

## HAWKESBURY LOCAL PLANNING PANEL

### 3. REPORTS FOR ADVICE

Meeting Date: 17 August 2023

### 3. REPORTS FOR ADVICE

**3.1.1. CP - Planning Proposal - LEP001/21 - 172 Commercial Road, Vineyard  
Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local  
Environmental Plan 2012 - (95498, 124414)**

**Directorate:** City Planning

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As this matter is a Planning Proposal, it is referred to the Hawkesbury Local Planning Panel for advice only.

The Panel will consider this matter in a closed session and formulate its advice in the form of a resolution.

The advice will be recorded in the Minutes of the Hawkesbury Local Planning Panel meeting and placed on Council's website.

The advice for the Planning Proposal will also form part of the subsequent report to Council on the matter.

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#### DEVELOPMENT INFORMATION

#### PLANNING PROPOSAL INFORMATION

<b>File Number:</b>	LEP004/23
<b>Property Address:</b>	172 Commercial Road, Vineyard
<b>Applicant:</b>	Mecone Group Pty Ltd
<b>Owner:</b>	EG Capital Finance Pty Limited
<b>Date Received:</b>	28/06/2023
<b>Current Zone:</b>	RU4 Primary Production Small Lots
<b>Site Area:</b>	4.8Ha
<b>Key Issues:</b>	Depot, light industry and warehouse or distribution centre Vineyard Stage 2 Proposed additional permitted use clause

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#### EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal from Mecone Group Pty Ltd for land legally described as Lots 2 & 3 DP 229135 at 172 Commercial Road, Vineyard (subject site). The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to enable a depot, light industry and warehouse or distribution centre as additional permitted uses with consent on the subject site.

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The Planning Proposal seeks to achieve the above intended outcome by inserting a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to include a depot, light industry and warehouse or distribution centre on the subject site. However, the Planning Proposal does not seek to amend any existing development standards that apply to the subject site.

This report provides an overview of the Planning Proposal which is considered to be generally consistent with the relevant NSW State and Local planning framework.

### RECOMMENDATION

That the Hawkesbury Local Planning Panel provide advice on the Planning Proposal which seeks to insert a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to enable a depot, light industry and warehouse or distribution centre as additional permitted uses on the subject site.

### BACKGROUND

#### *Subject Site and Surrounds*

The subject site is located within the Vineyard Precinct Stage 2 Area in the North West Growth Area and directly opposite the Vineyard Precinct Development - Stage 1 and approximately 800m from the Riverstone West Residential Precinct which forms part of the North-West Growth Centre within the Blacktown Local Government Area as shown in Figures 1 and 2 respectively:



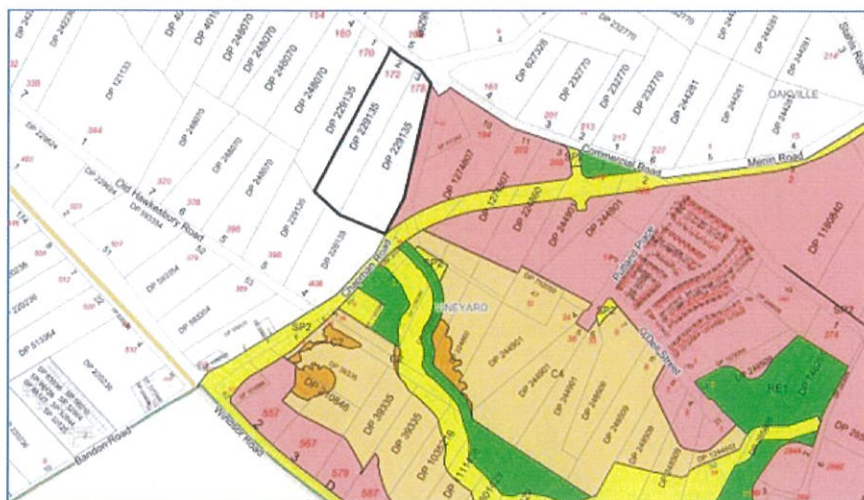
Figure 1: Location of Subject Site within the Vineyard Release Area - Stage 2



