

Item: CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 2A - 8 Hawkesbury Valley Way and 383 - 395 George Street, Windsor NSW 2756 - (95496, 124414)

Applicant Name:	Urban City Consulting Pty Ltd
Planning Proposal No:	LEP013/16
Property Address:	2A – 8 Hawkesbury Valley Way and 383 – 395 George Street, Windsor
Owner/s:	Pumpkin Group Pty Ltd
Date Received:	27 June 2016
Current Zone:	R2 Low Density Residential
Proposed Zone/s:	B1 Neighbourhood Centre
Site Area:	0.53ha (Approximately)
Recommendation:	Council support the preparation of a planning proposal and submit to the Department of Planning and Environment for a "Gateway" determination

REPORT:

Executive Summary

This report discusses a planning proposal from Urban City Consulting Pty Ltd (the applicant) which seeks to amend the Hawkesbury Local Environmental Plan 2012 (the LEP) to rezone Lots 7-12 DP 1093, 383-395 George Street, Lot A DP 108510, 2A Hawkesbury Valley Way and Lots 11-13 DP 1662, 4-8 Hawkesbury Valley Way, Windsor from R2 Low Density Residential to B1 Neighbourhood Centre under the LEP.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a Gateway determination.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal, i.e. without the Council resolution there is no proposal to publically exhibit. If the planning proposal is to proceed and receive a supporting 'Gateway' determination, it will be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to:

- rezone the subject site from R2 Low Density Residential to B1 Neighbourhood Centre under the LEP to allow development of the site for business/commercial purposes.
- amend the Lot Size Map of the LEP to remove the current 450m² lot size provision applying to the subject site.
- amend the Height of Buildings Map to change the current maximum 10m building height provision applying to the subject site to 12m.

The planning proposal aims to achieve the intended outcome by amending:

- the Land Zoning Map of the LEP (Map Ref No - 3800_COM_LZN_008DA) to change the zoning of the site to B1 Neighbourhood Centre.

- the Lot Size Map of the LEP (Map Ref No - 3800_COM_LSZ_008DA) to remove the current 450m² minimum lot size provision applying to the subject site.
- the Height of Buildings Map of the LEP (Map Ref No - 3800_COM_HOB_008DA) to specify a 12m maximum building height provision for the subject site.

Subject Site and Surrounds

The subject site is located at the signalised intersection of Hawkesbury Valley Way and George Street in relatively close proximity to both the Windsor Town Centre and the Railway Station as shown in Figure 1 below:



Figure 1: Site Location Map

The subject site consists of 11 properties, and has a total area of approximately 0.53ha as shown in Figure 2 and Table 1 below:



Figure 2: Aerial View of the Subject Site

Table 1: Subject Site Properties and Current Land Uses

Property Description	Street Address	Area	Current Use
Lot 13 DP 1089172	383 George Street	329m ²	Open car yard
Lot 12 DP 1093	385 George Street	278m ²	Open car yard
Lot 11 DP 1093	387 George Street	278m ²	Open car yard
Lot 10 DP 1093	389 George Street	278m ²	Open car yard
Lot 9 DP 1093	391 George Street	285m ²	Open car yard and car sale office
Lot 8 DP 1093	393 George Street	285m ²	Car sales office and car workshop
Lot 7 DP 1093	395 George Street	285m ²	Car sales office and car workshop
Lot A DP 108510	2A Hawkesbury Valley Way	277m ²	Open car yard
Lot 13 DP 16626	4 Hawkesbury Valley Way	1088m ²	Dwelling
Lot 12 DP 16626	6 Hawkesbury Valley Way	1012m ²	Dwelling
Lot 11 DP 16626	8 Hawkesbury Valley Way	936m ²	Dwelling
Total		5,331m²	

Approximately 20% of the subject site covering 383-389 George Street and part of 391 George Street at the northeast corner is currently being used as a car sales yard, and there are three single storey dwellings fronting Hawkesbury Valley Way as shown in Figure 2 and Table 1 above. A car sales office and a car workshop occupy the rest of the subject site covering part of 391 George Street and 393-395 George Street.

The subject site is bounded by Hawkesbury Valley way to the north, George Street to the east and R2 Low Density Residential zoned properties to the south and west as shown in Figure 2 above. It has an approximate 75m wide frontage to Hawkesbury Valley Way, and 79m wide frontage to George Street.

