

English

This document contains important information.
If you do not understand it please contact the Telephone
Interpreting Service on 131 450 and ask them to contact
Hawkesbury City Council on 02 4560 4444.

Arabic

تحتوي هذه الوثيقة على معلومات مهمة
إذا لم تفهما الرجاء الاتصال بخدمة الترجمة الهاتفية
واطلب منهم 131 450 على الرقم
أن يتصلوا ببلدية مدينة هوكسبري
02 4560 4444 على الرقم

Chinese

這份文件載有重要的資訊。如果你不了解它，
請致電 131 450，電話傳譯服務，
要求他們接線(02) 4560 4444
聯絡 Hawkesbury City Council 查詢。

Hindi

इन कामजों में आवश्यक जानकारी दी गई है।
यदि आप इसे समझ नहीं पायें तो कृपया दूरभाष
दुभाषिया सेवा से 131 450 पर सम्पर्क करें तथा
उनसे हाक्सबरी सिटी कौन्सिल से 02 4560 4444
पर मिलाने को कहिये।

Filipino- Tagalog

Ang dokumentong ito ay mayroong mahalagang impormasyon.
Kung hindi ninyo nauunawaan ito pakitawagan ang Telephone
Interpreting Service sa 131 450 at hilingin sa kanila na tawagan
ang Hawkesbury City Council sa 02 4560 4444.

Macedonian

Ovoj dokument sodr`i va`na informacija.
Ako ne go razbirate ve molime da se javite na slu`bata za
tolkuvawe preku telefon (Telephone Interpreting Service) na
131 450 i pobarajte da go kontaktiraat Hawkesbury City Council na
02 4560 4444



Should you have any enquiries regarding this matter please contact Karu Wijayasinghe (02) 45604546.

Yours faithfully

Karu Wijayasinghe
Senior Strategic Land Use Planner
Direct Line: (02) 4560 4546

Attach 1: Planning Proposal

Attach 2: Council Report and Resolution 25 August 2015

Attach 3: Completed Evaluation Criteria

PLANNING PROPOSAL

M MONTGOMERY
P PLANNING
S SOLUTIONS

Richmond Industrial Interface

Lots 9 and 10 DP 23504 and Lot 12 DP 752032
Windsor St, Richmond



June 2015

This Planning Proposal was prepared by Rebecca Zerk, under the direction of Robert Montgomery, Principal, Montgomery Planning Solutions in accordance with "A guide to preparing planning proposals" published by the NSW Department of Planning and Infrastructure, October 2012.



Robert Montgomery BApSc (Environmental Planning) MPIA

Date: June 2015

Reference:1530

DOCUMENT TRACKING

Version	Date	Revisions
1530- 1	June 2015	Submission to HCC

Montgomery Planning Solutions
PO Box 49
Kurmond NSW 2757

Tel: 4572 2042

Mobile: 0407 717 612

Email: robert@montgomeryplanning.com.au

© MONTGOMERY PLANNING SOLUTIONS

REPRODUCTION OF THIS DOCUMENT OR ANY PART
THEREOF IS NOT PERMITTED WITHOUT PRIOR WRITTEN
PERMISSION.

TABLE OF CONTENTS

Introduction	1
Description of Sites	2
Surrounding Land Use	4
Existing Statutory Provisions	5
Part 1 – Objectives or Intended Outcomes	9
Part 2 – Explanation of Provisions	10
Part 3 – Justification	11
Section A – Need for the planning proposal	11
Section B – Relationship to strategic planning framework.	13
Section C – Environmental, social and economic impact.	26
Section D – State and Commonwealth Interests	28
Part 4 – Mapping	29
Part 5 – Community Consultation	29
Part 6 – Project Timeline	29
Conclusion	30

Introduction

This Planning Proposal is prepared by Montgomery Planning Solutions on behalf of the owners of the land, Mr Jim Kennard and Mr Richard Kennard. Mr Jim Kennard and Mr Richard Kennard purchased their respective properties, 41 Windsor St and 22 Windsor St, Richmond a number of years ago.

Lots 9 and 10 in Deposited Plan 23504 directly adjoin the Richmond Industrial area to the east. Lot 12 in Deposited Plan 752032 is a single parcel of land which is located to the south of the Richmond industrial area, on the southern side of Windsor Street. This land is flanked by public open space land to the east and west. The Richmond to Blacktown Rail Line adjoins to the south. Both properties have a long documented history of industrial, bulky goods and retail uses.

As a result of the strict conversion of the Hawkesbury LEP 1989 to the NSW Standard Instrument (Hawkesbury LEP 2012), the previous zoning was converted to the equivalent residential zone, R2 Low Density Residential, without an assessment of the long term non-residential land use or of the constraints which would prevent future residential use of the land.

The purpose of this planning proposal is therefore to amend Hawkesbury Local Environmental Plan 2012 by rezoning the three properties from R2 Low Density Residential to IN2 Light Industrial.

This Planning Proposal is prepared with regard to the anomaly which exists between the long standing uses of the sites and the current zoning, as well as to support and enhance the Hawkesbury's environmental and economic assets.

The Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council prepare a draft local environmental plan as proposed to resolve the current land use anomaly and to facilitate appropriate redevelopment of the sites in the future.

Description of Sites

The subject lands represent three land titles, being Lots 9 and 10 in Deposited Plan 23504, known as 41 Windsor St, Richmond and Lot 12 in Deposited Plan 752032, known as 22 Windsor St, Richmond.

Lots 9 and 10 are located on the corner of Windsor and Pitt Streets. With a total area of 1,148.01m², the land has frontages to Windsor Street, Pitt Street and Lukis Avenue. The land contains a concrete block building with metal roofing. The structure is located to the southwest corner of the sites, covering a large portion of Lot 9 and encroaching into Lot 10.

This older style industrial building has been subjected to numerous additions over time, resulting in a disjointed built form. The land also contains car parking and loading areas, with access from both Windsor Street and Pitt Street. The land and building is currently used for the display, assembly and sale of security screens. Over many years, the land has been used as a service station, mobile phone sales and service, hairdresser and beauty spa.

