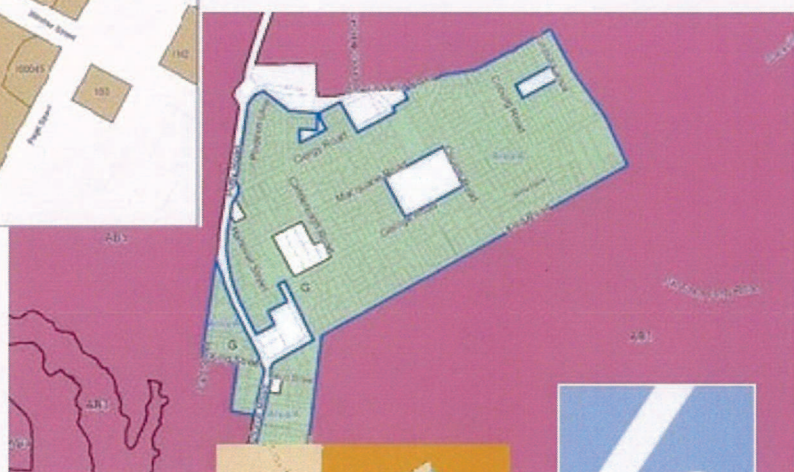
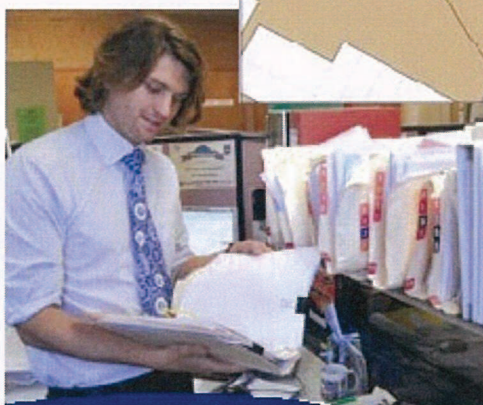
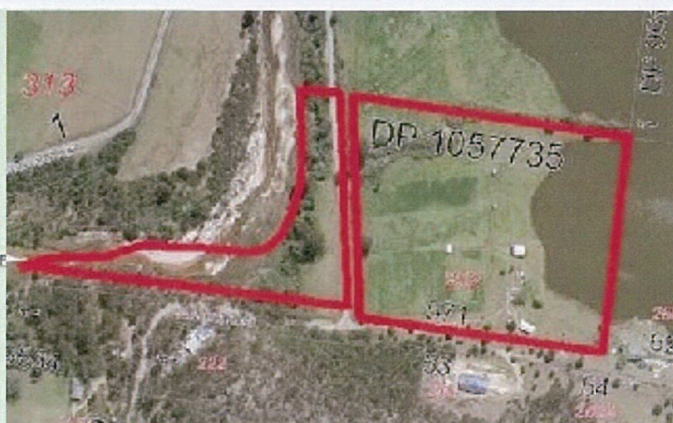


Hawkesbury City Council Planning Proposal

General Amendments to Hawkesbury Local Environmental Plan 2012



July 2015
Ref:LEP003/15

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Planning Proposal

Local Government Area: Hawkesbury City Council

Name of Planning Proposal: General amendments to Hawkesbury Local Environmental Plan 2012

Land affected by Planning Proposal: All land within the Hawkesbury Local Government Area

Proposal Summary

This planning proposal primarily consists of approximately 50 amendments that are mostly minor 'Housekeeping' matters relating to mapping, definitional and written instrument changes. Examples include:

- Correcting minor anomalies, discrepancies and mapping errors that were created during the preparation of Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Updating property addresses and heritage information that has changed since the gazettal of LEP 2012
- Amending the provisions of Schedule 2 – Exempt Development and addition of new clause relating to boundary adjustments to reflect changes to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- Re-drafting clauses within LEP 2012 that are unclear or have lost the intent of the clauses previously included under Hawkesbury Local Environmental Plan 1989 (LEP 1989)
- Rezoning Lot 1, DP 1041524, 46 Bourke Street, Richmond, being a Council owned and managed site, from RE2 Private Recreation to RE1 Public Recreation
- Adoption of newly defined uses not previously listed under LEP 1989

In addition to the proposed minor 'Housekeeping' changes there are four amendments which relate to the following:

- Permit *secondary dwellings* and *dual occupancies (detached)* within all rural zones and the E3 and E4 environmental zones
- Permit *function centres* in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village and E4 Environmental Living zones
- Change the minimum allotment provisions for the Wilberforce township in order to be consistent with Hawkesbury City Council's *Wilberforce Subdivision Policy* – Adopted 31 July 2012
- Reclassify Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights from *community land* to *operational land*.