The subject site is currently zoned R2 Low Density Residential under the LEP. The current minimum lot size for subdivision of the subject site is 450m² and 10m maximum building height provision applies to the subject site.

Other relevant matters from the LEP include:

- the site falls within the Middle Nepean & Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury – Nepean River (No.2 – 1997)
- the whole of the subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site
- the subject site is shown as being flood prone
- the subject site is affected by aircraft noise from Richmond RAAF base and its flight paths.

The site is surrounded by a mixture of land uses including retail/commercial, residential and public recreation uses, Windsor Railway Station and Bus Interchange, schools, church and a cemetery. McQuade Park is located directly opposite the subject site. The Windsor Railway Station and the Town Centre are located within a short walking distance.

Applicant's Justification of Proposal

The applicant has provided the following justification for the planning proposal:

- The planning proposal will enable a range of business opportunities and increased job opportunities in proximity to a major public transport network.
- The planning proposal is consistent with the relevant planning framework.
- The site has no constraints that would prevent or prohibit the use of the subject site for business purposes.
- Future development of the subject site for business purposes is unlikely to have any significant impact on the amenity of the residential development adjoining the site.
- The subject site has easy access to the required infrastructure services and public transport system.

A Plan for Growing Sydney and Draft North West Subregional Strategy

A Plan for Growing Sydney was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area (SMA). It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

A Plan for Growing Sydney contains the following Vision for Sydney:

A strong global city, a great place to live.

The Vision is supported by the following four goals and three principles.

- | | |
|---------|--|
| Goal 1: | A competitive economy with world-class services and transport |
| Goal 2: | A city of housing choice with homes that meet our needs and lifestyles |
| Goal 3: | A great place to live with communities that are strong, healthy and well connected |

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Principle 1: Increasing housing choice around all centres through urban renewal in established areas.

Principle 2: Stronger economic development in strategic centres and transport gateways.

Principle 3: Connecting centres with a networked transport system.

A Plan for Growing Sydney divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury LGA is in the West subregion along with the Penrith and Blue Mountains LGAs.

The Draft North West Subregional Planning Strategy (the Strategy) was released by the NSW Government in December 2007. The Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth.

The Key Directions of the draft Strategy are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the role of centres
- improve access to, from and within the subregion
- protect rural and resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities.

The Strategy was never finalised and is currently under review. At the time of lodgement, assessment of the planning proposal and writing of this report the draft Sydney West District Plan had not been released for public exhibition.

The planning proposal seeking rezoning of the site with easy access to the existing regional road network, and in close proximity to both the Windsor Town Centre and Railway Station to a business zone enabling the expansion of the Windsor Town Centre and the Windsor Railway Station Business Precinct is considered to be generally consistent with this State planning framework.

Hawkesbury Employment Lands Strategy 2008

In December 2008, Council adopted the Hawkesbury Employment Lands Strategy (HELS). The purpose of this strategy is to provide a planning framework for employment precincts (industrial, commercial and retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The HELS recommended Council to pursue eight strategies to address the economic prosperity of the Hawkesbury Local Government Area.

Windsor Town Centre is one of the two main commercial/retail centres within the Hawkesbury Local Government Area (LGA), and is the LGAs historic and traditional retail main street centre extending approximately 1.5km mainly along George Street and linking the Windsor Mall at the north-eastern end of George Street, and the Windsor Railway Station south of Hawkesbury Valley Way.

The HELS acknowledges that the growth in population creates a demand for retail capacity in business zoned employment areas, and there is significant scope for additional retail development in

commercial/retail areas. The HELS also acknowledges that an additional 28,104m² of retail floor space would need to be accommodated in the business zoned land, and a modest amount of floor space could mostly be accommodated within the existing centres through minor expansion or a renewal of the commercial/retail areas.

THE HELS recommends eight strategies with Strategy 3 being to facilitate renewal of existing centres with capacity for growth, and a land area surrounding the Windsor Station has been identified as an Investigation Area for possible minor commercial and retail purposes as shown in Figure 3 below. This is to investigate options for redevelopment of the Windsor Station Business Precinct to transform it as a local hub providing a mixture of retail and commercial floor space to meet the needs of the current and future population in the area. The subject site is located in close proximity to the Investigation Area and between the Windsor Station Business Precinct and the Windsor Town Centre.

Given these circumstances, the planning proposal seeking rezoning of the subject site to B1 Neighbourhood Centre is considered to be generally consistent with the HELS.



