

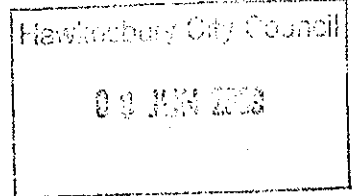
Our Ref: 09/0010

PO Box 49
Kurmond NSW 2757

Your Ref:

6 June 2009

The General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



Dear Mr Jackson

Rezoning Application – 130 Windsor Road Mc Graths Hill

Please find enclosed an application for rezoning of the above property, Lot B DP 411701 (No. 130) Windsor Road Mulgrave.

The land is currently zoned Rural Living, with an enabling clause to permit motor showrooms. The proposal is to rezone the land to 4(b) (Industry Light), which is more in keeping with the surrounding area.

Enclosed are three copies of the application and my client's cheque for \$6,210.00. ✓

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Montgomery'.

Robert Montgomery MPIA, CPP
Principal

Paid 9/6/09

A.C. 14317991181

COPIES

Rezoning Submission

**Lot B DP 411701 (No. 130) Windsor
Road McGraths Hill**

Submitted to
Hawkesbury City Council

June 2009



Montgomery Planning Solutions
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CERTIFIED REZONING PLANNER
Your assurance. Our commitment.

1. Introduction

Montgomery Planning Solutions has been engaged by the owner of the land, Mr Stephen Bastion, to prepare a rezoning submission to Hawkesbury City Council. A preliminary discussion was held with the Mayor and City Planner in January 2009, where no objection was raised in principle to the proposal.

The land, which is 1.49 hectares in area, is currently zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. A site-specific amendment was made to Hawkesbury LEP 1989 in 1995 to permit a motor showroom. The land is currently occupied by a boat sales showroom, caravan showroom and truck showroom in accordance with consents issued since 1995.

The Rural Living zoning is somewhat of an anomaly in this location and the site-specific motor showroom amendment restricts the potential use of the land.

The site presents an opportunity to establish a more appropriate gateway development for this major entry to Windsor. This submission provides a review of environmental considerations and the information necessary to allow Council to make an informed decision with respect to preparing a draft local environmental plan.

It is recommended that Council prepare a draft local environmental plan to rezone the land to 4(b) (Industry Light). Should the template LEP precede this draft plan, the appropriate zone for the land is IN2 Light Industrial.

The land is located on the north-west corner of Mulgrave Road, a distance of 1.5 kilometres from Windsor town centre. The land is generally flat with a gentle slope down from Mulgrave Road to the north. Except for some landscaping around the boundary, the total site comprises hard paving.

A number of buildings are erected on the land, including a truck showroom building at the rear which is not shown in Figure 1. Boats, caravans and trucks are displayed outdoors on the paved areas of the site. The buildings are used for offices, accessories showrooms and service workshops associated with the motor showrooms.

