

CITY PLANNING

Item: 50 **CP- Planning Proposal - Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199 and Lot 3 DP 700263 120 - 188 Hawkesbury Valley Way, Clarendon - (95498)**

REPORT:

Executive Summary

Council has received a planning proposal from Urbis Pty Ltd (Urbis) on behalf of Hydrox Nominees Pty Ltd to rezone the subject site at 188 Hawkesbury Valley Way, Clarendon to B7 Business Park to allow certain commercial and light industrial uses on the subject land and also amend Schedule 1 Additional Permitted Uses (Schedule 1) of Hawkesbury Local Environmental Plan 2012 (LEP 2012) to enable bulky goods premises on the northern part on the land.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be submitted to the Department of Planning & Infrastructure (DP & I) for a gateway determination.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations and as specified in the "Gateway" determination. Should the planning proposal not proceed there will be no need for any further action or public consultation.

Background

The Hawkesbury Employment Lands Strategy 2008 (ELS) which has been prepared in line with the draft North West Subregional Strategy (NWSS) and adopted by Council in December 2008 provides a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The ELS states that vacant industrial employment land is often unserviced, with threshold costs limiting development, or has poor access to key transport routes. In order to address these issues the ELS recommends eight strategies to service the identified properties to unlock existing supply and investigate additional industrial land supply to address future employment growth and the economic prosperity of the Hawkesbury Local Government Area (the LGA).

Strategy 4 of the recommended eight strategies applies to the subject site and is as follows:

Strategy 4: Capitalise on the LGA's strategic assets and provide high quality jobs by considering the future of land at Clarendon for a high amenity office and business development.

In line with the abovementioned recommended strategy, the applicant has prepared a planning proposal seeking the majority of the subject land to be zoned B7 Business Park zone.

Subject Site and Surrounds

The site is located on the southern side of Hawkesbury Valley Way, west of Percival Street, Clarendon. The site is bisected by the Richmond Railway Line as shown in Attachment 1 to this report.

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The subject site is legally described as Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199, 188 Hawkesbury Valley Way and Lot 3 DP 700263 and 120 Hawkesbury Valley Way and has an area of approximately 53ha. The site is irregular in shape and bounded by Hawkesbury Valley Way to the north, Rickabys Creek to the east and south and An Early Learning Centre to the west. It has an approximately 900m wide frontage to Hawkesbury Valley Way also known as Richmond Road (see Attachment 2 to this report).

The site is currently zoned part RU4 Primary Production Small Lots and E2 Environmental Conservation under LEP 2012 (see Attachment 3). Land north of the railway line is generally cleared, with a small dam and contains the property known as 'Elfdale Stud' which consists of several dilapidated rural buildings. The land area south of the railway line is cleared, with a large dam towards the south western corner. The site is identified as flood prone and sloping south-east from Hawkesbury Valley Way towards Rickabys Creek. The site is not bushfire prone land.

According to the Minimum Lot Size Map Sheet - LSZ _008DA of LEP 2012, minimum lot sizes 2ha, 40ha and 50ha apply to the site. The land is shown as being Agriculture Land Classification 2 and 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

2. *Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.*
3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury- Nepean River (No.2 - 1997) and is not within an area of scenic significance under this SREP.

Parts of the site are shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. However, most of this is outside of the land proposed to be rezoned.

The site has been previously used for various uses including agriculture, farm and agricultural sheds, farm dams, farm residence, farm office, corrugated metal building and associated structures and horse racing track. The western half of the northern portion of the site was converted from cropland to grazing paddock between 1955 and 1961 and the eastern half of the northern portion is currently used as grazing paddock for cattle and horse stock.

The site is surrounded by a diverse mix of residential, commercial and industrial uses. The Richmond RAAF base is directly opposite the subject site. The other key surrounding land uses are Hawkesbury Race Course and Showground, Clarendon business Centre and Headstart Early Learning child care centre to the west, local businesses, residential and the Windsor Country Golf Club to the east and UWS Hawkesbury Campus to the south-west. The closest employment precinct is South Windsor industrial area which is located 2km south-east. North Richmond, Mulgrave, Richmond and Wilberforce employment precincts are the other main surrounding precincts.

Planning Proposal

The planning proposal seeks to rezone the majority of the site (approximately 34 ha) from RU4 Primary Production Small Lots to B7 Business Park under LEP 2012 to allow the site to be developed as a business park. An amendment to Schedule 1 of LEP 2012 is also proposed to enable bulky goods premises on the northern part of the site. The rest of the site will remain zoned RU4 Primary Production Small Lots and E2 Environment Conservation. The proposal will enable the incorporation of a new B7 Business Park zone into HLEP 2012 and also help establish the first business park within the LGA in accordance with the recommendations of the ELS.

The existing Land Zoning Map Sheet LZN_008DA of HLEP 2012 would need to be amended to depict part of the site as the new B7 Business Park Zone. It would also need to adopt an Additional Permitted Use Map APU_008DA to show the area of land to which the proposed Schedule 1 Additional Permitted Uses amendment applies. Other ancillary maps of LEP 2012, such as the minimum lot size map, will also require amendment.

The planning proposal states that the proposed business park development on the site will be completed in three stages. A concept development layout plan accompanying the planning proposal shows these three different stages (see Attachment 5 to this report). These three stages are explained below:

Stage 1: Masters Store Development on the north-western corner of the site, north of Richmond Railway Line

The planning proposal indicates that approximately 3.5ha of the north-western corner of the site, north of Richmond Railway Line will be developed for a Masters Store (see Attachment 6 to this report). The proposed store will comprise approximately 11,000m² of gross floor area (GFA), which will include the main floor area for a range of home improvement products, a nursery containing landscape and garden products, a trade area for drive-thru sales of all goods, a restaurant/café and associated parking.

The majority of the floor area (approximately 70%) of the proposed Masters Store will occupy products, goods or materials that may fall within the definition of "*hardware and building supplies*" and 25% of the floor area will occupy products or materials that may fall within the definitions of "*garden centre*" and "*landscaping material supplies*" in LEP 2012. The remaining 5% of the floor area will occupy items or goods that generally fall within the definition of "*bulky goods premises*". Loading/unloading areas will also be provided on site.

The planning proposal states that the proposed Masters Store development containing a range of bulky goods, home improvements products and materials and garden and landscaping supplies will benefit from the lands proximity to Hawkesbury Valley Way, provide a gateway for the future business park, and generate funds requires to deliver key infrastructure required to support the future development of the proposed business park land to the south of the Richmond Railway Line.

Stage 2: Development of the remainder of the proposed B7 Business Park land north of the railway line for office and bulky goods development

The remainder of the proposed B7 land north of the railway line (approximately 8.1ha) is proposed to be developed for office and bulky goods premises, restaurant and associated parking. According to the concept development layout plan, Stage 2 development will yield 10,000m² GFA of office floor space and 5,000m² GFA of bulky goods area.

Stage 3: Development of the proposed B7 land south of the railway line for a business park

The proposed B7 land south of the railway line (approximately 22.4ha) will be developed for a business park. Stage 3 will enable 90,000m² GFA for a range of office and ancillary uses. This will be the first business park in the LGA.

