

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 13 November 2018

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PLANNING DECISIONS

Item: 269 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map from RU4 Primary Production Small Lots to IN1 General Industrial - 27 Park Road, Vineyard and 41 Park Road, Mulgrave - (95498, 144940, 124414)**

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

| | |
|--|---|
| File Number: | LEP001/17 |
| Property Address: | 27 Park Road, Vineyard and 41 Park Road, Mulgrave |
| Applicant: | Natalie Richter Planning Pty Ltd |
| Owner: | |
| Date Received: | 11/12/2017 |
| Current Zone: | RU4 Primary Production Small Lots |
| Proposed Zone: | IN1 General Industrial |
| Current Minimum Lot Size: | 2Ha |
| Proposed Minimum Lot Size: | No Minimum Lot Size Provision |
| Current Maximum Height of Buildings: | 10M |
| Proposed Maximum Height of Buildings: | No Maximum Height Provision |
| Site Area | Approximately 4.68Ha |

Key Issues:

- ♦ Mulgrave Investigation Area – Employment Lands Study
- ♦ Existing native vegetation on the subject site
- ♦ Optimising the use of the subject site

Recommendation: That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Support the preparation of a planning proposal to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes.
3. Forward the planning proposal to the Greater Sydney Commission/Department of Planning and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

PURPOSE OF THE REPORT:

The purpose of this report is to consider a planning proposal received in December 2017 to rezone 27 Park Road, Vineyard and 41 Park Road, Mulgrave (Refer Figure 1) from RU4 - Primary Production Small Lots to IN1- General Industrial.

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EXECUTIVE SUMMARY:

Council is in receipt of an application from Natalie Richter Planning Pty Ltd (the applicant) to amend the Hawkesbury LEP 2012 (the LEP) by rezoning the subject site at 27 Park Road, Vineyard and 41 Park Road, Mulgrave, from RU4 Primary Production Small Lots to IN1 General Industrial, to enable development of the subject site for general industrial purposes.

The proposal demonstrates strategic and site specific merit, and is consistent with the Hawkesbury Employment Lands Strategy 2008.

As part of the rezoning of the subject site, the LEP, Height of Buildings Map and the Lot Size Map are proposed to be amended to remove the maximum height and minimum lot size provisions to be consistent with the IN1 General Industrial zone within the LEP.

Given recent amendments to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, planning proposals are required to be referred to the Hawkesbury Local Planning Panel for advice prior to Council's consideration of the matter. Following referral, the Hawkesbury Local Planning Panel advised that the subject site is considered to have strategic and site specific merits and recommended that Council forward the planning proposal to the Greater Sydney Commission/Department of Planning and Environment for a Gateway Determination.

This report provides Council with an overview of the planning proposal, and makes a recommendation consistent with the advice from the Hawkesbury Local Planning Panel for Council to support the planning proposal. Further, that the planning proposal be forwarded to the Greater Sydney Commission/Department of Planning and Environment requesting a Gateway Determination.

RECOMMENDATION SUMMARY:

This report recommends that Council:

- note the advice provided by the Hawkesbury Local Planning Panel on the matter
- support the preparation of a planning proposal to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes; and
- forward the planning proposal to the Greater Sydney Commission/ Department of Planning and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

REPORT:

Context and Background

The subject site is currently zoned RU4 Primary Production Small Lots under the LEP and is adjacent to the existing Mulgrave Industrial and Business Precinct which is a well-established industrial and business precinct comprising a mix of industrial and business uses within the Hawkesbury Local Government Area (LGA). The subject site as shown in Figure 1 below is in close proximity to the Mulgrave train station, and has relatively easy access to the regional transport network via the M2 and M7 motorways.

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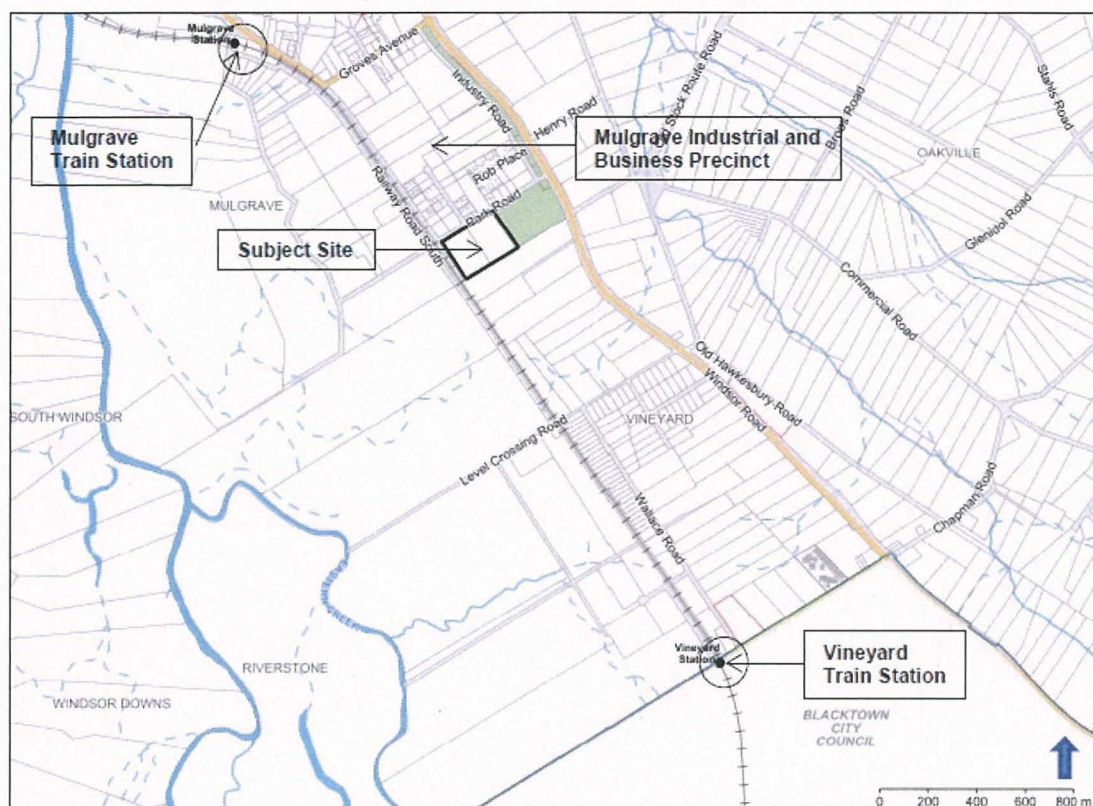


Figure 1: Location Map

The subject site has been identified as an industrial investigation area within the Hawkesbury Employment Lands Strategy (HELS) 2008.

Though zoned for primary industry purposes, the subject site has not been used for such purposes having been used for residential purposes. The subject site's strategic location provides opportunities to optimise the land use through development potential for industrial uses as proposed.

Subject Site and Surrounds

As shown in Figure 1 above, the subject site is strategically located adjacent to the Mulgrave Industrial and Business Precinct and between the 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 subject site. The subject site has relatively easy access to Windsor Road which provides access to the regional transport network via the M2 and M7 Motorways.

Figure 2 below illustrates the subject site with its legal description being Lot 215 DP 752061 and Lot 340 DP 752061. The subject is comprised of regular shaped lots (both approximately 184m x 254m), and are generally flat. A dam is located within the south-eastern corner of the subject site.

The land immediately east of the subject site is public open space known as 'Vineyard Park'. A 500KV electricity transmission line traverses the subject site parallel to the southern boundary.

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This aerial map illustrates the Vineyard Dwellings area, with the 'Subject Site' highlighted by a black outline. The map is divided into several labeled zones: 'Business' (top center), 'Industrial' (top left), 'Vineyard Dwellings' (center), 'Mulgrave' (bottom left), 'Rural Agricultural' (bottom left and bottom center), 'Vineyard Park' (top right), 'Western Truck and Trailer Repair' (middle right), 'Dam' (bottom right), and 'Existing Vegetation' (bottom center). The map includes various road names such as 'Port Road South', 'Murray Road', and 'Vineyard Road'. A scale bar at the bottom right indicates distances from 0 to 250 meters. A north arrow is located in the bottom right corner.

Scale (A4): 1:5014
Projection: GDA94 / MGA zone 56
Coordinates: 2861382 7187542 1162774860 4941286 5001516 487701634 497701634 497701634

Printed by: Karu Wijayasinghe
Date: 16/03/2018

Disclaimer:
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Figure 3: Aerial View of the Subject Site and the Surrounding Properties

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As illustrated in Figure 3 above, the subject site is bounded by Vineyard Park to the East, a large rural property containing a commercial/depot/vehicle repair service centre known as 'Western Truck and Trailer Repair' to the South, Park Road to the North and Railway Road North to the West. The subject site is surrounded by a mix of land uses including industrial, business, open space and rural agricultural uses, but North of the subject site beyond Park Road is predominantly industrial and business.