The amendments are considered necessary to ensure that LEP 2012 is accurate and remains consistent with Council's overall strategic policy direction.

A detailed explanation of each amendment is provided in Attachments 1-4.

Background

The primary objective of Council in preparing LEP 2012 was to convert the provisions of LEP 1989 into the Department of Planning and Environment's standardised local environmental plan (the standard instrument) without making substantial or significant changes to underlying land use permissibilities or minimum lot size provisions.

During the preparation of LEP 2012 Council received a number of requests to make amendments to the LEP. Requested amendments that did not meet this primary objective were put aside for later consideration. This planning proposal incorporates some of these requested amendments.

Since the gazettal of LEP 2012 a number of anomalies have been identified in the written instrument and maps. Most of these anomalies are considered to be minor matters however some of these anomalies have raised question in respect to the interpretation and application of certain clauses and permissibilities.

More recently, Council has also resolved to amend the permissibility of certain land uses within LEP 2012.

All of these above mentioned amendments have been consolidated into one planning proposal.

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to ensure that LEP 2012 is an up to date plan that is consistent with State planning policies and Councils strategic planning framework.

The intended outcome of the planning proposal is for Council to have a comprehensive planning policy which is clear, transparent and consistent with current legislative requirements.

Part 2 - Explanation of the Provisions

This part of the planning proposal describes how the objectives or intended outcomes described in Part 1 will be achieved. Amendments proposed as part of this planning proposal have been divided into four (4) main categories and are summarised under the following headings:

1. *Written Instrument Amendments to Hawkesbury Local Environmental Plan 2012*

Changes to the written instrument predominately relate to updating the LEP to be consistent with amendments to State legislation such as SEPP (Exempt and Complying Development Codes) 2008 and clarifying the general interpretation of particular clauses that were converted from LEP 1989 into the standard instrument.

These changes primarily relate to:

- reinstating the boundary adjustment clause of LEP 1989
- clarifying the wording used in clauses relating to subdivisions and clarifying the exempt provisions for signage
- increase the total number of days for which Council can approve a temporary use of land
- amend exempt development provisions to include *bed and breakfast accommodation*, the subdivision of Council owned or managed land, and storage structures

- correction of a number of anomalies and update descriptions and addresses of some properties listed in Schedule 5 Environmental heritage
- introduce new local clauses for *dual occupancies (detached)*, temporary events on public land

A complete list and explanation of the proposed written instrument amendments is in Attachment 1.

2. Mapping Amendments to Hawkesbury Local Environmental Plan 2012

Mapping amendments include changes to the maps for heritage items, land reservation acquisition, lot size and land zoning. These changes are proposed to correct errors/inconsistencies in relevant maps and update the lot size and land zone maps to ensure the plan is consistent with the strategic policies of Council. The following headings summarise the proposed amendments.

Heritage Map

Various Heritage Maps need to be updated to refer to the correct heritage item numbers and properties which contain a heritage item.

Land Reservation Acquisition Map

Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB for various properties in Bridge, George Street, and Court Streets, Windsor.

Lot Size Map

Amendments include amending Land Zoning Map 008C to correct the minimum allotment size symbols and legend and to amend minimum lot sizes in the Wilberforce township so that the map is consistent with Hawkesbury City Council's *Wilberforce Subdivision Policy* – Adopted 31 July 2012.

Land Zoning Map

Rezone Lot 1, DP 1041524, 46 Bourke Street, Richmond from RE2 Private Recreation to RE1 Public Recreation to appropriately reflect Council ownership and management of the land and allow for uses more in line with public purposes such as public administration buildings. Potential rezoning and amendment to other affected maps of Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald given redefinition of the property.

A complete list and explanation of the proposed mapping amendments is in Attachment 2.

