It has an irregular shape and is bounded by Windsor Street to the south, Pitt Street to the west, Lukis Avenue to the north and the existing industrial development to the east. It has an area of 1,148m² and an approximately 28m wide frontage to Windsor Street.

The southern site, Lot 12 DP 752032, 22 Windsor Street, Richmond has an area of 4,047m² and is of a rectangular shape. It is located on the southern side of Windsor Street and has an approximately 49m wide frontage to Windsor Street. The Richmond-Blacktown railway line forms the southern boundary of the southern site (see Figure 1 below).

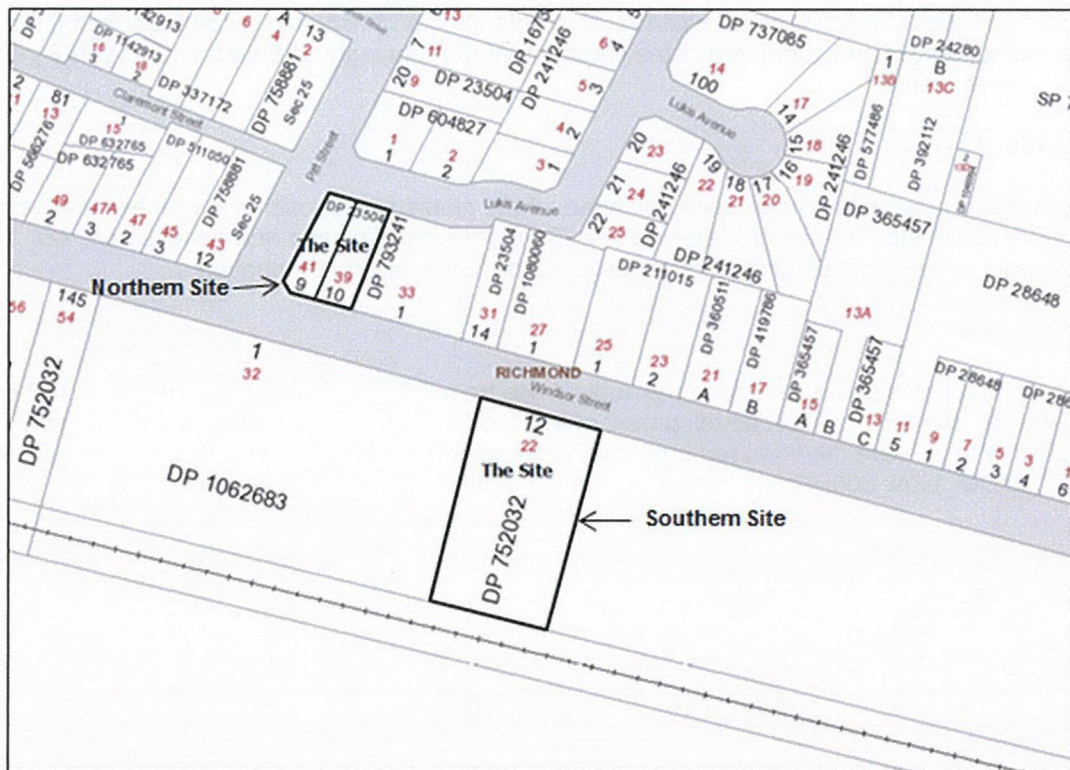


Figure 1: Subject Site

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Council records show that the northern site has previously been used for various commercial uses including service station, mobile phone sales and service, hairdressing as well as health and beauty salon. It is currently used for the display, assembly and sale of security screens.

A concrete block building with metal roofing is located closer to the south-west corner of this part of the site. This concrete building occupies a large area of 41 Windsor Street and encroaches into 39 Windsor Street (see Figure 2 below). The applicant states that this building has been subjected to a number of additions over time. A bitumen car park occupies the rear of 41 Windsor Street and an approximately 80% land area of 39 Windsor Street.



Figure 2: Aerial View of 39-41 Windsor Street (Northern Site)

In April 2010, Council approved an application for the demolition of all existing structures and the car park on Lots 9 and 10 DP DP23504 but the consent has now lapsed.

A sewer main runs parallel to the rear boundary of 39-41 Windsor Street fronting Lukis Avenue.

The southern site contains a number of buildings. A very large building occupies the middle of Lot 12 and an L shaped building and a small building occupies the rear and along the southern boundary. The rest of the land area is paved with bitumen to provide vehicular movements around the large building; loading/unloading areas and a parking area within the front setback area (see Figure 3 below). Currently, this part of the site is occupied by a bulky goods showroom owned by "Horseland".

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Figure 3: Aerial view of 12 DP 752032, 22 Windsor Street (Southern Site)

The subject site is not shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map. Also the site is not flood prone land.

The site is located within the 25-30 ANEF Contour. In accordance with AS2021 - 2000 Acoustics - Aircraft noise intrusion - Building siting and construction, industrial development is acceptable within this contour.

The land immediately east of the northern site comprises two industrial buildings, with three separate tenancies. The properties (other than No 1 and No 2 Lukis Avenue) fronting Lukis Avenue are zoned IN2 Light Industries and within Richmond's larger industrial precinct. Also certain Light Industrial zoned properties fronting Hobart Street and Bowman Street are within the larger industrial precinct. A public open space owned by Council is located directly opposite the northern site. The properties immediately west and north of the northern site are residential.

The properties immediate east and west of the southern site are public open spaces and the Richmond's tennis courts owned by Council are located to the east. Directly opposite of 22 Windsor Street are industrial and residential uses (see Figure 4 below).