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As the majority of the proposed land uses involved in Stages 1 and 2 such as bulky goods premises (approximately 7200m² GFA), a nursery, hardware and building supplies and landscaping material supplies are not permitted land uses in B7 zone the Planning Proposal also seeks to amend Schedule 1 of LEP 2012 to include such uses as additional permitted land uses on the proposed B7 land north of the railway line.

Voluntary Planning Agreement

In order to accommodate the proposed business park on the site the current access arrangement to and from the site will need to be improved and a Traffic Assessment Report accompanying the planning proposal recommends a number of traffic and access improvement measures. According to the planning proposal the landowner is committed to entering into a Voluntary Planning Agreement (VPA) with Council to secure funding for the required upgrades to facilitate the development of the site. The planning proposal proposes to upgrade access arrangements in three stages which are outlined below:

Stage 1:

- Construct a new roundabout to Hawkesbury Valley Way, creating the principle northern access point to the site. This will support the initial stages of development on the site, and will be aligned to the railway overpass bridge.
- Construct a road into the estate up to the rail line.
- Provide access to all required utility infrastructure (sewer, water, electricity and telecommunications).

Stage 2:

- Upgrade the roundabout on Hawkesbury Valley Way (if required).
- Provide a second access of Hawkesbury Valley Way at Percival Street including a secondary entrance road.

Stage 3:

- Construct a railway overpass bridge which will provide access to the land south of the railway line.
- Construct further access point via Racecourse Road onto Richmond Road (subject to landowner agreement).

According to the planning proposal the abovementioned road infrastructure upgrades will be delivered over a number of stages responding to development demand across the site. In order to provide sufficient level of certainty for the delivery of key infrastructure from the initial stage of the project, funds for the rail overpass bridge will be collected from the initial stage of development. A railway overpass linking the northern and southern parts of the site will be funded by Stage 2 development works and secured by the VPA and this will ensure the development of the southern part of the site as planned in Stage 3.

The following table shows the VPA funding indicative timeframes:

Development Stage	Planned Works	Funding Allocation
1 - Masters Development	• Roundabout • Estate Road	10% Rail overpass funding submitted to Council
2 - Support bulky goods and office development	• Upgrade roundabout • Second intersection and access road from Hawkesbury Valley Way	50% Rail overpass funding (DA stage) 100% Rail overpass funding (Occupation Certificate stage)
3 - Business Park	• Rail overpass	50% funding for Racecourse Road connection

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Whilst there is no "in-principle" objection to entering into a VPA with the applicant for this development, the works suggested by the applicant in the planning proposal (above table) would seem to be usual development costs or works that would be the sole responsibility of the developer. This matter is discussed later in this report.

The planning proposal is supported by the following reports/studies:

Traffic Assessment (Appendix B)
Economic Impact Assessment (Appendix C)
Business Park Demand Analysis ((Appendix D)
Phase 1 Contamination Assessment (Appendix E)
Flora and Fauna Report ((Appendix F)
Utility Services Report (Appendix G)

Metropolitan Plan for Sydney 2036

The primary objective of the *Metropolitan Plan for Sydney 2036* (the Metro Plan) is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The Metro Plan sets five central aims to manage Sydney's growth by enhancing the city's livability, strengthening economic competitiveness, ensuring fairness, protecting the environment and improving governance. The Metro Plan forecasts Sydney's population to grow by 1.7 million to almost 6 million people by 2036. In order to support this anticipated population growth the Metro Plan establishes a number objectives and actions to provide 760,000 additional jobs by 2036. The following objectives and actions are relevant to the Planning Proposal:

Objective B1: To focus activity in accessible centres.

The site is located between Clarendon and Windsor Railway Stations on the Western Rail Line to Richmond and it has easy access to the existing rail infrastructure and is also located close to key education, defence and cultural facilities including University of Western Sydney (Richmond campus), Richmond TAFE, RAAF Base and Hawkesbury District Hospital. The site is located on Hawkesbury Valley Way which is a major arterial road with easy access to Windsor Road which in turn provides road access to the Sydney Metropolitan Region via the Westlink M7.

The planning proposal is therefore generally consistent with this objective.

Objective B3.1: Plan for new centres in existing urban and Greenfield release areas.

The Metro Plan states that the appropriateness of locations for new centres will depend upon a range of factors including public transport access, proximity to good quality urban space, primary schools, residential amenity of the area, heritage significance and adaptability of existing buildings, and market demand. The planning proposal states that the site's strategic location between the Richmond and Windsor town centres with good access to both rail and bus transport systems and educational institutions is appropriate for a new centre.

The Metro Plan identifies centres hierarchy and the criteria required for different types of centres. The Planning Proposal does not identify the proposed centre type (e.g. neighbourhood centre, small village centre or a village centre). However the proposed location is considered appropriate for a new Business Park centre, rather than a retail/bulky goods retail centre, given the good access to the Western Rail Line, regional road transport network, Richmond TAFE, University of Western Sydney (Richmond Campus), RAAF Base and Hawkesbury District Hospital.

It is therefore considered the planning proposal could be generally consistent with this objective.

Objective E1: To ensure adequate land supply for economic activity, investment and jobs in the right locations

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The planning proposal states that the site has been identified in the ELS and forms part of a strategically important precinct which provides adequate land area to boost economic activities and investments. Stage 1 development of part of the site as a Masters Store would likely create 130 - 150 operational jobs and 180 jobs during the construction period.

It is correct that the land has been identified in the ELS for consideration; the Strategy identifies this site for "high amenity and business development" and is considered as a "strategic asset" for the provision of high quality jobs. In this regard the proposal for a Business Park development would be consistent with this objective, but the inclusion of a significant amount of retail uses would not be consistent. An amended planning proposal removing the bulky goods uses would be consistent with this objective.

Objective E2: To focus Sydney's economic growth and renewal, employment and education in centres

The Metro Plan seeks to cluster employment and education. The Planning Proposal states that the location of the site adjacent to Richmond TAFE, UWS Campus and RAAF Base will enable to cluster employment and education in a new centre.

The planning proposal is consistent with this objective.

Objective E4: To provide a broad range of local employment types in dispersed location

The Metro Plan states that dispersed locations are still recognised as an important source of jobs and approximately 30% of all jobs will occur in dispersed locations, which includes local centres, trades and construction. The planning proposal states that the proposed business park will provide significant local employment opportunities.

The planning proposal is consistent with this objective.

The Metro Plan identifies the following criteria for business park locations:

- Access to public transport corridors (preferably rail)
- Links to freight corridors and major transport nodes
- Land area (50ha - 180ha) to allow expansion to accommodate 8,000 - 40,000 employees
- Proximity to workforce (within 30minutes commute)
- Business parks should have a relationship to adjoining economic infrastructure e.g. hospitals, universities, educational facilities, research institutes or clusters of knowledge-based activity

As identified in the ELS, given the site's good access to Richmond Railway Line and major transport nodes, proximity to UWS (Richmond Campus), Richmond TAFE, Hawkesbury District Hospital and local workforce and 34ha of land area which would be able to yield approximately 100,000m² business park floor area, the proposed location generally satisfies the business park criteria identified in the Metro Plan.

