

Gateway determination report

LGA	Hawkesbury
PPA	Hawkesbury City Council
NAME	27 Park Road Vineyard & 41 Park Road Mulgrave
NUMBER	PP_2018 HAWKE 003 00
LEP TO BE AMENDED	Hawkesbury Local Environmental Plan 2012
ADDRESS	27 Park Road, Vineyard and 41 Park Road, Mulgrave
DESCRIPTION	Lot 340 DP 752061 and Lot 215 DP 752061
RECEIVED	21 November 2018. The proposal has been subject to consultation with Hawkesbury Council and authorities.
FILE NO.	IRF18/6560
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

This planning proposal (**Attachment AA**) seeks to extend an existing industrial area by amending Hawkesbury Local Environmental Plan (LEP) 2012 by:

- rezoning the land at 27 Park Road Vineyard & 41 Park Road Mulgrave from RU4 Primary Production Small Lots to IN1 General Industrial;
- removing the 10m height of buildings control on the subject land; and
- removing the 2ha minimum lot size control on the subject land.

The proposal does not seek to apply building height and minimum lot size controls to the subject land, consistent with the adjoining industrial area.

Council has also resolved to rezone the adjoining strip of land with this proposal. This land does not have a lot and deposited plan as it is unformed roadway, is a potential extension of Railway Road North.

1.2 Site description

The subject land consists of two adjoining allotments and an unformed roadway as shown in Table 1.

Table 1: Property Description

Address	Lot Description	Area
27 Park Road, Vineyard	Lot 340, DP 752061	2.43ha
41 Park Road, Mulgrave	Lot 215, DP 752061	2.23ha
Unformed Road	N/A	3,726m ²
Total Area		5ha



Figure 1: Subject Site including unformed roadway (shaded in red in left image)

The site is level, cleared and used for residential purposes containing two dwellings. The site is not unduly constrained with the following aspects:

- scattered and small stands of native trees and shrub species present on the site and a dam in the south-eastern corner;
- a 500KV electricity network owned by TransGrid is located near the rear boundary of the site with a 70m wide easement for the transmission line (shown in Figure 2);
- the site is not affected by the 1 in 100 year flood event but is affected by the probable maximum flood (discussed in Section 5 of this Report);
- the site is identified as containing Bushfire Prone (Vegetation Category 3) and mapped as containing Agriculture Land Classification 3; and
- is located within the Metropolitan Rural Area (MRA), as identified in the Western City District Plan (shown in Figure 2).

The southern boundary of the site abuts Vineyard Precinct in the North West Growth Area.

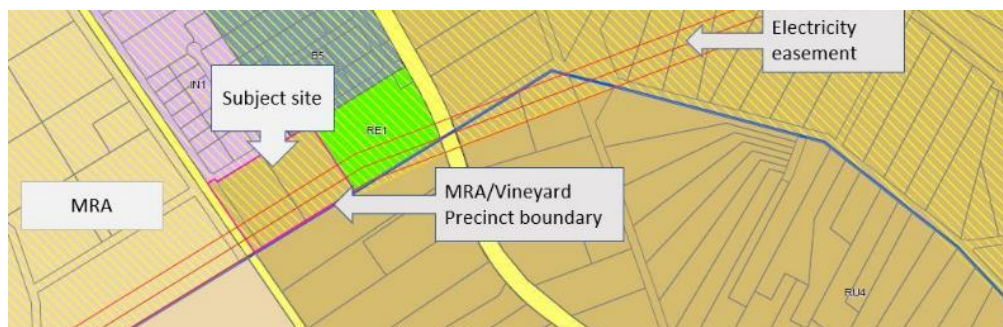


Figure 2: MRA affectation, electricity easement on site

1.3 Existing planning controls

Land Use Zone

The site is zoned RU4 Primary Production Small Lots (Figure 3) under the Hawkesbury Local Environmental Plan 2012.



Figure 3: Existing land zoning

Building Height

A 10m maximum height of buildings control applies to the site as shown in Figure 4, the IN1 General Industrial and B5 Business Development zones immediately to the north do not have height of buildings controls in the LEP.



Figure 4: Height of Buildings

Minimum Lot Size

The site has a minimum lot size of 2ha. As shown in Figure 5, the IN1 and B5 zones to the north do not have applicable minimum lot size controls in the LEP.