Figure 3: Windsor Investigation Area

Hawkesbury Local Environmental Plan 2012

Proposed Amendment to Land Zoning Map

The subject site is currently zoned R2 Low Density Residential under the LEP as shown in Figure 4 below.



Figure 4: Current Land Zoning Map Extract

A range of land uses are permitted in the R2 zone, but retail and commercial uses (other than neighbourhood shops) are not permitted in this zone. Therefore, the planning proposal is seeking to amend the Land Zoning Map of the LEP to rezone the subject site to B1 Neighbourhood Centre as shown in Attachment 1 of this Report to allow development of the subject site for retail and commercial purposes.

The planning proposal seeking rezoning of the site to B1 Neighbourhood Centre is considered appropriate for the following reasons:

- a) the subject site is not suitable for residential purposes for reasons explained in further detail later in this report.
- b) the site is located in close proximity to the Windsor Investigation area identified in the HELS.
- c) the subject site is located within a short walking distance to the Windsor Town Centre, Railway Station and the Bus Interchange.
- d) the proposal will enable the revitalisation of the existing Windsor Station Business Precinct and expansion of the Town Centre to provide increased local job opportunities closer to homes and public transport system, and improve the viability of the Windsor Town Centre and the public transport system.

Proposed Amendment to Lot Size Map

The current minimum lot size provision applying to the subject site is 450m² as shown in Figure 5 below. The planning proposal is seeking to amend the Lot Size Map of the LEP to remove the current minimum lot size provision applying to the subject site as shown in Attachment 2 of this report.



Figure 5: Current Lot Size Map Extract

Minimum lot size provisions do not apply to business zoned land within the Hawkesbury LGA, and therefore the proposed amendment to the Lot Size Map of the LEP to remove the current minimum lot size provision applying to the subject site to ensure consistency with the Business zoned land within the Hawkesbury LGA is considered necessary.

Proposed Amendment to Height of Buildings Map

The current maximum building height provision applying to the subject site is 10m as shown in Figure 6 below. The planning proposal is seeking to amend the Height of Buildings Map of the LEP to specify a 12m maximum building height provision for the subject site as shown in Attachment 3 of this report.

Currently the maximum building height provision applying to Business zoned land within the Hawkesbury LGA is 12m, and therefore the proposed amendment to the Lot Size Map of the LEP to specify a 12m maximum building height provision for the subject site to ensure consistency with the Business zoned land within the Hawkesbury LGA is considered necessary.



Figure 6: Current Height of Buildings Map Extract

Section 117 Directions

The Minister for Planning, under section 117(2) of EP&A Act issues directions that relevant planning authorities including councils must comply with when preparing planning proposals. The directions cover the following broad range of categories:

- employment and resources;
- environment and heritage
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning;
- local plan making; and
- implementation of a Plan for Growing Sydney.

Section 117 Directions are issued by the Minister for Planning 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.

However, all these Directions permit variations subject to meeting certain criteria (refer to the last part of this section of this report). The principle criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy.

A summary of the key Section 117 Directions includes:

"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."*

The planning proposal seeks to rezone the subject site from a residential to a business zone. The subject site with easy access to the regional road network is located between and in a very close proximity to the Windsor Town Centre and the Railway Station. Therefore, future development of the subject land for business purposes will enable the expansion of the established Windsor Business Precinct, minimisation of the current gap between the Windsor Railway Station Business Precinct and the Windsor Town Centre. It will also boost economic, business and employment activities in close proximity to the Windsor Town Centre and the Railway Station, and thereby help improve the viability of both the Town Centre and the public transport system. Hence, it is considered that the planning proposal is consistent with this direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by in appropriate development.

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) *Prohibiting the mining of coal or other minerals, production of petroleum, or wining or obtaining of extractive materials, or*

- (b) *Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

The subject site is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the subject site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

Should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E, the NSW Trade and Investment (NSW T&I) would be consulted in accordance with Direction 1.3(4).

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.

Direction 2.3(4)(a) states that:

"(4) A planning proposal must contain provisions that facilitate the conservation of:

- (a) *Items, places, buildings, works, relics, movable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area."*

The site contains a heritage item known as "Learholm" which is included in Schedule 5 - Environmental Heritage of the LEP as a heritage item with local heritage significance. Given the LEP contains provisions to conserve items, areas, objects and places of environmental heritage significance identified in Schedule 5 of the LEP, the planning proposal does not contain provisions to conserve the heritage significance of 'Learholm'. The current provisions contained in the LEP do contain conservation measures and will ensure the conservation of the existing heritage building on the subject site. Therefore, it is considered that the planning proposal is consistent with this Direction.