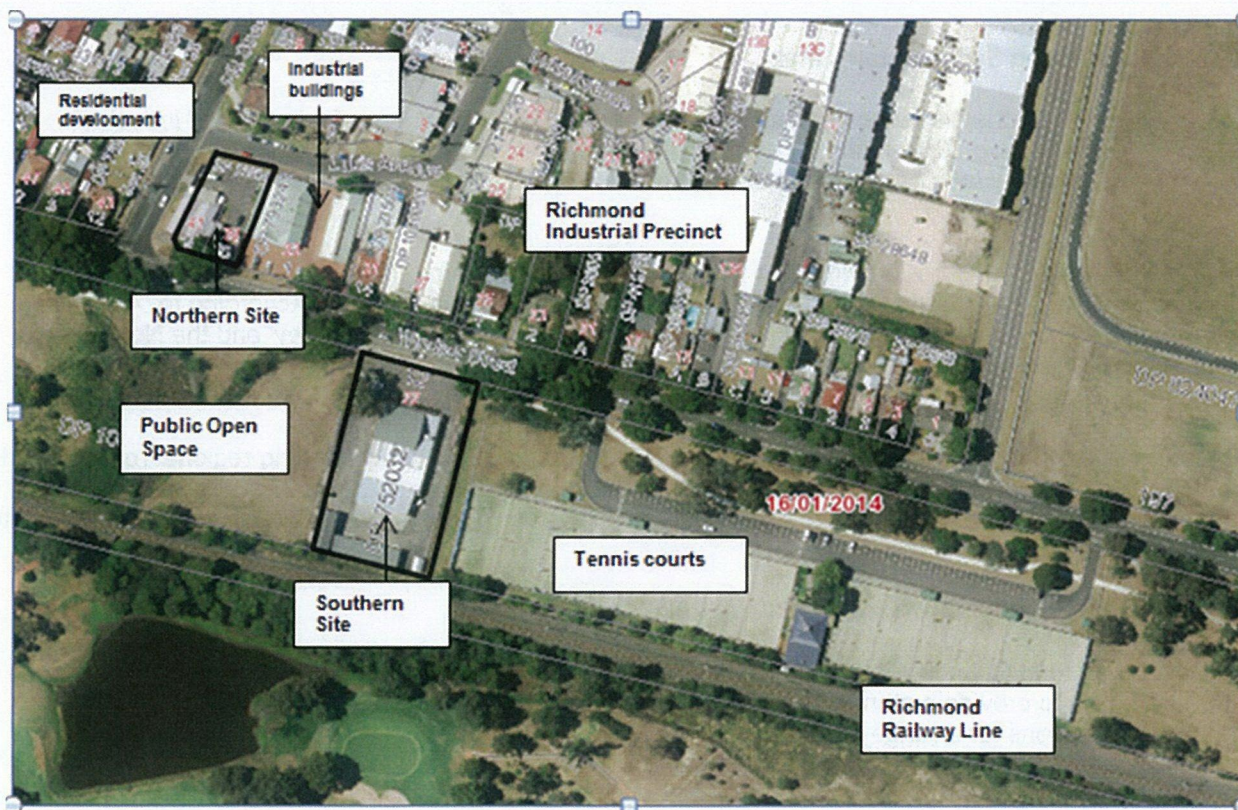


Figure 4: Subject Site and Surrounds

Applicant's Justification of Proposal

The applicant has provided the following justification for the planning proposal:

- a) The proposal to rezone the land to light industrial is considered appropriate given its location within 25-30 ANEF contour for Richmond RAAF Base.
- b) The planning proposal is consistent with the long term existing land uses of the sites and is considered an appropriate addition to existing industrial land in the Richmond Industrial Precinct.
- c) The planning proposal is consistent with the Hawkesbury Community Strategic Plan and the recommendations of the Hawkesbury Employment Lands Strategy.
- d) The planning proposal has been prepared to address the anomaly which exists between the long standing uses of the sites and residential zone.

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

'A Plan for Growing Sydney' states that:

"Western Sydney is home to some of Sydney's most significant manufacturing and industrial activity. Around 70% of jobs on existing industrial land are located in Western Sydney. Take-up of industrial land has increased 37% since 2012 and more industrial land will be needed to meet future demand".

'A Plan for Growing Sydney' provides the framework for strengthening the global competitiveness of Sydney and delivering strong investment and jobs growth in Western Sydney. According to 'A Plan for Growing Sydney' there will be 689,000 jobs by 2031. 'A Plan for Growing Sydney' and the North West Subregional Strategy acknowledge that Western Sydney will require new jobs close to centres and transport.

The planning proposal seeking rezoning of the site with easy access to the existing regional road network and in close proximity to both the Richmond Town Centre and Railway Centre to an industrial zone enabling the expansion of Richmond's industrial precinct is considered generally consistent with this State planning framework.

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (HELs). The purpose of this strategy is to provide a planning framework for employment precincts (industrial, commercial and retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The HELs recommended Council to pursue eight strategies to address the economic prosperity of the Hawkesbury Local Government Area.

The HELs acknowledges that Richmond and North Richmond centres may have opportunities for growth due to lower flood impacts. Richmond has two industrial precincts. The larger industrial precinct is located adjacent to the northern site and directly opposite to the southern site. The smaller precinct is located southeast of the Richmond Railway Station (see Figure 5 below). The HELs identifies an investigation area containing the smaller industrial precinct and therefore the site is not located within the Richmond industrial investigation area. However, given the site is adjacent to Richmond's larger industrial precinct, its close proximity to the investigation area and the HELs Strategy Map showing an area containing the site for light industries as preferred activity, the planning proposal seeking the rezoning of the site to IN2 Light Industries is considered appropriate.