Lot 12 is located on the southern side of Windsor St, and is adjoined on the eastern and western boundaries by public open space lands. The Richmond-Blacktown railway line directly adjoins the site at the rear. This property is approximately 4,000m² and currently contains a number of structures fronting Windsor St and at the rear of the site. Large areas of the site are dedicated to parking and loading areas. This site is currently occupied by "Horseland", which is operating under a 2005 approval for a bulky goods showroom. Horseland is a supplier of equine products comprising a wide range of goods including saddlery, veterinary products, and stock feed.

Figure 1: Satellite Image LPI SIX Maps

The properties are located within the 25-30 ANEF contour for RAAF Base Richmond, as identified by the Department of Defence.

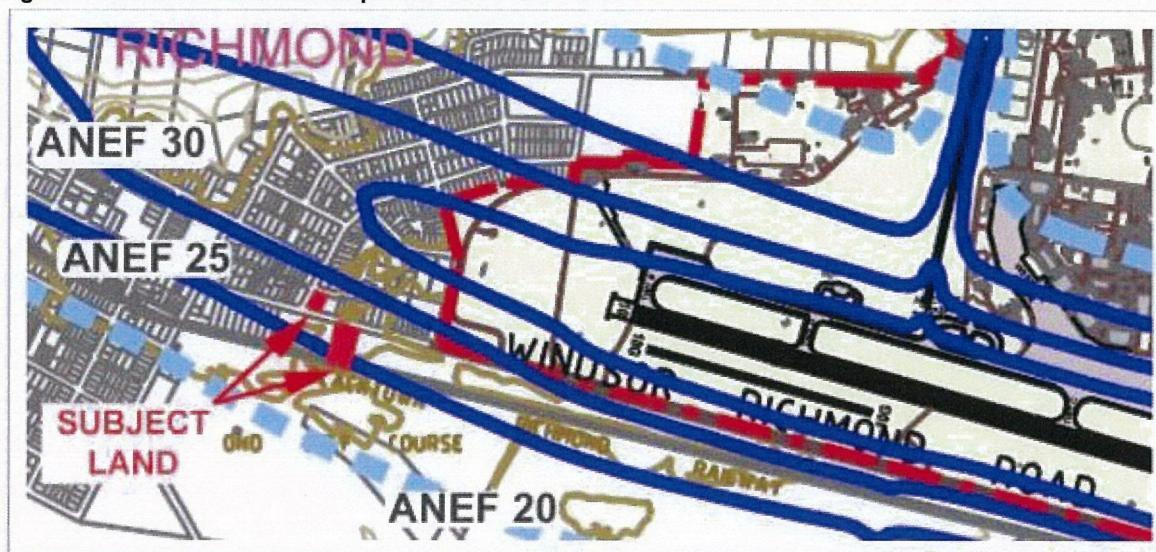
Figure 2: 2014 ANEF Contour Map RAAF Base Richmond

Table 2.1 Building Site Acceptability Based on ANEF zones, of AS 2021 – 2000 Acoustics – Aircraft noise intrusion – building siting and construction classifies housing in areas which are situated within an area affected by the 25 ANEF contour or higher as “UNACCEPTABLE”. Figure 2 below is an extract from the ANEF contour map.

Clearly, residential development in accordance with the current zone would be inappropriate.

Surrounding Land Use

Land immediately adjoining Lots 9 and 10 to the east comprises two industrial style buildings, with three separate tenancies. Industrial development also dominates the area to the northeast of the sites within Lukis Ave. This area is described as the Richmond industrial precinct and contains varying forms of industrial development.

The Hawkesbury Environmental Lands Strategy specifically defines the Richmond industrial precinct as follows:

“the Richmond industrial precinct is a concentration of 4(b) light industrial zoned employment land located west of the Richmond RAAF base. The precinct contains a range of light industrial uses within predominantly strata unit developments. The precinct is outside the 1:100 year flood level. Lots within the precinct are generally between 2,500 and 5,000 square meters. No vacant land was identified through GIS aerial mapping analysis. The precinct is located within the 30-35 ANEF contour. The precinct has secondary access to Richmond Road through residential Bourke Street.”¹

Directly opposite Lots 9 & 10 is a large parcel of public open space, which also adjoins the western boundary of lot 12.

Residential development is located to the north and west of Lots 9 and 10 and continuing in these directions to the Richmond township. The subject land is separated from residential development by Pitt Street and Lukis Avenue.

Lot 12 is adjoined at the east and west by land dedicated for public recreation, with a large open grassed and scrub area located to the west and the Richmond tennis courts at the east. The Richmond tennis centre consists of 14 tennis courts and is operated by the Hawkesbury District Tennis Association Inc who lease the centre from Hawkesbury City Council.

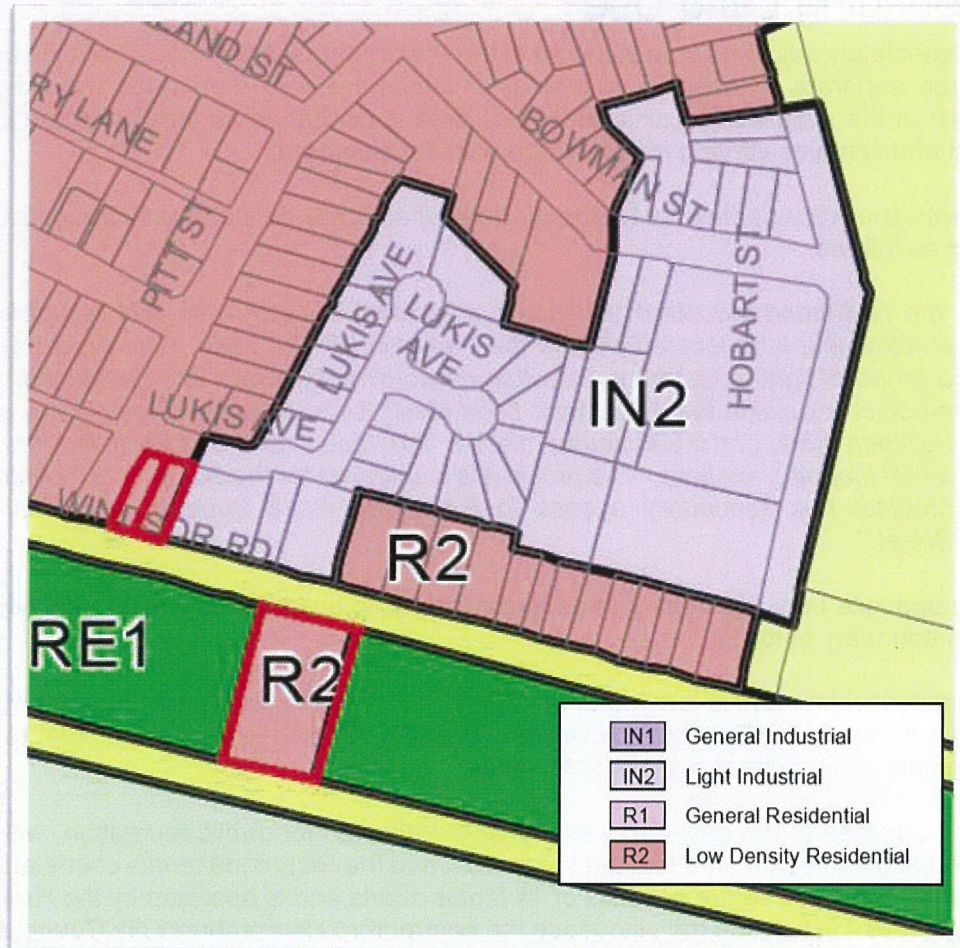
Opposite Lot 12, to the north of Windsor St consists of a mix of industrial and residential development, with industrial development located to the northwest and residential development located at the northeast.