Figure 5: Minimum Lot Size

Terrestrial Biodiversity

The site is mapped as containing some significant vegetation (concentrated in the south eastern corner of the site) and land identified as connectivity between significant vegetation in the Terrestrial Biodiversity Map (Figure 6).



Figure 6: Terrestrial Biodiversity Map

1.4 Surrounding Area

The site is surrounded by a number of different land uses (Figure 3 zoning map and Figures 7-9) including the following:

- Mulgrave Industrial and Business Precinct to the north of the site being a well-established employment area comprising of a mix of industrial and business uses;
- Vineyard Park to the east; and
- Rural agriculture to the south including an operating truck and trailer repair facility. The site borders the Vineyard Precinct within the North West Growth Area.

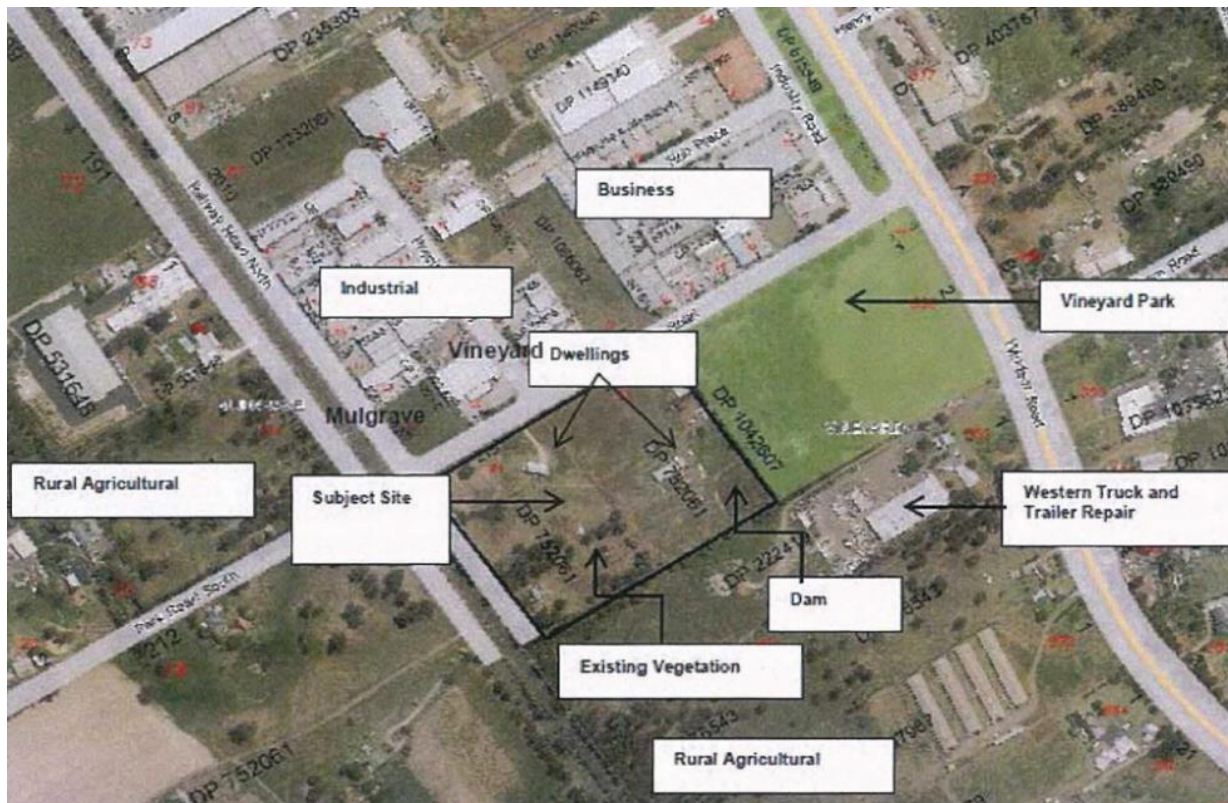


Figure 7: Aerial view of the site and surrounding properties

As identified in Figure 2, the site adjoins Vineyard Precinct (Stage 2) in the North West Growth Area. Stage 2 has been released for precinct planning under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). Updated precinct planning investigations to rezone the land have not started.

Precinct planning investigations for Stage 2 will resume when the Outer Sydney Orbital corridor has been defined. This means the longer-term future land use zones to the south of the site are unknown but are likely to be urban as they form part of the growth area.