An amended planning proposal removing the bulky goods retail component would therefore be generally consistent with the Metro Plan.

Draft North West Sub Regional Strategy

The draft North West Sub Regional Strategy (dNWSS) provides a direction for local councils in preparing Local Environmental Plans (LEP). A general direction is to provide sufficient zoned and serviced employment land to meet the employment capacity targets within their local government areas. The Strategy identifies 3,000 new jobs target for Hawkesbury Local Government Area by 2036, and Council is required to plan for sufficient land and infrastructure to achieve this target.

The planning proposal enabling increased employment opportunities on the land is considered generally consistent with the dNWSS.

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Section 117 Directions (Ministerial Directions)

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

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

One of the recommended strategies in the ELS is to capitalise on the LGA's strategic assets to provide high quality jobs, by considering the future of land at Clarendon for a high amenity office and business development. According to the planning proposal the proposed development of the site for a business park will yield approximately 100,000m² of employment land. The planning proposal will enable economical development of the land with good access to public infrastructure and services for a range of office and business uses to boost economic, business and employment activities in the locality and help improve the viability of the planned centre. However, as identified in the ELS and to be consistent with (b) above, it is important to protect land in business and industrial zones from other uses that are more appropriately located in other centres. In this case the proposal for bulky goods retailing on the site that is identified for a Business Park development in the long term would not be consistent with this Direction.

It is therefore considered that an amended planning proposal, removing the bulky goods retailing component, would be consistent with this Direction.

Direction 1.2 Rural Zones

The objective of this direction is:

To protect the agricultural production value of existing rural land.

The planning proposal is inconsistent with part of this Direction. However, given the suitability of the strategically located site for a commercial development as recommended in the ELS and development of the land for commercial uses which are consistent with the surrounding non-agricultural land uses provide more community benefits than the use of land for agricultural purposes, the inconsistency with this Direction is justified.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this Direction is:

To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This may require consultation with the NSW Industry and Investment.

Direction 2.1 Environmental Protection Zones

The objective of this Direction is:

To protect and conserve environmentally sensitive areas.

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The part of the site zoned E2 Environmental Conservation is not subject of the proposed rezoning and will be maintained for environmental protection purposes. Therefore the Planning Proposal is consistent with this Direction.

Direction 2.3 Heritage Conservation

The objective of this Direction is:

To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

One of the subject properties being Lots 2 and 3 DP 700263 contains a local heritage item known as "Prestonville". The planning proposal indicates that further conservation of this rural building on site is not worthy because of its deteriorated condition. A heritage assessment has not been included to support this claim and the DP&I will consider this matter as part of their "gateway determination" and if required can request a heritage assessment for consideration of this matter.

Direction 3.4 Integrated Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) *Improving access to housing, jobs and services by walking, cycling and public transport,*
- (b) *Increasing the choice of available transport and reducing dependence on cars,*
- (c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *Supporting the efficient and viable operation of public transport services, and*
- (e) *Providing for the efficient movement of freight.*

The planning proposal will enable development of approximately 34ha of serviced land with good access to public infrastructure and services including access to both rail and bus transport systems and improved local business/retail activities and employment opportunities within a reasonable walking distance from surrounding residential areas thereby minimising likely travel demand and distance for shopping and employment activities. The likely increased working population as a result of the future development of the land for commercial purposes would support the efficient and viable operation of the existing public rail and bus transport services in the area. It is therefore considered that the planning proposal is generally consistent with this Direction.

Direction 3.5 Development Near Licensed Aerodromes

The objectives of this Direction are:

- (a) *To ensure the effective and safe operation of aerodromes, and*
- (b) *To ensure that their operation is not compromised by development that constitutes an*
- (c) *To ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

This Direction states that a planning proposal must not rezone land:

- (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
- (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.

The site is affected by aircraft noise from Richmond RAAF base, and its flight paths. Of the area to be rezoned the Australian Noise Exposure Forecast (ANEF) contour levels are typically

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- 25 - 35 for land north of the railway line
- 20 - 25 for land south of the railway line

The planning proposal is inconsistent with this Direction. The planning proposal will be referred to the Department of Defence for consideration.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The area of land proposed for rezoning within the subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

Direction 4.3 Flood Prone Land

The objectives of this Direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This Direction states that:

- Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.
- A planning proposal must not contain provisions that apply to the flood planning areas which:
 - Permit development in floodway areas,
 - Permit development that will result in significant flood impacts to other properties,
 - Permit a significant increase in the development of that land,
 - Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
 - Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway or high hazard areas), roads or exempt development.

The flood planning area for the site consists of those parts of the site that are below 17.4m AHD. The height of the land proposed to be rezoned varies from approximately 18m to the north of the site to approximately 11m to the south. Therefore the planning proposal is consistent within this Direction.

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The Hawkesbury Floodplain Risk Management Study and Plan divides flood prone land up into five flood risk categories ie., Extreme, High, Medium, Low and Very Low and suggests that commercial and industrial development is suitable in all but the Extreme Flood Risk area. The Extreme Flood Risk area is defined as all land below the 1 in 20 year flood event level, which for the subject site is 13.8m AHD. It is therefore recommend that the proposed zone boundary be generally based on the 1 in 20 year flood line. Attachment 4 shows a revised proposed zone map with the zone boundary being based on the 13.5m AHD contour.

It is anticipated that due to the flood affectation of the land the planning proposal will be referred to the Office of Environment and Heritage and the State Emergency Service for consideration.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls.

The planning proposal seeks to amend Schedule 1 of HLEP 2012 to enable bulky goods premises on the northern part of the site and the consistency of this proposal with other Directions has been mentioned previously in this report. The applicant claims this Schedule 1 amendment is primarily to make viable the proposed Stage 3 development of the business park on the southern part of the site and fund the recommended traffic /access improvement measures within and adjacent to the site to support the business park on the land.

Whilst this is understood, the Schedule 1 amendment is not consistent with the Council's ELS, parts of the Metropolitan Strategy and several 117 Directions. If the planning proposal is to proceed with the proposed amendment to Schedule 1 further discussions with need to be held with DP&I regarding the appropriateness of such an amendment to the LEP.

Direction 7.1 Implementation of the Metropolitan Strategy

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The Section 117 directions do allow for planning proposals to be inconsistent with the directions. In general terms a planning proposal may be inconsistent with a direction only if the DP&I is satisfied that the proposal is:

- (a) justified by a strategy which:
 - gives consideration to the objectives of the direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

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(d) is of minor significance.

State Environmental Planning Policies

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as summarised in the following table.