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- a) *broaden the choice of building types and locations available in the housing market*
- b) *make more efficient use of existing infrastructure and services*
- c) *reduce the consumption of land for housing and associated urban development on the urban fringe*
- d) *be of good design.*

The planning proposal seeking rezoning of the site from R2 Low Density Residential to B1 Neighbourhood Centre under the LEP is not consistent with this direction. This minor inconsistency is justified with the following reasons:

- a) The subject site is not suitable for residential purposes, given the subject site's proximity to the Richmond RAAF Base it is affected by aircraft noise, and its flight paths. Australian Noise Exposure Forecast (ANEF) shows that the whole site is located within the range of 25 - 30 ANEF contours as shown in Figure 7 below.



Figure 7: Australian Noise Exposure Forecast Map Extract

Table 2.1 'Building Site Acceptability Based on ANEF Zones', of AS 2021 - 2000 Acoustics - Aircraft noise intrusion - building siting and construction shows housing in areas above 25 ANEF contour as "UNACCEPTABLE". The Department of Defence states that Richmond RAAF Base opposes new residential development around their bases because it exposes new home owners to significant aircraft noise, and may limit opportunities to mitigate against noise impacts in the future.

- b) The subject site with easy access to the regional road network is located between and in close proximity to the existing Windsor Town Centre and Windsor Railway Station Business Precinct. Therefore, the planning proposal enabling future development of the site for business purposes is more consistent with the existing character and land uses in the locality.
- c) The planning proposal seeking future development of the subject land for business purposes will enable the expansion of the Windsor Town Centre, and improved connectivity between the Windsor Railway Station Business Precinct and the Windsor Town Centre.
- d) The planning proposal will enable more economical and environmentally sustainable development on the subject site. This will provide increased job opportunities closer to the local residents' homes, the existing public transport system and improve viability of both the Windsor Town Centre and the public transport system.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, it will be referred to the Department of Defence for comments.

Direction 3.4 Integrating 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 approximately 0.53ha of business employment land with good access to both rail and road transport networks. It will also enable improved local business/retail activities and employment opportunities within a reasonable walking distance from the Windsor Railway Station and the Town Centre, thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the planning proposal is generally consistent with this Direction.

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 sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal as, due to the classification of the land, it is unlikely that such a study will be required. However, the DP&E 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:

- (a) *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*
- (b) *ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The subject site is flood prone land, and therefore Clause 6.3 Flood planning of the LEP and Council's Development of Flood Liable Land Policy will apply to future development of the subject site.

The Hawkesbury Floodplain Risk Management Study and Plan divides flood prone land up into five flood risk categories i.e. 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 13.7m AHD. The height of the subject site proposed to be rezoned varies from approximately 18.5m AHD to the southwest of the subject site to approximately 16m AHD to the northeast, and therefore rezoning of the subject site to a business zone is considered consistent with this Direction.

A detailed flood impact assessment could be undertaken if required when assessing a future development application for the proposed development on the site. However, it is not considered this is required at this stage.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the State Emergency Services (SES) and the NSW Office of Environment and Heritage would be consulted seeking comments on this matter.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that the LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) *minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) *not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) *the appropriate Minister or public authority, and*
 - (ii) *the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) *not identify development as designated development unless the relevant planning authority:*
 - (i) *can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) *has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring 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 proposes an amendment to the Land Zoning, Building Height and Lot Size Maps only and there are no site specific controls proposed. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

The objective of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

This Direction requires planning proposals to be consistent with the NSW Government's *'A Plan for Growing Sydney'* (the Sydney Metropolitan Strategy) released in December 2014. *'A Plan for Growing Sydney'* is the NSW Government's 20 year plan for the Sydney Metropolitan Area. It provides directions for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The early part of this report demonstrates that the planning proposal enabling increased business employment land to meet the future demand will facilitate the implementation of 'A Plan for Growing Sydney'.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2- 1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 requires consideration as to whether or not land is contaminated and, if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP 55 may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council's records show that part of subject site has previously been used as a car workshop and service area. This may cause contamination referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines published by the (then) Department of Planning and Urban Affairs.

