

Hawkesbury LEP 2012 (Amendment No 10) - rezoning of 120-188 Hawkesbury Valley Way, Clarendon

Proposal Title :	Hawkesbury LEP 2012 (Amendment No 10) - rezoning of 120-188 Hawkesbury Valley Way, Clarendon		
Proposal Summary :	The proposal seeks to rezone approximately 34 hectares of land at Clarendon from RU4 Primary Production Small Lots to B7 Business Park, and to amend Schedule 1 (Additional Permitted Uses) to include bulky goods premises on part of the site.		
PP Number :	PP_2013_HAWKE_004_00	Dop File No :	13/17483

Proposal Details

Date Planning Proposal Received :	12-Nov-2013	LGA covered :	Hawkesbury
Region :	Sydney Region West	RPA :	Hawkesbury City Council
State Electorate :	LONDONDERRY	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	120 Hawkesbury Valley Way		
Suburb :	Clarendon	City :	Hawkesbury
Land Parcel :	Lot 3 DP 700263		
Street :	188 Hawkesbury Valley Way		
Suburb :	Clarendon	City :	Hawkesbury
Land Parcel :	Lots 1 & 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199		

DoP Planning Officer Contact Details

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RPA Contact Details

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Hawkesbury LEP 2012 (Amendment No 10) - rezoning of 120-188 Hawkesbury Valley Way, Clarendon

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	26.40	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	116,000.00	No of Jobs Created :	1,814

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

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

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 24 October 2013, and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **The proposed development is in three stages. Stage 1 (13,200m²) is a Masters hardware store. Stage 2 is a combination of bulky goods retail (2,800m²) and office space (10,000m²). Stage 3 is a business park (90,000m²).**

The business park component of the proposal is identified in and justified by the Hawkesbury Employment Land Strategy 2008, but there is no particular strategic justification for the Masters, and the bulky goods component is contrary to strategic planning documents.

It should be noted that the employment figure given above (1814 jobs) has been calculated according to the employment assumptions used in the North West Rail Link Corridor Strategy as follows.

**Masters: 13,200m² @ 75m² per job = 176 jobs
Bulky Goods: 2,800m² @ 75m² per job = 38 jobs
Office space: 10,000m² @ 25m² per job = 400 jobs
Business park: 90,000m² @ 75m² per job = 1200 jobs**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The objectives of the proposal are to rezone the subject land to allow for a three-stage development, the first stage being a Masters hardware shop, the second being a combination of bulky goods premises and office space, and the third being a business park.

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

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

Comment : The proposal is to achieve its objectives by rezoning the site from RU4 Primary Production Small Lots to B7 Business Park, and by amending Schedule 1 (Additional Permitted Uses) to include bulky goods premises for part of the site.

The B7 Business Park zone does not currently exist in Hawkesbury LEP 2012, so it will need to be inserted in the land use table as part of the draft Plan. The proponent's planning proposal includes a draft of this zone, and Council staff has provided comments on this in the Council Report (pages 25 and 26). It is considered that Council's comments are appropriate, and should be adopted in drafting the zone.

The intended application of Schedule 1 (Additional Permitted Uses) to permit bulky goods premises on part of the site is not consistent with the Hawkesbury Employment Lands Strategy 2008. It is noted that the Council Report recommended that this provision not be adopted. It is considered that, owing to the above inconsistencies, the Gateway determination should not include the Schedule 1 amendment. Should Council wish to pursue bulky goods premises on the site, it would be more appropriate to zone the relevant portion of the site B5 Business Development, as bulky goods premises are permitted with consent in this zone, as are hardware and building supplies.

The proposal does not include a change to the height of building map, but the current permissible height (10m) is unlikely to be suitable. The proponent has indicated that, due to the site's proximity to Richmond aerodrome, the height will be established through consultation with the RAAF, and it is therefore recommended that the Gateway determination include a condition requiring that the building height limit be established prior to exhibition.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

- SEPP No 55—Remediation of Land
- SEPP (Infrastructure) 2007
- SREP No 9—Extractive Industry (No 2—1995)
- SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

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

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

If No, explain :

1.1 Business and Industrial Zones

The proposal seeks to encourage employment growth in suitable locations and to support the viability of identified strategic centres, and is therefore consistent with the first and third objectives of this Direction. The second objective is to 'protect employment land in business and industrial zones'. Should the bulky goods component of the planning proposal proceed, it will be detracting from a higher and more appropriate employment land use (commercial or retail floor space), and thus be inconsistent with the Direction.

