

6 Speedwell Place, South Windsor

Proposal Title : **6 Speedwell Place, South Windsor**

Proposal Summary : **The proposal seeks to rezone part of the land at 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 - General Industrial. The amendment will facilitate the use of the western portion of the site for industrial purposes.**

PP Number : **PP_2015_HAWKE_005_00** Dop File No : **15/11567**

Proposal Details

Date Planning Proposal Received : **10-Jul-2015** LGA covered : **Hawkesbury**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **6 Speedwell Place**

Suburb : **South Windsor** City : **Sydney** Postcode : **2756**

Land Parcel : **Lot 21 DP806993**

DoP Planning Officer Contact Details

Contact Name : **Coby Tomlins**

Contact Number : **0298601544**

Contact Email : **coby.tomlins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Karu Wijayasinghe**

Contact Number : **0245604546**

Contact Email : **Karu.Wijayasinghe@hawkesbury.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number :

Contact Email :

Land Release Data

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

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

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MDP Number :

Date of Release :

Area of Release (Ha) : **3.40**

Type of Release (eg Residential / Employment land) :

Employment Land

No. of Lots : **0**

No. of Dwellings (where relevant) : **0**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register was checked on 29 July 2015. There are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

The subject site has an area of 11.45ha with approximately 525sqm zoned IN1 General Industrial and the remainder zoned RU1 Primary Production.

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

At this stage of the application, the number of jobs created by the proposal is unknown as the specific use of the proposed IN1 General Industrial land is unknown. This will be determined at the development application stage.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to amend the Lot Size Map of Hawkesbury Local Environmental plan 2012 (Hawkesbury LEP) applying to the subject land and rezone part of the land from RU1 Primary Production to IN1 General Industrial under the provision of the LEP to allow some industrial and ancillary uses on that part of the land.

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

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

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

- Map changes to amend the zoning from RU1 Primary Production of part of the land at Lot 21 DP806993 to IN1 General Industrial;
- Map changes to amend the lot size map to remove 10ha minimum lot size provision applying to that part of the land proposed to be rezoned to IN1 General Industrial;
- Map changes to amend the building height map to remove maximum 10m building height provision applying to that part of the land proposed to be rezoned to IN1 General Industrial;
- Map changes to amend the lot averaging map to remove 10ha minimum lot size provision applying to that part of the land proposed to be rezoned to IN1 General Industrial;

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SREP No 9—Extractive Industry (No 2—1995)
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

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

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

If No, explain :

S117 Directions

1.1 Business and Industrial Zones

The proposal seeks to encourage employment growth in suitable locations and to support the viability of identified strategic centres. As the proposal is located adjacent to existing General Industrial zoning and is within close proximity to the South Windsor Small Village Centre, the land has potential to boost economic, business and

employment activities in the locality and help improve the viability of the small village centre. As such, the proposal is considered consistent with this Direction.

1.2 Rural Zones

The proposal fails to protect the agricultural value of existing rural land, and as such is inconsistent with this Direction.

The site is within Class 3 agricultural land classification in accordance with the NSW Department of Primary Industries' Land Classification mapping. Class 3 land is grazing land or land well suited to pasture improvement with moderate production levels. The land has no record of use for intensive agriculture and has most recently been used for light grazing.

The proposal is justified by Strategy 4 of the Hawkesbury Employment Lands Strategy 2008, which identified the site as being within the investigation area for future industrial uses. It has been identified that the proposed use is consistent with other surrounding land uses and the site appears not to have been previously used for agricultural use (other than light grazing). The majority of the site is not proposed to be rezoned to IN1 General Industrial and would therefore still be available to agricultural uses. As such, the proposal will be consistent with this Direction.

1.3 Mining, Petroleum Production and Extractive Industries

Direction 1.3 applies as the planning proposal may have the effect of restricting the potential development for mining, petroleum production and extractive industries through an increase in industrial land use. The subject land 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 former NSW Resource and Energy Division of NSW Trade and Investment. Further, the subject land is not located within or in the vicinity of land described in Schedules 1, 2 and 5 of the Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1995). Council intends to consult with the Director General of the Department of Trade and Investment - Mineral Resources Branch, in accordance with Direction 1.3(4), to ensure that there are no issues with development on the land relating to resources extraction. This consultation will occur as part of the Gateway determination.

3.4 Integrating Land Use and Transport

The subject site is within close proximity to road and rail transport networks. The proposal is also within close proximity to local business/retail activities and employment opportunities at the South Windsor Small Village Centre and surrounding residential development. The proposal is likely to enable 3.4ha of industrial employment land. Given its close proximity to transport networks and relevant surrounding land uses, travel demand is likely to be minimised. As such, the proposal is not inconsistent with this Direction.

4.1 Acid Sulfate Soils

The site is identified as Class 5 (less constrained) on the Hawkesbury LEP 2012 Acid Sulfate Soils map. Given the site has been filled since the preparation of the maps, an acid sulfate soils study is required to determine the current acid sulfate soil classification and therefore guide development work in accordance with the requirement of Clause 6.1 of the Hawkesbury LEP 2012. Hawkesbury LEP 2012 contains provisions (Clause 6.1 Acid Sulfate Soils) relating to acid sulfate soils, and it is considered that these provisions provide adequate protection against adverse impacts.