SEPP	Comment
SEPP 1 – Development Standards	The planning proposal does not include provisions that contradict or hinder the application of the SEPP.
SEPP 55 – Remediation of Land	It is proposed that detailed contamination investigations will be undertaken in accordance with the provisions of SEPP 55 prior to any future development application being submitted.
SEPP 64 – Advertising and Signage	The planning proposal does not include provisions that contradict or hinder the application of the SEPP. Consultation may be required with RMS.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not include provisions that contradict or hinder the application of the SEPP.
SREP No. 9 – Extractive Industry	The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.
REP No. 20 Hawkesbury – Nepean River (No. 2 – 1997)	The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, strategies listed in the Action Plan of the Hawkesbury- Nepean Environmental Planning Strategy, the feasibility of alternatives and consideration of specific matters such as total catchment management, cultural heritage, environmentally sensitive areas, water quality, water quantity, flora and fauna, urban development, agriculture, and metropolitan strategy. At present it is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 – 1997). Further detailed consideration of these matters can be addressed at the development application stage.

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SEPP	Comment
SEPP – Infrastructure 2007	The aim of this policy is to facilitate the effective delivery of infrastructure across the State. Given the nature and the scale of the development and the site location, the proposal falls under the category of Traffic Generating Development identified in Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP the proposed development will need to be referred to RMS at development application stage for consideration. The planning proposal recognises this requirement.

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (ELS). The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The ELS recommended Council to pursue the identified eight strategies to address the economic prosperity of the Hawkesbury LGA, and Strategy No. 4 is directly relevant to the planning proposal. An extract of Strategy No. 4 is as follows:

Strategy 4: Capitalise on the LGA's strategic assets and provide high quality jobs by considering the future of land at Clarendon for a high amenity office and business development.

"Investigation of an office, research and higher technology development, in a location with access to these assets and which also capitalises on existing public transport infrastructure, should be undertaken. A suitable investigation area would be the rural lands at Clarendon. Implementation will require dialogue with adjoining land owners including the Hawkesbury Race Club, Richmond Royal Australian Air Force (RAAF) and the University of Western Sydney (UWS), Hawkesbury. Such development might also partly accommodate industrial land and business floor space demand.

However, retail uses should not be the dominant or primary use in a development and should be limited to minor (service) or ancillary to the primary uses of such a business park."

The planning proposal seeks to develop the site for a new business park comprising approximately 120,000m² GFA. This floor area includes a Masters Store comprising 11,000 GFA, bulky goods premises approximately 7200m² and a 300m² fast food restaurant totalling approximately 20,000m² retail floor area on site. In accordance with Strategy No.4 the proposed retail use is considered excessive for this locality.

The proposed Masters Store includes home improvement products, a nursery for landscape, garden products and restaurant/café, and all of these retail products/services fall under following the definitions included in LEP 2012:

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

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hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

The above defined land uses are generally permitted with consent in B7 Business Park zones and as such an amendment to Schedule 1 of LEP 2012 to include the proposed Masters Store is not required. The ELS has clearly identified this land for "high amenity and business development" and states that "Development of a business park at this location may take many years". In this regard there is a need to be consistent, in the longer term, with the application of the ELS for this site so that the site does not simply become a secondary retail/industrial area which does not meet the vision of the ELS.

Therefore it is considered appropriate to limit the planning proposal's scope only to rezone the proposed area to B7 Business Park to allow development of the site for a new business park and the proposed Masters store to minimise possible domination of retail activities on the land in line with Strategy 4 of the Hawkesbury Employment Land Strategy.

Hawkesbury Local Environmental Plan 2012

The subject land is currently zoned part RU4 and part E2 Environmental Conservation under LEP 2012. The planning proposal seeks to rezone the majority of the subject land to B7 Business Park and amend Schedule 1 Additional Permitted Uses of LEP 2012 to allow the proposed bulky good premises on the northern part of the site. Currently there are no business parks within the Hawkesbury LGA, and as such a B7 Business Park zone is not included in LEP 2012. Therefore the planning proposal proposes to include the following new B7 Business Park zone in LEP 2012. Staff comment is also provided in response.

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Staff response

The proposed objectives are consistent with the DP&I mandated objectives of the B7 zone.

2 Permitted without consent

Nil.

Staff response

Agreed.

3 Permitted with Consent

Business premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Respite day care centres;

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Restaurants or cafes; Roads; Rural supplies; Takeaway food and drink premises Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Staff response

Restaurants or cafes and Takeaway food and drink premises need not be listed as they are included in the definition of Food and drink premises.

4 Prohibited

Agriculture; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Industries; Information and educational facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Retail premises; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

Staff response

In order to be consistent with existing zones in the LEP 2012, the drafting rules of the DP&I's Standard Instrument and better achieve the ELS for **high amenity office and business development** it is recommended that the following land uses be added to the list of prohibited development:

Airports, Amusement Centres, Carparks, Correctional centres, Entertainment Facilities, Home based child cares, Port facilities, Restricted premises, Rural industries, Rural supplies, Service stations, Storage premises, Timber yards, Transport depots, Truck Depots, Waste or resource transfer stations, and Water supply systems..

Site Contamination

Clause 6 of *State Environmental Planning Policy No 55 - Remediation of Land* requires consideration of contamination issues when assessing planning proposals.

A Phase 1 Contamination Assessment Report prepared by Geo-Logix Pty Ltd has been provided in support of the planning proposal. The assessment indicates that the site has not been identified as a contaminated land under Section 58 of the *Contaminated Land Management Act 1997* or listed on NSW Contaminated Sites Notified to NSW OEH as of 8 June 2012. However as the site has a history of agricultural land uses potential contamination issues include:

- Wide spread application of pesticides - the eastern half of the northern portion of the site and the southern portion of the site continued to be agricultural cropland until approximately 1982. There is a potential for pesticide and heavy metal contamination to shallow soils from these historical cropping activities. Past and present horticultural activities may result in chemical residues in the soil including Organochlorine Pesticides (OCPs) and heavy metals.
- Potential exists for localised pesticide, petroleum, Polycyclic Aromatic Hydrocarbons (PAHs), metals, and Volatile Organic Compounds (VOCs) contamination to soils in the vicinity of the former farming sheds originating from machinery storage and maintenance activities in the northern corner of the site.

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- Given the age of current and former structures observed in historical aerial photographs the potential for the presence of hazardous building materials (asbestos and lead based paint) exists in the northwest corner of the site and the northern central area of the site in the area of the former building structures.
- Farm dams have in the past been used for dumping waste, in particular building materials. Potential exists for waste materials to exist in the former farm dams on the site.
- Unauthorised waste storage on Lot 2 DP 700263 has been documented by Hawkesbury City Council in 2010. Potential contaminants are hazardous building materials including asbestos and lead based paints.

The report concludes that there have been activities occurring onsite which may have resulted in contamination of the land. However, at present this issue has not been investigated in detail by the applicant or by Council. Therefore it is considered that a detailed contamination assessment will need be undertaken at development application stage in order for Council to be assured that the land is suitable for any proposed future use.

Traffic and Access

The applicant has provided a traffic assessment report prepared by Colston Budd Hunt and Kafes Pty Ltd that considers potential impacts of the development on the existing local and regional road network. The report indicates that traffic generated by the proposed development will have its maximum impact during weekday afternoons and Saturday peak periods when it combines with commuter and other traffic.

Based on the RMS traffic surveys of home improvement centres at Bankstown and Minchinbury, the report forecasts the following two-way peak hour traffic generations for the proposed Masters home improvement centre:

- weekday afternoon peak hour - some 270 vehicles, and
- weekend peak hour - some 680 vehicles.