If this is the case, the extent of the inconsistency is minor, as employment land will still be provided, and it will be part of a larger business park provided space for up to approximately 1,800 jobs. Should the bulky goods component of the proposal not proceed, the proposal will be consistent with this Direction.

1.2 Rural Zones

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

The proposal is justified by Strategy 4 of the Hawkesbury Employment Lands Strategy 2008, which specifically earmarks the site for 'a high amenity business and office development'. The Strategy has not been endorsed by the Director General, but it is generally consistent with the draft North West Subregional Strategy, and it is therefore considered that the inconsistency with this Direction is justified.

1.3 Mining, Petroleum Production and Extractive Industries

The site has not been identified as being located in an identified resource area, potential resource area or transitional area. It is therefore unlikely to prevent or restrict mining or extraction, and is consistent with this Direction.

Nonetheless, given the scale of the intended development, it is recommended that the Department of Trade and Investment be consulted.

2.1 Environment Protection Zones

Part of the site is zoned E2 Environmental Conservation. The proposal does not include any changes to this area, and the intent is to retain it for environmental conservation purposes.

The proposal is therefore consistent with this Direction.

2.3 Heritage Conservation

The site includes a local heritage item known as 'Prestonville'. The planning proposal claims that the item's current dilapidated state makes it unworthy of retention. Council has not raised any objection to this claim, and it is therefore considered that any inconsistency with the Direction is of minor significance.

3.4 Integrating Land Use and Transport

The site is within walking distance of Windsor and easy walking distance of Clarendon station. Buses travel between Richmond and Windsor along Hawkesbury Valley Way, and the increase in employee population as a result of the proposal is likely to result in

increased bus services.

The proposal is therefore consistent with this Direction.

3.5 Development Near Licensed Aerodromes

The subject land is close to Richmond RAAF base, with parts of the land within the ANEF 20, 25, 30 and 35 contours. The indicative layout plan provided with the proposal suggests that all habitable buildings will be within the ANEF 25 and 20 contours. The Direction requires that any planning proposal which rezones land for offices where the ANEF is between 25 and 30 must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

No Obstacle Limitation Surface (OLS) has been adopted for the site. The Commonwealth Department of Defence must therefore be consulted prior to public exhibition in order to ensure consistency with this Direction.

4.1 Acid Sulfate Soils

The site is identified as Class 5 (less constrained) on the Hawkesbury LEP 2012 Acid Sulfate Soils map. Given that the LEP contains provisions for development on Class 5 land, any inconsistency with this Direction is considered minor.

4.3 Flood Prone Land

This Direction requires that a planning proposal must not rezone land within the flood planning areas from rural to business. The proposal states that the flood planning area for the site consists of those parts of the site that are below 17.4m AHD, and that the height of the land intended for rezoning varies from 11m to 18m. Further information was sought from Council and the proponent, and this indicated that the Hawkesbury Floodplain Risk Management Strategy and Plan divides flood-prone land into five flood risk categories ranging from Very Low to Extreme, and identifies all but Extreme Flood Risk areas as suitable for commercial and industrial development.

The Extreme Flood Risk area is defined as land below the 1 in 20 year flood event level, which in this case is 13.8 AHD. The site ranges from 11.0 AHD to 18.0 AHD, and development is only proposed for land above 13.8 AHD.

In this regard, the proposal is not inconsistent with this Direction, but consistency must still be established via consultation with the Office of Environment and Heritage and the State Emergency Service.

6.1 Approval and Referral Requirements

The proposal does not identify any development as designated development, and nor does it include any concurrence, consultation or referral provisions. As such, it is consistent with this Direction.

6.3 Site Specific Provisions

The proposal does not create any site-specific provisions. It is therefore consistent with this Direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal is generally consistent with the aims of the Metropolitan Plan. (See the Assessment section of this report for more information.) It is therefore consistent with this Direction.