In light of the above, it is recommended that the Director-General forms an opinion that the inconsistency is of minor nature.

4.3 Flood Prone Land

This Direction requires that the planning proposal must not rezone land within the flood planning areas from rural to industrial. The proposal states that the proposal could

comply with the 1 in 100 flood level of 17.3m. The site benefits from a development consent (DA 358/06) for the filling of the site with Virgin Excavated Natural Material (VENM) to 16m.

Hawkesbury Council's "Development of Flood Liable Land Policy", prepared in accordance with the Floodplain Development Manual, permits the erection of non-habitable structures within the 1:100 Average Recurrent Interval (ARI) providing that any structure is not less than 3 metres below the 1:100 ARI. Given the approval for fill of up to 16m, the proposal is considered consistent with the "Development of Flood Liable Land Policy".

Council's "Hawkesbury Floodplain Risk Management Strategy and Plan", which divides flood-prone land into five flood risk categories, ranging from very low to extreme, identifies all but Extreme Risk areas as suitable for industrial development. The Extreme Flood Risk area is defined as land below the 1 in 20 year flood event level, which in this case is 13.8 AHD. As the part of the site proposed for IN1 General Industrial is 16 AHD, and not within the Extreme Flood Risk Area, the proposal is justified.

In this regard, the proposal is not inconsistent with this Direction. However given the location of the land proposed for rezoning below the flood planning level and the proposed fill comment should be sought from the Office of Environment and Heritage - Flooding Division. It is considered that NSW State Emergency Service should also be consulted in relation to this matter.

4.4 Planning for Bushfire Protection

This Direction applies when a Council prepares a planning proposal that affects, or is in proximity to land mapped as bushfire prone land.

This direction is relevant to this planning proposal as the site is "Bushfire Prone Land" (primarily vegetation category 1) according to NSW Rural Fire Service's Bushfire Prone Land Map.

The applicant has advised that the NSW Rural Fire Service will be consulted following Gateway Determination to ensure it does not object to any of this planning proposal.

It is considered that once Council consults with the NSW Rural Fire Service and addresses its concerns, if any, Council should be required to demonstrate the consistency of the proposal with this Direction prior to undertaking community consultation.

6.1 Approval and Referral Requirements

The proposal does not identify any development as designated development and does not include any concurrence, consultation or referral provisions. As such, it is consistent with this Direction.

6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The proposal is for an amendment to the Land Zoning Map only and is therefore consistent with this Direction.

7.1 Implementation of A Plan for Growing Sydney

The subject land falls within the west subregion, as identified by A Plan for Growing Sydney, however the South Windsor area is not identified as being of any regional or strategic significance.

The Plan refers generally to the importance of sustaining the viability of agricultural resources within the Metropolitan Rural Area and West subregion. Due to the location of the subject land adjacent to existing IN1 General Industrial zoned land, the subject land is unlikely to be viable for agricultural purposes and is suitable for IN1 General Industrial zoned land uses.

The Plan also promotes the provision of access to jobs close to home. Due to the close proximity of the proposal to established residential dwellings, the subject land is appropriate for IN1 General Industrial Zoned land, contributing to the number of jobs closer to home.

The planning proposal will need to be updated to address A Plan For Growing Sydney prior to exhibition.

SEPP No 55 - Remediation of Land

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

A review of the current land use suitability of the site was undertaken by DLA Environmental in accordance with the amended National Environmental Protection (Assessment of Site Contamination) Measures guidelines 2013 and recommended that the site is considered suitable for its intended land use, requiring no remedial actions. However, the proponent notes that further investigations and potential remediation may be required for future industrial development of the site. Given the evidence of contaminated material (asbestos) on the site, Council will need to comply with the requirements of the SEPP - Remediation of Land in terms of the need for further site investigation. Prior to exhibition, the planning proposal should be referred to the NSW Environment Protection Authority (EPA) for comment. Any additional documentation prepared addressing site contamination or EPA requirements should be included with the exhibition materials.

SREP No 9 - Extractive Industry (No 2 1995)

The proposal is not inconsistent with the SREP.

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

The aim of the SREP is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies.

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

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided a zoning map of the site which is considered adequate for the purposes of consultation and shows the intent of the proposal.

However, to ensure consistency with consultation requirements, provision of current and proposed lot size, building height and lot averaging Maps must be included prior to exhibition of the planning proposal, and the resulting maps must be included in the exhibition materials.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

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

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

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2012**

Comments in
relation to Principal
LEP :

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

Assessment Criteria

Need for planning
proposal :

The site is identified in the Hawkesbury Employment Lands strategy 2008 as a strategic area for employment lands and has been earmarked as an investigation area for industrial lands.

The proposal is considered a logical extension of existing industrial zoned land adjoining the site and will contribute to the increase in economic prosperity of the Hawkesbury region.