The report estimates the following traffic generations for the proposed bulky goods uses with an area of 7,200m².

- weekday afternoon peak hour - some 70 vehicles, and
- weekend peak hour - some 160 vehicles.

Using the two-way peak hour traffic generation rates for industrial and employment development specified in the RMS *"Guide to Traffic Generating Developments"* the report forecasts 500 to 1,100 vehicles per hour during weekday peak periods for the proposed 100,000m² industrial/employment uses. The traffic report estimates 100 vehicles per hour two-way at peak times for the fast food outlet within the proposed development, and reveals that weekend traffic generation of the business park would be lower and it would be around 30% of the weekday generation.

Therefore the total estimated traffic generation of the proposed development in the traffic report is as follows:

- weekday afternoon - 950 to 1,550 vehicles per hour two-way, and
- weekend - 1,100 to 1,300 vehicles per hour two-way.

The report recommends that Hawkesbury Valley Way would need to be upgraded to four lanes along the site frontage to accommodate these additional traffic flows generated by the proposed development in addition to the following access arrangements and road works:

- Two main access points to the site from Hawkesbury Valley Way: one in approximately the centre of the Hawkesbury Valley Way frontage and the other opposite Percival Street.

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- Third access point with a left in/left out access arrangement near the western end of the site via Racecourse Road.
- Construction of two lane roundabout to control the major access points from Hawkesbury Valley Way.
- Construction of a railway overpass and an underpass to link north and south parts of the site.
- Internal access road network to accommodate semi trailers and rigid trucks

The traffic report states the proposed access arrangement off Hawkesbury Valley Way has been supported in principle by RMS.

As the site is bisected by the Western Railway Line (Richmond to Chatswood via the City) and is located within a short walking distance to the Clarendon Station the site has ready access to trains. Also Westbus Services operate along Hawkesbury Valley Way and Percival Street. The report also indicates that there will also be opportunities, in association with later stages of the development for buses to run through the site on the new internal road network connecting Hawkesbury Valley Way to Racecourse Road.

The report states that on-site parking including bicycles parking will be provided in accordance with Council and RMS requirements.

It is considered that the construction of the proposed traffic and access improvement measures recommended in the Traffic Assessment report would help accommodate increased traffic volume generated by the proposed development and minimise any adverse impacts of the proposed development on the traffic network in the area.

Economic Impact

An Economic Impact Assessment statement prepared by Urbis Pty Ltd accompanies the planning proposal. This assessment assesses the potential competitive trading impacts of a new Masters home improvement store which is a joint venture between Woolworths Limited and Lowes Companies on the subject land (assumed to commence trading in 2015) and considers the potential market demand for additional bulky goods retailing at the site in the longer term. The Masters store will focus on providing hardware and garden supplies, as well as a smaller component of home improvement products. According to the statement the forecasted turnover from Masters store at Clarendon is \$22.5m in its full year of trading, based on a reduced size store format of 10,000m².

The economic impact assessment states that the introduction of a new Masters home improvement store into the market at 2015 will have some limited trading impacts on home improvement precincts competing within the same markets. The following conclusions have drawn in the assessment:

- The average impact of the development on the turnover of competing precincts that will be around - 3.1% relative to what stores would have achieved in 2016.
- This -3.1% impact is the one-off impact on home improvement sales that centres would otherwise have captured in 2016 should the Masters store not be developed. Growth within the domestic Home Improvement market in the Main Trade Area (MTA) between 2012 and 2016 will generate an additional \$12.2m, with an additional \$16.7m growth between 2016 and 2021 which would absorb the impact of the proposed Masters store. This would exclude growth within the Trades Sector, which would contribute further to demand for Home Improvement products, particularly if house building within the MTA increases as forecast.
- Overall, the increase in home improvement spending between 2012 and 2021 exceeds the projected turnover of the new Masters store in its first year of trading which indicates that there is strong demand for a development of this type within the MTA, and that initial trading impacts can be mitigated over time.

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- With the exception of the McGrath's Hill Precinct, no precinct is forecast to exceed a 5% impact which demonstrates that the impacts are within a manageable range and the Masters development should not affect the ongoing viability of these precincts.
- Whilst the impacts on McGrath's Hill Precinct are expected to be higher (-13.9%) it is not considered that this is likely to affect the long term viability of the precinct. In the case of McGrath's Hill, a high proportion of the projected \$9.5m impacts are likely to be directed towards a single operator, the existing Bunnings store, as Bunnings is obviously the main direct competitor to Masters. In terms of impacts on the McGrath's Hill Precinct as a whole it is considered that there are likely to be a number of factors which will contribute to its ongoing viability beyond 2016, which include:
 - McGrath's Hill will continue to draw a substantial proportion of its trade from lands to the south (e.g. Mulgrave, Vineyard, Riverstone, Box Hill) which are beyond the MTA for the proposed Masters store at Clarendon. It is unlikely that future residents from these areas will drive past McGrath's Hill to shop at Clarendon, therefore this is a relatively secure and growing market.
 - Vineyard, Riverstone and Box Hill are within the North West Growth Centre and will experience major residential and commercial development beyond 2016 (approximately 21,500 dwellings and 62,000 new residents in North West Growth Centre area). This level of house building will generate significant sustained demand for hardware and home improvement products from the residential and trader sectors.
 - Existing retailers are not passive participants, but rather will play a major role in the eventual impact which they will experience. In this instance, and based on the experience elsewhere in Australia, Bunnings and other key competitors will adapt their strategy and marketing to position against increased competition in the marketplace, ultimately benefiting consumers through increased price competitiveness.
- The projected impacts on Richmond Town Centre include a proportion directed to the home improvement component of Big W which is trading strongly and is part of the Woolworths umbrella of companies and is therefore unlikely to be substantially affected.
- Impacts on town centres in general are limited, reflecting the small component of home improvement retailing within each, and the fact these centres will also benefit from growth in the broader Food and Non Food retail spending categories.
- As the trades sector is forecast to account for 20% or \$4.5m of the new store turnover, the total loss of trade from all home improvement precincts/centres is expected to be in the order of -\$1m. This would be dispersed across a broad range of hardware and home improvement retailers throughout the area and the likely impact would be very minimal. It is assumed trades sales will be no higher than 20% given the presence of a number of trades related uses within the MTA which will also compete within this market.

Staff Comment

The planning proposal states that the Masters Store will comprise of approximately 11,000m² GFA but it is noted that the likely impact of the proposed Masters store at Clarendon on the existing hardware and home improvement products precincts/businesses within the MTA has been assessed using 10,000 GFA instead of 11,000 GFA. Therefore the likely impact may be higher than forecasted in this economic impact assessment statement.

Business Park Demand Assessment

The Demand Assessment prepared by Urbis Pty Ltd accompanying the Planning Proposal states that the development of a business park could potentially be a longer term development. Overall in the short to medium term there is a significant amount of supply proposed within neighbouring LGAs and precincts including (but not limited to) Norwest, Sydney Business Park (Marsden Park), Riverstone and Box Hill.