The site is located between Mulgrave and Vineyard Railway Stations, on the Blacktown – Richmond Railway Line. Mulgrave Station is the closest to the subject site, which is located approximately 1.25km North West of the site, as shown in Figure 8. Vineyard Station is 2.2km south east. The site has good access to Windsor Road, also shown in Figure 8.

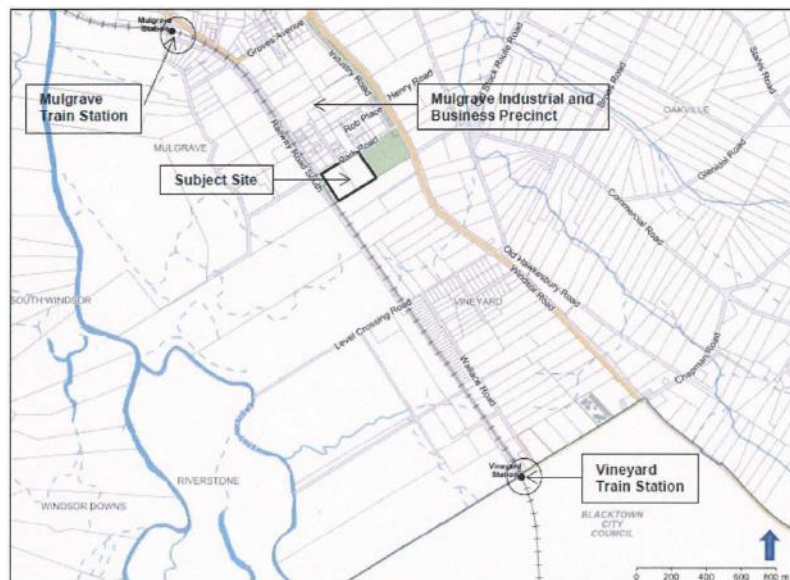


Figure 8: Site proximity to train stations

The subject land is also located in close proximity to the Windsor township (approximately 3km) and residential development, as depicted in Figure 9.



Figure 9: Relationship of the site to surrounding towns

1.5 Summary of recommendation

The proposal for the expansion of the Mulgrave Industrial Precinct has site-specific and strategic merit. It is recommended the proposal proceeds to Gateway subject to conditions including updating the planning proposal to include a vegetation management plan and consultation with the NSW Rural Fire Service prior to community consultation.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the proposal is to facilitate the expansion of Mulgrave Industrial and Business Precinct on 27 Park Road, Vineyard and 41 Park Road, Mulgrave for industrial purposes.

2.2 Explanation of provisions

The proposal seeks to amend the Hawkesbury LEP 2012 as follows:

- amending the Land Zoning Map applicable to the subject site from RU4 Primary Production Small Lots to IN1 General Industrial;
- amending the Height of Buildings Map applicable to the subject site by removing the maximum permissible building height; and
- amending the Minimum Lot Size Map applicable to the subject site by removing the minimum lot size.

2.3 Mapping

Proposed maps have been included in the planning proposal under Part 2 – Explanation of provisions. Table 2 identifies the maps to be amended and the respective tile numbers.

An excerpt of the proposed land use zoning plan in the context of surrounding land use zones is shown in Figure 10.

Table 2: LEP Maps to be amended

Map	Tile Numbers
Land zoning	LZN_008D, LZN_008DB
Height of Buildings	HOB_008D, HOB_008DB
Minimum Lot Size	LSZ_008D, LSZ_008DB



Figure 10: Proposed land use zone for subject site within surrounding land use zone context

3. NEED FOR THE PLANNING PROPOSAL

The proposal states it has been prepared in response to Council's Employment Lands Strategy 2008. The subject area was identified to assist in delivering employment generating land. Subsequently, Hawkesbury Council has endorsed the applicant's request to prepare a planning proposal to rezone the land to deliver local employment opportunities.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan (2018)

The Department of Planning, Industry and Environment (the Department) is satisfied the proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* as follows:

- *Planning Priority W1* 'Planning for a city supported by infrastructure', Objective 4 'Infrastructure use is optimised'

The proposal is consistent with Objective 4 as the site is within 30-minutes of the Windsor Strategic Centre via public transport. It is opposite the Mulgrave Industrial Area and close to the Mulgrave and Vineyard Railway Stations. It has access to the regional road network linking to the M2 and M7 Motorways and supporting infrastructure. Rezoning of the site would enable increased local jobs, provision of goods and services to meet local demand and increase local economic activity.