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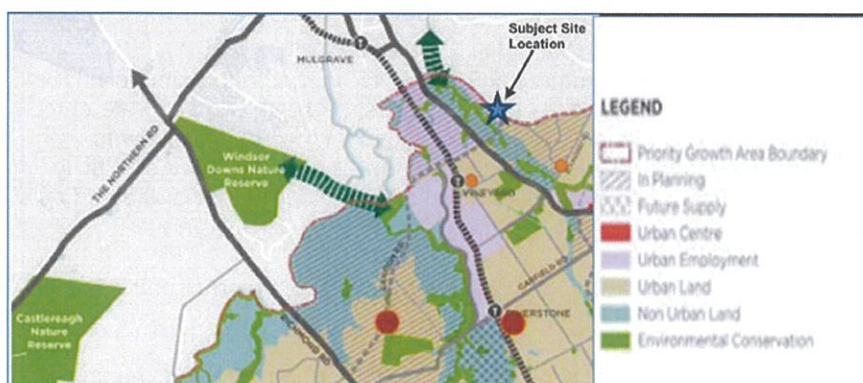
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**Figure 2: Subject Site in Relation to Vineyard Precinct Stage 1**

The subject site is located within the future 'Urban Employment' area within the Vineyard Release Area Stage 2 as shown in Figure 3.



**Figure 3: Subject Site Shown as Employment Land within Vineyard Release Area - Stage 2**

The subject site comprising of the two properties shown in Table 1 is in irregular shape and has a total area of 4.80Ha.

**Table 1: Subject Site**

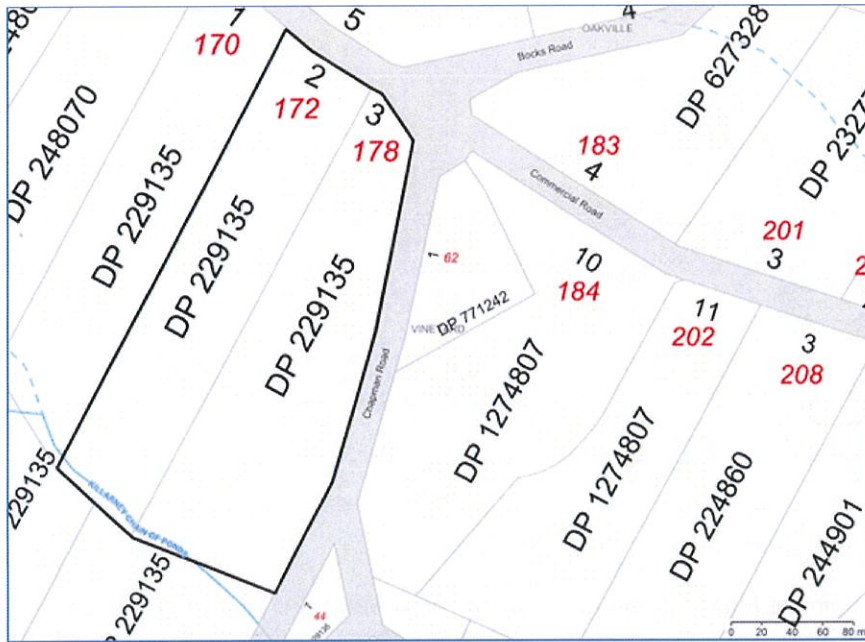
Legal Description	Property Address	Land Area
Lot 2 DP 229135	172 Commercial Road, Vineyard	2.21 Ha
Lot 3 DP 229135	178 Commercial Road, Vineyard	2.59 Ha
Total		<b>4.80Ha</b>

For Council's rating purposes, the subject site comprising of the above two properties is identified as 172 Commercial Road, Vineyard. The subject site is located at the intersection of Commercial Road and Chapman Road, north-east of Windsor Road, Vineyard. The subject site is bounded by Commercial Road to the North East, Chapman Road to the South East, and large rural residential properties to the South West and North West as shown in Figure 4.

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**Figure 4: Subject Site**

The subject site has an approximate frontage to Commercial Road of 133m, and approximately 313m frontage to Chapman Road and is currently accessed via a loop access road with two separate entry and access points from Chapman Road. The Planning Proposal states that the subject site was accessed via Commercial Road in the past, however this access is now closed. A 132KV electricity transmission line traverses the north-western corner of the subject site and therefore it is affected by a 30m wide electrical transmission easement.

A telecommunications tower and associated kiosk is located at the north-eastern corner of the subject site.

The Planning Proposal states that the subject site is currently used for the storage of large equipment by a number of tenants, which is confirmed by machinery and other objects stored in several sheds and open yard storage within the subject site.

The subject site is surrounded by large residential and primary production/rural agricultural land uses such as market farms, poultry industries, mushroom growing businesses, rural industries and associated commercial uses, and east of the subject site is predominantly urban residential uses within the Vineyard Residential Precinct Stage 1. Further south of the subject site, there are industrial uses fronting Windsor Road and Chapman Road.

#### **Current Planning Controls**

The subject site is currently zoned RU4 Primary Production Small Lots under the Hawkesbury Local Environmental Plan 2012. A 2Ha minimum Lot Size and 10M maximum height of building provisions apply to the subject site.