Accordingly, it is considered that these precincts will draw a large number of commercial tenants based on being well located and supported by other uses such as residential and retail as part of the masterplan.

The assessment concludes that on balance, any development on the site related to business park uses is likely to be a longer term prospect, with the specific level being difficult to quantify based on the timeframe involved. On this basis and having regard to the demographics and proposed floor space supply for the region, it is considered that a business park use on the site could be supported in the longer term, subject to securing interest from emerging businesses.

Flora and Fauna

The planning proposal is accompanied by an Ecological Constraints Assessment Report (ECA report) prepared by Travers bushfire & ecology (see Appendix F of the Planning Proposal). The ECA report provides the following information on flora and fauna within and adjacent to the site.

Flora

- Some locally/regionally significant shrubs and vines are present within the site but these species do not offer any particular constraints to development.
- No state and national listed threatened flora species were observed during surveys undertaken.

Three listed endangered ecological communities (EECs), Cumberland Plain Woodland, River Flat Eucalypt Forest on Coastal Floodplains and Freshwater Wetlands are present on the perimeter of the site. Cumberland Plain Woodland occurs on the western boundary of the site and occupies an area of approximately 0.42ha. Although this area may be less flood affected, it may need to be retained undeveloped to allow the restoration of Cumberland Plain Woodland which has critically endangered status. The River-Flat Eucalypt Forest and Freshwater Wetlands are on flood constrained land which could only be used as recreational or open space.

Along Rickabys Creek there is some remnant vegetation, although it is mostly on the Golf Course side of the creek. There is an area of Freshwater Wetlands off Rickabys Creek along the southern site perimeter in association with a small inlet off the creek and an adjacent small patch of sedges in a damp swale approximately 1.05ha in size.

- There is one known endangered population within the Hawkesbury LGA, *Keraudrenia corollata*. This species occurs well to the north or north-west of the site but not within the site. Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest which is endangered species at national level occurs over an estimated area of 0.47ha adjacent to the western site boundary.
- One Koala feed tree species, Forest Red Gum (*Eucalyptus tereticornis*), is present on the site however the study area is not classified under SEPP44 as 'potential Koala habitat'.

Fauna

- Two state listed threatened fauna species, Eastern Bentwing-bat (*Miniopterus orianae oceansis*) and Large-footed Myotis (*Myotis macropus*) are present within the site. However there are no endangered fauna populations or nationally listed threatened species within the site.
- The White-bellied Sea Eagle (*Haliaeetus leucogaster*) which is a nationally protected migratory species has been recorded in-flight over the site but is not nesting within the study area. However these species may use the site, particularly Rickabys Creek and the large dams for foraging. Open water areas should be protected for this species and restoration of waterside vegetation would be an added benefit to them.
- The Cattle Egret has also been spotted during surveys however this species is unlikely to constrain the proposed development.

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Although a large area of the site is free of any significant stand of vegetation, the site contains some state listed EECs, areas of remnant vegetation and threatened fauna species. Given the presence of these significant flora and fauna species within the site, any future development would require preparation of a flora and fauna report in accordance with Section 5A of the *Environmental Planning and Assessment Act, 1979*. This will enable Council to determine the likely impact of the future development of the site on the existing vegetation.

Infrastructure Services

The planning proposal is also accompanied by an Infrastructure Due Diligence (IDD) report prepared by Mott MacDonald. The report states that the site has ready access to water and where required the existing water supply can be extended or upgraded to meet the future additional demand as the Sydney Water main has sufficient capacity.

The site has access to the existing sewer system which currently serves existing residential properties to the north-west of the site. Preliminary informal discussions with Council staff have indicated that the existing waste water reticulation system would be able to serve the proposed development on the site. Further advice on the system has been sought from Council to design a suitable sewerage layout/system for the development.

- The existing electricity supply network is available in the vicinity of the site. Endeavour Energy has indicated that as the required load for the proposed development is greater than 200A/Phase, a padmount substation will be required for the proposed Masters store. A further discussion with Endeavour Energy will be needed to confirm servicing requirements for the future development of the business park precinct to the south of the Richmond Railway Line and also the offices and bulky goods store to the north of the railway line.
- Telecommunication and gas services are also readily available for the site. Currently there are no plans for gas reticulation as part of the proposed development.
- It is suggested that consultation with RailCorp will need to be undertaken to determine any likely impacts on the existing railway line and design and construct the proposed overpass over the railway line connecting northern and southern parts of the site.

According to the IDD report the site has easy access to all required infrastructure to accommodate the proposed development on the site.

Flooding

Flood affectation of the property has been previously discussed in Section 117 Directions section of this report and accordingly an amended zone map is proposed in Attachment 4.

Future development of the site will be subject to the Clause 6.3 Flood Planning of HLEP 2012 and Council's Development of Flood Liable Land Policy.

Voluntary Planning Agreement

Whilst there is no "in-principle" objection to entering into a VPA with the applicant for this development, the works suggested by the applicant in the planning proposal (outlined previously in this report) would seem to be usual development costs or works that would be the sole responsibility of the developer. In this regard, certain access and traffic improvements measures proposed under the VPA in the planning proposal may not be possible or appropriate to consider as VPA items. In addition to the items/measures proposed under the VPA, the Traffic Assessment Report recommends to upgrade Hawkesbury Valley Way to four lanes along the site frontage. However, a funding source or mechanism for this proposed upgrade has not been identified in the planning proposal. Should Council support this proposal and the Department of Planning and Infrastructure determine that the planning proposal is to proceed, Council should commence Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.

Conformance to Community Strategic Plan

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

and is also consistent with the strategy in the Community Strategic Plan being:

- Implement Employment Lands Strategy.

The planning proposal will enable increased business/commercial activities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities, and therefore it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan.

Conclusion

The above assessment reveals that the planning proposal to rezone part of the land to B7 Business Park has merit and it is worthy of supporting of the proposal mainly due to the following:

- The proposal's consistency with the Sydney Metropolitan Strategy, draft North West Sub-regional Strategy, Hawkesbury Employment Land Strategy (December 2008) and other relevant statutory framework.
- Its likely ability to help achieve the target of 3,000 new jobs by 2031 set for the Hawkesbury LGA.
- The potential to create employment opportunities in close proximity to the North West Growth Centre which will accommodate 70,000 new dwellings for approximately 200,000 people.
- Increased economic activity within the LGA.
- Its location within a reasonable walking distance to Clarendon Railway Station.
- There is sufficient infrastructure to facilitate the development.
- Access to relatively cheap land, good quality local labour force and amenity.
- Increased viability of the public transport system, in particular, railway system.
- Convenient access to regional network including M2 and M7 Motorways that links Sydney and the surrounds.
- Proximity to knowledge based activities such as UWS Hawkesbury Campus and Hawkesbury District Hospital
- Size and location of the site with 900m street frontage enabling easy and convenient access to and from the site.
- The site has limited environmental constraints.
- Economical and orderly development on the land.

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The proposed retail uses are excessive and inconsistent with the recommended Strategy 4 of LES and therefore the proposed amendment to Schedule 1 of LEP 2012 to permit 'bulky goods premises' is not supported.