¹ HELS, page ?

Existing Statutory Provisions

The subject land is zoned *R2 Low Density Residential* under the provisions of Hawkesbury Local Environmental Plan 2012.

Figure 3: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008DA



The objectives of the R2 zone are listed below with comments in relation to the current uses:

- *To provide for the housing needs of the community within a low density residential environment.*

The location of the sites within the 25-30 ANEF contour of RAFF Base Richmond restricts potential for residential development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The current land uses do not satisfy this objective. This planning proposal will facilitate more appropriate redevelopment of the sites than that which may currently be undertaken in accordance with existing use rights provisions.

- *To protect the character of traditional residential development and streetscapes.*

Both sites are currently used for, and contain, industrial type developments. They do not add anything to the character of residential development in the locality. It is considered that the potential for redevelopment for a permissible use within the IN2 zone would assist in the enrichment of the visual amenity to the Richmond township gateway.

- *To ensure that new development retains and enhances that character.*

The subject land and adjoining land is industrial in character.

- *To ensure that development is sympathetic to the natural environment and ecological processes of the area.*

These sites are ideally located for industrial uses, having the benefit of the Richmond Industrial area being located in close proximity. The existing infrastructure of the road network provides a clear boundary between industrial and residential development, further increasing the suitability of the rezoning.

- *To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.*

The proposal to rezone the subject lands will not impact on the achievement of this clause. Any subsequent development application for redevelopment will be designed to minimise impacts on the surrounding residential area and will be assessed to ensure the bulk and scale is capable of complimenting the existing built form and surrounding land uses.

- *To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.*

The proposal does not seek to increase allotment numbers, merely provide a better use of existing allotments available in the Richmond area.

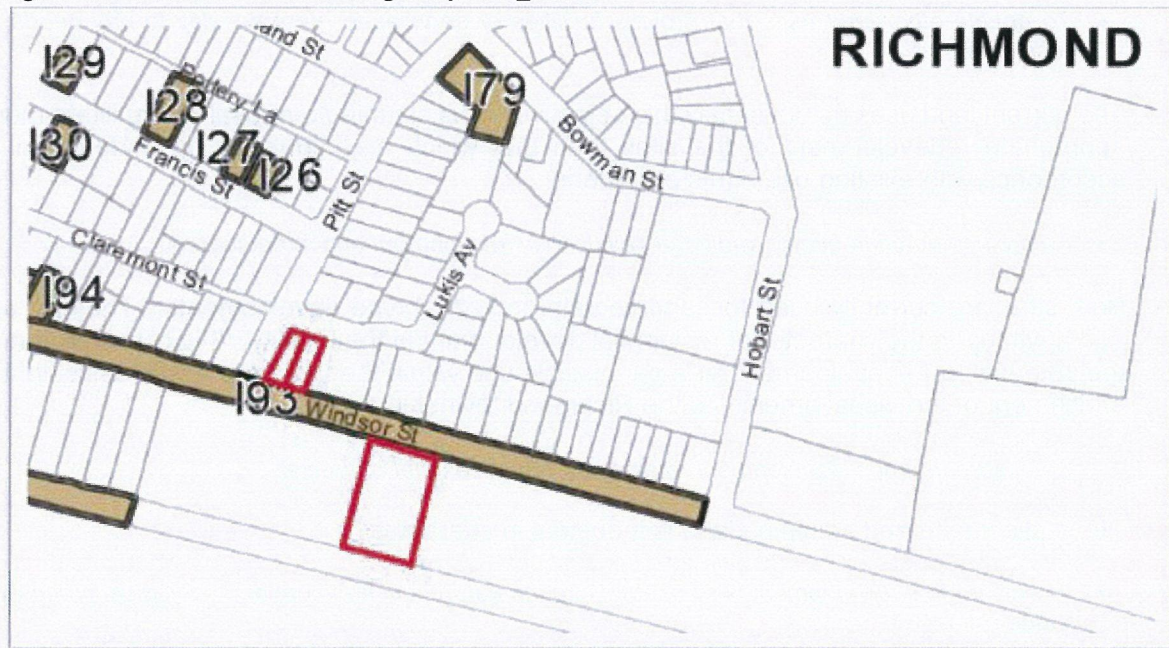
- *To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.*

The proposal will not create unreasonable demands for public amenities or services beyond which are currently available.

It is submitted that the current uses of the land are in conflict with the objectives for the residential zone. Therefore IN2 Light Industrial would be more appropriate.

The sites adjoin heritage item "193" as identified in Schedule 5 of Hawkesbury Local Environmental Plan 2012. The Item is described as "Avenue of Plane Trees along eastern approach to Richmond". This planning proposal has no impact on the heritage item. Any future development will be subject to compliance with clause 5.10 (5) of Hawkesbury LEP 2012.

Figure 4: Extract HLEP 2012 Heritage Map HER_008DA



Clause 6.6 of Hawkesbury LEP applies to the subject land, as it is located within the 25-30 ANEF contour for RAAF Base Richmond.