Therefore, if the planning proposal is to proceed further consideration of potential contamination can be dealt with after the Department of Planning and Environment's "Gateway determination" should that determination be in support of the proposal.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of SREP 9 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 subject 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.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) - (SREP 20)

The aim of SREP 20 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 strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically SREP 20 encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna)
- develop in accordance with the land capability of the site and do not cause land degradation
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters

- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater
- have due regard to the nature and size of the site; when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan
- minimise or eliminate point source and diffuse source pollution by the use of best management practices
- site and orientate development appropriately to ensure bank stability
- protect the habitat of native aquatic plants
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas
- consider the need to control access to flora and fauna habitat areas
- give priority to agricultural production in rural zones
- protect agricultural sustainability from the adverse impacts of other forms of proposed development
- consider the ability of the site to sustain over the long term the development concerned
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

The site falls within the Middle Nepean and Hawkesbury River Catchment Area of SREP 20.

It is considered that some form of business development on the subject site has the potential to satisfy the relevant provisions of SREP 20. Further detailed consideration of the above matters can be addressed at the development application stage.

Public Infrastructure and Services

The site has easy access to required infrastructure services including reticulated water, reticulated sewerage, electricity and telecommunication service to accommodate future retail/commercial development on the subject site. The subject site also has good access to both regional road transport systems and Sydney Metropolitan Rail and Public Bus Transport Networks.

Given the site has reasonable access to all required infrastructure and services it is likely to place a significant demand on the existing services. However, if the planning proposal is to proceed, the relevant public authorities such as Sydney Water, Integral Energy and Telstra Corporation would need to be consulted about the planning proposal after DP&E's Gateway determination.

Public Transport and Traffic Movement

The planning proposal is not supported by a transport/traffic statement or traffic impact statement. The applicant states that the area is well serviced by an existing public transport system.

The subject site is located within a short walking distance to the Windsor Railway Station and the Public Bus Interchange, therefore the subject site has easy access to both the Sydney Metropolitan Rail and Public Bus Transport Network. Therefore, it is considered that the subject site has reasonably easy access to public transport.

The subject site is currently accessed via both Hawkesbury Valley Way and George Street. Future development of the subject site for retail/commercial purposes may impact on the existing road network, and therefore the NSW Roads and Maritime Services (RMS) may restrict access to and from Hawkesbury Valley Way.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, it will be referred to RMS for comments.

Flooding

The site is affected by the 1 in 100 year flood. This issue is addressed in an earlier part of this report.

Heritage

Lots 8 and 9 DP 1093, 391-393 George Street, Windsor which forms part of the subject site and known as 'Learholm' is included in Schedule 5 Environmental Heritage of the LEP (Schedule 5) as a heritage item with local significance. Also 394 George Street directly opposite the subject site is included in the Schedule 5 as a heritage item with local significance.

The planning proposal is not supported by a 'Statement of Heritage Impacts. However, given the subject site containing a heritage item and a property directly opposite the subject site are also heritage listed, the planning proposal will be referred to the NSW Environment & Heritage Office for comments should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E.

Flora and Fauna

The planning proposal does not contain a flora and fauna report or statement. The Terrestrial Biodiversity Map of the LEP does not identify any areas of significant vegetation, remnant vegetation or connection between significant vegetation on the subject site.

The applicant states that there is no critical habitat or endangered species evident on the subject site.

Given that there are no Council records or other evidence to suggest that there is critical habitat or endangered species evident on the subject site, a flora and fauna assessment report is not warranted.

Character

The locality is characterised by a mix of existing land uses including retail/commercial premises, residential, public open space/parks, schools, industrial development and a public cemetery, and as such the predominant land uses in the immediate vicinity are business and residential.

Given the subject site is flood prone land and it is affected by aircraft noise and flight paths, future development of the subject site for retail/commercial purposes consistent with the character in the locality and in close proximity to existing houses, Windsor Town Centre and Railway Station is considered appropriate.

Conformance to the Hawkesbury 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.
- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the subject site has the potential for some form of retail/commercial development and therefore the planning proposal has some merit. Hence it is considered worthy of support.