Department Comment:

The Plan states aligning land use and infrastructure planning will maximise the use of existing infrastructure. Given the site's location and access to supporting infrastructure, the proposal is consistent with Objective 4 optimising use of existing infrastructure.

- *Planning Priority W10* 'Maximising freight and logistics opportunities and planning and managing industrial and urban services land', Objective 23 'Industrial and urban services land is planned, retained and managed'

The proposal is consistent with Objective 23 as the rezoning of land will enable the extension of the Mulgrave Industrial and Business Precinct which will provide jobs to the future populations of Vineyard and Riverstone Precincts within the North West Growth Area.

Department Comment:

The Plan states there is a need for additional industrial and urban serviced land in land release areas under the principle 'Plan and Manage'. This Planning Priority is supported by mapping which does not identify any potential future industrial/employment land on the subject site nor is it identified within a land release area. The 'Plan and Manage' Principles applies to certain LGAs but does not include the Hawkesbury LGA.

- *Planning Priority W11* 'Growing investment, business opportunities and jobs in strategic centres', Objective 22 'Investment and business activity in centres'

The District Plan identifies the Richmond-Windsor Strategic Centre has a 2036 jobs target of between 12,000 (baseline) and 16,500 (upper target) jobs. The proposal states the subject site is in close proximity to this Strategic Centre and will assist Council in achieving the set job target.

Department Comment:

The District Plan's actions for the Richmond-Windsor Strategic Centre include strengthening employment opportunities, amongst other elements including tourism economy, entertainment uses, through a master planning process. The District Plan also advises to facilitate the attraction of office/commercial floor space.

Although the District Plan does not set a job target for areas surrounding the Richmond-Windsor Centre, the proposal will support the Mulgrave Industrial and Business Precinct which in turn will strengthen the Richmond-Windsor Strategic Centre and employment opportunities in the Western City District. The proposal gives effect to Objective 22 as it supports investment and business activity in centres.

- *Planning Priority W17* 'Better managing rural areas', Objective 29 'Environmental, social and economic values in rural areas are protected and enhanced'

The subject site is identified within the Metropolitan Rural Area (MRA). The Greater Sydney Region Plan states 'urban development is not consistent with the values of the Metropolitan Rural Area'. The planning proposal draws attention to the lack of a formal definition of 'urban development' within the Greater Sydney Region Plan or Western City District Plan. The Plan also states land use patterns in the MRA will be influenced by local demand.

In addition, the proposal states Council is of the strong view the blanket application of MRA to the whole Hawkesbury LGA should not sterilise land with site specific and strategic merit to meet local demand for employment opportunities.

Further, the proposal states the subject site was not used for any agricultural purpose. The site was identified as not having any significant agricultural production values on the former NSW Department of Agriculture's Agricultural Land Classification 3 Map. The proposal states it is consistent with Objective 29 as it does not detract from any agricultural value on the subject site or of adjoining land.

Department Comment:

The Plan's approach of no urban development within the MRA partly seeks to prevent inappropriately dispersed urban activities and incompatible urban uses in rural areas. The proposal's location is a logical expansion of the industrial area, does not represent inappropriately dispersed urban activities and is compatible with surrounding industrial uses.

Further the Plan acknowledges there may be a need for additional land for urban development to accommodate Greater Sydney's growth. If this is the case, future region plans will identify if significant areas of land in the MRA are required for urban development.

The District's rural areas include poultry, egg productive and dairy activities, irrigated horticulture such as leaf vegetables and mushrooms, nurseries for cut flowers and turf. The Plan states design-led place-based planning in the MRA will help manage environmental, social and economic values, maximising the productive use of rural areas. This will assist with identifying important rural values at a local scale and set priorities for maintaining and enhancing these values through local land use planning (Action 78). However, the subject site and surrounds has not been used for agricultural purposes and has limited agricultural value.

Given the site's location adjacent to the Mulgrave Industrial and Business Precinct as well as a truck repair shop operating under existing use rights in the RU4 zone, rezoning the site to accommodate industrial uses is an appropriate local expansion of existing land uses. While the subject land is not located within an urban investigation area, the land borders the Vineyard Precinct Stage 2 (highlighted in blue overlay) under State Environment Planning Policy (Sydney Region Growth Centres) 2006 (Figure 11).