6.6 Development in areas subject to aircraft noise

(1) The objectives of this clause are as follows:

- (a) to prevent certain noise sensitive developments from being located near the RAAF Base Richmond and its flight paths,
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

(2) This clause applies to development that:

- (a) is on land that:
 - (i) is near the RAAF Base Richmond, and
 - (ii) is in an ANEF contour of 20 or greater, and
- (b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) Before determining a development application for development to which this clause applies, the consent authority:

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and

- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

(4) In this clause:

ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the RAAF Base Richmond prepared by the Department of the Commonwealth responsible for airports.

AS 2021—2000 means AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction.

Table 2.1 of AS2021-2000 is reproduced below:

TABLE 2.1
BUILDING SITE ACCEPTABILITY BASED ON ANEF ZONES
(To be used in conjunction with Table 3.3)

Building type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

NOTES:

- 1 The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Because of this, the procedure of Clause 2.3.2 may be followed for building sites outside but near to the 20 ANEF contour.
- 2 Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate (see also Figure A1 of Appendix A).
- 3 There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (e.g. an office in an industrial building). In these cases Table 2.1 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3.
- 4 This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered.
- 5 In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.

It is clear that the existing R2 Low Density Residential zone is in conflict with the objectives and requirements of clause 6.6 and AS2021-2000. Conversely, the IN2 Light Industrial zone is consistent with the aircraft noise impacts.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to rectify the zoning anomaly which has resulted in a residential zone on land which is unsuitable for residential development and which has historically been used for industrial purposes.

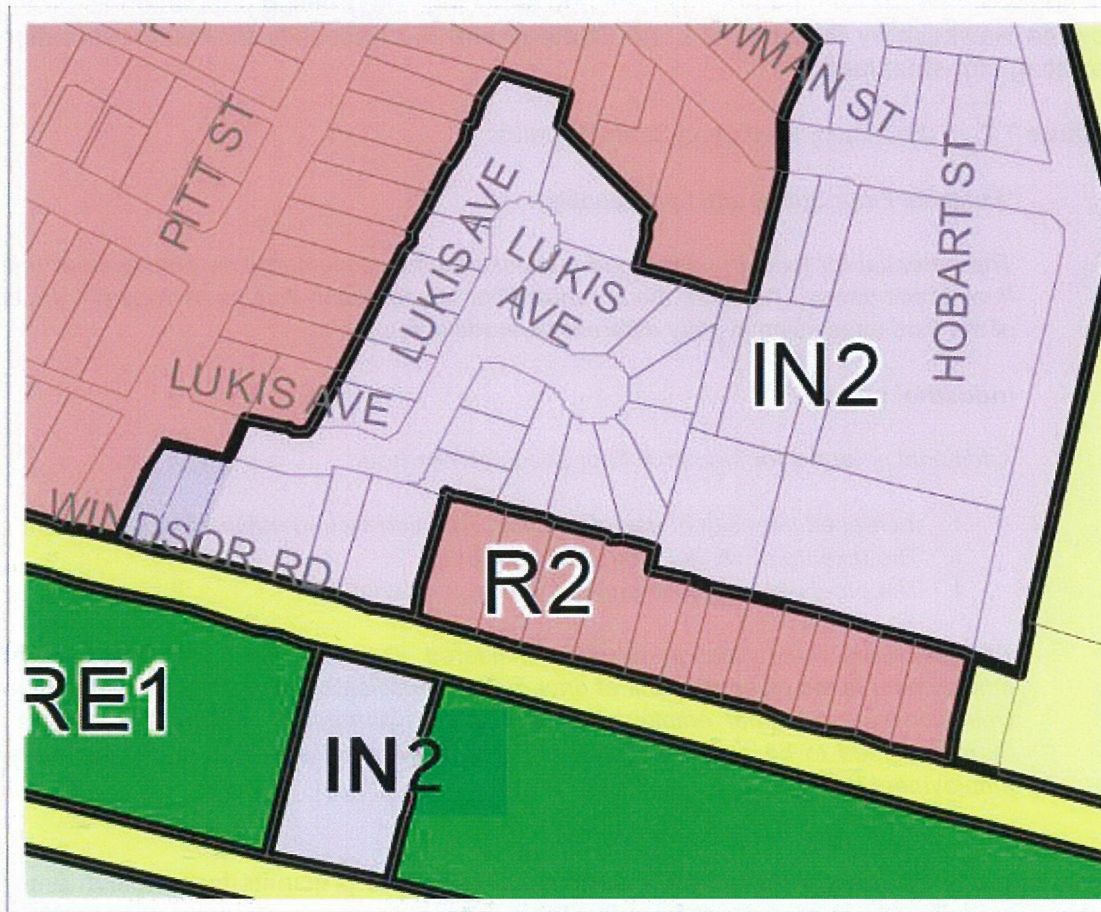
The intended outcome is to zone the land IN2 Light Industrial to facilitate future redevelopment which is in context with the adjoining light industrial area.

The resultant permitted light industrial land uses are compatible with the 25-30 ANEF contour for RAAF Base Richmond, as shown in Table 2.1 of AS 2021 – 2000 Acoustics – Aircraft noise intrusion – building siting and construction.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved amending Hawkesbury Local Environmental Plan 2012 Land Zoning Map – Sheet LZN_008DA as follows:

Figure 5: Proposed Land Zoning Map – Sheet LZN_008DA



Part 3 – Justification

Section A – Need for the planning proposal

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

The planning proposal is consistent with the findings of the Hawkesbury Employment Lands Strategy, adopted by Council in December 2008. The Strategy recognises the need to support, in terms of both employment and servicing, the growing population as provided by the Hawkesbury Residential Land Strategy and the necessity for the preservation of existing industrial lands.

Clause 7.2, of the Employment Land Strategy states:

“Potential Floor Space and Land Supply

The potential for industrial land and business land to accommodate employment related floor space varies. As such, the potential floor space supply has been derived from each of the land uses using slightly different methodologies.....”

Industrial supply

Additional potential for industrial floor space comes from:

- ▶ *Increased intensity of use of existing occupied by underutilised industrial land;*
- ▶ *The take up of vacant industrial land; and*
- ▶ *The provision and development of new industrial land.*

Capacity from intensification is not considered likely for the LGA South industrial employment lands given the lack of drivers for intensification and the abundance of more well-accessed industrial employment land in the subregion. Future floor space will therefore need to be accommodated on vacant industrial zoned land or new industrial employment land.”