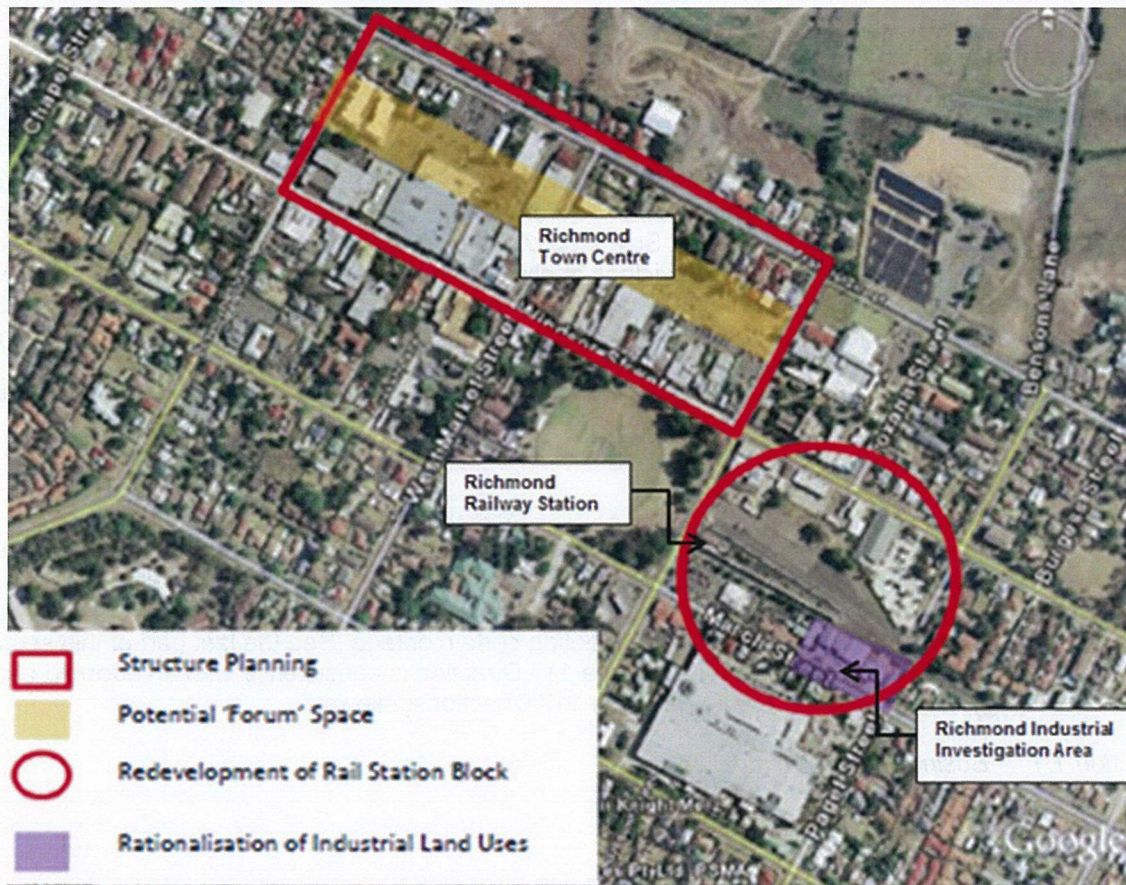


Figure 5: Richmond Industrial Investigation Area

Hawkesbury Local Environmental Plan 2012

The site is currently zoned R2 Low Density Residential under the LEP (see Attachment 1). A range of land uses are permitted in the R2 zone but industrial uses are not permitted in this zone. Therefore, the planning proposal is seeking to amend the Land Zoning Map of the LEP to rezone the site to IN2 Light Industrial to allow development of the site for light industrial purposes (see Attachment 2). In the past the site has been used for various commercial/industrial purposes that are not permitted in a residential zone. It is noted that the applicant's justification for this planning proposal is to address the current zoning anomaly between the long standing uses of the sites and residential zone. The applicant states that the use of the site for industrial purposes will continue under the Existing Use Rights provisions of Sections 106 - 109B of the *Environmental Planning and Assessment Act, 1979*. However the applicant has not provided information or evidence in support of this claim at this time. This zoning anomaly could only be established if the current uses on the site are operating under existing use rights.

However, the planning proposal seeking rezoning of the site to IN2 Light Industrial is considered appropriate for the following reasons:

- a) the site is not suitable for residential purposes. This issue is explained in detail later in this report
- b) the site is located in close proximity to the Richmond industrial investigation area identified in the HELS
- c) the northern site is located adjacent to Richmond's larger industrial precinct and the larger part of the site; Lot 12 DP 752032, 22 Windsor Street is currently used for bulky goods premises and located opposite Richmond's larger industrial precinct

- d) the proposal will enable the expansion of the existing Richmond industrial area to provide increased local job opportunities closer to homes and improve viability of the Richmond Town Centre

Minimum lot size and maximum building height provisions in the LEP do not apply to industrial zoned land within the Hawkesbury Local Government Area. Therefore in order to ensure consistency, it is proposed to amend the Heights of Building Map and Lot Size Map of the LEP to remove the current 450m² minimum lot size and 10m maximum building height provisions applying to the site. It is also proposed to rezone the western end of the road reserve of Lukis Avenue, which is currently zoned R2 Low Density and abuts the northern site to IN2 Light Industrial to properly define the larger industrial precinct. In order to ensure consistency, it is also proposed to amend the Heights of Building Map and Lot Size Map of the LEP to remove the current 450m² minimum lot size and 10m maximum building height provisions applying to that part of Lukis Avenue.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. However, all these Directions permit variations subject to meeting certain criteria (See the last part of this section of the report). The principal criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy. A summary of the key Section 117 Directions follows:

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- "(a) encourage employment growth in suitable locations;*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres."*

The planning proposal seeks to rezone the subject site from a residential to a light industrial zone. The land adjoins the existing Richmond light industrial precinct and has easy access to the regional road network. This will therefore enable the expansion of the established industrial area and economic development of the site for a range of light industrial uses including light industries, depots, industrial training facilities, neighbourhood shops and warehouse or distribution centres. Additionally the site is in close proximity to the Richmond Town Centre so the site has potential to boost economic, business and employment activities in the locality and help improve the viability of the Town Centre. Hence, it is considered that the planning proposal is consistent with this direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

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The site is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

Should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E, the NSW Trade and Investment (NSW T&I) would be consulted accordance with Direction 1.3(4).