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Consistency with strategic planning framework :

A Plan for Growing Sydney

The Plan refers generally to the importance of sustaining the viability of agricultural resources within the Metropolitan Rural Area and West subregion. Due to the location of the subject land adjacent to existing IN1 General Industrial zoned land, the subject land is unlikely to be viable for agricultural purposes and is suitable for IN1 General Industrial zoned land uses.

The proposal, though it constitutes a loss of rural land, is broadly consistent with A Plan for Growing Sydney. The Plan refers to the provision of access to jobs close to home to provide residents the choice to walk or use public transport. The proposal provides opportunity for people to be able to work closer to home to reduce commuting times and making Sydney more productive, given the sites location to existing residential areas.

Draft North West Subregional Strategy

The draft North West Subregional Strategy states that rural lands need to be protected from incompatible uses for their ongoing viability. This is particularly the case for intensive agricultural industries such as poultry sheds, mushrooms and protected cropping (p. 117). As the proposal is located on a site with limited agricultural capability and is within the vicinity of other industrial lands, being identified as a location for future industrial lands in the Hawkesbury Employment Lands Strategy 2008, it is not considered to be a significant rural resource.

The proposal is considered to assist in securing long-term employment lands in the North West Subregion. As such, the proposal is considered to be consistent with the strategy.

Hawkesbury Community Strategic Plan 2013 - 2032

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

Hawkesbury Employment Lands Strategy 2008

The fifth of the Strategies eight 'recommended strategies' is to 'investigate additional industrial land supply to address future employment growth in South Windsor (the areas east of Fairey Road not currently zones industrial)'. As such, the proposal is considered to contribute to the industrial land supply within the Hawkesbury Employment Lands.

As such, the planning proposal is not considered to be inconsistent with the relevant strategic planning frameworks (refer to Section B of the planning proposal - page 9 for further detail).

Environmental social economic impacts :

Environmental

It has been identified that a number of potential environmental issues affect the site including acid sulphate soils risk, bushfire Risk land contamination risk and flooding risk.

The site is also included in the Terrestrial Biodiversity Map and Wetlands Map in the Hawkesbury LEP 2012. The Terrestrial Biodiversity Map of the LEP records the site as containing Shale Plains Woodland and shows some parts of the site as either Significant Vegetation or Connectivity between Remnant Vegetation. Council recently undertook a site investigation and revealed that there is little vegetation remaining on site other than a couple of remnant trees. It is noted that there is wetland towards the rear of the property, which is not identified as RAMSAR wetland. Regardless, the wetland area is not proposed to be rezoned as IN1 General Industrial. It is considered appropriate that detailed considerations can be made in relation to these issues at future development application stage.

To ensure that environmental risks are properly addressed, consultation is necessary with a number of agencies prior to public exhibition, including the Office and Environment and Heritage - Flooding Division, the NSW State Emergency Service, The Environment Protection Authority (EPA), the NSW Rural Fire Service and NSW Trade and Investment.

Economic

By rezoning an additional 3.4ha of industrial land the proposal is likely to increase

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economic activity in the region and encourage further investment in the surrounding area, providing greater local employment opportunities.

Social

The proposal is likely to have an overall positive social impact, providing potential for an increase of job numbers in an accessible area close to established residential areas.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Department of Trade and Investment
NSW Rural Fire Service
State Emergency Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter to DP&E requesting a Gateway determination_15 June 2015.pdf	Proposal Covering Letter	Yes
Council Report - Ordinary Meeting_26 May 2015.pdf	Proposal	Yes
Council Resolution_26 May 2015.pdf	Proposal	Yes
Planning Proposal for 6 Speedwell Place,South Windsor.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries**

- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

1. Prior to exhibition the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.
 2. The Planning Proposal be amended prior to exhibition to:
 - include a map identifying the proposed changes to Lot Size Map of the Hawkesbury LEP,
 - include a map identifying the proposed changes to Building Height Map of the Hawkesbury LEP,
 - include a map identifying the proposed changes to Lot Averaging Map of the Hawkesbury LEP.
 3. Prior to exhibition the planning proposal should be referred to the NSW Environment Protection Agency (EPA) for comment in relation to State Environmental Planning Policy No. 55 - Remediation of Land. Any additional documentation prepared addressing site contamination or EPA requirements should be included with the exhibition materials.
 5. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
 6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).
 7. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage, Flooding Division
 - Department of Trade and Investment, Mineral Resources
 - NSW Rural Fire Service
 - Greater Sydney Local Land Services
 - NSW Environment Protection Authority
 - State Emergency Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 9. Delegation is to be given to Council to exercise the Minister's plan-making powers under Section 59 of the EP&A Act 1979 to progress this planning proposal.

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

Supporting Reasons :

There is a strong strategic basis for rezoning the site to include IN1 General Industrial. The proposal forms a logical extension of the existing industrial uses adjacent to the site and provides opportunity for working close to home, while contributing to the objectives and goals of the local, regional and state strategic plans.

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

Signature:



Printed Name:

DERRYN JOHN

Date:

3 SEPTEMBER 2015