Figure 2: Site from Mulgrave Road

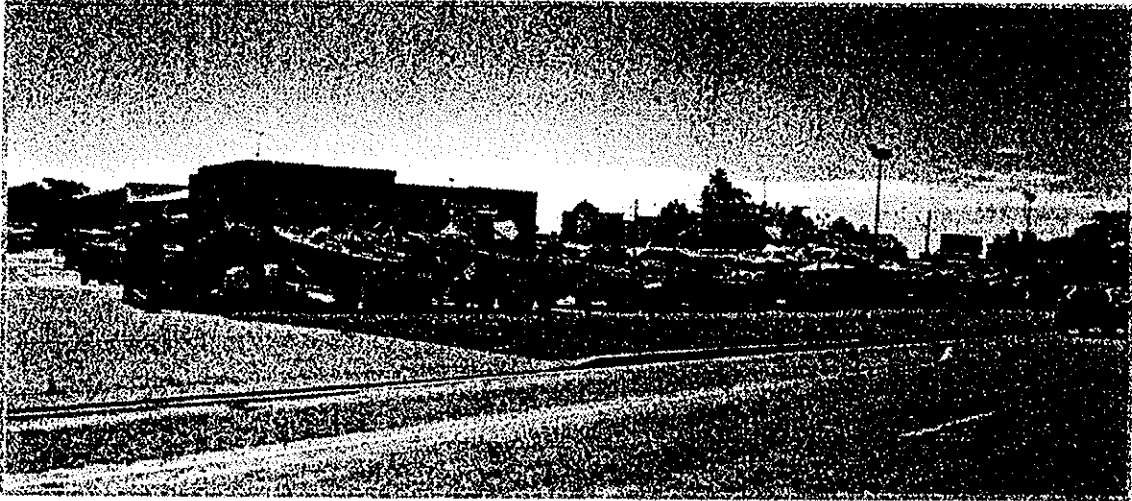


Figure 3: Windsor Road/Mulgrave Road Intersection

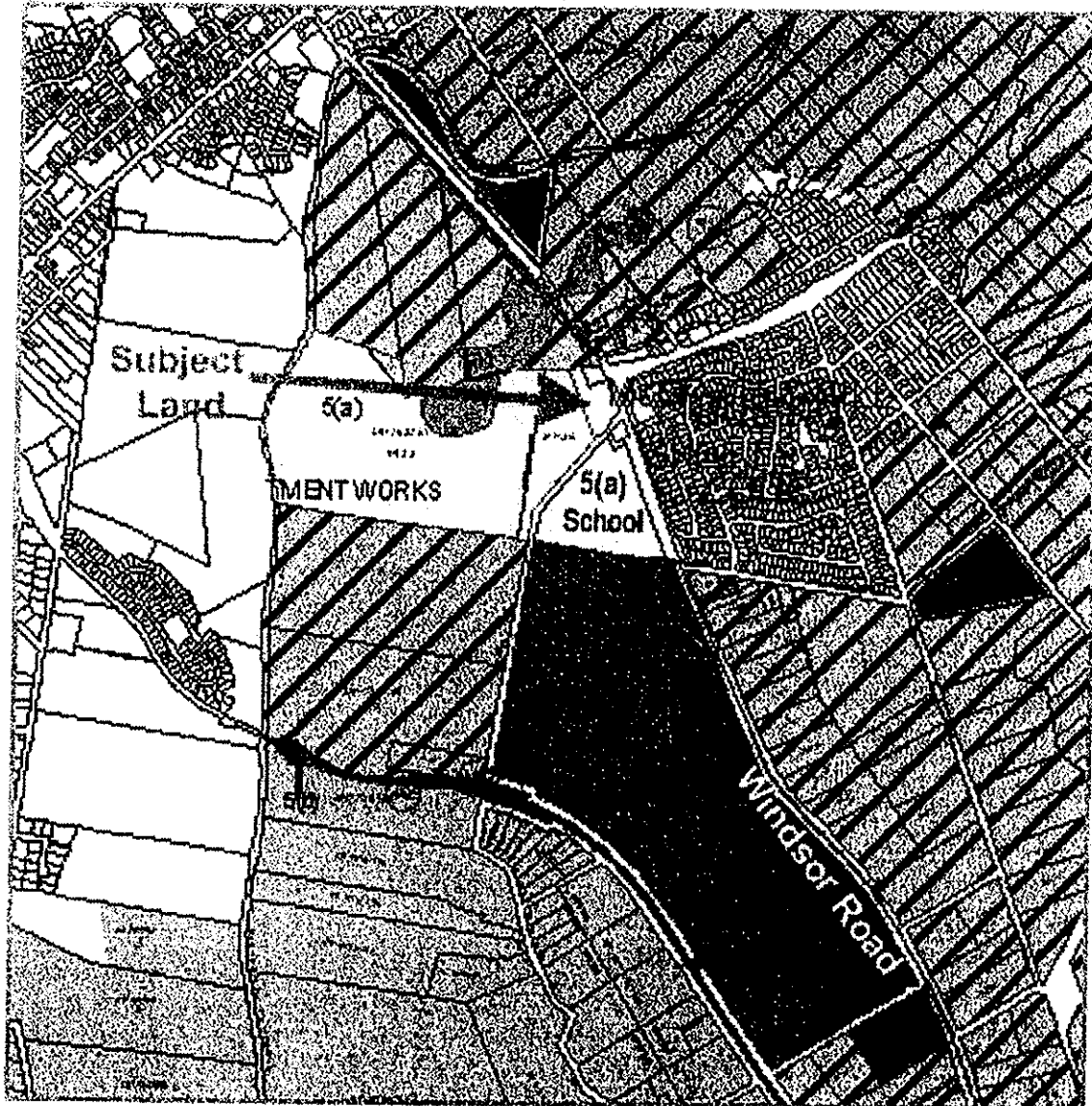


2.3 Surrounding Zoning

The Hawkesbury Sewage Treatment Plant and the Windsor High School sites are both zoned Special Uses 5(a). The subject land and the adjoining service stations are zoned Rural Living. It is assumed that the service stations enjoy the benefits of existing use rights under the provisions of the Environmental Planning & Assessment Act, 1979.