Current Planning Controls

Currently, the subject site is zoned RU4 Rural Production Small Lots under the LEP. A range of land uses are permitted under the RU4 zoning of the subject site, but industrial uses are not permitted within this zone.

The subject site is identified as being Bushfire Prone (Vegetation Category 3), and is identified as containing Agriculture Land Classification 3 in the maps prepared by the former NSW Department of Agriculture.

The subject site is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP.

The subject site is not affected by the 1:100 ARI.

Planning Proposal

The planning proposal seeks to amend the LEP Zoning Map from RU4 Primary Production Small Lots to IN1 General Industrial for the subject site, in order to enable general industrial developments. The planning proposal aims to achieve the intended outcome by amending the LEP as follows:

- Amend the Land Zoning Map (Map Sheet Ref Nos 3800_COM_LZN_008D and 3800_COM_LZN_008DB) of the subject site from RU4 Primary Production Small Lots to IN1 General Industrial and part of Railway Road North reserve fronting the subject site in order to ensure consistency with the industrial zoned land within the Hawkesbury Local Government Area (LGA) as shown in Attachment 1 of this Report.
- Amend Lot Size Map (Map Sheet Ref Nos 3800_COM_LSZ_008D and 3800_COM_LSZ_008DB) of the subject site to remove the current 2ha minimum lot size provision applying to the subject site and part of Railway Road North reserve fronting the subject site in order to ensure consistency with the industrial zoned land within the Hawkesbury Local Government Area (LGA) as shown in Attachment 2 of this Report.
- Amend Height of Buildings Map (Map Sheet Ref Nos 3800_COM_HOB_008D and 3800_COM_HOB_008DB) of the subject site to remove the current 10m maximum building height provision applying to the subject site and part of Railway Road North reserve fronting the subject site in order to ensure consistency with the industrial zoned land within the Hawkesbury LGA as shown in Attachment 3 of this Report.

As the planning proposal seeks to amend the Land Zoning, Height of Buildings and Lot Size Maps, there are no proposed amendments to the LEP Standard Instrument.

Flora and Fauna Report

An initial assessment of the planning proposal and the flora and fauna report revealed a discrepancy between the two reports. The applicant was advised to update the planning proposal with the inclusion of relevant and adequate information and prepare a detailed flora and fauna report to enable Council Officers to carry out a comprehensive assessment of the planning proposal.

In March 2018 Council received a draft Flora and Fauna Assessment Report prepared by First Filed Environmental. The applicant was advised to amend the Report to address the likely removal of native vegetation to allow an industrial development on the subject site.

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In May 2018 Council received the amended planning proposal and the finalised Flora and Fauna Assessment Report from the applicant.

Greater Sydney Region Plan, 'A Metropolis of Three Cities' (the Plan)

On 18 March 2018, the NSW Government released *A 'Metropolis of Three Cities'* – the Greater Sydney Region Plan. This plan, along with Transport for NSW's *Future Transport 2056*, and Infrastructure NSW's *State Infrastructure Strategy 2018-36* provide vision for Greater Sydney as a Metropolis of Three Cities- the Western Parkland City, the Central River City and the Eastern Harbour City.

This strategic framework aims to transform land use and transport patterns and boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth to all of its residents.

The emerging Western Parkland City with the Western Sydney Airport and Badgerys Creek Aerotropolis as a catalyst for the city cluster will grow a strong trade, logistics, advanced manufacturing, health, education and science economy and be the most connected place in Australia. It will produce knowledge-intensive jobs close to new well-designed neighbourhoods.

Liveability for residents will be key – such as more trees to provide shade and shelter and walkable neighbourhoods within easy reach of shops and services.

The objectives and metrics of 'A Metropolis of three Cities' are based on Ten (10) Directions:

1. A city supported by infrastructure
2. A collaborative City
3. A city for people
4. Housing the city
5. A city of great places
6. A well connected city
7. Jobs and skills for the city
8. A city in its landscape
9. An efficient city
10. A resilient city

The Plan identifies the following productivity outcomes for *A Metropolis of Three Cities*:

- Drive opportunities for investment and business across Greater Sydney
- Deliver an internationally competitive freight and logistic sector
- Support a diverse economy
- Support a network of centres
- Rebalance the city's eastern economic focus
- Deliver a 30-minute city.

The Plan identifies a number of principal elements in achieving the above outcomes including the following:

'Develop a network of 34 strategic centres with jobs, goods and services supported by a public transport, walking and cycling network. This would provide residents within a 30-minute public transport service to their nearest strategic centres, seven days a week'.

The subject site has relatively easy and convenient access to a public transport system, regional road network linking to the M2 and M7 Motorways and required infrastructure services, and is located within a 30-minute public transport service to Windsor which is identified as a 'Strategic Centre' in the Plan.

The subject site is located approximately 2.7kms from the McGraths Hill Small Village Centre which is classified as a 'Local Centre' in the Plan.

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The planning proposal seeks to rezone the subject site to enable development of the subject site for industrial uses and thereby facilitate the diverse economy of the Greater Sydney Region. The planning proposal will provide an opportunity to boost the network of strategic centres with jobs, reasonable access to goods and services supported by a public transport system within the Greater Sydney Region.

The planning proposal will enable increased local employment opportunities within the Hawkesbury LGA and within close proximity to future residential developments within the Vineyard Precinct and also the Riverstone Precinct within the Blacktown LGA.

Objective 23 of the Plan - *Industrial and urban services land is planned, retained and managed*

The Plan states that much of Greater Sydney's manufacturing wealth is created on industrial and urban services land with 74% of these lands in the Central City and Western City Districts. Across Greater Sydney, 15% of all jobs are on industrial and urban services land. The Plan describes the term 'urban services' as a wide range of industries.

The principles for managing industrial and urban services land under Objective 23 states that the retention, growth and enhancement of industrial and urban services land should reflect the needs of each of Greater Sydney's three cities, and their local context.

It should provide land for a wide range of businesses that support the city's productivity and integrated economy. The Plan identifies the following three approaches to manage industrial and urban services land:

1. Retain and manage the existing industrial and urban services land for economic and employment activities required for Greater Sydney's operation.
2. Review all industrial and urban services land to either confirm its retention or manage uses to allow sites to transition to higher order employment activities such as business parks to maximise business and employment outcomes.
3. Plan and manage additional industrial and urban services land in land release areas in response to long-term projected population and development growth.

The planning proposal seeks a rezoning of the subject site to IN1 General Industrial in order to provide additional industrial land in close proximity to future residential developments within the Vineyard and the Riverstone Precincts within the North West Growth Area. This also enables the expansion of the existing Mulgrave Industrial and Business Precinct which is considered to be generally consistent with the abovementioned third approach in managing industrial and urban services land under Objective 23 of the Plan.

Strategy 23.1 and 23.2 of Objective 23 of the Plan encourages growth and diversity of local employment opportunities in industrial zones where it does not compromise industrial or urban services in the South and Western City Districts.

The Plan identified that in the South and Western City Districts, there are no major standalone office precincts, resulting in long travel times and distance for residents to access a broad range of job opportunities. Innovative approaches in the South and Western City Districts may present opportunities where office uses can be compatible on certain industrial and urban services land. This could facilitate the attraction of knowledge businesses and a broader diversity of jobs close to home.

The planning proposal seeking rezoning of the subject site to IN1 General Industrial to enable increased local employment opportunities close to future homes within the North West Growth Area in the Western City District is considered to be consistent with Objective 23 of the Plan.

Western City District Plan (District Plan)

The Western City District Plan is a guide for implementing the Greater Sydney Region Plan-'A Metropolis of Three Cities'. The District Plan is a bridge between regional and local planning.

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The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly LGAs. The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The District Plan also assists Councils to plan for and support growth and change, and aligns their local planning strategies to place-based outcomes. It guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.

The District Plan focuses on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District. Relevant Objectives, Strategies and Actions from *A Metropolis of Three Cities* are embedded in each of the Planning Priorities, to integrate the District's challenges and opportunities with the Greater Sydney vision of the metropolis of three cities.

The District Plan has set a baseline target of an additional 12,000 jobs and higher target of 16,500 to be created by 2036 for Richmond-Windsor. The planning proposal seeking rezoning of the subject site which is located in close proximity to Windsor which is identified as a 'Strategic Centre' in the District Plan to IN1 General Industrial and enabling increased employment opportunities will assist Council to a degree to achieve the set job target for Richmond-Windsor identified in the District Plan.

Of relevance to this planning proposal are the following directions and objectives of the District Plan:

Directions for Productivity; Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City- Planning Priority W7, Objective 14 - A Metropolis of Three Cities, integrated land use and transport creates walkable and 30-minute cities.