The Strategy includes a table which identifies criteria and precincts for employment land uses. The following is an extract from the table.²

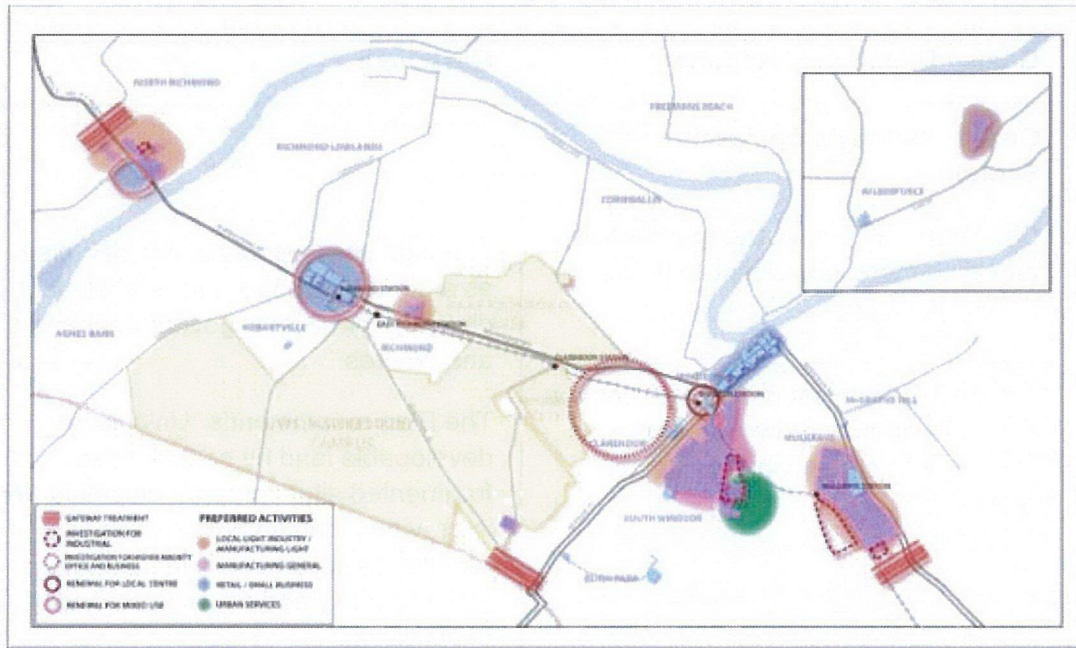
Broad Land Use	Key Activities	Key Requirements/Criteria	Suitable Precinct
Local Light Industry	Car service and repair, joinery, construction and building supplies, domestic storage. Wide range of businesses that service other businesses (components, maintenance and support) and	▶ Proximity to populations ▶ Can be located adjacent to residential land uses ▶ Proximity to rail/public transport	▶ South Windsor, Mulgrave, North Richmond, Richmond (Industrial precinct)

² IBID, Table 25

	subregional populations. Needed at local (LGA) to sub-regional level.		
--	---	--	--

The land is identified within the Strategy Map as “Preferred Activities: Local light industry and manufacturing light”

Figure 6: Hawkesbury Employment Land Strategy Map (Figure 85)



It is submitted therefore that the planning proposal is consistent with the Hawkesbury Employment Lands Strategy

The Hawkesbury Employment Lands Strategy 2008 can be viewed at http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0003/15339/AdoptedReport9Dec2009_CouncilAmendments1.pdf

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

The use of both sites for industrial purposes will continue under the Existing Use Rights provisions of Sections 106 – 109B of the *Environmental Planning and Assessment Act 1979*. Given the predominantly light industrial character and the constraints to residential development on the subject land, the current residential zone is inappropriate.

It is considered that this planning proposal as submitted is the best and most efficient means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework.

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Hawkesbury Local Government Area is identified in *A Plan for Growing Sydney 2014* as within the West Subregion.

While Hawkesbury is recognised within the Plan, it appears that there are no specific strategic goals or priorities, which relate to this proposal. However, the following goals, directions and actions have some relevance.

Goals / Directions / Actions	Response
Goal 1: Sydney's Competitive Economy Direction 1.7: Grow strategic centres – providing more jobs closer to home. Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity. Action 1.7.2: Improve councils' access to data on the demand and supply of homes, office and retail space.	Although Hawkesbury is not identified as a strategic centre, this is a relevant direction for all local government areas and centres. The Plan recommends "Unlocking developable land by consolidated fragmented sites for redevelopment and improving planning policies and regulations will encourage flexibility, higher density and more diverse range of activities." The Plan states that "The Government will work with Councils through the employment lands Development Program to provide a stronger evidence base for evaluation decisions in relation to proposed and existing industrial land," It is relevant to note that the Hawkesbury Employment Lands Strategy adopted in 2008 recognises the importance of facilitating the renewal of existing centres with capacity for growth whilst ensuring a high quality urban design and structure planning. The proposal supports the Plan and is compliant with the Industrial Lands

Direction 1.9: Support priority economic sectors Action 1.9.2: Support key industrial precincts with appropriate planning controls Direction 1.11: Deliver Infrastructure Action 1.11.1: Preserve future transport and road corridors to support future growth	Strategic Assessment, providing for an increase in industrial land stocks which is conveniently located in close proximity to both urban areas and public transport infrastructure, linking residents to jobs. Whilst not located in a nominated road or transport corridor, the sites are opportunely located with frontages to Windsor St, an arterial road which provides access to Sydney and Lithgow (and beyond). The sites are also in close proximity to the Blacktown-Richmond railway line, affording efficient access for employees.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. Direction 4.1: Protect our natural environment and biodiversity Action 4.1.2 Prepare a strategic framework for the metropolitan rural area to enhance and protect its broad range of environmental, economic and social assets Direction 4.2: Build Sydney's resilience to natural hazards Action 4.2.3: Map natural hazard risks to inform land use planning decisions	The Plan states "A strategic framework will provide certainty about future land use and will help these activities remain viable, whilst enhancing unique characteristics of the natural environment." The proposal will enhance the appropriate uses for the land to protect the resource values for the region. The sites do not have any physical or ecological constraints which impact on their use for industrial purposes. The sites are not identified as being liable to natural hazards including bushfire, flooding or landslip, and therefore are ideally located for their proposed industrial use. Council's current mapping information does not identify any natural hazards constraining the lands. Therefore their proposed use for industrial purposes, increasing job opportunities in the immediate locality is considered strategically appropriate.