Land on the eastern side of Windsor Road, including the hotel site, is zoned "Housing". The area to the south of the high school, fronting Windsor Road has a combination of 4(b) Industrial and 3(b) business zones.

Figure 5: Surrounding Zoning Source - LEP 1989 Map Sheet 3



3.2 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

SREP 20 contains a number of policies and strategies which apply to land within the City of Hawkesbury. None of the policies is relevant to the proposed rezoning of the subject land.

4. Environmental Considerations

4.1 Flooding

The land is below the 1-in-100 year flood level of 17.3m AHD. The level of the land is approximately 15.8m AHD at Mulgrave Road and falls gradually to 13.6m AHD at the building towards the rear of the land.

The New South Wales Floodplain Development Manual published in April 2005 states;

"The primary objective of the New South Wales Flood Prone Land Policy, as outlined below, recognises the following two important facts:

- o Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- o If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally quite inappropriate proposals may be approved."¹

The Manual also includes the following policy statement at page 1:

"The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:

- o A merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations."

The Manual clearly advocates that decisions should be made on the merits of each specific proposal.

In my opinion, the current use of the land for motor showrooms and possible future light industrial type uses are suitable for the land, taking into account the affect of flooding.

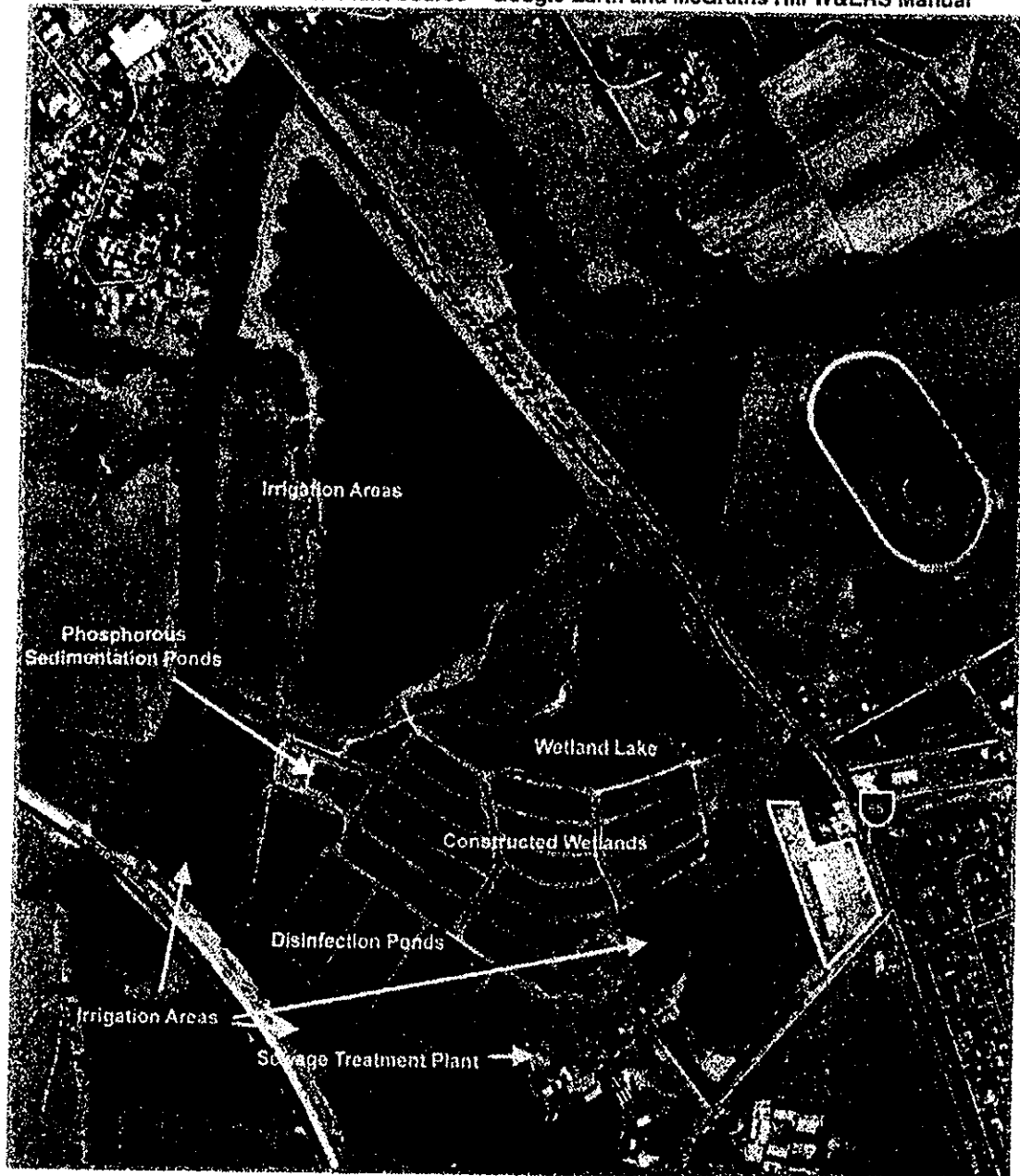
¹ Floodplain Development Manual: the management of flood liable land, NSW Government, April 2005, pg 1.