3. Adoption of additional land uses

Changes to the Land Use Table predominately arise from the adoption of standard instrument dictionary terms and the way development is categorised under LEP 2012. Furthermore Council has received requests to make certain land uses permissible with consent in LEP 2012.

The proposed changes include making *function centres* and *eco tourist facilities* permissible in certain rural and environment protection zones, permitting *community facilities* and *public administration buildings* in the SP2 Infrastructure Zone, and changing the permissibility of *secondary dwellings* and *dual occupancies (detached)*.

A complete list and explanation of the proposed additional land uses is in Attachment 3.

4. Site specific reclassification of land

During the drafting of LEP 2012 Council received a request to reclassify Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights from *community land* to *operational land*. Given that the primary focus of LEP 2012 was to adopt the standard instrument actioning this request was deferred to a later amendment of LEP 2012.

Accordingly, this planning proposal seeks to reclassify the above mentioned lands to *operational land*.

Details of the proposed reclassification are in Attachment 4.

Part 3 - Justification

This section of the planning proposal outlines the reasons for the proposed amendments to LEP 2012 and justifies the proposed changes based on a series of questions outlined in the Department of Planning and Infrastructures 'A Guide to Preparing Planning Proposals 2012'

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The majority of amendments identified in this planning proposal are minor 'Housekeeping' matters and accordingly a broad ranging strategic study has not been undertaken for this planning proposal.

On 31 March 2015 a report regarding a suite of general amendments to LEP 2102 was considered by Council. In response Council resolved that a planning proposal be prepared and forwarded to the Department of Planning & Environment. This planning proposal has been prepared as a result of Council's resolution. The report and resolution of Council is included in this planning proposal as Attachment 5.

This planning proposal includes amendments that are consistent with a Council policy regarding minimum lot sizes within the Wilberforce township and a Council report regarding the permissibility of *secondary dwellings* and *dual occupancies (detached)*. The policy and report are included in this planning proposal as Attachments 6 and 7.

Section B - Relationship to Strategic Planning Framework

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the most effective method of ensuring that LEP 2012 is an up to date planning instrument that is consistent with current legislation requirements and the strategic planning framework of Council. This planning proposal seeks to address a number of matters which have arisen since the adoption of LEP 2012. Consideration of the proposed changes in one amendment will be the most efficient way of updating the current LEP and will remove the need to concurrently consider multiple amendments.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney

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

It is considered that amendments proposed by this planning proposal will not hinder the attainment of these goals and principles.

A full copy of the directions can be viewed at
<http://www.strategy.planning.nsw.gov.au/sydney/the-plan/>

Draft North – West Sub-Regional Strategy

The Draft North West Subregional Planning Strategy (the Strategy) was released by the State 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 Strategy has targets for the North West of 140,000 additional dwellings and 130,000 new jobs by 2031. The Strategy sets targets for the Hawkesbury of an additional 5,000 dwellings and 3,000 jobs by 2031.

The Strategy's Key Directions 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.

It is considered that amendments proposed by this planning proposal are not inconsistent with the key directions of the Strategy.

4. *Is the planning proposal consistent with Council's local strategy or other local strategic plan?*

The planning proposal is consistent with the Hawkesbury Community Strategic Plan 2013 – 2032, particularly in respect to the Shaping Our Future Together strategies which, inter alia, seeks to “Achieve community respect through good corporate governance and community leadership and engagement.”

In this regard the proposed amendments are primarily made up of minor ‘Housekeeping’ matters which should be corrected to ensure that LEP 2012 is an up to date plan consistent with current legislative requirements and Council's strategic direction.

The proposal to change the permissibility of *dual occupancies (detached)* and change the minimum allotment size for the Wilberforce township are consistent with the Looking After People and Place strategy which seeks to “Encourage affordable, diverse and quality housing solutions in serviced areas.”