**Hawkesbury LEP 2012 (Amendment No 10) - rezoning of 120-188 Hawkesbury Valley Way,
Clarendon**

SEPP No 55—Remediation of Land

A preliminary site investigation has been carried out and has identified potential for contamination. To ensure consistency with the SEPP, a detailed site investigation must be carried out prior to exhibition of the planning proposal, and the resulting report must be included in the exhibition materials.

SEPP (Infrastructure) 2007

The proposal is not inconsistent with the SEPP.

SREP No 9 — Extractive Industry (No 2—1995)

The proposal is not inconsistent with the SREP.

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

Given the substantial intensification of land uses on the site, the proposal has the potential to significantly impact the environment of the Hawkesbury-Nepean River system. The Hawkesbury-Nepean Catchment Management Authority must be consulted to ensure consistency with the SREP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided an indicative layout plan and proposed zoning map which clearly show the intent of the proposal. This will adequately show the intended zoning and land use for the purposes of consultation. However, Council has not provided maps for the proposed lot size and height of buildings (nor specified these standards in the proposal); these will need to be provided at exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has not specified a particular exhibition period, but has indicated a willingness to be guided by the Gateway determination.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Hawkesbury LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning
proposal :

The site is identified in the Hawkesbury Employment Lands Strategy 2008 as a strategic area for employment lands, and has been earmarked for investigation as a business park.

The proponent has undertaken a demand analysis, which indicates that the Hawkesbury LGA will require approximately 55,000m² of business park land over the next 25 years. The proposal provides for approximately 100,000m² of business park-related land, which is nearly twice the figure suggested in the demand analysis.

The Masters hardware store component of the proposal is not the result of any strategic study or report; it instead the result of a request from the proponent.

Consistency with
strategic planning
framework :

METROPOLITAN PLAN FOR SYDNEY 2036

The proposal, though it constitutes a loss of rural land, is broadly consistent with the Metropolitan Plan, by virtue of its consistency with Objective B1 (To focus activity in accessible centres), Action B3.1 (Plan for new centres in existing urban and greenfield release areas), Objective E1 (To ensure adequate land supply for economic activity, investment and jobs in the right locations), Objective E2 (To focus Sydney's economic growth and renewal, employment and education in centres), Objective E4 (To provide for a broad range of local employment types in dispersed locations) and Objective F1 (To contain Sydney's urban footprint), as well as the Plan's business park site selection criteria.

DRAFT METROPOLITAN STRATEGY FOR SYDNEY

The draft Strategy's applicable aims are broadly similar to those of the Metropolitan Plan. The draft Strategy identifies the site as part of the Metropolitan Rural Area, and as such promotes rural uses for the area, but the site is close to the boundary of the Metropolitan Urban Area and close to the Western Sydney Employment area. Given this, the use of the site for employment purposes is not inconsistent with the draft Strategy.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The proposal is broadly consistent with the draft North West Subregional Strategy, in that it will assist in securing long-term employment lands in the North West Subregion, will deliver employment lands to support significant employment assets such as the University of Western Sydney (Richmond Campus), the Richmond RAAF base, Richmond TAFE and Hawkesbury District Hospital, and will provide employment lands to support the delivery of housing stock in the North West Growth Centre.

HAWKESBURY EMPLOYMENT LANDS STRATEGY 2008

The fourth of the Strategy's eight 'recommended strategies' 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 with only minor and ancillary retail development permitted.'

Environmental social
economic impacts :

ENVIRONMENTAL

As with any development of this size on rural land, there is considerable potential for adverse environmental effects. The proponent has carried out an ecological constraints assessment, a preliminary site contamination investigation and a limited Phase 1 Environmental Site Assessment. These have raised some issues, including flood risk and sensitive ecological communities, that will need to be further explored before finalisation of the planning proposal.

To ensure that environmental risks are properly addressed, consultation is necessary with a number of agencies prior to public exhibition, including the Office of Environment and

Hawkesbury LEP 2012 (Amendment No 10) - rezoning of 120-188 Hawkesbury Valley Way, Clarendon

Heritage, the Hawkesbury-Nepean Catchment Management Authority, the Office of Water and the State Emergency Service.