4.4 Hawkesbury Sewage Treatment Plant

The Council's McGraths Hill Wetlands and Effluent Reuse Scheme is located to the west and north of the subject land. Council has suggested that this operation should be considered both in terms of the potential impact of the Scheme on the land and the potential impact that future development may have on the Scheme.

The Wetlands and Effluent Reuse Scheme is located downstream of five disinfection ponds. These ponds provide further treatment to the secondary effluent produced by the main Sewage Treatment Plant (STP). Figure 7 below shows the main components of the scheme and their relationship to the subject land.

Figure 7: Sewage Treatment Plant Source – Google Earth and McGraths Hill W&ERS Manual



The only chemical used in treatment of the effluent is Alum, also known as aluminium sulphate. Alum has been used as a raw material in the water treatment industry for many decades. Its large molecular size and weight, combined with low cost, make it an excellent flocculant for treatment of both drinking water and industrial waste water. There is no risk for people not in direct contact with Alum.

The plant is a scheduled activity, licensed by the EPA under Section 55 of the Protection of the Environment Operations Act 1997. The potential impacts of the sewer treatment plant and effluent reuse scheme on persons within the locality are odours and spray drift. It is noted that the licence does not identify any potentially offensive odour, nor does it require monitoring of odour or spray quality.

Anecdotally the plant is known to produce odours on occasions. The severity of the odour depends on the climatic conditions and wind direction and speed in particular. There are other licensed premises, market gardens and turf farms in the locality which also cause odour from time to time.

In our experience over many years, when an odour is detected in this locality, it is difficult to identify the source from the several potential sources in the locality.

In relation to potential spray drift, the Operations Manual recommends that spraying pastures be avoided when the wind is strong:

"The effluent sprayed on the pastures for irrigation is secondary treated effluent that has received a degree of tertiary treatment due to retention in the disinfection ponds. Disinfection, whether due to natural die off of pathogenic micro-organisms, or due to chemical means such as chlorination, is never a 100% effective process. As with many treatment processes, the effectiveness is quite significant in relation to the objective of the process, but is not absolute.

*Aerosols, being very fine droplets of spray, are carried a lot further by strong winds than larger water drops, and can cause a risk of spreading pathogenic organisms. Both plant operators and the public could be affected by this, so it is recommended that care be taken during any use of spray irrigation on windy days, and that it not be done on strongly windy days."*³

A search of Council's records and the EPA web site revealed no record of complaints of offensive odour received in relation to the plant.