The subject site is identified as being flood prone land, and Killarney Chain of Ponds and associated riparian corridor traverses the southern boundary.

The subject site is identified as being Bushfire Prone land and is mapped as containing Agriculture Land Classification 3 in the maps prepared by the former NSW Department of Agriculture.



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The subject site is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the Hawkesbury Local Environmental Plan 2012.

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas/patches of land along the boundaries of the subject site as 'endangered ecological community' and a land area closer the southern boundary of the subject site as 'connectivity between remnant vegetation'.

The subject site falls within the Hawkesbury-Nepean conservation area sub-catchment of Part 6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The Planning Proposal states that the subject site is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. The subject site contains an office and three warehouse buildings, several outbuildings and open storage areas with gravel and concrete hardstand as shown in Figure 5 below:



Figure 5: Aerial View of the Subject Site

#### Past Approvals and Existing Use Rights

The subject site has a history of development approvals over the past few years including the following key developments shown in Table 2.

**HAWKESBURY LOCAL PLANNING PANEL****3. REPORTS FOR ADVICE****Meeting Date:** 17 August 2023**Table 2: Past Development Approvals**

Approved Development/ Work	Development Application (DA)	Date of Approval
Establishment and operation of a sawmill	DA2/1966	10/02/1966
Continuation of the operation of a sawmill and timberyard and erection of additional buildings	DA 1/1972	11/01/1972
Resiting existing buildings and construct new building	38/1972	10/10/1972
Establishment of a timber yard building	30/1974	15/10/1974
Extensions to sawmill and timber yard	10/1975	18/03/1975
Use of the existing premises as a road transport terminal	DA38/1976	10/08/1976
Extension of the existing road transport terminal	DA0593/85	14/02/1986
Extension to the existing road transport terminal to allow for the erection of two grain storage buildings	DA59/1986	11/04/1986
Conversion of the lower floor existing office building to provide additional office space associated with the existing road transport terminal	DA365/89	20/12/1989
Landfill Works	MA0595/01	20/05/2002

The Planning Proposal includes the following information to establish the existing use rights on the subject site:

Council's assessment report on development application (DA365/89) seeking approval for conversion of the lower floor existing office building to provide additional office space associated with the existing road transport terminal mentioned that the subject site is benefiting from existing use rights for the purposes of a depot storage and the like.

There has been continual use and no evidence or even suggestion of abandonment. Accordingly, the current depot/road transport terminal use on the subject site would constitute an 'existing use' as the subject site was being used lawfully for this purpose before the use became prohibited. The Planning Proposal seeking to list the existing depot as an additional permitted use via an amendment to Schedule 1 Additional permitted uses of the Hawkesbury LEP 2012 is to recognise that the subject site benefits from this existing use rights.

**Planning Proposal**

The intended outcome of the Planning Proposal is to allow a 'depot', 'light industry' and 'warehouse or distribution centre as additional permitted uses on the middle part of the subject site with no significant vegetation as shown in Figure 6 – Development Concept Plan.

The Planning Proposal states that the Development Concept Plan identifies and has regard to:

- the electrical easements in the northwestern corner of the subject site.



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- areas of significant vegetation along the Chapman Road and Commercial Road frontage, within a 15 m building setback.
- a 30 m wide riparian zone from the Killarney Chain of Ponds riparian corridor at the rear of the subject site.
- access to the subject site from Chapman Road and Commercial Road, connected by an internal driveway.
- an indicative building footprint of 5,500m<sup>2</sup> to accommodate the additional permitted uses, located above the 1 in 100 flood planning level at 17.3 AHD.

The Planning Proposal also states that the Development Concept Plan demonstrates that the subject site is capable of being developed for the proposed additional permitted uses. It is indicative only and the detailed site layout, footprint/s and design of future buildings will be subject to future development applications.

The Planning Proposal seeks to achieve this intended outcome by inserting a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to include a 'depot', 'light industry' and 'warehouse or distribution centre as additional permitted uses on the subject site. In addition, it is proposed to amend the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the subject site to which the proposed additional permitted use clause applies as item "8".



Figure 6: Development Concept Plan

#### Justification for the Planning Proposal

The applicant has provided the following justification for the Planning Proposal:

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The Planning Proposal has site-specific and strategic merit to enable the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as:

- the subject site already benefits from existing use rights as a depot storage and related industrial uses are lawfully operating on the subject site since their approval by Council.
- past planning studies designate the site and surrounding RU4 lands as future 'urban employment land'.
- there is an unknown timeframe for rezoning of Vineyard Precinct Stage 2.
- the subject site is close to other employment activities, commercial uses and the Vineyard Residential Precinct - Stage 1.
- the proposed approach is consistent with many other Additional Permitted Uses listed in Schedule 1 of the Hawkesbury Local Environmental Plan 2012.
- the Planning Proposal will enable improved visual amenity and environmental management operations on the subject site.