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?*

It is considered that there are no provisions within this planning proposal that would unreasonably hinder the application of the following SEPPs

State Environmental Planning Policy No. 21 - Caravan Parks
 State Environmental Planning Policy No. 30 - Intensive Agriculture
 State Environmental Planning Policy No. 32 - Urban Consolidation
 State Environmental Planning Policy No. 33 - Hazardous and Offensive Development
 State Environmental Planning Policy No. 50 - Canal Estate Development
 State Environmental Planning Policy No. 62 - Sustainable Aquaculture
 State Environmental Planning Policy No. 65 - Design of Residential Flat Development
 State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)
 State Environmental Planning Policy (Affordable Rental Housing) 2009
 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004
 State Environmental Planning Policy (Major Development) 2005
 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
 State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
 State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004
 State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
 State Environmental Planning Policy (State and Regional Development) 2011
 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

More specifically in terms of the SEPPs listed below the following comments are made:

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

The proposed amendments do not affect the operation of Clause 6.4 Terrestrial biodiversity of LEP 2012 which serves to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The proposed amendments do not affect the operation of Clause 6.4 Terrestrial biodiversity of LEP 2012 which serves to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.

State Environmental Planning Policy No. 55 - Remediation of Land

Given the City wide and generally minor 'Housekeeping' nature of this planning proposal a preliminary investigation, carried out in accordance with the Contaminated Land Planning Guidelines, has not been undertaken and it is considered that undertaking such an assessment would be unreasonable and impracticable.

The amendments proposed by this planning proposal will not hinder the application of this SEPP and development application stage.

State Environmental Planning Policy No. 64 - Advertising and Signage

The amendments proposed by this planning proposal are consistent with the aims of this SEPP in that the planning proposal seeks to clarify the requirements for acceptable types of signage. Item 1.8 is aimed at clarifying the types of signage permitted as exempt development in the Hawkesbury.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The amendments proposed by this planning proposal will not hinder the application of this SEPP and are intended to ensure that there is a consistency between LEP 2012 and relevant State legislation.

The purpose of items 1.7, 1.8, 1.11, 1.18 and 1.19 is to restore flexibility to the LEP following the introduction of the standard instrument and changes that have been made to State legislation.

State Environmental Planning Policy (Infrastructure) 2007

The planning proposal is consistent with the overall aims and objectives of this policy. Particularly Item 2.4 which proposes a change to the minimum lot size of properties in Wilberforce in order to provide for a fair and equitable allocation of Sydney Water services.

The proposal is considered to be consistent with the deemed State Environmental Planning Policies listed below:

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

It is considered that the amendments proposed by the planning proposal will not result in development that will restrict the obtaining of deposits of extractive material from land described in Division 1, 4, 6, 7, 8 or 9 of Schedule 1 of this Plan. Notwithstanding, it is proposed that the planning proposal be forwarded to the Office of Environment and Heritage and NSW Department of Trade & Investment – Mineral Resources Branch for comment as part of consultation with relevant public authorities

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

It is considered that the amendments proposed by this planning proposal are consistent with aim of the plan set out in clause 3, the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 of this Plan.

Sydney Regional Environmental Plan No.19 - Rouse Hill Development Area

It is considered that there are no provisions within this planning proposal that would unreasonably hinder the application of this Plan or the intended long-term growth of the Sydney Region.

State Environmental Planning Policies and Sydney Regional Environmental Plans can be viewed at <http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0> by clicking on "S" within the "Browse in Force" "EPIs" section.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?*

The Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* issues directions that local councils must follow when preparing planning proposals for new local environmental plans. The directions cover the following broad categories:

- a. employment and resources
- b. environment and heritage
- c. housing, infrastructure and urban development
- d. hazard and risk
- e. regional planning
- f. local plan making.

An assessment of the planning proposal against applicable Section 117 directions is provided below. A full copy of the directions can be viewed at <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

1. *Employment and Resources*

1.1 *Business and Industrial Zones*

The overall objective of this direction is to encourage employment growth, protect employment land and support the viability of strategic centres. The proposed amendments of most relevance to this direction are:

- Item 1.1 proposes to increase the number of days *temporary uses* can be considered in any zone. The amendment has been proposed in order to support employment and businesses that are carried out on a temporary basis.
- Item 1.7 proposes to allow Council owned or managed land to be subdivided for lease purposes without the need for development consent. It seeks to simplify the leasing agreements which are necessary to support community facilities and employment, particularly in commercial zones managed or owned by Council.
- Item 1.8 is aimed at clarifying the types of signage permitted within business zones.
- Item 1.18 seeks to simplify the process required to be followed to support temporary events such as exhibitions, meetings, concerts, markets, carnivals, festivals etc. These

uses are often located in or around commercial zones on public land such as malls, roads, parks and reserves.