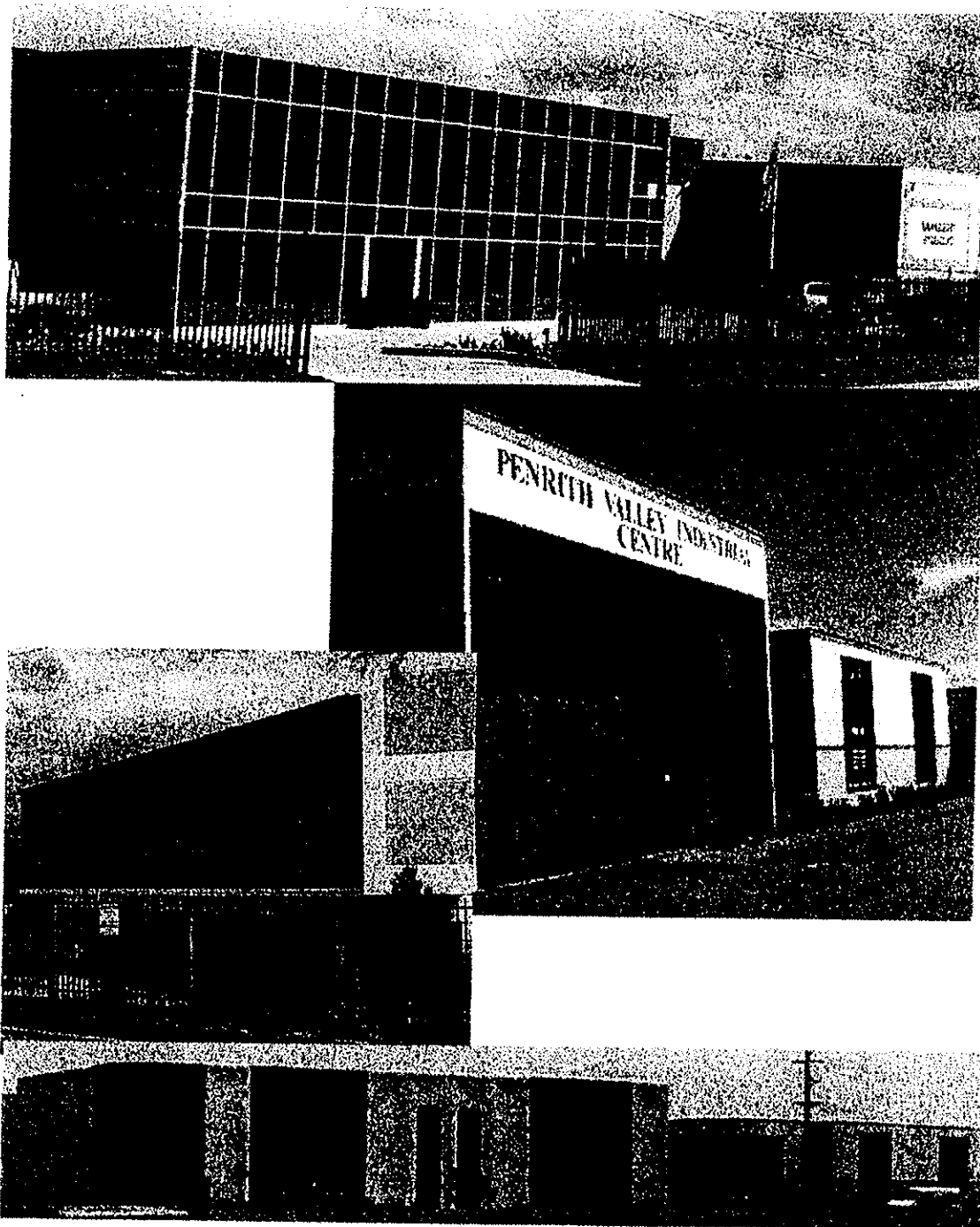
It can be seen in Figure 7 that the Windsor High School buildings are closer to the sewage treatment plant and disinfection ponds than the subject site. The buildings are also located just as close to some irrigation zones. It is considered that the high school is a land use which is far more sensitive to the operations of the sewage treatment plant than the current or potential use of the subject land.

Having reviewed the processes and operations associated with the sewage treatment plant and effluent reuse scheme, it is my conclusion that the proposal to rezone the subject land is unlikely to have any impact in terms of the plant. Similarly, I do not see that future uses of the subject land will be any more or less sensitive than the existing uses.

³ Ibid, pg7

At Windsor Road, Mulgrave, visitors to the LGA from the south now tend to wind through Groves Avenue and the flood evacuation route on their way into or through Windsor. This corridor is again appropriate for highway related enterprise activity of a higher amenity that builds on the existing light industry activities. Similar to North Richmond gateway areas, a boulevard treatment is appropriate here, with some higher amenity highway activities such as showrooms and larger format retailing. Landscaping and treatments to the street will be important."