## DISCUSSION

### Relationship to State and Local Strategic Planning Framework

The following section discusses the consistency of the planning proposal with the relevant State and Local planning framework, strategic merits, and site-specific merits and subject site's suitability and capability to achieve the intended outcomes of the Planning Proposal.

### Greater Sydney Region Plan

On 18 March 2018, the NSW Government released A 'Metropolis of Three Cities' – the Greater Sydney Region Plan. The Greater Sydney Region Plan, along with Transport for NSW's Future Transport 2056, and Infrastructure NSW's State Infrastructure Strategy 2018-36 provide a vision for Greater Sydney as a Metropolis of Three Cities- the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The strategy outlines 38 objectives, 10 directions, and 42 objectives guiding the future of Sydney.

The Planning Proposal states:

*"The Site is located within the Western Parkland City, which is expected to grow from 740,000 in 2016 to 1.1 million residents by 2036 and 1.5 million in 2056. The vision for the Western Parkland City is a polycentric city harnessing the potential of the Western Sydney International Airport and Aerotropolis, Liverpool, Greater Penrith and Campbelltown-Macarthur. These centres will establish the Western Economic Corridor, complemented by city shaping transport links such as the North South Rail Link, airport, east-west mass transit corridor and a potential Outer Sydney Orbital in the long term.*

*Hawkesbury LGA is in the Western City District. Directions for productivity include developing a well-connected city that supports shorter, localised connections to jobs, schools and services through integrated land use, transport and infrastructure planning, and enhancing productivity through strategic planning that enables jobs and skills growth and investment for LGAs. The Region Plan contains a number of objectives that will impact employment in Hawkesbury LGA. The key objectives are outlined below:*

The Planning Proposal provides the information in Table 3 to demonstrate that it is consistent with relevant Objectives and Strategies of the Greater Sydney Region Plan, 'A Metropolis of Three Cities':



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Table 3: Consistency with Greater Sydney Region Plan

Objective & Strategy	How the Planning Proposal is consistent with
<b>Objective 16:</b> <i>Freight and logistics network is competitive and efficient.</i>  The Objective seeks to manage the interface of industrial areas by providing buffers to nearby activities such as residential uses and optimise the efficiency and effectiveness of the freight and logistics network.	
<b>Strategy 16.1:</b> Manage the interfaces of industrial area, trade gateways and intermodal facilities.  <b>Strategy 16.2:</b> Optimise the efficiency and effectiveness of the freight handling and logistics network.	The Planning Proposal seeks to support the Objective by providing opportunities for warehouse or distributions centres to be located on the subject site, which is in close proximity to Windsor Road that connects to Sydney Orbital Road network. Chapman Road forms the eastern boundary of the Site. It is planned as a sub-arterial road that provides direct access to Windsor Road and provides adequate separation to future residential uses in the Vineyard Precinct - Stage 1.  Future redevelopment of the subject site as facilitated by this Planning Proposal is capable of being adequately managed, given the nature of the uses, to ensure the residential interface is protected.  The subject site also forms part of a future larger employment area as part of the Vineyard Precinct – Stage 2.
<b>Objective 23:</b> <i>Industrial and urban services land is planned retained and managed.</i>  The Objective identifies principles to 'retain and manage' industrial and urban services lands. In particular, it states that in land release areas, there is a need for additional industrial and urban services land in response to longterm projected population and development growth.  This objective recognises the value of industrial lands, where it is not necessarily the number of jobs provided, but the operational role and function industrial lands play that is of importance. Industrial lands in the Hawkesbury can support the economy of the Local Government Area and the wider region, including a range of activities from major freight and logistics, heavy manufacturing, light industry, to urban services and creative uses.	
<b>Strategy 23.1:</b> Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land.	A key principle for managing industrial and urban services land is to 'retain and manage' industrial and urban services (including future employment lands). This directly relates to the subject site as it benefits from existing use rights as a depot and as a land release area identified for employment uses in the Vineyard Precinct – Stage 2 of the North West Growth Area. The subject site is mapped in the Region Plan as 'retain and manage' in its approach to managing industrial and urban services lands. Its principle is to safeguard it from competing pressures such as mixed use or residential. The Planning Proposal is consistent with this principle by expanding the range of permissible employment uses on the subject site."

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The Planning Proposal is considered to be generally consistent with the Greater Sydney Region Plan.