Priorities for West Subregion: competitive economy	A One of the stated priorities is to: Work with council to identify and protect strategically important industrial zoned land. The land is located within a strategically important industrial area (HELS), having frontages to Windsor St, a main arterial road connecting to Sydney and the Central West, as well as convenient access to public transport infrastructure.
---	--

A Plan for Growing Sydney can be viewed at: <http://www.strategy.planning.nsw.gov.au/sydney/wp-content/uploads/sites/2/2015/02/A-Plan-For-Growing-Sydney-WEB-2015.pdf>

Although it is not consistent with the regions identified by *A Plan for Growing Sydney*, the Northwest draft Subregional Strategy remains relevant as an “exhibited draft strategy”. The following table lists the relevant actions from the Subregional Strategy.

NW Action A1.1.2 North West Councils to prepare principle LEPs which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets.	The Planning proposal will amend the Principle LEP (Hawkesbury LEP 2012) by zoning the land for light industrial use in recognition of the current land uses and constraints.
NW Action A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands.	The proposal facilitates this action by protecting the existing employment generated by the subject land through an appropriate industrial zoning.
NW Action A1.9 Facilitate the use of old industrial areas.	The proposal is consistent with this action.
NW Action A1.9.2 Identify and implement measures to manage interface issues between employment and residential land uses..	Notwithstanding its residential zoning, the land is used for industrial purposes and adjoins industrial zoned land. Rezoning the land to light industrial is consistent with the adjoining zone and will provide public road / public open space separation between industrial and residential zones.

The Draft Subregional Strategy can be viewed at
<http://www.shop.nsw.gov.au/pubdetails.jsp?publication=7957>

4. *Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?*

The relevant strategic plans are the Hawkesbury Community Strategic Plan 2013-2032 and the Hawkesbury Employment Lands Strategy, 2008.

4.1 Hawkesbury Community Strategic Plan 2013-2032

This plan was adopted by Hawkesbury City Council in May 2013. The provisions of the Community Strategic Plan which are of most relevance to the planning proposal are:

Looking after people and place

Directions

1. Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
3. Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
4. Have development on both sides of the river supported by appropriate physical and community infrastructure
5. Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure
6. Have friendly neighbourhoods, connected communities, and supported household and families
7. Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategies

1. Revitalise and enhance town centres and villages
2. Encourage affordable, diverse and quality housing solutions in serviced areas
3. Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character
4. Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use
5. Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations
6. Provide for a safer community through planning, mitigation and response

Goals

1. Towns and villages to be vibrant places that people choose to live in and visit
2. Appropriate and affordable range of infrastructure and services available to meet contemporary needs
3. Viable tourism economy
4. Funded viable and sustainable events
5. Housing is available and affordable for the population whilst retaining agricultural and heritage values
6. Managed population growth that contributes to and sustains the local economy and services and respects agricultural and heritage values of the area

7. Maintain and foster the rural and heritage character within the Hawkesbury
8. Viable and sustainable agriculture industries retained and developed
9. Natural and built heritage valued socially and economically
10. Ongoing review and implementation of community disaster and safety plans
11. Continue to support agencies and volunteers who assist in maintaining a safe and socially valuable community

Caring for Our Environment

Directions

1. Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape
3. Take active steps to encourage lifestyle choices that minimise our ecological footprint
4. Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

Strategies

1. Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships
2. Reduce our environmental footprint through resource and waste management
3. Manage growth with ecologically sustainable principles
4. Engage with the community and work together to care for our environment

Goals

1. Clean, healthy, usable rivers and waterways
2. Balance the needs of our ecology, recreational and commercial activities
3. Maximise sustainable use of potable and recycled water
4. Reduced greenhouse gas emissions
5. Our community is living more sustainably
6. Waste management facility operating on a commercial basis
7. Reduced waste to landfill
8. Environmental impact of growth is minimised
9. Healthy and functioning catchments and riparian corridors
10. Improved community awareness of the importance and value of healthy catchments, natural waterways, vegetated riparian corridors, surface water and groundwater resources.

Sustainability Principles

The following are considered relevant to the Planning Proposal.

- Principle 4: Use of energy and other resources must be just and efficient, both across the globe and between generations
- Principle 5: Even if there is doubt about the environmental impact that an action will have, one should err on the side of caution to protect the environment

Supporting Business and Local Jobs

Directions

1. Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
2. 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
3. Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

Strategies

1. Differentiate, brand and promote the Hawkesbury as a tourism destination
2. Increase the focus on high end jobs and innovation to build on our strengths and achieve a diverse industry base
3. Actively support the retention of the RAAF Base and enhanced aviation related industry, building on existing facilities

Goals

1. Increased level of GDP from tourism
2. Improve tourism facilities in the Hawkesbury
3. New "Hawkesbury" brand recognised and widely used
4. Have an expanded, sustainable and growing industry base
5. Stronger, broader range of sustainable businesses
6. Skill development and training opportunities are available locally
7. RAAF Base is retained as an active aviation centre
8. Complementary aviation industries are sustainable and supported

It is submitted that this planning proposal is consistent with the Hawkesbury Community Strategic Plan. The planning proposal will contribute to the achievement of many of the directions, strategies and goals, particularly in terms of having an expanded, sustainable and growing industry base, providing local jobs, and planning for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

The Hawkesbury Community Strategic Plan 2013 - 2032 can be viewed on Council's website: http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0020/57521/Community-Strategic-Plan-2013-2032.pdf.

4.2 Hawkesbury Employment Lands Strategy 2008

The Hawkesbury Employment Lands Strategy, adopted by Council in 2008, provides a planning framework to support and enhance the economic competitiveness of the Hawkesbury region. The Strategy examines employment and employment lands within the Hawkesbury LGA and recommends future strategic actions.