The unique site specific circumstances are such the inconsistency with Planning Priority W17 is justified.



Figure 11: Relationship between the subject land (orange overlay) and the priority precinct of Vineyard Precinct Stage 2 (highlighted in blue overlay) under SEPP (Sydney Region Growth Centres) 2006

4.2 Local

Draft Hawkesbury Local Strategic Planning Statement (LSPS)

The proposal pre-dates the exhibition of Hawkesbury's draft LSPS, as such there is no commentary within the planning proposal. The following observations are made in relation to employment lands:

- Council has commissioned an Employment Lands Strategy to guide development of employment lands within the LGA;
- Windsor and Richmond will continue its role as the primary business and retail hub for the LGA and will be supported by incremental supportive zones and serviced lands to ensure an increased provision of commercial and retail development;
- It is important for Hawkesbury's efficient productivity to have sufficient serviced industrial land within or adjacent to the existing industrial lands;
- Council will also explore the provision of additional permitted uses within the existing industrial lands to meet the changing industrial activity trends that are moving towards the future mega trends;
- Council's LSPS aims to strengthen productivity in the Hawkesbury, key industrial and employment opportunities by investigating these through ongoing strategic studies; and

- Council's LSPS Planning Priority 1 includes an action to investigate and provide adequate serviced employment lands at Mulgrave and Windsor South locations to support future growth.

The proposal is considered to be consistent with the draft LSPS.

Hawkesbury Community Strategic Plan 2017-2032

The proposal refers to directions within the Hawkesbury Community Strategic Plan including:

- 5.8.1 Plan for a range of industries build on the strengths of the Hawkesbury to stimulate investment and employment in the region; and
- 5.8.2 Increase the focus on jobs and innovation to build on our strengths and achieve a diverse industry base.

The proposal is consistent with the Hawkesbury Community Strategic Plan as it will enable local growth of the Mulgrave Industrial and Business Precinct.

Hawkesbury Employment Lands Strategy 2008

The Hawkesbury Employment Lands Strategy 2008 was adopted by Council in November 2008. The Strategy addresses the development of an increased employment base and seeks to assist in meeting local employment needs. The Strategy includes several potential industrial lands and is identified as an investigation site for future employment lands as shown in Figure 12.



Figure 12: Mulgrave Investigation Area (Hawkesbury Employment Lands Strategy 2008)

Department Comment:

The Hawkesbury Employment Lands Strategy 2008 reviews the industrial areas within the Hawkesbury LGA including North Richmond, Richmond, South Windsor, Mulgrave and Wilberforce. The Strategy recommends future strategic actions to support industry growth based on population growth and meeting LGA job targets.

Key points from the Hawkesbury Employment Lands Strategy are relevant to this proposal:

- A key finding of the Strategy was there were no immediate shortages of industrial or business zoned land in the Hawkesbury LGA. At the time of the study, there was significant industrial land available in the LGA (28ha), including within the Mulgrave precinct;
- However, a number of constraints were identified as restricting development of available land including servicing (power and water in particular for Mulgrave), threshold costs or poor access to key transport routes;
- Mulgrave was identified as the only employment precinct with superior access to a major road (Windsor Road);
- The recommended strategic actions were either considered immediate (i.e. with the next LEP), or medium to long term strategies underpinned by further investigation. Two applicable strategies to this planning proposal:
 - Immediate strategy 'investigate and facilitate the servicing of vacant industrial lands to unlock existing supply'; and
 - Short to medium term (within 5 years) 'investigate additional industrial land supply to address future employment growth'. The subject site was identified as a potential area for expansion of the Mulgrave Precinct. The catalyst for the development of this area was predicated on the precinct planning for the adjacent precinct in the North West Growth Area, Vineyard Precinct;
- The recommendation to expand industrial precincts was a result of the observation the capacity for intensification of the industrial lands in the south of the LGA was not considered likely. This was due to the lack of drivers for intensification and the availability of other sites with good accessibility;
- A more coordinated approach to infrastructure provision and servicing in industrial areas is warranted;
- Manufacturing and construction sectors should benefit from the southern LGAs proximity to the North West Growth Area and its new population; and
- The subject site was identified as an appropriate area for investigation given its location relative to population concentrations. The site was identified as an appropriate location for service and light industry.

