

Rezoning of 46 Mulgrave Road, Mulgrave

Proposal Title : Rezoning of 46 Mulgrave Road, Mulgrave

Proposal Summary : THE PLANNING PROPOSAL

The planning proposal (TAG A) seeks to rezone Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave from Rural Living under Hawkesbury Local Environmental Plan 1989 to RU1 Primary Production under draft Hawkesbury Local Environmental Plan 2012.

Hawkesbury City Council has advised that the planning proposal is to facilitate a "truck depot" on the eastern part of the land, between Mulgrave Road and 'Hawkesbury Valley Way flood evacuation road'. The proposed RU1 zoning will allow agricultural production and related industries on the land. The current and proposed zoning extracts are at TAG B.

It should be noted that the land is proposed to be rezoned from Rural Living under LEP 1989 to RU4 Primary Production Small Lots under draft Hawkesbury LEP 2012.

THE SUBJECT LAND

The land is 26.42 hectares in area and has a frontage to Mulgrave Road of 308.8m to Mulgrave Road. It is dissected by the 'Hawkesbury Valley Way flood evacuation road', which is elevated some metres above the ground. The land is surrounded by the Windsor Sewage Treatment Plant (north), Elf Farms mushroom substrate production facility (south) and, a high school and various industrial activities (east). A location map and an aerial photo are at TAG C.

There is no constructed access to the 'flood evacuation road' from the land and there is no easement or right of way in favour of the subject land. A minor watercourse runs through the property and incorporates three dams. The land is below the 1-in-100 year flood level (17.3m AHD). It is gently undulating and ranges in height from approximately 5m AHD at the top of the bank of South Creek, to 16.5m AHD near the northern boundary. A dwelling house, a large farm building and a farm office are located on the higher parts of the land.

The Council's biodiversity map identifies a riparian corridor to the west of the site, along South Creek as "Connectivity Between Significant Vegetation". An extract from the Council's Acid Sulfate Map shows that the property is part Class 4 and Part Class 5. Current zoning map is at TAG D and relevant draft LEP maps are at TAG E.

PP Number : PP_2011_HAWKE_002_00 Dop File No : 11/17498

Planning Team Recommendation

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

S.117 directions : 1.2 Rural Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection

Additional Information : It is recommended that the proposal proceeds with the following conditions:

(1) The Director General agrees that any inconsistency with section 117 directions:
 . 4.1 Acid Sulfate Soils; and
 . 4.3 Flood Prone Land;

are justified as minor matters.

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- (2) Consultation with the Commissioner of the NSW Rural Fire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made;
- (3) Community consultation under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal must be made publicly available for 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009);
- (4) consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
- Department of Environment and Heritage;
 - Hawkesbury-Nepean Catchment Management Authority; and
 - Commissioner of NSW RFS;
- (5) a public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act; and
- (6) the timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : Given the adjoining landuses and elevated flood evacuation route bisecting the site, it is considered that the proposed RU1 Primary Production Zone better reflects the existing character of the locality and will permit a broader range of land uses related to agricultural production.

Panel Recommendation

Recommendation Date : 31-May-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Hawkesbury - Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Rural Fire Service
- State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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3. Further to Condition 1 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____