The Strategy recognises the need for renewal of the existing centres which have capacity for growth whilst ensuring high quality urban design and structure planning.³

The Strategy includes a table which identifies criteria and precincts for employment land uses. The following is an extract from the table.⁴

Broad Land Use	Key Activities	Key Requirements/Criteria	Suitable Precinct
Local Light Industry	Car service and repair, joinery, construction and building supplies, domestic storage. Wide range of businesses that service other businesses (components, maintenance and support) and subregional populations. Needed at local (LGA) to sub-regional level.	▶ Proximity to populations ▶ Can be located adjacent to residential land uses ▶ Proximity to rail/public transport	▶ South Windsor, Mulgrave, North Richmond, Richmond (Industrial precinct)

Strategy No. 3 recommends that Council facilitate the renewal of existing centres to allow wider scope of business floor space activity and mixed use development whilst ensuring high quality urban design and structure planning.⁵

This planning proposal is consistent with the recommendations of the Hawkesbury Employment Lands Strategy.

The Hawkesbury Employment Lands Strategy 2008 can be viewed at:

http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0003/15339/AdoptedReport9Dec2009_CouncilAmendments1.pdf.

³ Hawkesbury Employment Lands Strategy, December 2008, HCC and SGS Economics and Planning

⁴ IBID, Table 25

⁵ IBID, pg 112

5 Is the planning proposal consistent with applicable state environmental planning policies?

A review of state environmental planning policies reveals that the following may be applicable and relevant:

SEPP 55 – Remediation of Land.

Lots 9 and 10 have previously been used for the purposes of a service station.

Clause 6 **Contamination and remediation to be considered in zoning or rezoning proposal** of SEPP 55 states:

‘in preparing an environmental planning instrument, a planning authority is not to include a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) The planning authority has considered whether the land is contaminated, and*
- (b) If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or it will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

A previous condition of consent 6(h) of Development Consent DA0235/10 addressed the issue of contamination, permitting the removal of dangerous or hazardous materials. As a result of the inclusion of this condition, it is demonstrated that the planning authority is satisfied that following the removal of dangerous or hazardous materials, the site would be suitable for various land uses.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development applications may require further investigation if warranted.

State Environmental Planning Policy (Infrastructure) 2007.

Division 17, Subdivision 2 of the Policy is a matter for consideration in any future development applications for the land. There are no specific requirements for local environmental plans and this planning proposal has no effect on the operation of the SEPP.

State Environmental Planning Policies and Sydney Regional Environmental Plans can be viewed at <http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0> by clicking on “S” within the “Browse in Force” “EPIs” section.

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

The Minister for Planning and Infrastructure, under section 117(2) of the EP&A Act, issues directions that local councils must follow when preparing planning proposals for new local environmental plans. The directions cover the following broad categories:

- a. employment and resources
- b. environment and heritage
- c. housing, infrastructure and urban development
- d. hazard and risk
- e. regional planning
- f. local plan making.

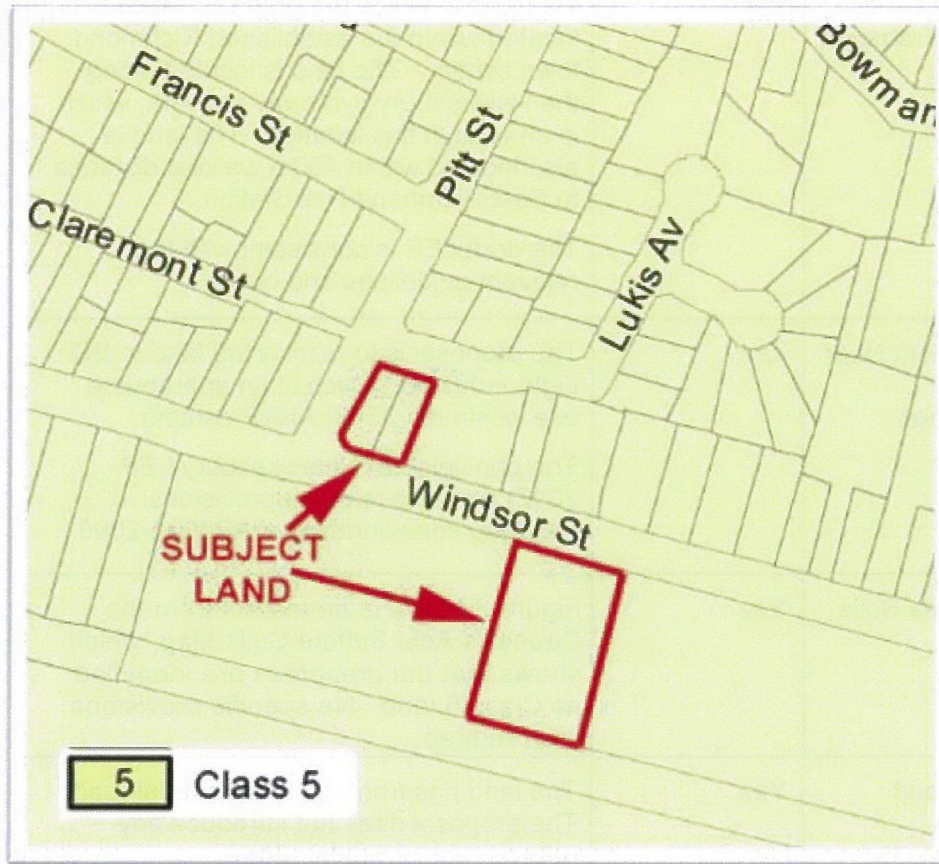
The following table provides an assessment of the planning proposal against applicable Section 117 directions.

Direction	Consistency	Reason
1.1 Business and Industrial Zones	Yes	The draft LEP will be consistent with paragraphs 4(a), 4(b) and 4(d). 4(a): Give effect to the objectives of this direction including: • encourage employment growth in suitable locations • protect employment land in business and industrial zones; • support the viability of identified strategic centres. 4(b): the retention of areas and location of existing industrial zones 4(d): by increasing the total potential floor space area for industrial uses in industrial zones.
2.3 Heritage Protection	Yes	The Avenue of Plane Trees on the eastern approach to Richmond are identified as being items of heritage significance. The planning proposal does not proposed any change to the conservation of these items.
3.1 Residential Zones	No	The planning proposal will rezone the subject land from residential to light industrial. The inconsistency is of minor significance and is justified as: • the land is used for non-residential purposes and has a documented history of such use; • the land adjoins existing industrial zoned land; • the effect of the RAAF Base Richmond ANEF is such that residential development is unsuitable; • the land, if it was vacant and suitable, would only provide for 3 dwellings under the current residential zone; • the proposal is merely correcting an historic zoning anomaly.