1.2 Rural Zones

The overall objective of this direction is to protect the agricultural production value of rural land. All amendments proposed as part of this planning proposal are considered to be of minor significance with respect to this direction as the proposed amendments do not seek to rezone rural land or propose provisions that will increase the permissible density of land within a rural zone.

The proposed amendments of most relevance to this direction are:

- Item 1.6 proposes to clarify that consent shall not be granted for the purposes of the erection of a dwelling on land that has been subdivided for the purposes of primary production under Clause 4.2. This amendment proposes to protect land which has been subdivided for the purposes of agricultural purposes.
- Item 3.1 proposes to permit with consent *function centres* in the same zones that permit *restaurants*. This amendment is required as a result of the adoption of the standard instrument. In this respect the standard instrument introduced the definition of *function centres* and has resulted in issues when classifying activities such as *restaurants* which propose to cater for functions such as weddings. The adoption of the standard instrument has resulted in classifying a use previously not specified under LEP 1989 and resulted in prohibiting the use of *restaurants* as *function centres* in rural areas. It is considered that the impacts of future *functions centres* on surrounding agricultural uses would be similar to that of a *restaurant* and can be appropriately assessed at development application stage.
- Item 3.2 proposes to permit *eco- tourist facilities* within zones that allow for *tourist and visitor accommodation* and the RU2 zone. Throughout these zones there are properties which contain areas of ecological significance and it is considered such land could be used to support this type of low scale tourist activity without impacting on surrounding agricultural uses.
- Item 3.3 proposes to adopt the definition of *dual occupancy (detached)* and *secondary dwellings* within rural zones. It is proposed that these uses be adopted to allow property owners more choice in housing style on properties which are currently restricted to the construction of *dual occupancies (attached)*. The adoption of these land uses will not increase permissible densities as *dual occupancies (attached)* are currently permitted with consent in rural areas and the proposed amendments will not increase the number of houses permitted on rural land.
- Item 4.1 proposes to reclassify two (2) parcels of land zoned RU2 from *community land to operational land*. The proposal is related to a piece of land that was reserved for road widening which is currently used to service an existing café. It is considered that the reclassification will not have any impact on existing or potential agricultural production of the land.

1.3 Mining, Petroleum Production and Extractive Industries

It is proposed that the planning proposal be forwarded to the NSW Department of Trade & Investment – Mineral Resources Branch for comment as part of consultation with relevant public authorities.

1.4 Oyster Aquaculture

Due to the significant distance between the Hawkesbury Local Government Area and downstream Priority Oyster Aquaculture Areas or oyster aquaculture activities outside of such

areas it is considered that the amendments proposed by this planning proposal will not adversely oyster aquaculture

1.5 Rural Lands

This direction is not applicable to the Hawkesbury Local Government Area.

2. Environment and Heritage

2.1 Environment Protection Zones

The planning proposal is consistent with the objectives of this direction which seeks to facilitate the protection and conservation of environmentally sensitive areas. The proposed amendments will not reduce environmental protection standards. The proposed amendments of most relevance to this direction are:

- Item 1.4 seeks to clarify when exceptions to the minimum allotment size requirements apply so as to ensure that land containing an environmentally sensitive area will only be subdivided below the minimum allotment size in accordance with the overall intent of this clause.
- Item 3.1 proposes to permit with consent *function centres* in the same zones that permit *restaurants*. This amendment is required as a result of the adoption of the standard instrument. In this respect the standard instrument introduced the definition of *function centres* and has resulted in issues when classifying activities such as *restaurants* which propose to cater for functions such as weddings. The adoption of the standard instrument has resulted in classifying a use previously not specified under LEP 1989 and resulted in prohibiting the use of *restaurants* as *function centres* in the E4 Environmental Living zone. It is considered that the impacts of future *functions centres* on any affected environmental sensitive areas can be appropriately assessed at development application stage.
- Item 3.2 proposes to permit *eco-tourist facilities* within the E3 Environmental Management and E4 Environmental Living zones. As previously discussed the adoption of this definition is required as a result of the standard instrument. The adoption of this definition aims to distinguish the difference between *tourist and visitor accommodation* and *eco-tourist facilities* when considering and assessing tourist related development in an environmentally sensitive areas.
- Item 3.3 proposes to permit *secondary dwellings* and *dual occupancies (detached)* in E3 Environmental Management and E4 Environmental Living zones. The adoption of these definitions will provide alternatives for housing types on land which currently permits *dual occupancies (attached)*. The adoption of these land uses will not increase the number of dwellings permitted in these zones and provide Council with the opportunity to consider alternative housing options which may result in less disturbance to native vegetation in instances where the land is physically constrained.