The Hawkesbury Employment Lands Strategy 2008 relies on data collected in 2006. The Data takes into consideration subregional employment targets for the LGA relevant at time. While it has not been endorsed by the Department it provides evidence that local demand arising from development of Vineyard will lead to an increased demand for local urban services.

The Strategy's forecast growth for local jobs within Mulgrave for the next 20 years (as outlined in **Attachment AB**) is shown in Table 3.

Table 3: Forecast local jobs for Mulgrave

Industrial Group	Job Growth
Manufacturing	130
Electricity, Gas, Water and Waste Services	49
Wholesale Trade	184
Transport, Postal and Warehousing	125

Future long term local job growth in Mulgrave will be sufficiently informed by an updated Employment Lands Strategy (discussed in the following section) and Rural Lands Strategy and the subject proposal will not detract from achieving future growth. Considering the long term job forecasts for Mulgrave, the subject proposal represents a minimal and logical local expansion of the existing industrial land use footprint.

The industrial land use footprint has increased since 2008 as shown in Figures 13 and 14. The planning proposal is supported by the Employment Lands Strategy in that the subject site was identified for investigation for industrial expansion, has good accessibility and will enable suitable local growth of the existing land use patterns.



Figure 13: Aerial of Mulgrave area October 2008 (subject site shown at green pin)



Figure 14: Aerial of Mulgrave area October 2019 (expanded industrial areas from 2008 outlined in red and subject site shown at green pin)

Draft Employment Lands Strategy

On 11 August 2020 Council resolved to place its Draft Employment Lands Strategy on public exhibition. The draft Strategy identifies the subject site as potential future industrial land for expansion (Figure 15).



Figure 15: Potential future industrial land for expansion to be investigated (outlined black, subject site outlined red)

One of the draft Strategy's key recommendations for Mulgrave is:

- R18 Monitor the performance of the industrial precinct over time and nominate an area as 'future industrial' for the expansion of the industrial precinct.

Under this recommendation the draft Strategy notes projected demand for floorspace between 2016 and 2036 indicates a need for 78,213 sqm at Mulgrave for industrial uses and that Council should consider future expansion given the success of this precinct and long term needs. The draft Strategy states:

Based on the projections, industrial floorspace demand would be growing at 9,082 sqm per year. Therefore, post 2036, this amounts to an additional three years of capacity in the system for industrial floorspace. While supply is adequate within the planning horizon out to 2036, a 3-year buffer beyond that is a little low of industrial land planning purposes.

Department Comment:

The planning proposal is consistent with the Hawkesbury Draft Employment Strategy and vision for Mulgrave as the preferred industrial precinct in the LGA due to the quality of the built form, transport accessibility and general character. The proposal is consistent with the draft Strategy's recommendation for Council to continue monitoring the precinct over time and to assess whether any expansion would be required in the lead up to 2036 and beyond.

Local Planning Panel

The Hawkesbury Local Planning Panel at its meeting on 18 October 2018 resolved the planning proposal proceed to Gateway (**Attachment AE**). This decision was based on demonstrated strategic merit and site-specific merit. Strategic merit included the proposal's consistency with the Greater Sydney Region Plan, Western City District Plan and the Hawkesbury Employment Lands Strategy 2008. Site specific merit included:

- The subject site's close proximity to both Mulgrave and Vineyard railway stations;
- It's relatively easy access to the regional transport network;
- It enables the expansion of the existing Mulgrave Industrial and Business Precinct to strengthen the precinct's status as a diverse industrial base; and
- Is located within 30 minutes travel distance to Windsor and in close proximity to future residential development within Vineyard Precinct and also the Riverstone Precinct in the North West Growth Area within the Blacktown Local Government Area.

4.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the majority of the relevant Directions as discussed below.

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.

As discussed previously in this report, the subject site is a suitable location for the local expansion of the Mulgrave Industrial and Business Precinct and the proposal

does not reduce the potential for employment uses in the surrounding area. The planning proposal is consistent with this Direction.

Direction 1.2 Rural Zones

This Direction applies as the proposal affects land within an existing rural zone. The proposal seeks to rezone land from rural to an industrial zone and as such is inconsistent with this Direction. The objective of this Direction is to protect the agricultural production value of rural land.