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- a) broaden the choice of building types and locations available in the housing market
- b) make more efficient use of existing infrastructure and services
- c) reduce the consumption of land for housing and associated urban development on the urban fringe
- d) be of good design.

The planning proposal seeking rezoning of the site from R2 Low Density Residential to IN2 Light Industrial under the LEP is not consistent with this direction. This minor inconsistency is justified with the following reasons:

- a) The site is not suitable for residential purposes, given the subject site is in close proximity to the Richmond RAAF Base it is significantly affected by aircraft noise, and its flight paths. Australian Noise Exposure Forecast (ANEF) may show that the whole site is located within the range of 25 - 30 ANEF contours (see Figure 6 below).

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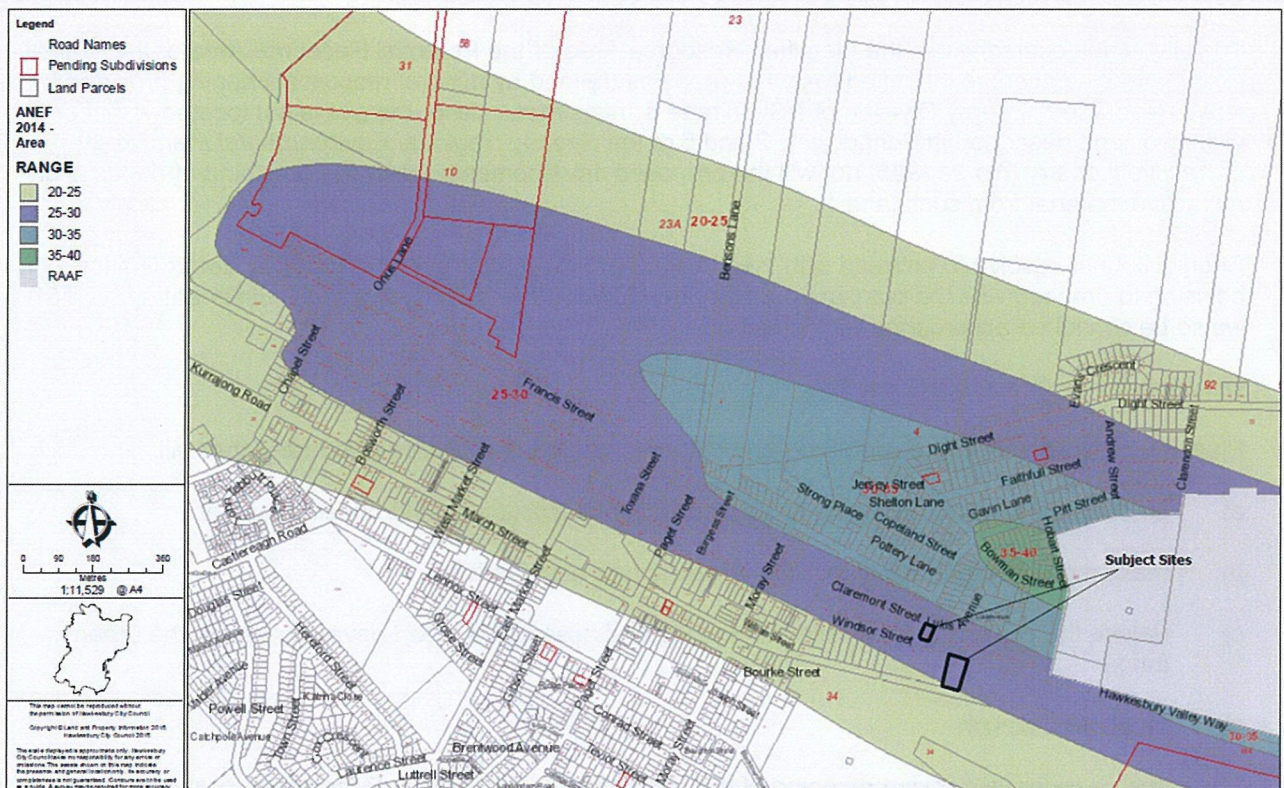


Figure 6: Australian Noise Exposure Forecast Map Extract

Table 2.1 'Building Site Acceptability Based on ANEF Zones', of AS 2021 - 2000 Acoustics - Aircraft noise intrusion - building siting and construction shows housing in areas above 25 ANEF contour as "UNACCEPTABLE". The Department of Defence states that Air Force opposes new residential development around their bases because it exposes new home owners to significant aircraft noise, and may limit opportunities to mitigate against noise impacts in the future.

- a) The northern site adjoins Richmond's larger industrial precinct and therefore a planning proposal enabling future development of the site for industrial purposes is more consistent with the land uses within the immediate vicinity and would minimise possible land use conflicts within the locality
- b) The planning proposal will enable the expansion of the existing Richmond industrial area and more economical and environmentally sustainable development on the land. This will provide increased job opportunities closer to the local residents' homes and improve viability of the Richmond Town Centre.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, it will be referred to the Department of Defence for comments.