2.2 Coastal Protection

This direction is not applicable to the Hawkesbury Local Government Area.

2.3 Heritage Conservation

The planning proposal is consistent with this direction as the changes proposed under Items 1.16 and 2.1 are required to be made to ensure that LEP 2012 accurately identifies the heritage items shown on the heritage maps and listed under Schedule 5 of LEP 2012.

2.4 Recreation Vehicle Areas

The amendments by this planning proposal do not allow land to be used for a recreation vehicle area.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The proposed amendments of most relevance to this direction are:

- Item 1.2 seeks to allow for boundary adjustments to be undertaken between undersized allotments. The current controls prevent Council from recognising a subdivision between existing undersized lots and it is considered that the new provisions will be consistent with this direction as the change will not reduce permissible residential density of land.
- Item 1.5 is consistent with this direction as the proposal seeks to standardise the way lot sizes are calculated in residential areas. This will ensure that there is consistency in the way land is subdivided throughout the Hawkesbury and will ensure that residential densities are calculated in the same manner.
- Item 2.4 is considered to be a minor change that is consistent with this direction. It is proposed that the housing densities of the Wilberforce township be amended to reflect Council's strategic direction. In this respect land in the Wilberforce township was previously not able to be subdivided below 4,000m² given that sewer was not available. Since the Drafting of LEP 2012 sewer has become available and the minimum allotment size reverted to the standard residential size of 450m². This has inadvertently increased residential densities without considering the service arrangements available. Council has received advice that the sewer servicing for the Wilberforce township has a limited capacity and accordingly on 31 July 2012 Council adopted the *Wilberforce Subdivision and Development Policy*. This policy seeks to cater for additional residential development in areas that are above the predicted 1 in 100 year flood level and close to commercial centres. This amendment is consistent with the overall objectives of this direction which seeks to make efficient use of existing infrastructure and services.
- Item 3.2 will enable *eco-tourist facilities* within residential zones which currently permit *tourist and visitor accommodation*. It is considered that the proposed change is consistent with this direction as the proposed change is merely a definitional change to distinguish the difference between the two types of accommodation. Furthermore the proposal will not reduce the permissible residential density of the residential areas.
- Item 3.3 proposes to adopt the definition of *dual occupancy (detached)* and *secondary dwellings* within rural zones. The proposal is consistent with this direction as it is aimed at increasing housing style choices and options for residential development in rural areas. It is considered that the change is minor in that the rural zones currently permit *dual occupancies (attached)* and the amendment will not increase the number of dwelling permitted in rural areas.

3.2 Caravan Parks and Manufactured Home Estates

The amendments proposed by this planning proposal do not affect the current permissibility, or otherwise, of caravan parks and manufactured home estates within LEP 2012.

3.3 Home Occupations

The amendments proposed by this planning proposal do not affect the current permissibility of home occupation within LEP 2012.

3.4 Integrating Land Use and Transport

The land use changes in this planning proposal are considered to be minor having regard to the established transport networks and there are no changes that directly relate to this direction. However:

- Item 2.2 seeks to correct a topographical error and ensure that the Land reservation Acquisition Map is consistent with the zoning map and that and is appropriately identified as being designated for transport purposes within the Hawkesbury. This change is minor and does not propose any changes that would directly alter the urban development of the area, and
- Item 2.4 proposes changes to the lot size in the Wilberforce township which is consistent with this direction. It is proposed that residential densities will be concentrated within the township close to commercial areas and public transport which would encourage walking and cycling as alternative forms of transport.