The following images provide an indication of the type of development which may be achieved on the subject land with a light industrial zoning.



8. NSW Department of Planning Circulars

PS 06-005: Local environmental plan review panel – 16 February 2006

The Circular explains the role of the LEP review panel and sets out the evaluation criteria to be used.

Attachment 2 to this submission is the LEP pro-forma evaluation criteria for spot rezoning with comments relevant to the proposal. The draft LEP would meet the evaluation criteria.

PS 06-008: Standard Instrument (LEPs) Order 2006 – 3 April 2006

The Circular gives an overview of the Order and its implications for preparing local environmental plans. Council has prepared its draft template LEP conversion and is waiting for the Department of Planning to issue a Section 65 Certificate.

This submission recommends that the land be rezoned to 4(b) (Industry Light) or alternatively, IN2 Light Industrial, should the template LEP precede this draft plan.

PS 06-013: Local environmental studies – 2 May 2006

The Circular explains the processes used to identify when a local environmental study is required for an amendment to a local environmental plan. The Circular gives guidance on process, to the information required to support rezoning applications, who prepares a local environmental study, terms of reference and what should occur with material prepared on behalf of a proponent.

In particular, the Circular states:

"The decision to rezone land and the amount of information required to make this decision is a matter for council. However, it is not appropriate that detailed local environmental study style rezoning applications be expected before council or the Director-General has agreed to proceed with a rezoning.

As such councils should refrain from asking for excessive amounts of detail before a proposal is considered by council and the Director-General."

The Circular then provides a list to be used as a guideline for information to be provided.

It is submitted that this report contains sufficient information to allow Council to resolve to prepare a draft local environmental plan.

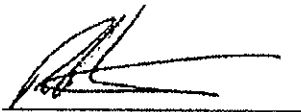
10. Conclusion

The purpose of this submission is to examine the suitability of the land for rezoning to light industrial. The current Rural Living zone is clearly inappropriate given the use of the subject land and the surrounding land uses. The site-specific LEP amendment, gazetted in 1995, allows the land to be used for motor showrooms. This amendment has effectively created the current development on the land, however is overly restrictive.

Other similar land along Windsor Road is zoned 4(b) light industry. The subject land is a gateway site, as an entry to Windsor. Light industry zoning will encourage redevelopment of the land to provide a more appropriate gateway presentation.

There will be no adverse environmental impacts arising from the proposal and this report has demonstrated that the subject land is suitable for rezoning.

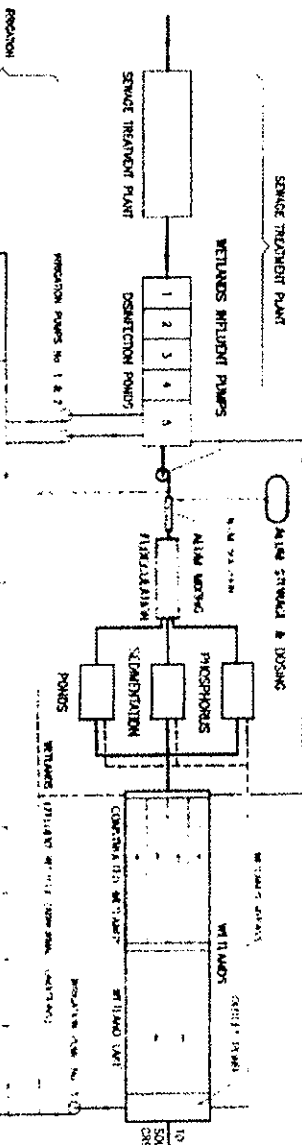
Accordingly it is recommended that Council prepare a draft local environmental plan to rezone the land to 4(b) (Industry Light). Should the template LEP precede this draft plan, the appropriate zone for the land is IN2 Light Industrial.



Robert Montgomery
BApSc (Environmental Planning) MPIA CPP
Principal
June 2009

Attachments:

- Attachment 1 – Site plan for sewage treatment plant and effluent reuse scheme
- Attachment 2 – LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning LEP



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WARRANTY CONTRACT
MCGRAW-HILL WETLAND AND EFFLUENT REUSE
ON REVIEW OF SCHEME