Direction 3.4 Integrating 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,
- (b) increasing the choice of available transport and reducing dependence on cars,

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- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight."*

The Planning Proposal will enable approximately 0.5ha of industrial employment land with reasonably good access to both rail and road transport networks and improved local business/retail activities and employment opportunities within a reasonable walking distance from the Richmond Town Centre, thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the proposed planning proposal is generally consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E. The subject site is identified as containing "Class 5 acid sulfate soils on the Acid Sulphate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

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

The DP&E will consider this as part of their Gateway determination and if required can request further information/consideration of this matter.

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 Direction requires that a planning proposal must:

- "(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

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It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring 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 planning proposal proposes an amendment to the Land Zoning, Building Height and Lot Size Maps only. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

The objective of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

This Direction requires planning proposals to be consistent with the NSW Government's '*A Plan for Growing Sydney*' (the Sydney Metropolitan Strategy) released in December 2014. '*A Plan for Growing Sydney*' is the NSW Government's 20 year plan for the Sydney Metropolitan Area. It provides directions for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The early part of this report demonstrates that the planning proposal enabling increased industrial employment land to meet the future demand will facilitate the implementation of '*A Plan for Growing Sydney*'

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2- 1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

State Environmental Planning Policy No. 55 - Remediation of Land ((SEPP 55)

SEPP 55 requires consideration as to whether or not land is contaminated and, if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council's records shows the northern site has previously been used as a service station. This may cause contamination referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines published by the (then) Department of Planning and Urban Affairs a service.

Therefore, if the planning proposal is to proceed further consideration of potential contamination can be dealt with after the Department of Planning and Environment's "Gateway determination" should that determination be in support of the proposal.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of SREP 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

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

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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically SREP 20 encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna)
- develop in accordance with the land capability of the site and do not cause land degradation
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater
- have due regard to the nature and size of the site; when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan
- minimise or eliminate point source and diffuse source pollution by the use of best management practices
- site and orientate development appropriately to ensure bank stability
- protect the habitat of native aquatic plants
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling

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- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas
- consider the need to control access to flora and fauna habitat areas
- give priority to agricultural production in rural zones
- protect agricultural sustainability from the adverse impacts of other forms of proposed development
- consider the ability of the site to sustain over the long term the development concerned
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

The site falls within the Middle Nepean and Hawkesbury River Catchment Area of SREP 20.

It is considered that some form of industrial development on the subject land has the potential to satisfy the relevant provisions SREP 20. Further detailed consideration of the above matters can be addressed at the development application stage.

Public Infrastructure and Services

The site has easy access to required infrastructure services including reticulated water, reticulated sewerage, electricity, telecommunication service to accommodate future light industrial development on the site. The site also has good access to both regional road transport system and Sydney Metropolitan Rail Network.

Given the site has reasonable access to all required infrastructure and services it is likely to place a significant demand on the existing services. However, if the planning proposal is to proceed, the relevant public authorities such as Sydney Water, Integral Energy and Telstra Corporation would need to be consulted about the planning proposal after DP&E's Gateway determination.

Public Transport and Traffic Movement

The planning proposal is not supported by a transport/traffic statement or traffic impact statement. The applicant states that the area is well serviced by an existing public transport system.

The subject site is located approximately 300m east of the East Richmond Railway Station and therefore the site has easy access to the Sydney Metropolitan Rail Network. There is also a good public bus service operating within Richmond area. A public bus service is available from Richmond to various suburbs including North Richmond, Windsor, Penrith, McGraths Hill, Wilberforce, Glossodia, Kurrajong, Kurrajong Hills, Berambing, Bowen Mountain, Grose Vale and Hobartville. Therefore, it is considered that the site has reasonably easy access to public transport.

Currently the northern site is accessed via Windsor Street, Pitt Street and Lukis Avenue and the southern site is accessed via Windsor Street. Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, it will be referred to NSW Roads and Maritime Service for comments.

Flooding

The site is not affected by the 1 in 100 year flood.

Flora and Fauna

The planning proposal does not contain a flora and fauna report or statement. The Terrestrial Biodiversity Map of the LEP does not identify any areas of significant vegetation, remnant vegetation or connection between significant vegetation on the site.

The applicant states that there is no critical habitat or endangered species evident on the site.

Agricultural Land Classification

The northern site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*"

The northern site has not been used for any agricultural purposes in the recent past and is adjacent to the Richmond's larger industrial precinct with easy access to public transport system and road transport network and other public amenities. It has a significant urban development potential and therefore more economical and sustainable development can be achieved should this part of the site be rezoned to IN2 Light Industrial as proposed in the planning proposal.

The southern site is shown as being Agriculture Land Classification 3 and 5 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*
5. Land unsuitable for agriculture or at best suited only light grazing. Agricultural production is very low to zero as a result of severe constraints, including economic factors, which preclude land improvement."

The southern site with good access to public transport system, regional road transport network and other public amenities being used for commercial purposes for many years and its close proximity to the Richmond's larger industrial precinct and also has a good urban development potential. Therefore, more economical and sustainable development can be achieved should the southern site be rezoned to IN2 Light Industrial as proposed in the planning proposal.

Heritage

The subject property 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 eastern approach to Richmond can be assessed when Council determines a development application for the site.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement.

- 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.

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a local environmental plan.

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the subject site has the potential for some form of industrial development and the planning proposal has some merit.

It is recommended that Council support amending the LEP as explained in this report to allow the subject land to be developed for light industrial purposes.

The following matters discussed in this report and/or any other additional studies or investigations required by a Gateway determination issued by the DP&E in respect of this planning proposal will need to be undertaken by the applicant and/or Council as specified in the determination prior to finalisation of the proposed amendment to the LEP:

- a) Acid sulfate soil study
- b) Consultation with the Department of Defence, NSW Roads and Maritime Services, the NSW Trade and Investment, Sydney Water, Integral Energy and Telstra Co-operation prior to public exhibition of the planning proposal.