Given the subject site with relatively easy access to the regional transport network is located within 30 minutes travel distance from Windsor and also within walking distance from the Mulgrave train station, the planning proposal enabling increased employment opportunities in close proximity to future residential development within the North West Growth Area is considered to be generally consistent with the directions for productivity and Objective 14 of the District Plan.

Directions for Productivity; Growing investments, business opportunities and jobs in strategic centres, Planning Priority 11, Objective 22 – Investment and business activity in centres, Action 65-strengthen Richmond-Windsor through approaches that:

- a) *Support complementary land uses around the agglomeration of education and defence uses in Richmond;*
- b) *Support master planning processes for Richmond and Windsor that encourage new lifestyles and entertainment uses, employment opportunities, activate street and places, grow the tourism economy and respect and enhance the significant heritage values and assets.*
- c) *Facilitate the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate, including smart work hubs*

The District Plan builds on the strengths of each centre within a common framework to grow jobs across Greater Sydney and improve the communities' access to goods and services. The District Plan identifies Richmond and Windsor as a 'Strategic Centre' within its centres hierarchy. Given the subject site is located in close proximity to Windsor, the planning proposal enabling increased job opportunities and local businesses and the local community's improved access to goods and services is also considered to be consistent with this planning priority and objective of the District Plan.

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (HELS). The purpose of the HELS is to provide an appropriate planning framework for employment precincts (industrial,

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commercial and retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury LGA.

Based on the findings of the HELS, the study recommended Council pursue eight strategies to address the economic prosperity of the LGA. Relevant to this planning proposal Strategy 5 included:

Strategy 5: Investigate additional land supply to address future employment growth

- Mulgrave (south of Park Road and on the western side of the rail line)
- South Windsor (the areas east Fairy Road not currently zoned industrial)
- North Richmond (near the corner of Terrace Road and Bells Line of Road for service industry currently on Bells Line of Road)

Strategy 5 further states that:

'Additional land can be zoned industrial where demand is identified and conditions are met. Areas that would be appropriate for such investigations include South Windsor and North Richmond, which are close to current population concentrations, and Mulgrave which is close to McGrath Hills and to the North West Growth Centre (expected to accommodate 67,000 new dwellings), and can also service the growing Pitt Town area'.

The HELS identified two areas for consideration for rezoning to support employment opportunities. Figure 4 below illustrates the identified areas for consideration being the area immediately south of Park Road between Railway Road North and Vineyard Park, which includes the subject site is an appropriate location for service and light industry. The second area for consideration is located West of the Railway Line between Mulgrave Road and Park Road South.



Figure 4: Mulgrave Investigation Area within HELS
Source: Hawkesbury Employment Land Strategy

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The Strategy Map of the HELS (pg. 128) includes the subject site as shown in Figure 5 below. Given the subject site is located within the Mulgrave Investigation Area identified in the HELS, the planning proposal is considered to be consistent with the recommendations of the HELS.

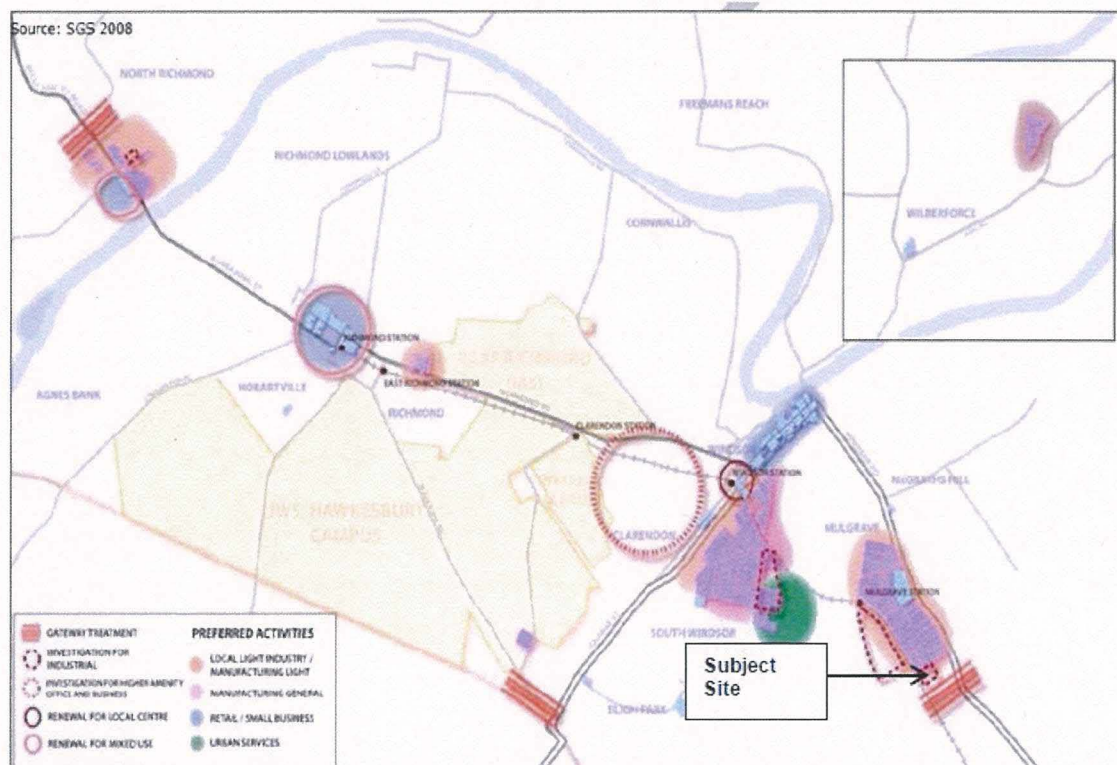


Figure 5: Strategy Map

Source: Hawkesbury Employment Land Strategy

Hawkesbury Local Environmental Plan (HLEP) 2012

As shown in Figure 6 below, the subject site is currently zoned RU4 Primary Production Small Lots under the LEP which permits with development consent the following land uses.

Permitted with consent

Animal boarding or training establishments, Boarding houses, Boatsheds, Camping grounds, Caravan parks, Cemeteries, Centre-based child care facilities, Charter and tourism boating facilities, Community facilities, Dual occupancies, Dwelling houses, Educational establishments, Entertainment facilities, Farm buildings, Food and drink premises, Home based child care, Home industries, Intensive livestock agriculture, Intensive plant agriculture, Landscaping material supplies, Places of public worship, Plant nurseries, Public administration buildings, Recreation areas, Recreation facilities (indoor/outdoor), Registered clubs, Respite day care centres, Tourist and visitor accommodations, Veterinary hospitals, Water recreation structures, Water storage facilities.

Given industrial uses are not included as permitted land uses with development consent under the RU4 Zone in the Land Use Table of the LEP, the planning proposal seeks to rezone the subject site adjacent to the existing Mulgrave Industrial and Business Precinct to IN1 General Industrial under the LEP. The following land uses are permitted with development consent under the proposed IN1 zoning:

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Permitted with consent

*Depots, Freight transport facilities, Funeral Homes, **General Industries**, Health consulting rooms, Hospitals, **Industrial training facilities**, **Light Industries**, Neighbourhood shops, Roads, Warehouse or distribution centres, and any other development not specified in Permitted without consent' and 'Prohibited' sections of the Land Use Table of the LEP.*

The subject site is bounded by RE1 Public Recreation zoned land known as 'Vineyard Park' to the East, a large RU4 Primary Production Small Lots zoned rural property containing a commercial/depot/vehicle repair service centre known as "Western Truck and Trailer Repair" to the South, part zoned IN1 General Industrial and part zoned B5 Business Development Park Road to the North and RU4 zoned Railway Road North to the west as shown in Figure 6 below. Given these existing land uses in the immediate vicinity, it is considered unlikely that any future development of the subject site for general industrial purposes will create any adverse land use conflict.

The subject site has easy access to Windsor Road which in turn provides access to the regional transport network via the M2 and M7 motorways. It is also adjacent to the existing Mulgrave Industrial and Business Precinct and in close proximity to Mulgrave Railway Station. It is therefore considered that the proposed rezoning of the subject site to IN1 enabling the expansion of the existing Mulgrave Industrial and Business Precinct is considered to be warranted.