#### Western City District Plan

The Western City District Plan sets out planning priorities and actions for improving the quality of life for residents of the Western City District as the District grows and changes.

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

The Planning Proposal provides the information in Table 4 to demonstrate that it is consistent with Planning Priority W10 of the Western City District Plan:

**Table 4: Consistency with Western City District Plan**

Planning Priority W10	How the Planning Proposal is consistent with
<p><b>Planning Priority W10:</b> <i>Maximise freight and logistics Opportunities and planning and managing industrial and urban services land.</i></p> <p>The Planning Priority identifies that urban services require access to industrial land across the District.</p> <ul style="list-style-type: none"><li>• Demand for this land increases with population growth.</li><li>• Local access to these services also reduces travel times and minimises traffic congestion.</li><li>• Future employment growth across all industries and urban services will require additional floor space, additional land or both.</li><li>• Owing to the substantial long-term population growth and development in land release areas, there may be a need for additional industrial and urban services land.</li></ul>	<p>Similar to the Region Plan, the Planning Priority in the District Plan outlines principles to 'retain and manage' industrial and urban services land.</p> <p>The subject site is identified for future employment lands in the North West Growth Area structure plan. The District Plan maps the Site as 'retain and manage' in its approach to managing industrial and urban services lands. Its principle is it safeguard it from competing pressures such as mixed use or residential.</p> <p>Further, the District Plan states that in land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth.</p> <p>The Planning Proposal seeks to support this priority and principle by expanding the range of permissible employment uses on the Site through an amendment to Schedule 1. This would enable the subject site to be developed in accordance with its intended future use as employment lands.</p>

The Planning Proposal is considered to be generally consistent with the Western City District Plan.

#### Metropolitan Rural Area

The Greater Sydney Region Plan and the Western City District Plan identify the whole Hawkesbury Local Government Area (except the Vineyard Precinct in the North West Growth Area) as a



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Metropolitan Rural Area. Objective 29 of The Greater Sydney Region Plan is to protect and enhance the environmental, social and economic values in rural areas.

The Planning Proposal provides the following information to demonstrate how it is consistent with the objectives of the Metropolitan Rural Area.

*“Further, the District Plan includes the following planning priority and action relating to the Metropolitan Rural Area, which is relevant due to the current rural zoning on the Site:*

- *Planning Priority W17 Better managing rural lands.*

*Action 78 Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.*

*The District Plan states that urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in the Region Plan. The*

*Region Plan identifies the Site as a land release area, as part of the Vineyard Precinct in the North West Growth Area. The proposed additional permitted uses are consistent with the future intentions of the Site as an employment area and as such does not need to be maintained as valuable rural land.”*

The Planning Proposal is considered to be generally consistent with the planning priorities identified in the Western City District Plan relevant to Metropolitan Rural Area.

#### **State Environmental Planning Policies (SEPP)**

The Planning Proposal's consistency with the relevant SEPPs is outlined below.

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

*Chapter 6: Water Catchment (6.13 Hawkesbury-Nepean conservation area sub-catchments)*

Chapter 6 requires Council to consider the following matters when determining a development application for a land within the Hawkesbury-Nepean conservation area sub-catchments:

- (a) whether the development will minimise human interference with the condition of the sub-catchment,
- (b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,
- (c) whether the development will maintain or enhance the scenic quality of the locality,
- (d) whether development has previously been carried out on the development site.

It is considered that the future use of the subject site for the purposes of a depot, **light industry** and warehouse or distribution centre would be able to satisfy the above development provisions or be able to appropriately minimise any impacts. Should the plan be made to give effect to the Planning Proposal, the above matters can be further considered at the development application stage.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

*Chapter 4: Remediation of land*

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out

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any development on that land and, if the land is contaminated, be satisfied that the land is suitable in its current state or will be after remediation for the purpose for which the development is proposed to be carried out.

According to Council's records, the subject site has not been used for agriculture purposes or any other purpose referred to in Table 1 to the contaminated land planning guidelines. Therefore, development of the subject site is considered to be suitable for the proposed uses. The Planning Proposal is not accompanied by a Preliminary Site Investigation Report confirming that the subject site is not contaminated and is suitable for the proposed uses. Should Council resolve to proceed with the Planning Proposal, this is a matter for consideration by the Department of Planning and Environment at the Gateway Determination stage.

*State Environmental Planning Policy (Resources and Energy) 2021*

*Chapter 3: Extractive Industries in Sydney*

The subject site is not within the vicinity of land described in Schedules 1, 2 and 5 of the SREP. The Planning Proposal is therefore consistent with this SEPP. 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 8.1, during the relevant government agency consultation period.