SOCIAL

The proposal is likely to have an overall positive social impact, providing the potential for significant numbers of jobs and some retail in an accessible area close to established residential areas.

ECONOMIC

Assuming that all three stages of the proposal are carried out, it will have a significant positive economic benefit for the Hawkesbury LGA and the North West Subregion. The business park will meet an identified demand for office space, and the retail component of the development will provide employment without having an egregious impact on businesses in surrounding centres.

Assessment Process

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

Timeframe to make LEP : **18 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Department of Trade and Investment
Integral Energy
Transport for NSW - RailCorp
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Transgrid**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **Council has resolved to negotiate a Voluntary Planning Agreement with the proponent to fund local road infrastructure upgrades.**

Documents

Document File Name	DocumentType Name	Is Public
01.Cover Letter.pdf	Proposal Covering Letter	Yes
SA4711_Planning Proposal_Final - Revision 3.pdf	Proposal	Yes
Council Report (26 March 2013).pdf	Proposal	Yes
Appendix A - Indicative Site Plan SK31_26-09-13.pdf	Map	Yes
Appendix B - Transport Report Rev.3.pdf	Study	Yes
Appendix C - Economic Impact Assessment FINAL REV C.pdf	Study	Yes
Appendix D - Business Park Assessment FINAL REV B - Addendum.pdf	Study	Yes
Appendix E - Contamination Due Diligence Report.pdf	Study	Yes
Appendix E - Contamination Due Diligence Attachments.pdf	Study	Yes
Appendix F - Flora and Fauna Report.pdf	Study	Yes
Appendix G - Infrastructure Due Diligence Report.pdf	Study	Yes
2014_ANEF_Richmond.pdf	Map	Yes
Further information - email from Karu Wijayasinghe 12 Nov 2013.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
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 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the proposal proceed subject to the following conditions.

(1) The RPA must undertake consultation with the following agencies and update the proposal accordingly:

- a) Office of Environment and Heritage,
- b) Hawkesbury - Nepean Catchment Management Authority,
- c) Department of Trade and Investment,
- d) Office of Water,
- e) State Emergency Service,
- f) Transport for NSW - RailCorp,
- g) Transport for NSW - Roads and Maritime Services,
- h) Endeavour Energy,
- i) Transgrid
- j) Sydney Water,
- k) Telstra, and
- l) Commonwealth Department of Defence.

(2) Prior to exhibition, the relevant agencies must be consulted and the proposal updated to demonstrate consistency with, or include justification of inconsistency with, section 117 Directions:

3.5 Development Near Licensed Aerodromes (Commonwealth Department of Defence), and

4.3 Flood Prone Land (State Emergency Service and Office of Environment and Heritage). The inconsistencies with Directions 1.2 (Rural Zones), 2.3 (Heritage Conservation) and 4.1 (Acid Sulfate Soils) are considered minor and/or justified, and no further approval is required with regard to these.

(3) Council has requested a written authorisation to exercise delegation to make the plan. Given that the Director General's further approval is required with regard to section 117 Directions 2.3, 3.5 and 4.3, it is not considered appropriate to grant delegation in this instance.

(4) Prior to exhibition, the proposal must be updated to remove the provision amending Schedule 1 to allow bulky goods retailing as an additional permitted use on certain land, and consideration given to including a B5 Business Development zone for that part of the site.

(5) Prior to exhibition, the proposal must be updated to include a map showing height of buildings (as established by consultation with the Commonwealth Department of Defence).

(6) Community consultation for 28 days.

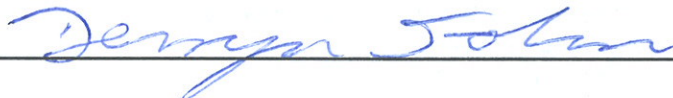
(7) The timeframe for completing the local environmental plan is to be 18 months from the week following the date of the Gateway Determination.

Supporting Reasons :

There is a solid strategic basis for rezoning this site to allow a business park. While there is less strategic justification for a Masters hardware store and other retail uses, it is recognised that that these may be necessary for the viability of the rest of the development.

There is significant potential for employment growth benefit from the proposal.

Signature:



Printed Name:

DERRYN JOHN

Date:

29 NOVEMBER 2013