It is therefore recommended that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

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:

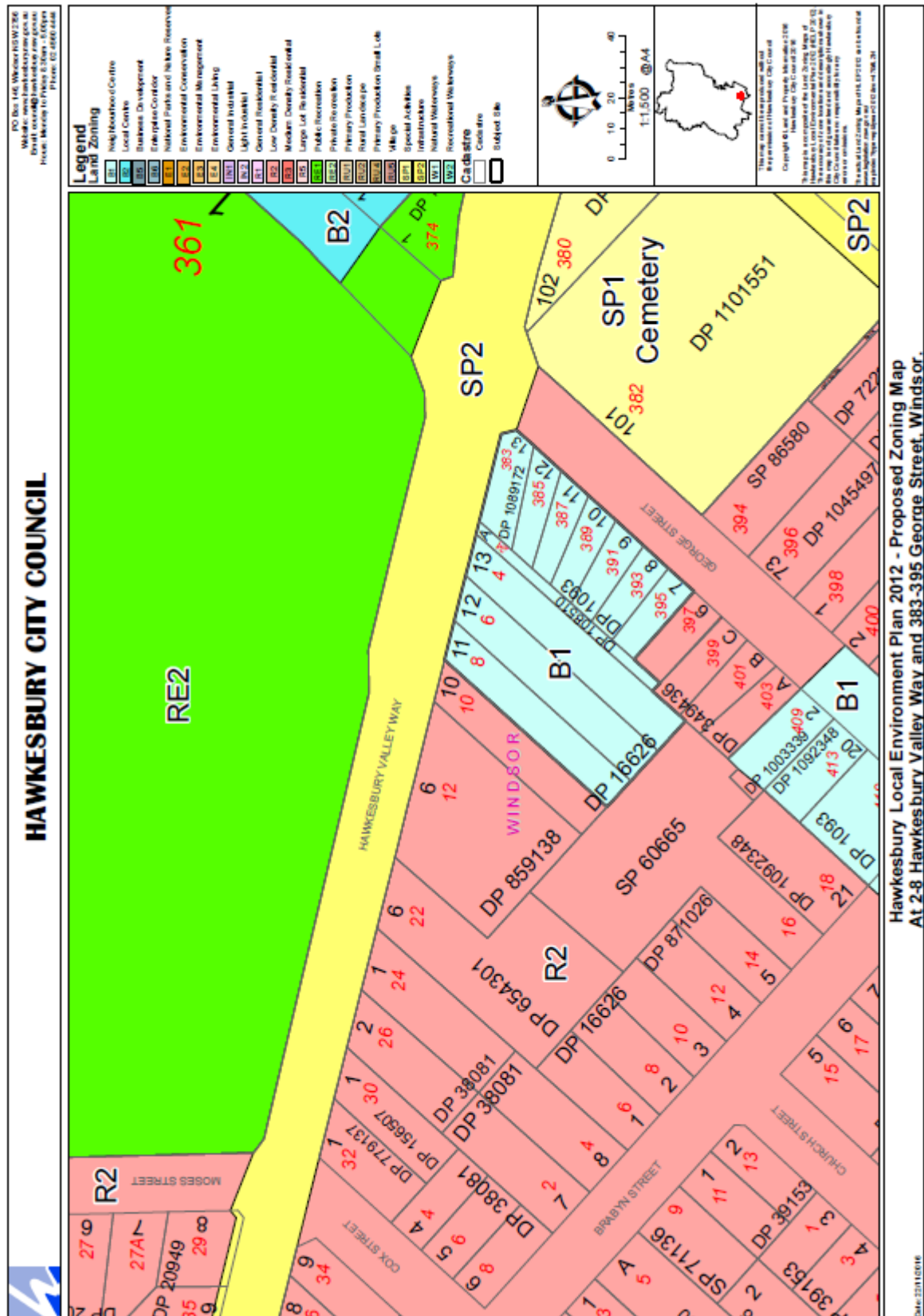
1. Council support the preparation of a planning proposal in regard to 2A - 8 Hawkesbury Valley Way and 383 - 395 George Street, Windsor:

- a) Amend the Land Zoning Map of the Hawkesbury Local Environmental Plan 2012 to change the current R2 Low Density Residential zoning of the subject site to B1 Neighbourhood Centre.
 - b) Amend the Height of Buildings Map of Hawkesbury Local Environmental Plan 2012 to specify a 12m maximum permissible height provision for the subject site to ensure consistency with business zoned land within Hawkesbury Local Government Area.
 - c) Amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to remove the current 450m² minimum lot size provision applying to the subject site to ensure consistency with business zoned land within Hawkesbury Local Government Area.
2. The planning proposal be forwarded to the Department of Planning and Environment with a request for a 'Gateway' determination.
 3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