#### **Local Planning Directions (Ministerial Directions)**

Relevant to the Planning Proposal are the following ministerial directions:

##### *Direction 1.1 Implementation of Regional Plans*

As outlined in the early part of this report, the Planning Proposal is considered to be generally consistent with the relevant regional plans.

##### *Direction 1.3 Approval and Referral Requirements*

The Planning Proposal does not require concurrence, consultation or referral of development application to a minister or public authority therefore the Planning Proposal is consistent with this direction.

##### *Direction 1.4 Site Specific Provisions*

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The Planning Proposal is consistent with Direction 1.4 as the proposal seeks an amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 only and does not propose any site-specific development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

##### *Direction 4.1 Flooding*

This Direction applies to flood prone land, which means "land susceptible to flooding by the Probable Maximum Flood (PMF) event. Clause 6.3 – Flood Planning of the Hawkesbury Local Environmental Plan 2012 and Council's Flood Policy 2020 will apply to future development of the subject site.

This Direction requires that a Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. Also, a Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood prone Land Policy and the principles of the Floodplain Development Manual 2005 and ensure that the provisions of a Local



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Environmental Plan on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject site.

The Planning Proposal is accompanied by a Flood Analysis & Report prepared by Infrastructure & Development Consulting. This report states that existing buildings are retained on the subject site and the proposed additional hardstand areas between the 1 in 20-year and 1 in 100-year flood levels and building areas above the 1 in 100-year flood level.

The report concludes that:

*"The site is affected by mainstream flooding from both the upstream catchment and regional backwater flooding from the Hawkesbury-Nepean floodplain. The regional backwater flooding is more severe than the localised flooding and exhibits high depths, with little to no velocity.*

*The proposed site design has taken Council's flooding requirements for other commercial and industrial land into account including:*

- *Citing new buildings above the 100-year flood level.*
- *Avoiding earthworks, structures, etc. within the 100-year flood extents to eliminate affectation to any neighbouring properties.*
- *Providing a continuously rising driveway to Commercial Road and access to PMF flood free regional evacuation routes.*

*The above analysis is sufficient to demonstrate that compliance is readily achievable to support the proposed LEP amendments, while future Development Applications for the built form will need to be supported with additional detail including a Site-Specific Flood Management and Evacuation Plan."*

The Planning Proposal does not seek to rezone the subject site other than seeking an amendment to Schedule 1 Additional permitted uses of the Hawkesbury Local Environmental Plan 2012 to include the proposed uses as additional permitted uses on the land.

In accordance with this Direction, the Planning Proposal will not change the existing flooding provisions of the Hawkesbury Local Environmental Plan 2012, which give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. In addition, no new provisions are proposed which would permit or intensify development in floodway or high hazard areas, increase flood impacts on other properties or result in increased demand for government spending on flood mitigation measures infrastructure or services.

Table 2 – Compatibility of Land Uses with Hazard Categories of the Council's Development of Flood Liable Land Policy 2020 incorporates six hazard vulnerability categories (H1 – H6) consistent with Australian Disaster Resilience Handbook Collection, Guideline 7-3 Flood Hazards. The hazard categories used in Table 2 relate to the 1:100 ARI flood event. This Table includes different land use categories (eg. Critical Uses Facilities, Sensitive Uses and Facilities) and identifies the compatibility and incompatibility of land uses within those six hazard categories.

The proposed land uses a depot, light industry and warehouse or distribution centre on the subject site are compatible within the H1, H2, H3 and H4 hazard vulnerability categories. Given the proposed additional hardstand areas located between the 1 in 20-year and 1 in 100-year flood levels and building areas above the 1 in 100-year flood level, the proposed uses can be accommodated subject to relevant development controls specified in the Council's Development of Flood Policy 2020. Should the Plan be made to give effect to the Planning Proposal, any flood impacts of the proposed development can be taken into consideration at the development application stage.



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Should Council resolve to proceed with the Planning Proposal, and a Gateway Determination advising to proceed is received from the Department of Planning and Environment, the Hawkesbury-Nepean Valley Flood Risk Management Directorate which includes Infrastructure NSW, Transport for NSW and the NSW State Emergency Service will be consulted on the Planning Proposal.

#### *Direction 4.3 Planning for Bushfire Protection*

The subject site is identified as being bushfire prone containing Category 1 Vegetation on the NSW Rural Fire Service's Bushfire Prone Land Map.

The Planning Proposal is accompanied by a Bushfire Assessment Report prepared by Peterson Bushfire Expert Consulting Services. The report concludes that the Planning Proposal together with the recommended bushfire protection measures satisfies the specifications and requirements of Ministerial Direction No. 4.3 and Planning for Bush Fire Protection.