3.4 Integrated Land Use and Transport	Yes	The land to which the draft LEP applies is located within the established Richmond town centre. The land is located along the Hawkesbury cycleway network, which is off-road in this location. The land is also located within 400m walking distance to East Richmond Rail Station. The draft LEP is consistent with the relevant guidelines and policy
3.5 Development Near Licensed Aerodromes	Yes	The proposal is to rezone the land to IN2 Light Industrial, which is an appropriate use within the 25-30 ANEF contour. The principle LEP (Hawkesbury LEP 2012) contains relevant provisions requiring consideration of AS2021-2000.
4.1 Acid Sulfate Soils	Yes	Figure 8 below is an extract from the Council's Acid Sulfate Soils Map, which shows that the properties are identified as Class 5 land. No specific provisions are required.
6.1 Approval and Referral Requirements	Yes	The land has frontage to an arterial road. The proposal does not introduce any referral requirements. State Environmental Planning Policy (Infrastructure) 2007 may apply to any future development applications
6.2 Reserving Land for Public Purposes	Yes	There are no reservations affecting the subject land. The planning proposal does not propose to create any new reservations.
6.3 Site Specific Provisions	Yes	The proposal will rezone the land to an existing adjoining zone. No additional development controls are proposed.

A full copy of the directions can be viewed at
<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

Figure 7: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheets ASS_008DA



Section C – Environmental, social and economic impact.

7. *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?*

The Council's biodiversity mapping does not identify any significant vegetation or connection between significant vegetation on the sites. The land comprised fully developed urban land uses. There is no critical habitat or endangered species evident.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are these to be managed?*

Heritage Conservation

Hawkesbury LEP 2012 identifies the Avenue of Plane Trees on the eastern approach to Richmond as having environmental heritage significance. Species consistent with this listing are located in the road reserve adjoining the land. The retention of these trees is necessary to the preservation of the significance of the "Avenue".

However, the Planning Proposal does not impact on the conservation of the item. Further, any future development applications for redevelopment of the sites will be required to address the impact of that development on the item.

Aircraft Noise

As a result of the sites' proximity to the Richmond RAAF Base, all three properties are located in the 25-30 ANEF contour, limiting the nature of future development of the land parcels, particularly with regards to residential development.

The proposal will facilitate additional light industrial uses which are consistent with AS 2021 – 2000 Acoustics – Aircraft noise intrusion – building siting and construction.

Infrastructure

The sites have access to the following essential services:

- Reticulated water
- Reticulated sewer;
- Stormwater disposal;
- Telecommunication services;
- Electrical supplies;
- Weekly garbage disposal.

Transport

The sites are readily accessible by public transport, and are nearby to residential areas.

Due to the location of the sites on an arterial roadway, any future development applications for intensification or redevelopment of the sites may be referred to RMS in accordance with State Environmental Planning Policy (Infrastructure) 2007.

Air quality

The proposal will not impact on current air qualities of the immediate locality, however, any subsequent development applications for redevelopment and/or use will be subject to detailed assessments as to the effect of emission generation.

Overall, the proposal is considered to have neutral environmental impact.

9. *Has the planning proposal adequately addressed any social and economic effects?*

Yes.

There are positive social and economic effects arising from the proposal. The Hawkesbury Employment Lands Strategy recognises the importance utilising existing lands to provide additional employment opportunities for the Hawkesbury LGA.

The economic benefits of the proposal are both direct and indirect. The benefits of the rezoning include:

- The provision of additional industrial lands to support a wider range of employment opportunities in the Hawkesbury;
- Providing the economic stimulus for new development through certainty of zoning; Encouraging expenditure within the Hawkesbury LGA.

The social benefits include:

- The provision of additional industrial lands to support a wider range of employment opportunities in the Hawkesbury;
- Facilitating new development on the land which is more in keeping with this gateway location.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The land is adequately serviced by:

- Reticulated water
- Reticulated sewer;
- Stormwater disposal;
- Telecommunication services;
- Electrical supplies;
- Weekly garbage disposal.

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

The following public authorities should be consulted in relation to the issues listed in the following table.

Public Authority	Issue
RMS	Potential impact of redevelopment and access on the local road network
Department of Defence	Proposed future land uses compatibility with AS 2021 – 2000 Acoustics with particular regards to light industrial development in the 25-30 ANEF contour
Environmental Protection Authority	Previous use of Lots 9 and 10 for the purpose of a service station

Part 4 – Mapping

Sufficient mapping has been included in this Planning Proposal to identify the mapping changes which are required. The Council will provide appropriate mapping in accordance with the *Standard technical requirements for LEP Maps*. The Council's mapping will be produced for public notification and for gazettal.

Part 5 – Community Consultation

Following consultation with Council, it is considered that an exhibition period of 14 days is sufficient community consultation for this planning proposal.

Part 6 – Project Timeline

It would be reasonable for the LEP to be completed within 9 months from the week after the Gateway Determination is issued. The suggested project timeline is as follows:

Project Phase	Indicative Timeline
1. Anticipated commencement date	4 weeks from date of referral to P&E of revised planning proposal
2. Completion of technical information prior to government agency consultation	Nil
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining / affected property owners, public notice in a local newspaper, and exhibition material	2 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions, assessment report and decision to proceed to final LEP	6 weeks
7. Request to PC to prepare a draft LEP under Section 59(1) of the Act	2 weeks
8. Finalisation of the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the draft plan	6 weeks
9. Request for online notification of the LEP	2 weeks

Conclusion

The purpose of this planning proposal is to amend Hawkesbury Local Environmental Plan 2012 by rezoning the land from R2 Low Density Residential to IN2 – Light Industrial.

The proposal to rezone the land to light industrial is considered appropriate given its location within 25-30 ANEF contour for Richmond RAAF base. This constraint makes the land unsuitable for residential development. The Planning Proposal has been prepared to address the anomaly which exists between the long standing uses of the sites and residential zone.

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. The sites are ideally located, and provide adequate physical separation from adjoining residential lands.

It is submitted that this planning proposal satisfies all of the requirements for a Gateway Determination by the LEP Review Panel.

It is therefore recommended that Council support the planning proposal and resolve to prepare an amendment to Hawkesbury Local Environmental Plan 2012 as proposed.