Financial Implications

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

Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012.
2. The proposal to amend Schedule 1, Additional Permitted Uses to permit Bulky Goods Retailing is not supported.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
 - (a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.
 - (b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.

ATTACHMENTS:

- AT - 1 Location Map
- AT - 2 Subject Site
- AT - 3 Current Zoning - Subject Site and the Surrounds
- AT - 4 Proposed B7 Business Park Zoning of the Site
- AT - 5 Concept Layout Plan – Staged Development
- AT - 6 Concept Layout Plan – Master Store

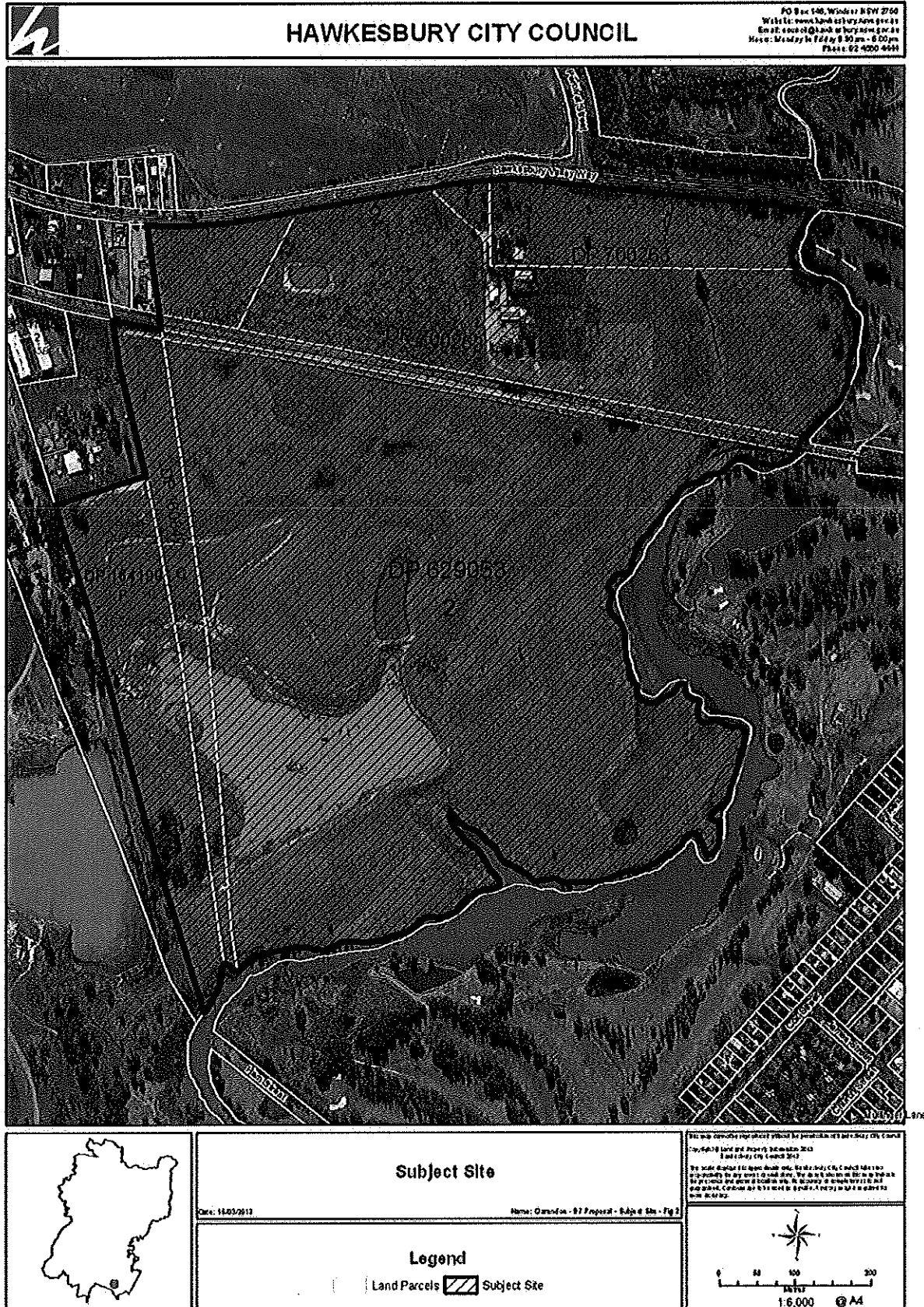
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AT - 1 Location Map



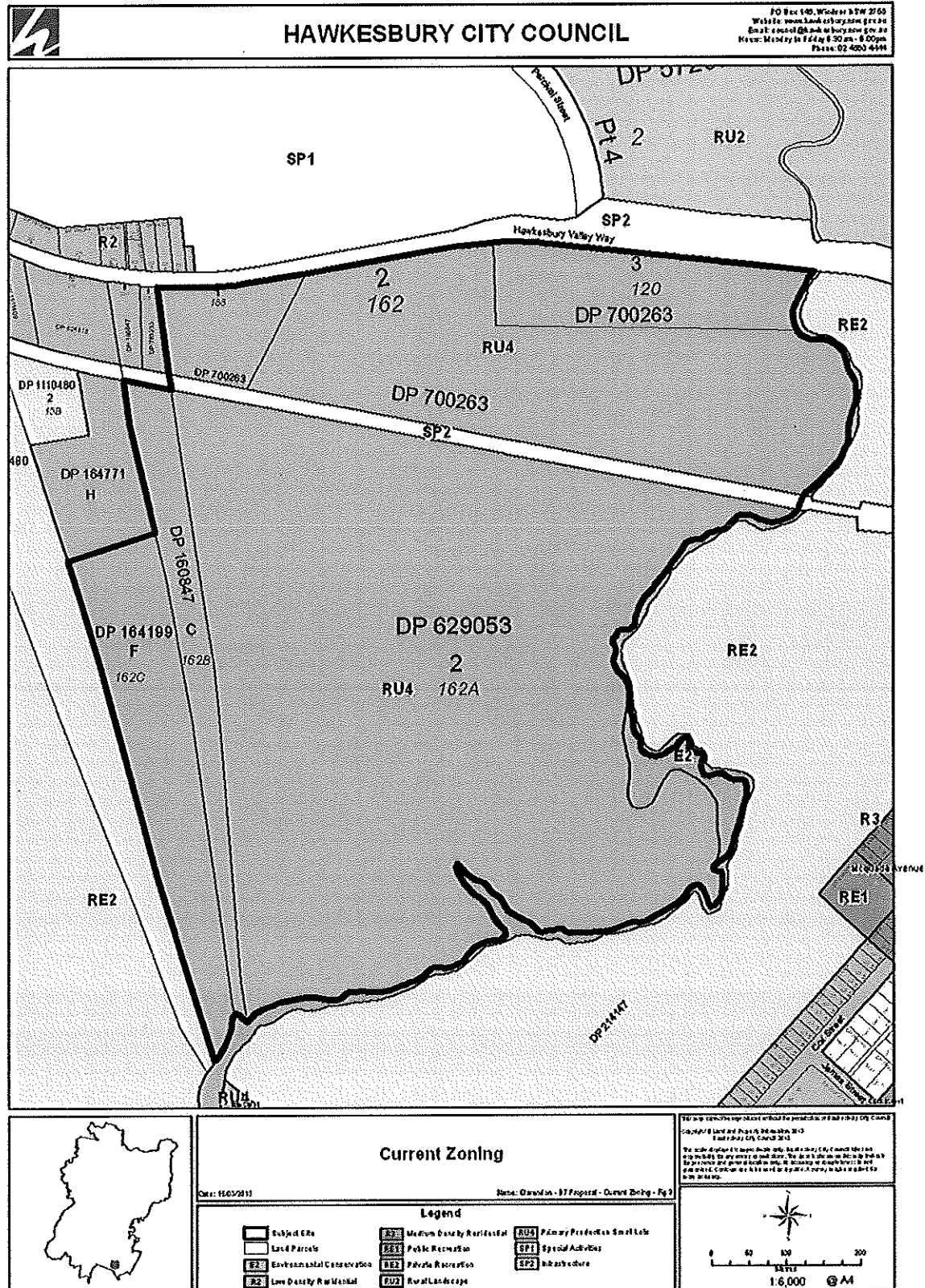
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AT - 2 Subject Site