Irrespective of the recommendations of the Bushfire Assessment Report, consultation will be undertaken with the NSW Rural Fire Service following receipt of a Gateway Determination and take into account any comments made on the Planning Proposal prior to commencement of community consultation in accordance with this Direction.

#### *Direction 4.4 Remediation of Contaminated Land*

The subject site is not within an investigation area within the meaning of the Contaminated Land Management Act 1997. According to Council's records, the subject has not been used for agriculture purposes or any other purpose referred to in Table 1 to the contaminated land planning guidelines.

The Planning Proposal is not accompanied by a preliminary Site Investigation Assessment. However, should the Planning Proposal proceed, the Department of Planning and Environment will consider this as part of the Gateway Determination, and if required will request further information/consideration of this matter. The Planning Proposal is considered to be generally consistent with this Direction.

#### *Direction 4.5 Acid Sulfate Soils*

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 Local Environmental Plan 2012 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.

#### *Direction 8.1 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.

The Planning Proposal is consistent with this direction as the subject site is not located within an Identified Resource Area, 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 State Environmental Planning Policy (Resources and Energy) 2021.



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#### *Direction 9.1 Rural Zones*

The objective of this direction is to protect the agricultural production value of rural land. This Direction requires that planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The Planning Proposal seeks to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012, and does not propose to rezone the subject site to a different zone to permit the proposed development on the subject site.

As the Planning Proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land within a rural zone, it is considered to be consistent with this Direction.

#### *Direction 9.2 Rural Lands*

This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

The Planning Proposal is only to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012, and does not propose to amend the minimum lot size provision applying to the subject site.

The land has not previously been used for agricultural purposes other than for warehouse or distribution purposes.

However, should the Planning Proposal proceed and receive a Gateway Determination to proceed, the NSW Department of Industry – Agriculture will be consulted on the Planning Proposal.

#### **Local Planning Framework**

The following section describes the Planning Proposal's consistency with the relevant Local Planning framework:

#### **Hawkesbury Community Strategic Plan 2022-2042**

The Hawkesbury Community Strategic Plan 2022-2042 is the core document underpinning Council's future planning, and determines its strategies. The Plan reflects the Hawkesbury community's priorities and aspirations for the future and focuses on four key Outcome areas - Great Place to Live, Protected Environment and Valued History, Strong Economy and Reliable Council. Under each Outcome area, Long-term Objectives and Success Indicators are identified in order to meet the Community's expectations and aspirations.

The Planning Proposal provides the following information to demonstrate that it is consistent with the Plan:

*"The Hawkesbury Community Strategic Plan is a high-level plan that outlines the key aspirations for the Hawkesbury Local Government Area and sets the essential direction for future Council activities and decision making."*

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*The Plan is divided into four Community Outcomes:*

- *Great place to live*
- *Protected environment and valued history*
- *Strong economy*
- *Reliable Council.*

*The planning proposal is consistent with the Community Outcome of a strong economy by satisfying the following long-term objectives of the Plan:*

- *3.2 Increase the range of local industry opportunities and provide effective support to continue growth*
- *3.3 Promote our community as the place to visit, work and invest.*

*The Plan states that the success of these objectives relates to the employment opportunities in the city through increased businesses and industries. Whilst the planning proposal seeks to regularise the existing use, the additional permitted uses provides opportunities for industry to invest and enable employment opportunities locally, which is consistent with the Community Strategic Plan."*

The Planning Proposal is considered to be generally consistent with the Hawkesbury Community Strategic Plan 2022-2042.

Hawkesbury Local Strategic Planning Statement 2040

Council adopted the Hawkesbury Local Strategic Planning Statement 2040 in January 2021 which identifies the Hawkesbury Community's economic, social and environmental land use needs over the next 20 years and sets out clear planning priorities about what will be needed in terms of jobs, homes, services and recreational needs. The Hawkesbury Local Strategic Planning Statement identifies short medium, and long-term actions to deliver the priorities for the Hawkesbury Community's future vision, and is a key document to guide Local Strategic Planning in the Hawkesbury Local Government Area.