Council's report (**Attachment AE**) identifies the subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

“Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required.”

As discussed previously in this report, the proposal represents a logical local expansion of the Mulgrave Industrial and Business Precinct and the site has limited agricultural value. Any inconsistency with this Direction is of minor significance.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure development improves access to housing and jobs by active (including public) transport, increases the choice of available public transport and reduces dependence on cars, reduces travel demand, supports public transport services and provides for the efficient movement of freight.

The planning proposal states the proposed rezoning will ensure future development will utilise the existing road and rail (public transport) infrastructure in connecting people with businesses. The planning proposal is consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

This Direction seeks to avoid significant adverse environmental impact from the use of land containing acid sulfate soils. The Direction applies as the subject land is identified as comprising Acid Sulfate Soil, Class 5.

The Class 5 category is considered the least constrained class and the Hawkesbury LEP 2012 contains clause 6.1 Acid Sulfate Soils, which provides controls to ensure any future development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Any inconsistency with this Direction is of minor significance.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and to ensure the provisions of the 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.

The subject site is not affected by the 1 in 100 chance per year flood event but is affected by larger flood events including the probable maximum flood. Preliminary advice provided by State Emergency Services is discussed under Section 6 in relation to flood evacuation and considerations for Council at the Development

Application stage. SES' advice also states the proposal would have a minor impact on the regional flood route. The planning proposal is consistent with this Direction.

Direction 4.4 Planning for Bushfire Protection

This Direction seeks to protect life, property and the environment from bushfire hazards. In accordance with the terms of the Direction, a planning proposal must have regard to Planning for Bush Fire Protection 2019 and introduce controls to avoid placing inappropriate developments in hazardous areas.

The subject site is classed as bushfire prone land, vegetation category 3 (Figure 16) and the planning proposal was submitted with a bushfire assessment (**Attachment AD**). The report concludes the future permissible development within the new IN1 'General Industrial' or B5 'Business Development' zone can achieve the Asset Protection Zones, Water Supply, Access and other relevant specifications and requirements detailed in Planning for Bush Fire Protection 2019.

It is recommended the Gateway determination (**Attachment C**) includes a requirement for the planning proposal to be referred to the NSW Rural Fire Service (RFS) for comment prior to exhibition and for the proposal to be updated to be consistent with any NSW RFS comments. Therefore, the consistency will remain unresolved until this requirement has been met.



Figure 16: The subject lot is vegetation classification 3 bushfire prone land

4.5 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with the relevant SEPPs. The SEPPs below are discussed to determine consistency with the proposal.

Sydney Regional Environmental Policy (SREP) No.20 (Hawkesbury Nepean River)

The aim of SREP 20 (a deemed SEPP) is to protect the Hawkesbury-Nepean River system and Part 2 of the SREP provides general planning considerations, specific planning policies and recommended strategies to achieve this outcome.

The planning proposal states the site does not directly adjoin a watercourse and the proposal is considered consistent with the environmental and planning strategies embodied within the SREP. Stormwater can be managed on site with appropriate design and assessment at the development application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

As discussed previously in this report, the planning proposal indicates the rezoning is likely to create social and economic advantages such as improved take up of industrial land; increased employment choice; accessibility between local

employment and housing; and, more business opportunities and advantages to the local economy.

Any implications of rezoning land to industrial adjoining local open space would need to be managed through crime prevention through design principles at the development application stage.

5.2 Environmental

Flora & Fauna

The planning proposal states the proposed rezoning is not likely to adversely affect critical habitat, threatened species populations or ecological communities. However, the assessment of impacts would be considered in detail at the development application stages.

The proposal's Flora and Fauna report (**Attachment AC**) states:

- Approximately 1.2ha of native vegetation would be removed as a result of the proposed development. Revegetation should occur along the northern and eastern boundaries of the property to enhance connectivity between vegetation patches adjacent to the property. It is recommended the proposal be updated to further discuss the preparation of a vegetation management plan.
- Revegetation should occur along the southern and eastern boundaries of the subject site to enhance connectivity between vegetation patches adjacent to the property and to compensate any vegetation loss due to future development of the subject site for general industrial purposes (Figure 17).
- The site is mapped as supporting connectivity values and contains native vegetation mapped as Cooks River/Castlereagh Ironbark Forest.
- Cooks River/Castlereagh Ironbark Forest is listed as an Endangered Ecological Community under the *Biodiversity Certification Act 2016* and as Critically Endangered under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- Removal of native vegetation patches on the site could be avoided at detailed design and development application stage to avoid decreasing the overall area of Cooks River /Castlereagh Ironbark Forest in the region.
- Past and present agricultural land use on the site has led to the degradation of the original native vegetation community and continued agricultural use would not encourage regeneration or rehabilitation.
- No vulnerable, endangered or critically endangered native flora were identified during the site survey.
- The report concludes the proposed rezoning is not likely to have a significant impact on a Matter of National Environmental Significance listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, nor is it likely to have a significant impact on threatened species populations or endangered communities (and their habitats) listed under the *NSW Biodiversity Conservation Act 2016*. No Species Impact Statements are required and referral to the Minister is not necessary.



Figure 17: Recommended revegetation area

Flooding

The site is not affected by the 1 in 100 year chance per year flood event but will be affected by the 1 in 500 chance per year flood event and the probable maximum flood (PMF). Preliminary advice provided by State Emergency Services (SES) is discussed under Section 6 in relation to flood evacuation.

SES was consulted via Infrastructure NSW Hawkesbury Nepean Flood Risk Management Directorate (advice dated 18 February 2019 at **Attachment AF**). In summary, SES advises the following:

- the subject site is not affected by the 1 in 100 chance per year flood but will be affected by floods that exceed the 1 in 100 chance per year events;
- provides guidance on flood evacuation routes;
- the change in land use to industrial will lead to a minor impact on the regional evacuation routes;
- SES encourages Council to place suitable flood related controls on the sites at the development application stage to minimise potential property damage during a severe flood; and
- the vegetation areas are consistent with the State listed Endangered Ecological Community.

5.3 Infrastructure

The planning proposal indicates the site is well serviced by public transport and has access to a local road network. The Department makes the following additional observations:

- Park Road is built to an industrial standard (Figure 18 and 19); and
- It is likely water, sewer and electrical servicing infrastructure can service the subject site considering the site's proximity to existing industrial buildings.

The planning proposal states the applicant is prepared to provide the necessary services to the site.



Figure 18 – view east along Park Road (subject site on right)



Figure 19 – view west along Park Road (subject site on left)

6. CONSULTATION

The planning proposal refers to consultation with the following:

- Environment, Energy and Science Group;
- NSW Rural Fire Service;
- State Emergency Service;
- Sydney Water;
- Hawkesbury Nepean Catchment Management Authority;
- Transport for NSW; and
- Relevant service providers, including: Endeavour Energy; TransGrid; and, Telstra

At a minimum, consultation is to occur with the above agencies.

7. TIME FRAME

The Department recommends a 9-month timeframe for completing the LEP.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested authorisation to exercise the plan-making role.

It is recommended Council be authorised to exercise the delegation, given the local nature of the proposal.

9. CONCLUSION

It is recommended the delegate of the Minister determines the planning proposal should proceed.

The proposal has demonstrated sufficient strategic merit as the site is within 30-minutes of the Windsor Strategic Centre via public transport. It is opposite the

Mulgrave Industrial Area and is close to the Mulgrave and Vineyard Railway Stations. It has access to the regional road network linking to the M2 and M7 Motorways and has access to supporting infrastructure. The rezoning of the site would enable increased local jobs, provision of goods and services to meet local demand and increased local economic activity.

The proposal also demonstrates sufficient site-specific merit given existing land uses in the immediate vicinity. It is unlikely any future development of the subject site for general industrial purposes will create any adverse land use conflict.

10. RECOMMENDATION

It is recommended the delegate of the Secretary:

1. agrees any inconsistency with section 9.1 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are minor or justified; and
2. notes the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal and supporting documentation is to be updated as follows:
 - (a) Include further discussion of the preparation of a vegetation management plan;
 - (b) Include an assessment under the Hawkesbury draft Local Strategic Planning Statement and draft Employment Lands Strategy; and
 - (c) Consult with the NSW Rural Fire Services in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection prior to exhibition and address any comments.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Environment, Energy and Science Group;
 - NSW Rural Fire Services;
 - State Emergency Service;
 - Sydney Water;
 - Hawkesbury Nepean Catchment Management Authority;
 - Transport for NSW;
 - Endeavour Energy;
 - TransGrid and Telstra.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority to make the plan.



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