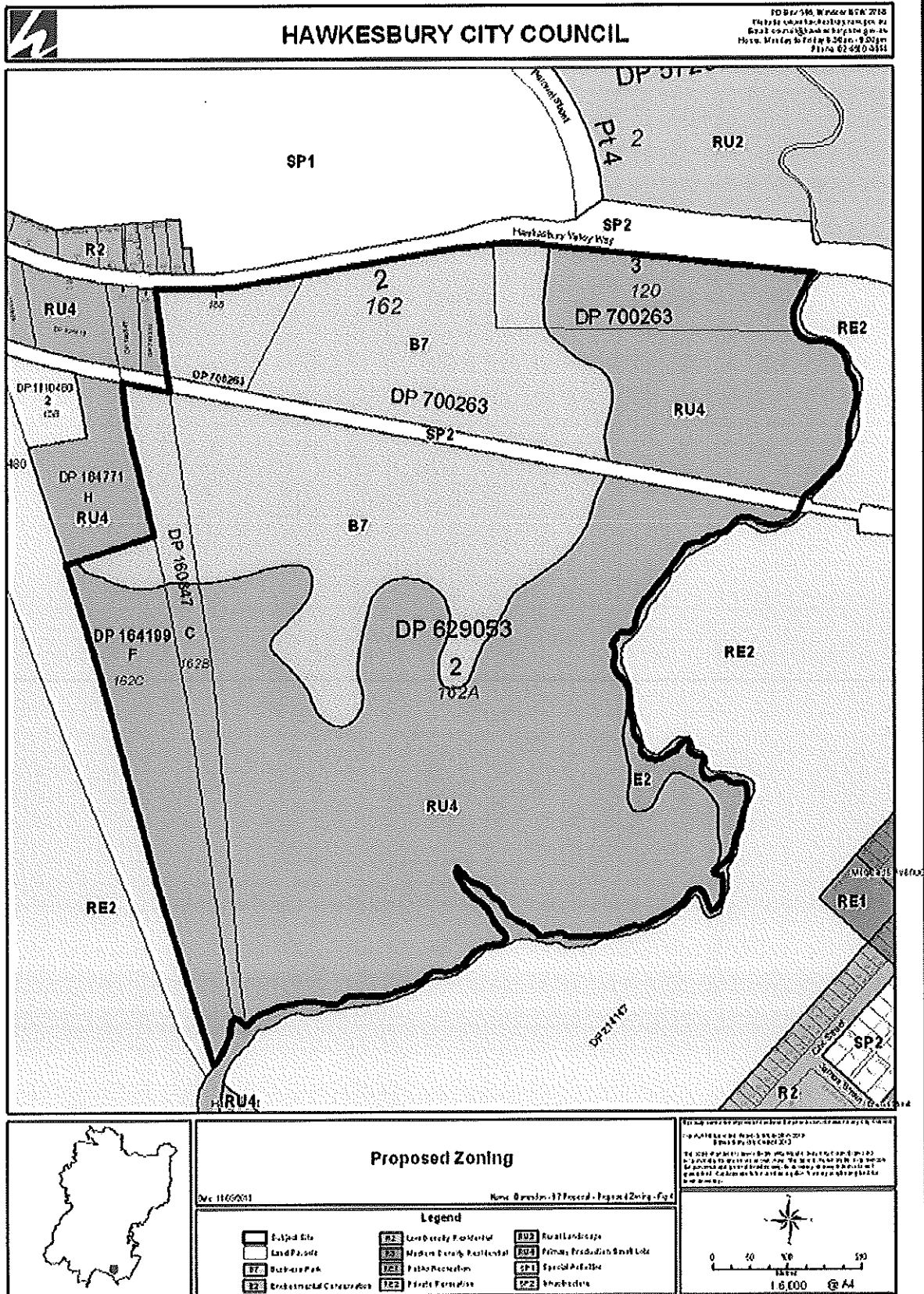
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AT - 3 Current Zoning - Subject Site and the Surrounds



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AT - 4 Proposed B7 Business Park Zoning of the Site



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CITY PLANNING

Item: 50 **CP- Planning Proposal - Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199 and Lot 3 DP 700263 120 - 188 Hawkesbury Valley Way, Clarendon - (95498)**

Mr Matthew Twohill and Mr Robert Montgomery, proponents, addressed Council.
Mr Bryan Smith, respondent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Conolly.

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

That:

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012 only include DP700263.
2. The proposal to amend Schedule 1, Additional Permitted Uses to permit Bulky Goods Retailing is not supported.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
 - (a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.
 - (b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the Amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Rasmussen	Councillor Ford
	Councillor Mackay
	Councillor Paine
	Councillor Reardon
	Councillor Tree

Councillors Porter and Williams were absent from the meeting.

The amendment was lost.

The motion was put and carried.

82 RESOLUTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Conolly.

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012.
2. Council support the proposal to amend Schedule 1, Additional Permitted Uses, subject to the following requirements:
 - (a) Maximum total bulky goods floor space is 5,000m².
 - (b) Minimum individual floor space for bulky goods uses is 1,000m².
 - (c) Any development application for bulky goods retailing must be accompanied by an economic impact assessment to demonstrate the potential impact on existing retail precincts.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
 - a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.

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- b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.
6. The applicant be required to provide a master plan for Stages 2 and 3 which includes, among other things, a requirement that office building development only is permitted along the Hawkesbury Valley Way frontage of the Stage 2 area.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Rasmussen
Councillor Mackay	
Councillor Paine	
Councillor Reardon	
Councillor Tree	

Councillors Porter and Williams were absent from the meeting.

Item: 51 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498)**

Previous Item: 10, Ordinary (5 February 2013)

Mr Robert Montgomery, proponent, addressed Council.
Mr Michael Want, respondent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Conolly.

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

That this matter be deferred until either:

1. The Mayor and Council hold a public meeting to canvas public opinion, or;
2. The traffic infrastructure problems at North Richmond are successfully addressed.