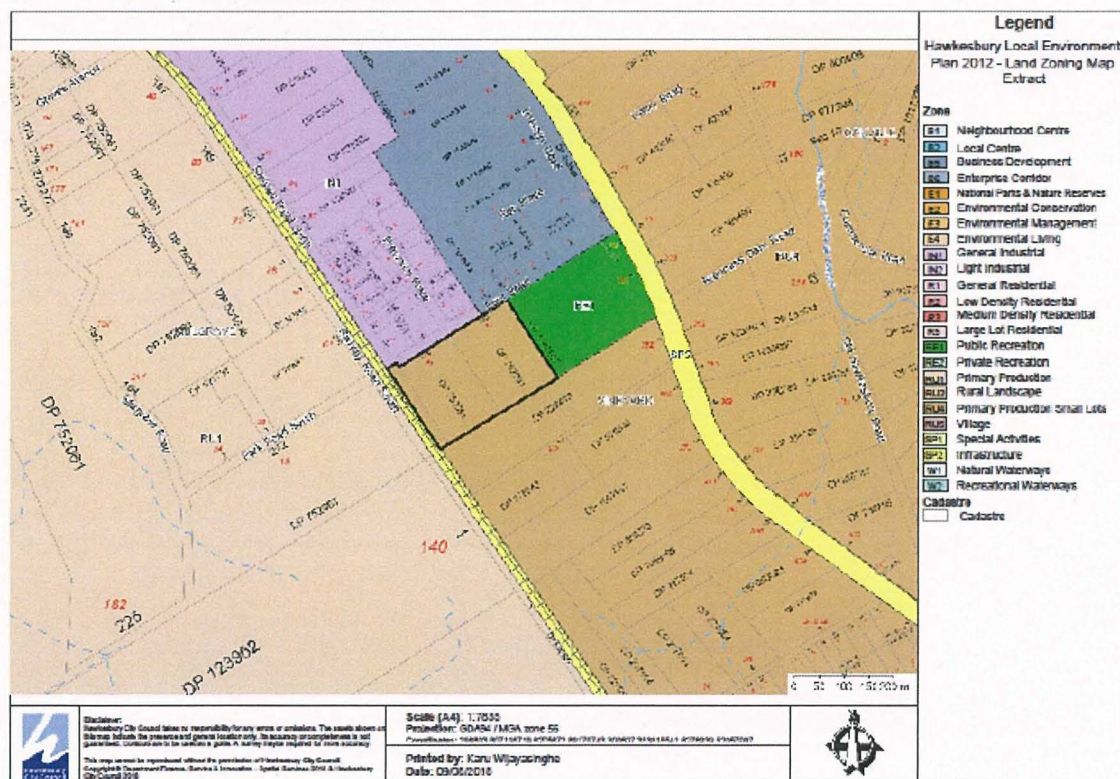


Figure 6: Extract of the Land Zoning Map of the LEP

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The current minimum lot size for subdivision of the subject site is 2ha as shown in Figure 7 below.

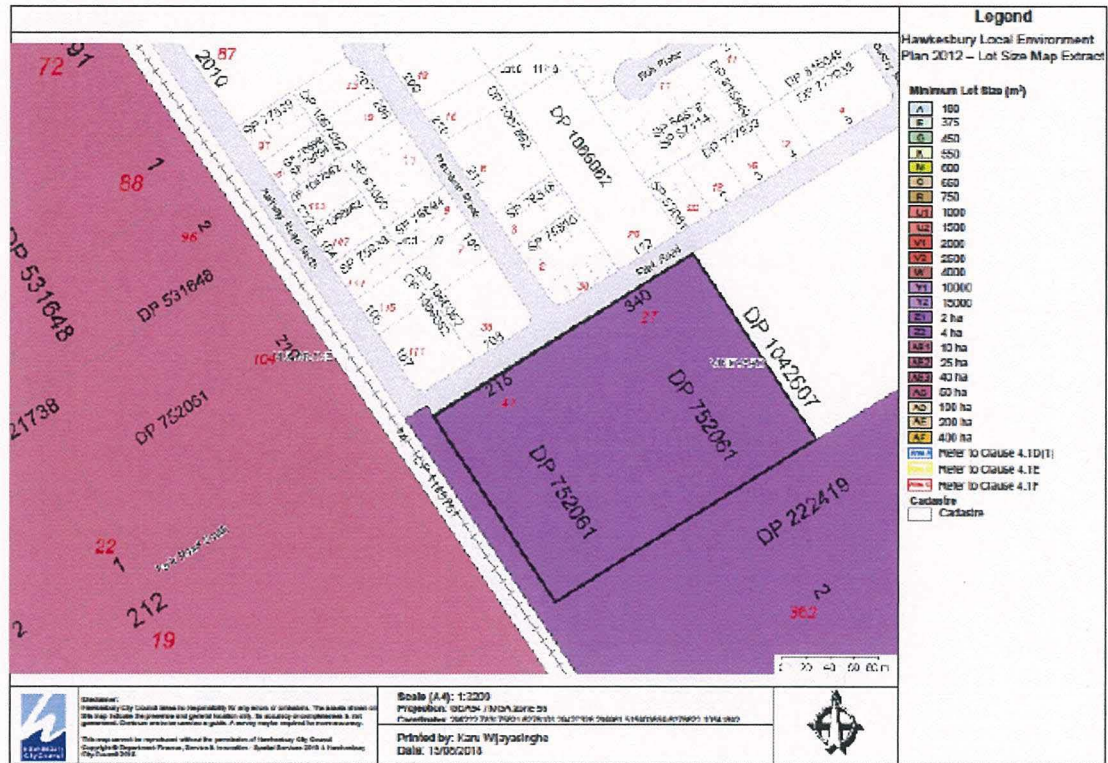


Figure 7: Extract of the Lot Size Map of the LEP

Figure 8 indicates the current Height of Buildings provision on the subject site is 10m.

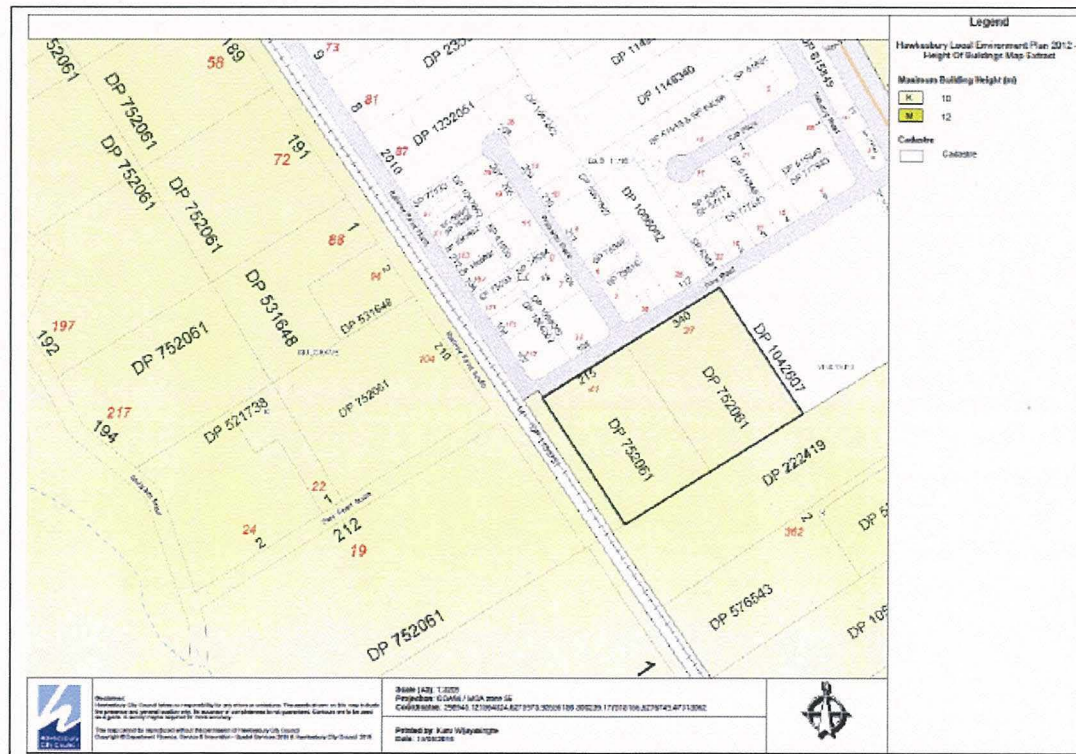


Figure 8: Extract of the Height of Buildings Map of the LEP

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As shown in Figures 7 and 8, no minimum lot size and maximum height of buildings provisions apply to industrial land within the Hawkesbury LGA. The planning proposal seeks to amend the LEP Lot Size Map to remove the minimum 2ha lot size and also amend the Height of Buildings Map to remove the 10m maximum height of buildings provisions currently applying to the subject site in order to be consistent with IN1 zoned land provisions, as illustrated in Attachment 2 and Attachment 3 of this report.

Section 9.1 Directions (Formerly Section 117 Directions)

Section 9.1 (formerly Section 117) Directions are issued by the Minister for Planning and apply to planning proposals.