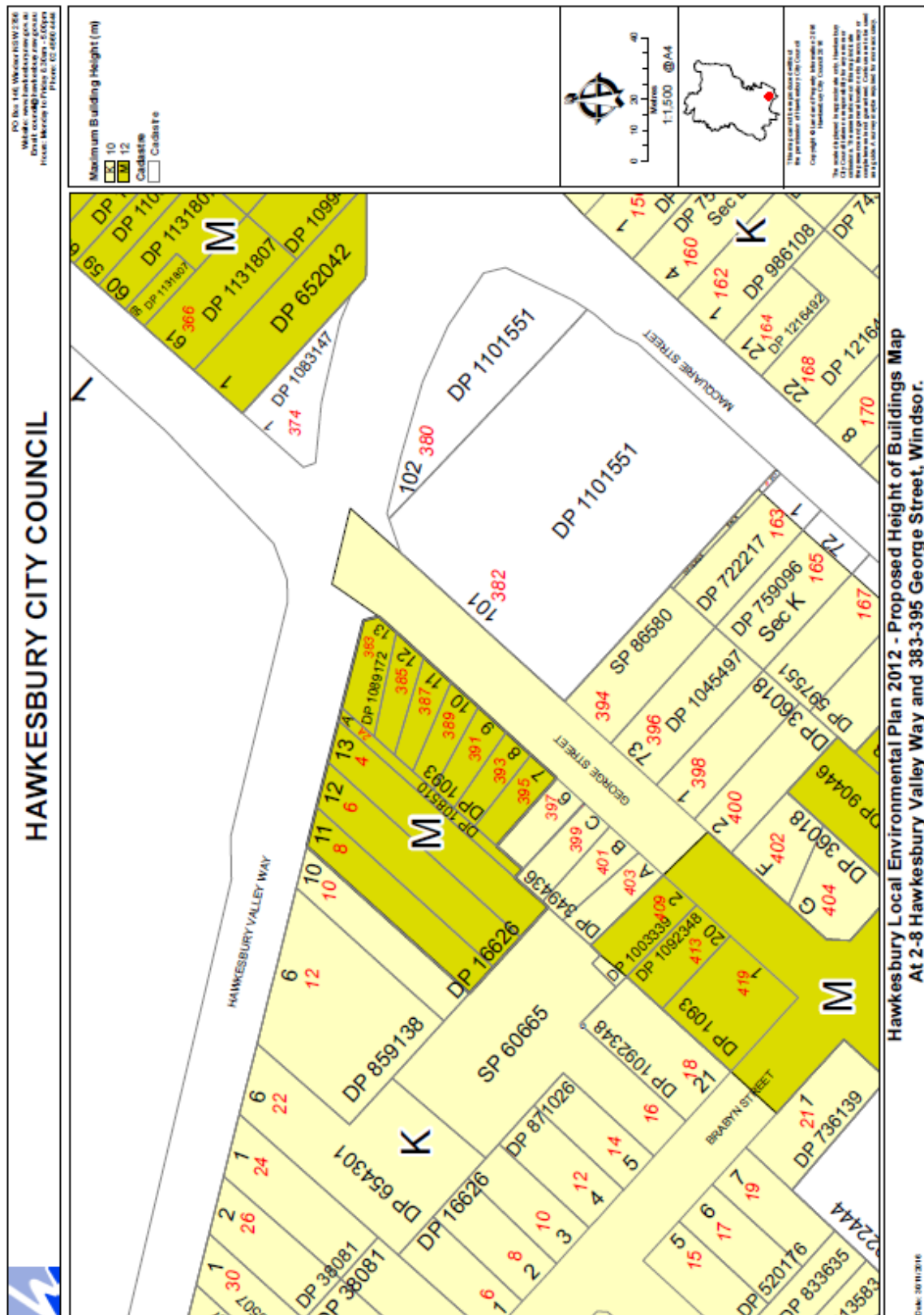
ATTACHMENTS:

- AT - 1** Proposed Amendment to Land Zoning Map
- AT - 2** Proposed Amendment to Lot Size Map
- AT - 3** Proposed Amendment to Height of Buildings Map

AT - 1 Proposed Amendment to Land Zoning Map



AT - 3 Proposed Amendment to Height of Buildings Map



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