Planning Decision

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

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RECOMMENDATION:

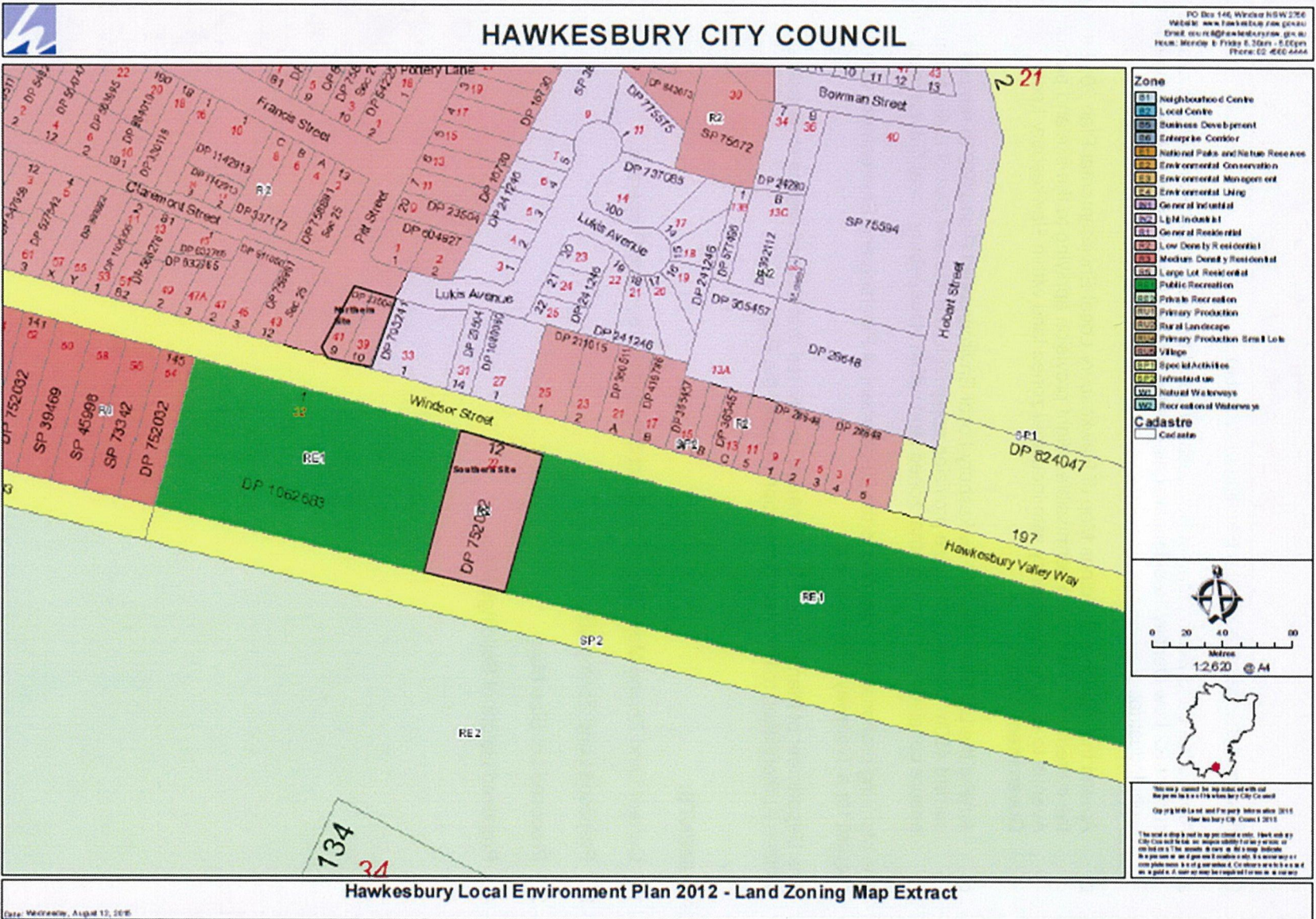
That:

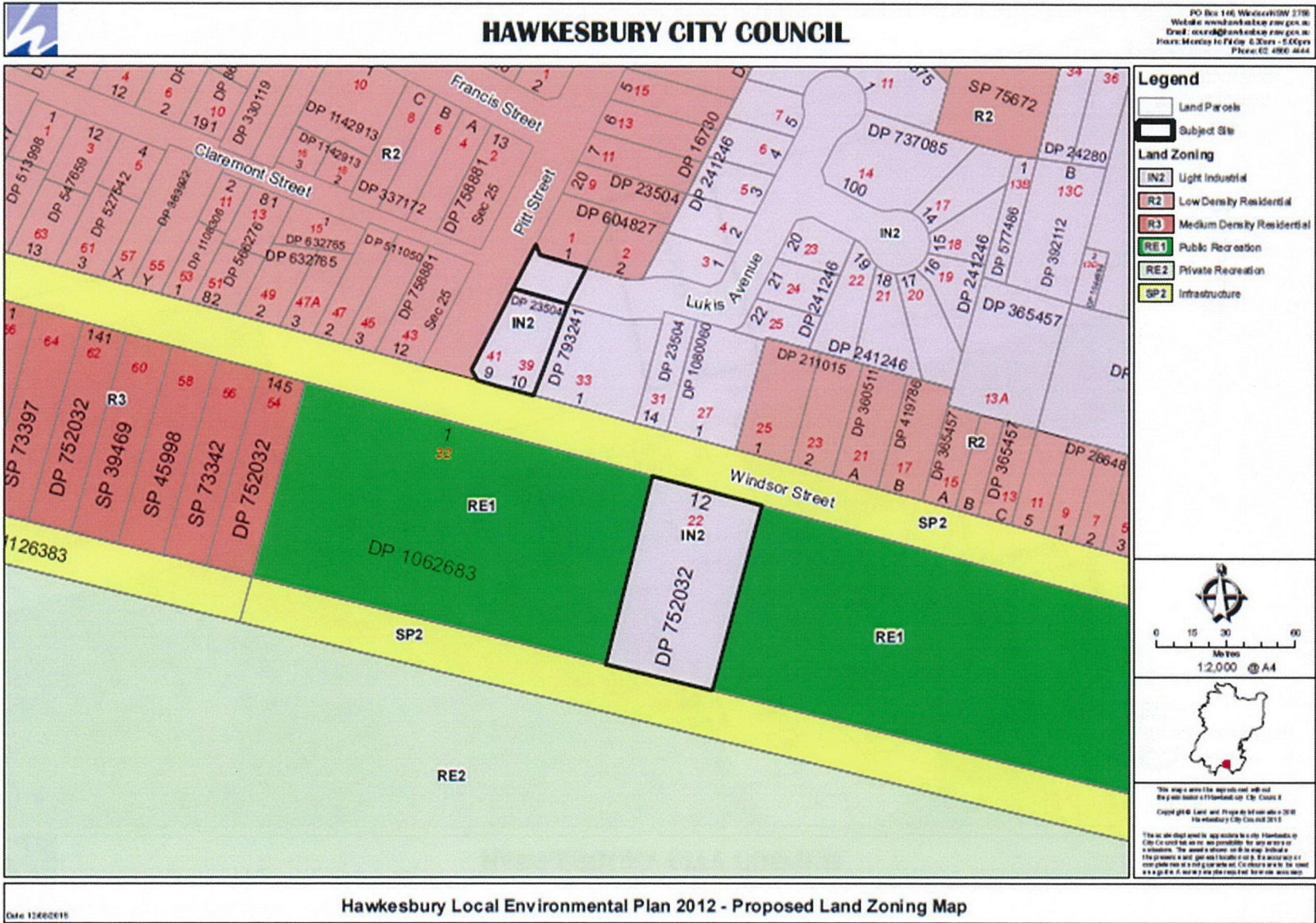
1. Council support the preparation of a planning proposal to:
 - a) Amend the Land Zoning Map of Hawkesbury Local Environmental Plan 2012 to change the current R2 Low Density Residential zoning of the subject site and part of Lukis Avenue to IN2 Light Industrial.
 - b) Amend the Height of Buildings Map of Hawkesbury Local Environmental Plan 2012 to remove the current 10m maximum permissible height provision applying to the site and part of Lukis Avenue to ensure consistency with industrial zoned land within Hawkesbury Local Government Area.
 - c) Amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to remove the current 450m² minimum lot size provision applying to the site and part of Lukis Avenue to ensure consistency with industrial zoned land within Hawkesbury Local Government Area.
2. The planning proposal be forwarded to the Department of Planning and Environment with a request for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

ATTACHMENTS:

- AT - 1** Current Land Zoning Map Extract - Subject Site and Surrounding Properties
- AT - 2** Proposed Land Zoning Map
- AT - 3** Proposed Lot Size Map
- AT - 4** Proposed Height of Buildings Map