Section 9.1 Directions require certain matters to be complied with and/or require consultation with government agencies during the preparation of the planning proposal. However, these Directions permit variations subject to meeting certain criteria. The principal criterion for variation to a 9.1 Direction is consistency with an adopted Local or Regional Strategy.

Discussion on the planning proposal's consistency with relevant key Section 9.1 Directions is outlined below.

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 subject site is located adjacent to the existing Mulgrave Industrial and Business Precinct and has easy access to Windsor Road which connects to the regional transport network. The subject site is identified within the HELS as an investigation area for future industrial use.

The planning proposal enables implementation of the HELS and also expands the established Mulgrave Industrial and Business Precinct. The planning proposal supports the economic development of the subject site by allowing a range of industrial uses including general industrial uses, light industries, depots, industrial training facilities, neighbourhood shops and warehouse or distribution centres.

Additionally, the subject site is in close proximity to the McGraths Hill employment centre which is classified as a 'Local Centre' in the Greater Sydney Region Plan. Given the subject site has potential to boost economic, business and employment activities in the locality and help improve the viability of the Local Centre, the planning proposal is considered to be 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 inappropriate 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.*

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The planning proposal is consistent with Direction 1.3 as the subject site is not located within an identified Resource Area or the Potential Resource Area or the Transition Area which is adjacent to identified resource areas as identified by mineral resource maps provided by the NSW Resource & Energy Division of NSW Trade & Investment.

Additionally, 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.

Regardless of the above comments, should the planning proposal proceed and receive a Gateway Determination, the NSW Department of Industry will be consulted in accordance with Direction 1.3(4), during the relevant government agency consultation period.

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.*

As previously mentioned, the subject site is in close proximity to the future residential development within the Vineyard and Riverstone Precincts in the North West Growth Area and the Mulgrave Train Station. The development of the subject site for general industrial purposes will enable approximately 4.66ha of land for industrial purposes and provide employment opportunities closer to the future residents within the Vineyard and Riverstone Precincts and the residents of McGraths Hill. Also, the planning proposal will enable improved viability of the existing rail transport service in the area.

Give the above circumstances, the planning proposal is considered to be 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 the Department of Planning and Environment (DP&E).

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.

The subject site is identified as containing "Class 5 acid sulfate soils on the Acid Sulphate Soils Planning Maps, 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.

The planning proposal is considered to be consistent with Direction 4.1 as the subject site is only affected by Class 5 Acid Sulfate Soil.

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Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

The subject site is identified as being bushfire prone, containing Vegetation Category 3 on the NSW Rural Fire Service's Bushfire Prone Land Map. The planning proposal is accompanied by a Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions. The Report concludes that future development of the subject site for general industrial purposes will be able to comply with the relevant requirements contained in the *Planning for Bushfire Protection 2006*. Therefore, the planning proposal is considered to be consistent with this Direction.

However, following receipt of a Gateway determination from the DP&E advising Council to proceed with the planning proposal, consultation on the planning proposal will be undertaken with the NSW Rural Fire Service to ensure compliance with *Planning for Bushfire Protection 2006*, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions in accordance with the Direction.

Direction 6.1 Approval and Referral Requirements

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

The planning proposal is considered to be consistent with Direction 6.1 as it does not contain provisions requiring the concurrence, consultation or referral of future development applications to a Minister or public authority, and does not identify development as designated development.

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6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal is consistent with Direction 6.3 as the proposal seeks an amendment of the LEP to amend the Land Zoning, Building Height and Lot Size Maps only and does not intend to propose any site specific provisions.

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'.

The planning proposal is considered to be consistent with Direction 7.1 as outlined earlier in the report the planning proposal enables increased industrial employment land to meet the future demand and also facilitates the implementation of 'A Plan for Growing Sydney.'

State Environmental Planning Policies (SEPP)

The State Environmental Planning Policies (SEPPs) most relevant to the planning proposal include:

- *State Environmental Planning Policy No. 55 - Remediation of Land – (SEPP 55);*
- *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9) and*
- *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997) - (SREP 20).*

The planning proposal's consistency with the relevant SEPPs is outlined below.

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, it needs to assess the suitability of the land for future permitted uses in its current state or whether it requires remediation. The SEPP requires 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.

A desktop assessment indicates that the subject site has not been used for any intensive agricultural use or any other use identified in Table 1 - Some Activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land that may require remediation. As previously highlighted, the subject site has previously been used for residential purposes.

However, if the planning proposal is to proceed, the DP&E will consider this as part of their Gateway determination, and if required will request further information/consideration of this matter. The planning proposal is considered to be consistent with this SEPP.

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 Schedules 1, 2 and 5 of the SREP nor will the proposed IN1 General Industrial zoning restrict the obtaining of deposits of extractive material from such land. The planning proposal is therefore consistent with this SEPP.

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

SREP 20 aims 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

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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 a range of matters including the following matters when assessing planning proposals:

- 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.
- 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.
- Protect the habitat of native aquatic plants.
- Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors.
- Give priority to agricultural production in rural zones.
- Consider any adverse environmental impacts of infrastructure associated with the development concerned.

An assessment of the planning proposal outlined in this report reveals that the subject site is suitable and capable of accommodating an industrial development with no adverse amenity or environmental impacts. Therefore, it is considered that a future industrial development on the subject site has the potential to satisfy the relevant provisions of SREP 20.

Should the plan be made to give effect to the planning proposal, the above matters can be further considered at the development application stage.

Public Infrastructure and Services

The subject site has easy access to required infrastructure including reticulated water, sewerage, electricity, telecommunication service in order to accommodate future general industrial development on the site.

The subject site has good access to both regional road transport system and the Sydney Metropolitan Rail Network.

However, if the planning proposal is to proceed, relevant public agencies such as Sydney Water, Integral Energy, AGL and Telstra Corporation would need to be consulted about the planning proposal following receipt of a Gateway determination from the DP&E advising to proceed with the planning proposal. This is to receive advice on the adequacy and any need for augmentation of the existing infrastructure to support future development on the subject site.

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Site Access, Traffic Movement and Public Transport

The subject site is accessed via Park Road, which connects to Windsor Road. The subject site can also be accessed via Railway Road North connecting to Hawkesbury Valley Way. Windsor Road provides easy access to the regional transport network via the M2 and M7 motorways. Figure 9 below illustrates the subject site and its accessibility.

The planning proposal is not supported by a transport/traffic statement or traffic impact statement. Apart from the intention to rezone the subject site for industrial purposes, how and to what extent the subject site will be developed is not known at this stage.

Should Council resolve to forward the planning proposal to the DP&E for a “Gateway Determination”, the DP&E will be able to consider this as part of their “Gateway Determination”, and if required can request further information/consideration of this matter.



Figure 9: Site's Access to Windsor Road and the Public Train System

The subject site has convenient access to the public train system. Mulgrave train station is within walking distance of the subject site, providing easy rail transportation. The Blacktown - Richmond Railway Line west of the subject site connects the southern Hawkesbury LGA to Blacktown and Greater Penrith, Greater Parramatta and the Harbour CBD.

There are six rail stations in the Hawkesbury LGA with the rail line terminating at Richmond, with Mulgrave Station being the closest station to the subject site and located approximately 1.25km away. The next closest station is Vineyard Station which is located approximately 3.3kms from the subject site.

There is a limited public bus service (West Bus Route 608) along Windsor Road between Windsor and Rouse Hill. The bus service operates approximately every hour, Monday to Friday, and the subject site is located within approximately 425m walking distance from the nearest bus stop located on Windsor Road. Given the limited frequency of the bus service it is considered that the public rail system would be the

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preferred public transport system for many occupants of the future industrial development on the subject site.

Electricity Transmission Line

A 500KV electricity transmission network owned by TransGrid runs parallel to the rear boundary of the subject site as shown in Figure 10 below. The planning proposal states that there is a 70m wide easement for the transmission line.