3.5 Development Near Licensed Aerodromes

This direction is not applicable to the Hawkesbury Local Government Area as RAAF Base Richmond is not a licensed aerodrome.

3.6 Shooting Ranges

Known licensed shooting ranges in the Hawkesbury are:

- Phoenix Pistol Club -Scheyville National Park, 217 Scheyville Road, Scheyville NSW 2756, and
- Kurrajong Pistol Club, 1550A Bells Line of Rd Kurrajong Heights NSW 2758

It is considered that the amendments proposed by this planning proposal will not adversely impact upon the operation of these clubs or public safety and amenity.

4. Hazard and Risk

4.1 Acid Sulfate Soils

This planning proposal does not propose any amendments to Clause 6.1 Acid sulfate soils of LEP 2012.

Given the City wide and generally minor 'Housekeeping' nature of this planning proposal an acid sulphate soils study has not been undertaken and it is considered that undertaking such an assessment would be unreasonable and impracticable.

4.2 Mine Subsidence and Unstable Land

No Mine Subsidence Districts have been proclaimed within the Hawkesbury Local Government Area.

4.3 Flood Prone Land

The objectives of this direction are:

- a. 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

- b. 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.

Sub-clauses (4) to (8) of this direction set out particular requirements for planning proposals.

However, sub-clause (9) of this direction states that a planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- a. the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005,

or

- b. the provisions of the planning proposal that are inconsistent are of minor significance

Hawkesbury City Council adopted the Hawkesbury Floodplain Risk Management Study and Plan on 11 December 2012. The Floodplain Risk Management Plan (FRMP) component of this document outlines a suite of actions in relation to flood education and resilience, emergency management, advice to consent authorities, land use planning, voluntary house raising/purchase, flood mitigation works, and flood modeling. A copy of the (FRMP) is included in this planning proposal as Attachment 8.

The amendments proposed by this planning proposal will not hinder the implementation of FRMP.

Furthermore the proposed amendments do not alter Council's current flood related development controls found in LEP 2012, the *Hawkesbury Development Control Plan 2002*, or Council's *Development of Flood Liable Land Policy (Version 1)*, adopted 31 July 2012.

Finally, as emergency management and flood evacuation are significant issues in the Hawkesbury it is proposed that the planning proposal be forwarded to the NSW State Emergency Service for comment as part of consultation with relevant public authorities.

4.4 Planning for Bushfire Protection

It is proposed that the planning proposal be forwarded to the NSW Rural Fire Service for comment as part of consultation with relevant public authorities.

5. Regional Planning

No directions in this section apply to the Hawkesbury Local Government Area.

6. Local Plan Making

6.1 Approval and Referral Requirements

The amendments proposed in Item 1.10 (Clause 5.1A Development of land intended to be acquired for public purposes) could suggest that Council may consult with or refer certain development applications to relevant public authorities.

It is proposed that the planning proposal be forwarded to relevant public authorities for comment, and if necessary, approval prior to Council undertaking community consultation.

6.2 Reserving Land for Public Purposes

Items 2.2 and 2.6 forecast possible amendments to the Land Reservation Acquisition Map and the SP2 Infrastructure and E1 National Parks and Nature Reserves zones.

It is proposed that the planning proposal be forwarded to the Roads and Maritime Service and Office of Environment and Heritage for comment, and if required approval, as part of consultation with relevant public authorities.

6.3 Site Specific Provisions

The amendments proposed by this planning proposal are consistent with this direction

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney

It is considered that amendments proposed by this planning proposal will not hinder the attainment of the goals and principles of *A Plan for Growing Sydney*.

Section C - Environmental, Social & Economic Impact

7. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

It is considered that the proposed amendments will not adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

The proposed amendments do not affect the operation of Clause 6.4 Terrestrial biodiversity of LEP 2012 which serves to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.

More specifically proposed amendment Item 1.4 is aimed at protecting land which is occupied by an environmental constraint area and/or a critically endangered ecological community. This item is required to ensure that there is no confusion when considering a subdivision pursuant to Clause 4.1E of LEP 2012.

Notwithstanding the above commentary it is proposed that the planning proposal be forward to the Office of Environment and Heritage and the Department of Industry, Skills and Regional Development for comment as part of the public authority consultation stage of the planning proposal process.