AT - 1 Current Land Zoning Map Extract - Subject Site and Surrounding Properties

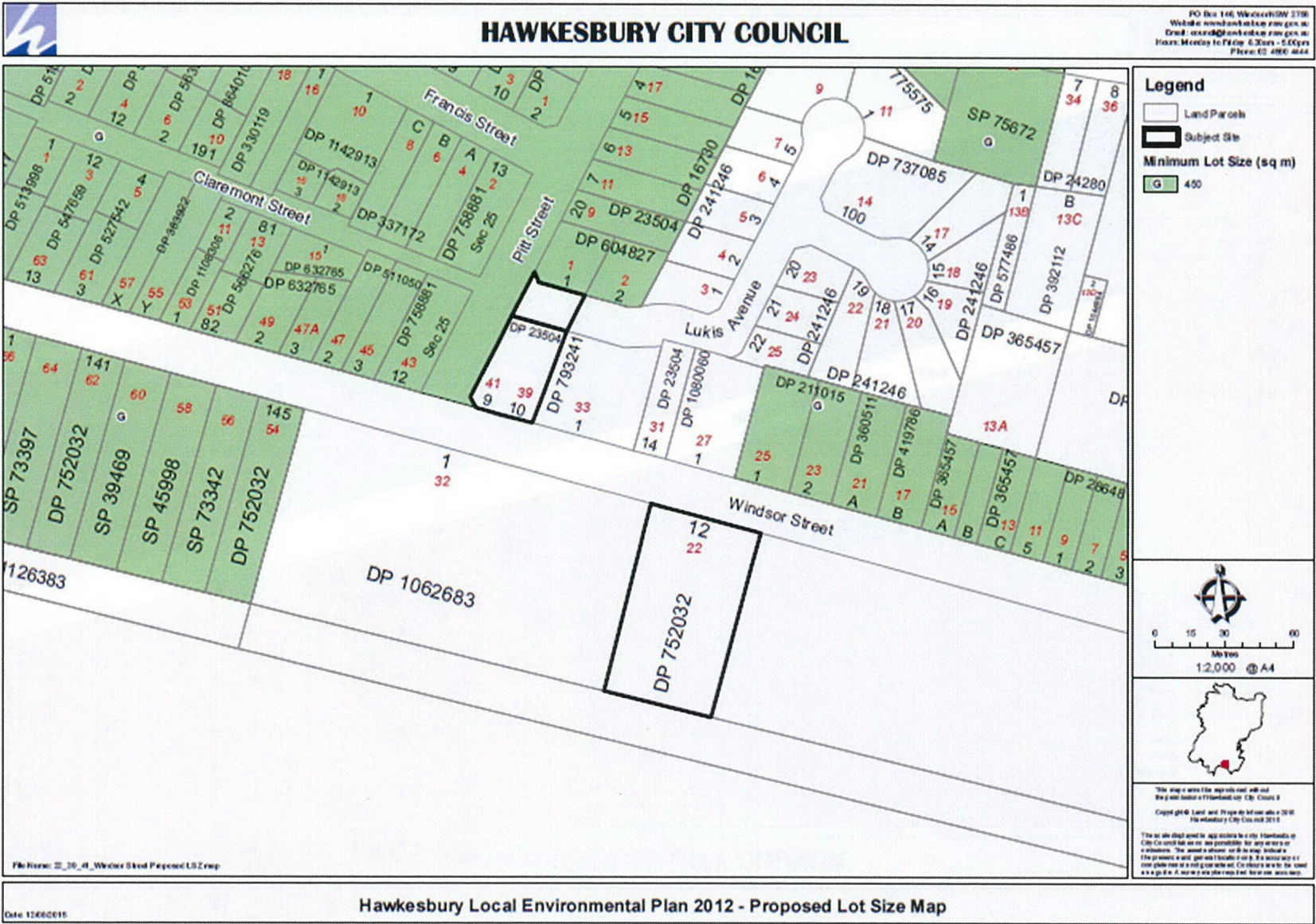




AT - 2 Proposed Land Zoning Map

Meeting Date: 25 August 2015

ORDINARY MEETING

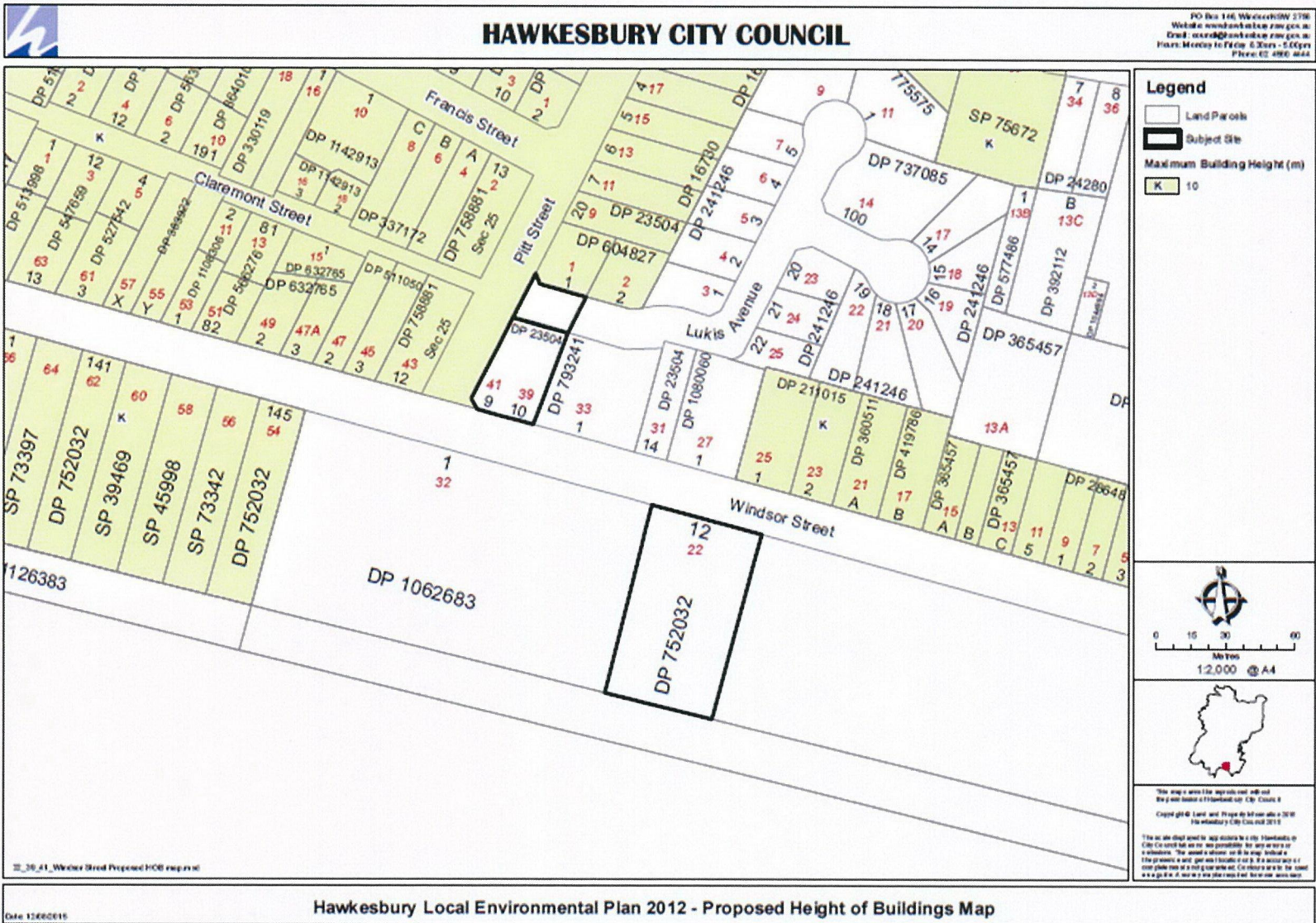


AT - 3 Proposed Lot Size Map

Meeting Date: 25 August 2015

ORDINARY MEETING

AT - 4 Proposed Height of Buildings Map



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