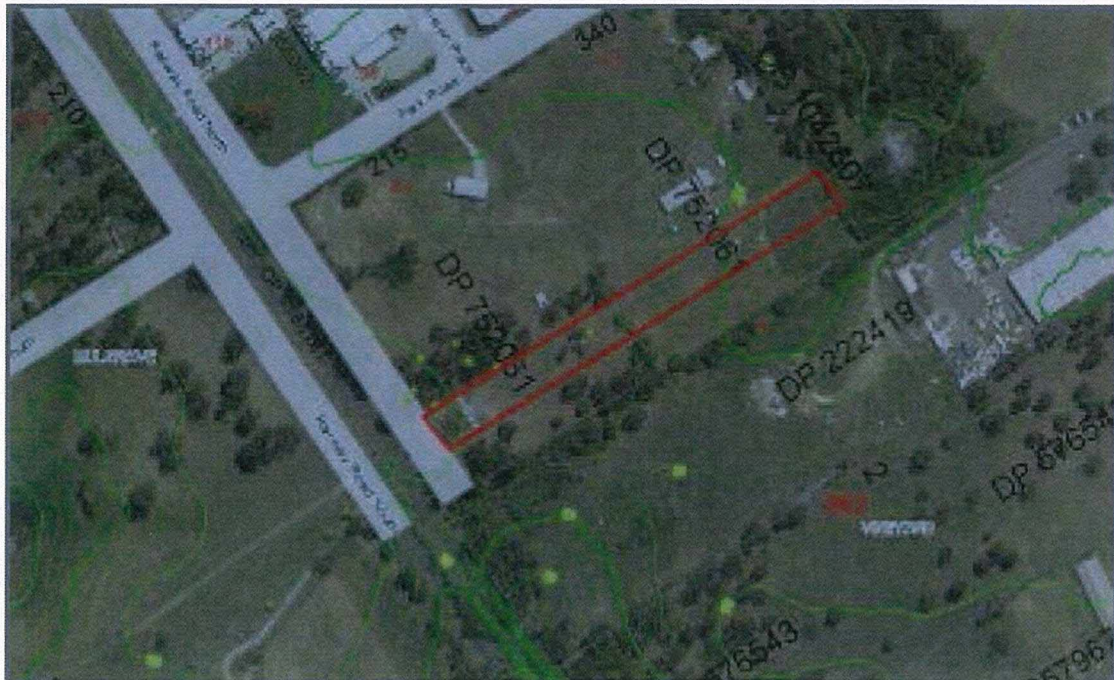


Figure 10: Electricity transmission line

Should Council resolve to proceed with the planning proposal and receive a Gateway Determination advising to proceed with the planning proposal from DP&E, TransGrid would be consulted in regard to the electricity transmission easement requirements and any specific consideration that needs to be taken into account when considering the planning proposal.

Flooding

As shown in Figure 11 the subject site is not affected by the 1 in 100 year flood level. Part of Park Road at the eastern end leading to Windsor Road which has been identified as a flood evacuation route in the State Emergency Service (SES)'s Flood Evacuation Plan for the Hawkesbury LGA is below the 1 in 100 Flood Planning Level.

In the event of a major flood, future occupants of the subject site would need to evacuate via Windsor Road. Given the eastern part of Park Road leading to Windsor Road is flood affected; the SES would need to be consulted about this matter if Council receive a Gateway Determination to proceed with the planning proposal.

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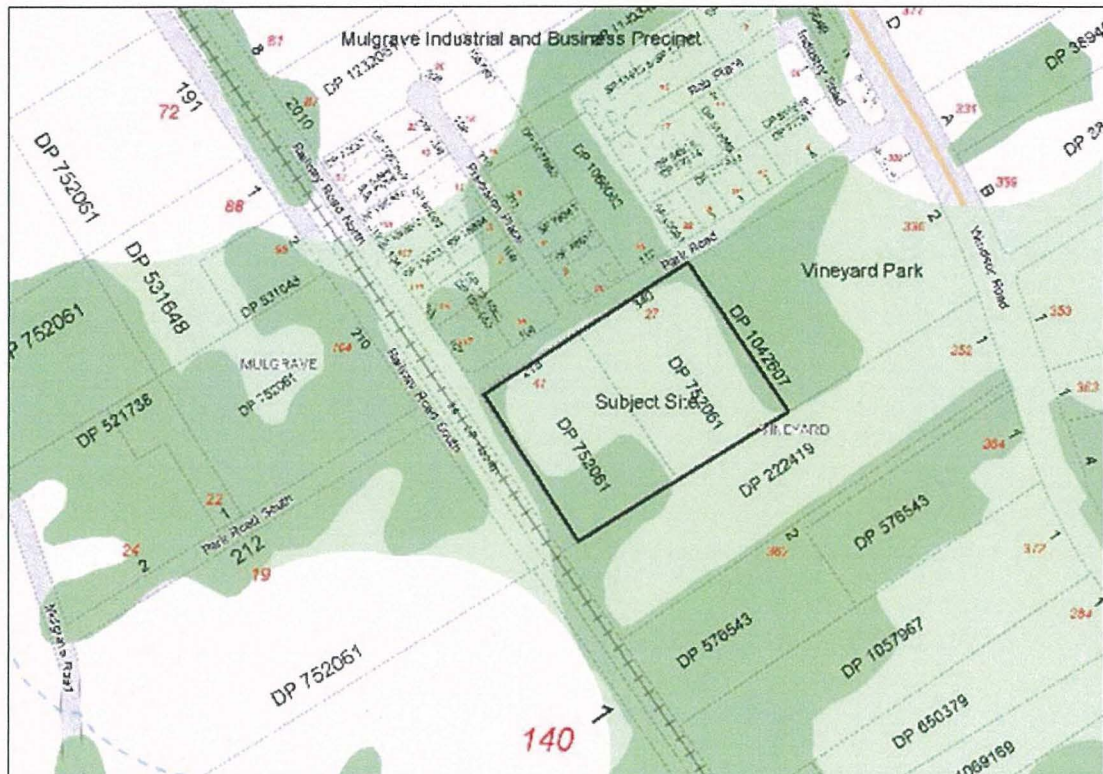


Figure 12: Extract of the Terrestrial Biodiversity Map

The planning proposal is accompanied by a Flora and Fauna Assessment Report (April 2018) prepared by First Field Environmental. The Report indicates that the subject site is located within the Sydney Basin Bioregion which lies on the central east coast of NSW and includes a significant proportion of the Hawkesbury-Nepean Catchment.

The Flora and Fauna Assessment Report states that the subject site consists of scattered canopy trees and shrubs over grazed pasture. Although a number of native tree and shrub species are sited on the subject site, the overall vegetation composition is no longer representative of the native vegetation community that was once present on the subject site as shown in Figure 13 below.

The Flora and Fauna Assessment Report states that:

"The proposed rezoning will not have significant impact on a Matter of National Environmental Significance listed under 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".

Native trees and shrubs occur along the north-eastern boundary of the subject site, adjacent to an area of natural vegetation on an adjoining lot. Patches of native trees and shrubs also occur along the south-eastern and the south-western boundaries of Lot 215, both of which are located immediately adjacent to native vegetation on adjoining lots. Native trees extend from the south-western boundaries of Lot 215, both of which are located immediately adjacent to native vegetation on adjoining lots. Native trees extend from the south-western boundary of Lot 215 along each side of the electricity transmission line.

No vulnerable, endangered or critically endangered native fauna were identified within the site during the survey.

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Approximately 1.2ha of native vegetation would be removed during 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. The area of revegetation should be at least consistent with the area of vegetation proposed to be removed.

Note that replanting would occur within the transmission easement. Some vegetation maintenance would be required in accordance with the easement management practices however this area is considered to provide the best opportunity to retain connectivity between existing areas of native vegetation adjacent to the property.

A Vegetation Management Plan should be prepared and should address the selection of native plant species consistent with the vegetation communities found on the property and in the immediate study area. The plan should also address the provision and enhancement of habitat for local fauna”.



Figure 13: Location of Native Vegetation Patches

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The area recommended for revegetation identified in the Flora and Fauna Assessment Report is shown in Figure 14 below.



Figure 14: Recommended Revegetation Area

The above recommended offset mechanism for the likely removal of native vegetation on the subject site to allow future industrial development on the subject site, would enable increased connectivity between existing areas of native vegetation within and adjacent to the subject site.

It is therefore considered that the proposed offset mechanism detailed in the Flora and Fauna Statement is appropriate to minimise any adverse impact of the future development on native vegetation on the subject site.

If the plan is made to give effect to the planning proposal, this matter can be considered further at the development application stage.

Agricultural Land Classification

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:

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

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According to Council's Records, the subject site has not been used for any agricultural purposes in the past.

Heritage

The subject site is not listed as a heritage item in Schedule 5 Environmental Heritage of the LEP (Schedule 5). It is also not located within or adjoining a heritage conservation area and not identified as an archaeological site.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategies within the CSP.

Our Future

5.8 Industry

5.8.1 Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

5.8.2 Increase the focus on jobs and innovation to build on our strengths and achieve a diverse industry base.

Discussion

According to the key findings of the HELS, vacant properties within industrial areas are often unserved, with threshold costs limiting development, or has poor access to key transport routes.

Compared with neighbouring Local government Areas such as the Hills, Blacktown and Penrith, Hawkesbury has very limited flood free serviced employment land for development with easy access to both public and road transport networks linking major cities within the Greater Sydney Region.

However, the HELS acknowledges that Mulgrave is the only employment precinct with superior access to a major road (Windsor Road) which in turn links to the regional transport network via the M2 and M7 motorways.