8. ***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The planning proposal is largely made up of minor 'Housekeeping' matters relating to mapping, definitional and written instrument changes and accordingly no adverse environmental effects envisaged

The proposed additional *permitted with consent* land uses are considered to be consistent with the current suite of permitted land uses within the respective zones and would be subject to detailed assessment under the development application process of the Environmental Planning and Assessment Act 1979.

Changes to the lot size map for the Wilberforce township proposed under amendment Item 2.4 will ensure that the future development of the area will be consistent with Council's existing policies and strategic direction. It is considered necessary that the minimum lot sizes

be adjusted to facilitate the appropriate residential development and prevent adverse environmental effects that may result under the current lot size provisions.

9. *Has the planning proposal adequately addressed any social and economic effects?*

It is envisaged that the amendments proposed as part of this planning proposal will have a positive impact on the overall social and economic wellbeing of the Hawkesbury by ensuring that LEP 2012 is an up to date plan that is consistent with State planning policies and Councils strategic planning framework.

Amendments Item 2.4 (Lot Size Map amendment Wilberforce) and Items 3.3 (Secondary dwellings and dual occupancies) are proposed to ensure the appropriate development of land within Wilberforce and encourage a variety of housing options in certain rural and environment protection zone respectively. These changes have been proposed to formalise Council's strategic direction and existing adopted policies. The social and economic effects have been adequately considered by Council as part of the preparation of detailed reports and adoption of Council policies. The report and policy associated with Items 2.4 and 3.3 have been included in this planning proposal as part of Attachment 6 and 7.

Section D- State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

In general, it is considered that the amendments proposed by this planning proposal will not have a significant adverse impact on public infrastructure such as roads and transport, community facilities, open space, storm water and drainage.

Any impacts resulting from the proposed additional *permitted with consent* land uses can be considered in detailed as part of the development application process of the *Environmental Planning and Assessment Act 1979*.

11. *What are the views of State and Commonwealth public authorities in accordance with the Gateway determination?*

Consultation with public authorities is proposed to occur after a Gateway determination.

It is envisaged that the following public authorities will be consulted.

Office of Environment and Heritage
 Sydney Water
 NSW Road and Maritime Service
 Transport for NSW
 NSW Rural Fire Service
 Department of Industry, Skills and Regional Development
 NSW Department of Trade & Investment – Mineral Resources Branch
 Greater Sydney Local Land Services
 NSW State Emergency Service
 Department of Defense
 Endeavour Energy

Part 4 - Mapping

Proposed mapping amendments pertaining to Items 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 are detailed under the respective items in Attachments 2 and 4.

Part 5 - Community Consultation

The Department of Planning and Infrastructure's *A guide to preparing local environmental plans* outlines the consultation required for different types of planning proposals with the guideline stating that the exhibition period for this type of proposal should be 28 days. It is therefore proposed that the planning proposal be publicly exhibited for a minimum of 28 days.

Part 6 - Project Timeline

The following table provides an indicative timeline for the planning proposal for DP&E's consideration.

Project Phase	Indicative time target
1. Project Commencement	Date of gateway determination received by Council
2. Completion of technical information prior to government agency consultation	4 weeks
3. Government agency consultation	6 weeks
4. Preparation of written advice to the adjoining/affected property owners, public notice in local newspaper, and exhibition material	3 weeks
5. Public consultation period	4 weeks
6. Public Hearing for reclassification of land	8 weeks
7. Consideration of submissions and a report to Council	12 weeks
8. Submission to DP & E draft LEP be prepared and made	4 weeks

List of Attachments

1. Schedule of written instrument amendments to LEP 2012
2. Schedule of mapping Amendments to LEP 2012
3. Schedule of additional land uses
4. Site specific reclassification of land
5. Council Report and Resolution, 31 March 2015
6. Council Report and Resolution, 9 December 2014
7. Wilberforce Subdivision and Development Policy, 31 July 2012
8. Hawkesbury Flood Risk Management Plan, adopted 11 December 2012
9. Department of Planning's LEP Practice Note PN 09-003 *Classification and reclassification of public land through a local environmental plan*, 12 June 2009