The proposed rezoning of the subject site which is flood free and located within the Mulgrave Industrial Investigation Area with easy access to a rail transport network and Windsor Road which links to the regional transport network to IN1 General Industrial provides Council an excellent opportunity to expand the existing Mulgrave Industrial and Business Precinct, support and enhance the economic competitiveness of the Hawkesbury LGA, attract additional jobs to the Hawkesbury LGA and increase a share of job opportunities for locals to work locally.

The planning proposal will also enable future residents within the Vineyard Precinct and the Riverstone Precinct in the North West Growth Area within the Blacktown LGA to work closer to their homes.

Financial Implications

The income applicable is provided for in the 2018/2019 Adopted Operational Plan.

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Fit For The Future Strategy Considerations

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted 2018/2019 Operational Plan, which will adversely impact on Council's financial sustainability.

Hawkesbury Local Planning Panel

Under recent amendments to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, all planning proposals that have not been forwarded to the Minister or the Greater Sydney Commission are required to be referred to the Hawkesbury Local Planning Panel for advice unless the planning proposal is determined by the General Manager to relate to:

- the correction of an obvious error in local environmental plan
- matters that are of a consequential, transitional, machinery or other minor nature, or
- matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.

In accordance with this Direction, the matter was referred to the Hawkesbury Local Planning Panel for advice at its Meeting on 18 October 2018. The Hawkesbury Local Planning Panel considered the matter following a joint site inspection of the subject site with Council Officers, and resolved as follows:

"That the Hawkesbury Local Environmental Planning Panel:

1. *Recommends to the Council that the planning proposal to rezone the subject site from RU4 Primary Production Small Lots to IN1 General Industrial and to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes proceed for Gateway determination subject to the following:*
 - a) *The Land Zoning Map be amended to change the current RU4 Primary Small Production Lots zoning of the subject site to IN1 General Industrial.*
 - b) *The Height of Buildings Map be amended to remove the current 10 metre maximum permissible height provision currently applying to the subject site.*
 - c) *The Lot Size Map be amended to remove the current 2 hectare minimum lot size provision currently applying to the subject site.*
2. *Recommends that Council forward the planning proposal to the Greater Sydney Commission/Department of Planning and Environment requesting a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act, 1979.*
3. *Advises that the decision was based on the following:*
 - a) *Demonstrated strategic merit:*
 - *Consistency with implementation of the Greater Sydney Region Plan, the Western City District Plan and the Hawkesbury Employment Lands Strategy 2008.*
 - b) *Demonstrated site specific merit:*
 - *The subject site's close proximity to both Mulgrave and Vineyard stations.*

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- *It's relatively easy access to the regional transport network*
- *It enables the expansion of the existing Mulgrave Industrial Business Precinct to strengthen the Precinct's status as a diverse industry base.*
- *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".*

Conclusion

An assessment of the planning proposal contained in this report highlights that the subject site is capable and suitable for development for general industrial purposes. In addition to its site specific merits, the location of the subject site is also strategically significant due to the following reasons:

- The subject site's close proximity to both Mulgrave and Vineyard stations
- Its relatively easy access to the regional transport network via the M2 and M7 Motorways
- It enables the expansion of the existing Mulgrave Industrial and Business Precinct to strengthen the Precinct's status as a diverse industry base
- 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 LGA.
- Located within the Mulgrave Industrial Investigation Area identified in the HELS.

Given the above circumstances, the planning proposal has strategic and site specific merits and is considered to be consistent with the State and Local planning frameworks. It also enables the implementation of the recommendation of the HELS and assists Council in achieving its job targets as identified in the Western City District Plan - Planning Priority W11 as outlined in this report.

The Hawkesbury Local Planning Panel provided advice on the matter, and considered that the planning proposal has strategic and site specific merit, and recommended that Council forward the planning proposal to the Department of Planning and Environment, requesting a Gateway Determination.

It is recommended that Council support the preparation of a planning proposal to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes. Further, that the planning proposal be forwarded to the Greater Sydney Commission/Department of Planning and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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 Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Support the preparation of a planning proposal to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes as follows:
 - a) Amend the Land Zoning Map to change the current RU4 Primary Production Small Lots zoning of the subject site to IN1 General Industrial.

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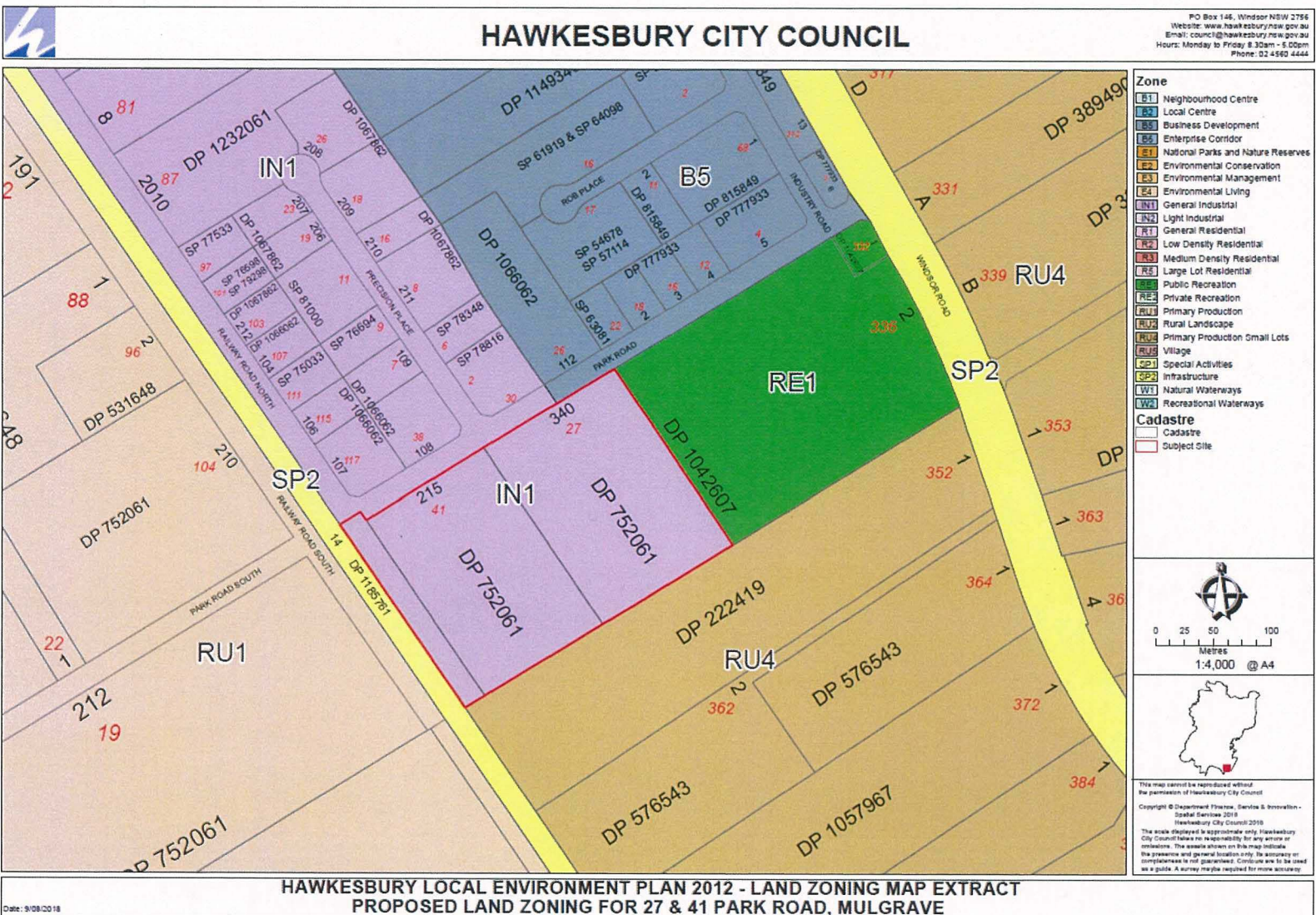
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- b) Amend the Height of Buildings Map to remove the current 10m maximum permissible height provision currently applying to the subject site.
 - c) Amend the Lot Size Map to remove the current 2ha minimum lot size provision currently applying to the subject site.
3. The planning proposal be forwarded to the Greater Sydney Commission/the Department of Planning and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS:

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



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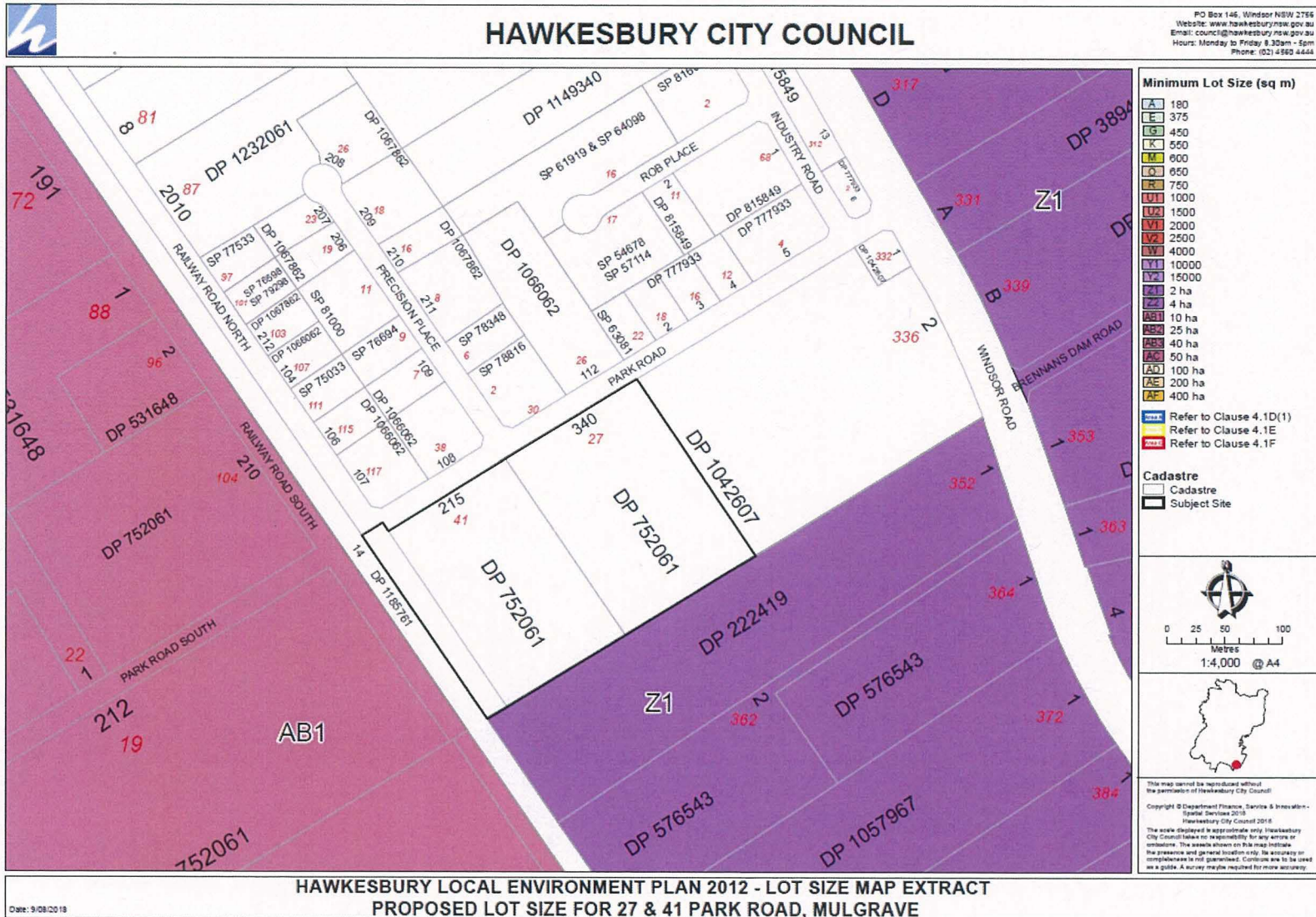
AT - 1 Proposed Land Zoning Map

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AT - 2 Proposed Lot Size Map

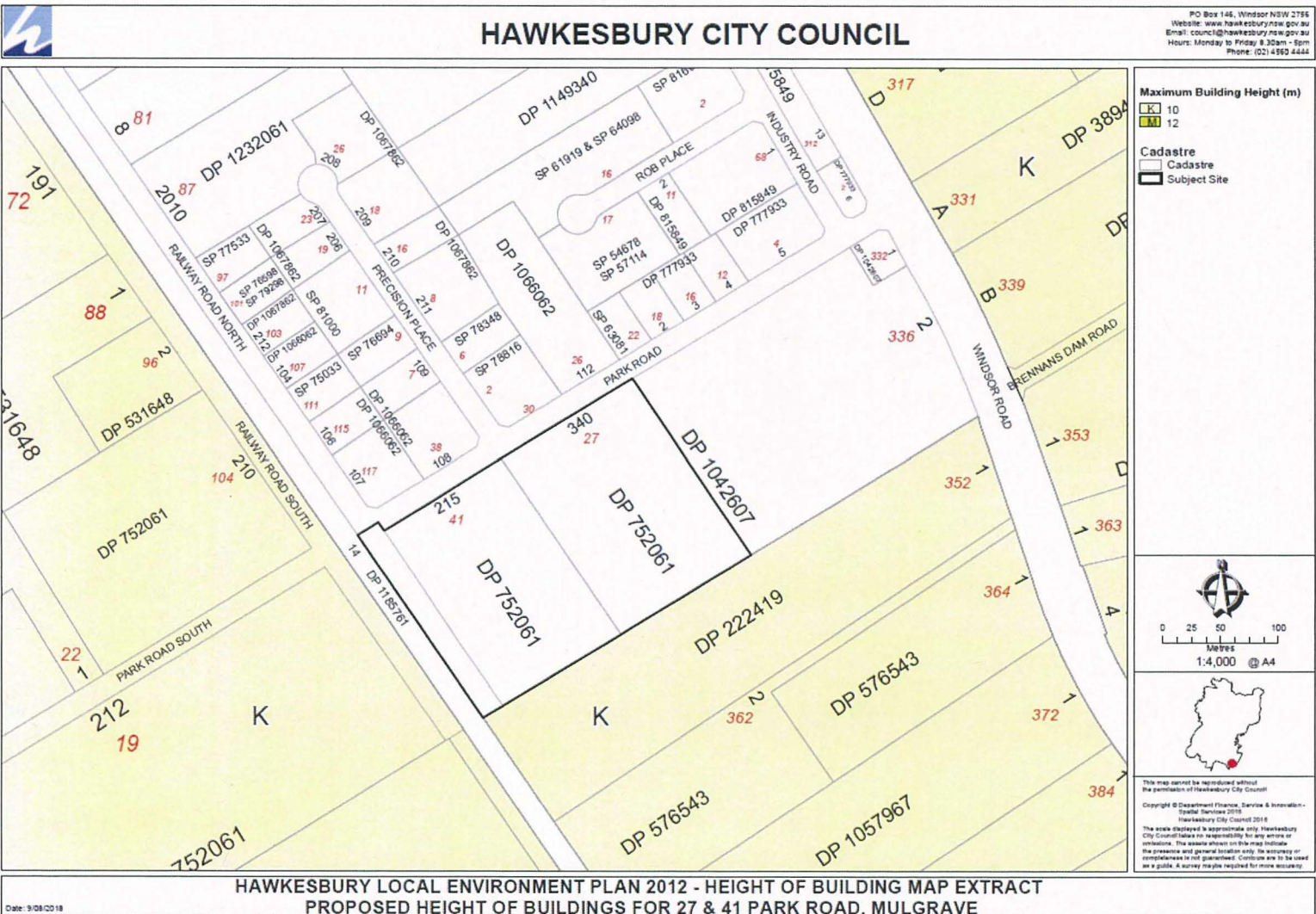


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AT - 3 Proposed Height of Buildings Map



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PLANNING DECISIONS

Item: 269 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map from RU4 Primary Production Small Lots to IN1 General Industrial - 27 Park Road, Vineyard and 41 Park Road, Mulgrave - (95498, 144940, 124414)**

Directorate: City Planning

Ms Natalie Richter, made herself available to answer questions in relation to the matter.

MOTION:

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

Refer to RESOLUTION

345 RESOLUTION:

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

That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Support the preparation of a planning proposal to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to allow development of the subject site for general industrial purposes as follows:
 - a) Amend the Land Zoning Map to change the current RU4 Primary Production Small Lots zoning of the subject site to IN1 General Industrial.
 - b) Amend the Height of Buildings Map to remove the current 10m maximum permissible height provision currently applying to the subject site.
 - c) Amend the Lot Size Map to remove the current 2ha minimum lot size provision currently applying to the subject site.
3. The planning proposal be forwarded to the Greater Sydney Commission/the Department of Planning and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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

| For the Motion | Against the Motion |
|--------------------------|--------------------|
| Councillor Calvert | Nil |
| Councillor Conolly | |
| Councillor Garrow | |
| Councillor Kotlash | |
| Councillor Lyons-Buckett | |
| Councillor Rasmussen | |
| Councillor Reynolds | |
| Councillor Richards | |
| Councillor Ross | |
| Councillor Tree | |
| Councillor Wheeler | |
| Councillor Zamprogno | |