The Planning Proposal includes the following statement to demonstrate that it is consistent with the Hawkesbury Local Strategic Planning Statement 2040:

*"The Hawkesbury Local Strategic Planning Statement 2040 (LSPS) sets out a 20-year land use vision for the Hawkesbury Local Government Area. The LSPS aims to promote sustainable growth and development in the Hawkesbury by guiding decision-making around land use and development. The LSPS is structured around six themes: Liveability, Employment, Environment, Infrastructure, Housing, and Character. These themes are underpinned by a range of objectives and strategies aimed at achieving sustainable outcomes for the Hawkesbury community.*

*The LSPS structure plan identifies the Site in the North West Growth Area, which will be subject to future rezonings for urban development. The relevant Planning Priorities applying to the Planning Proposal request are:*

- *Planning Priority 7 – Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends*

*The proposed additional permitted uses on the Site is consistent with the priorities of the LSPS, particularly in relation to promoting employment growth and supporting the development of diverse industries within employment lands."*

The Planning Proposal is considered to be generally consistent with the Hawkesbury Local Strategic Planning Statement 2040.



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#### Hawkesbury Rural Lands Strategy

The Planning Proposal provides the following information to justify that it is consistent with the Hawkesbury Rural Lands Strategy:

*"The Hawkesbury Rural Lands Strategy analyses the quantity and quality of rural lands and identifies the needs of the local community and their aspirations for the future of rural lands. It includes an objective relating to the future planning, development and management of rural lands.*

*Whilst the Site is zoned rural, the Planning Proposal request seeks to align with the current and future planning and development of the Site for employment uses as identified in the Northwest Growth Area structure plan. It is no inconsistent with the objectives of the Rural Lands Strategy".*

Council adopted the Hawkesbury Rural Lands Strategy in March 2021 which identified five broad land use units - Agriculture Production, Rural Landscape, Native Vegetation, Rural Residential and Towns & Villages within the Hawkesbury Local Government Area as shown in Figure 8. These broad land use units have been designated using a sieve methodology which is generally a soil and land capability assessment, and findings of a recent land use survey undertaken as part of the Hawkesbury Rural Lands Strategy. The Strategy states that these land units can be translated into land use designations, and recommends two broad designations of Agriculture Production and Rural Landscape for rural land within the Hawkesbury Local Government Area.

The Strategy designates lands that are zoned RU4 Primary Production Small Lots within Vineyard, Oakville, Maraylya, Pitt Town, Cattai, and McGraths Hill as Rural Landscape. The Strategy states that RU4 Primary Production Small Lots zoning was not considered necessary because its objectives are not as robust as the RU1 Primary Production zone. However, the Strategy is a guiding document for better management and protection of Hawkesbury's rural land, and does not rezone or transform RU4 Primary Production Small Lots zoned lands to RU2 Rural Landscape zone which is a matter for Council's consideration during a major review of the Hawkesbury Local Environmental Plan 2012.

Given all agricultural land uses are permitted with consent within the RU4 Primary Production Small Lots zone, should Council resolve to proceed with the Planning Proposal and receive a Gateway Determination advising to proceed with the Planning Proposal from the Department of Planning and Environment, the Department of Primary Industries - Agriculture will be consulted seeking feedback on the Planning Proposal irrespective of the identification of the subject site as 'Future Urban Employment Land' and its location within the Future Employment Land Area within the Vineyard Precinct Stage 2 Release Area as shown in Figure 3 above.

#### Hawkesbury Employment Lands Strategy

The Planning Proposal includes the following information to demonstrate that it is consistent with the Hawkesbury Employment Lands Strategy:

*"The Hawkesbury Employment Lands Strategy analyses the quality and quantity of employment lands within the Hawkesbury LGA and provides guidance for land use planning that focuses economic development in the right locations. The Strategy identifies changes in freight transportation. It states that:*

*'with the growth in online retailing and raised expectations for speedy delivery, 'last mile' logistics has become a priority. This places greater value on logistics, industrial services and dispatch land uses that are in the right areas on the transport network with respect to access to suppliers and customers.'*

*The proposed additional permitted uses on the Site specifically addresses this demand and related objectives within Council's endorsed Employment Lands Strategy by providing opportunities for a modest expansion of employment uses on the Site, but with greater environmental control and management."*



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The Western City District Plan identifies a base line target of 12,000 Jobs and a higher target of 16,500 jobs within the Richmond-Windsor Strategic Centre Catchment by 2036. There are no such set targets identified for other rural towns, neighbourhoods or villages within the Hawkesbury Local Government Area. The subject site is currently zoned RU4 Primary Production could not be classified as employment land. However, given the subject site is identified as 'Future Urban Employment' land and located within the Future Employment Land Area within the Vineyard Precinct Stage 2 Release Area as shown in Figure 3 and would be able to provide a few local jobs closer to homes, the Planning Proposal is considered to be generally consistent with the Hawkesbury Employment Lands Strategy.

#### Hawkesbury Local Environmental Plan 2012

The subject site is currently zoned as RU4 Primary Production Small Lots under the provisions of the Hawkesbury Local Environmental Plan 2012 as shown in Figure 7.

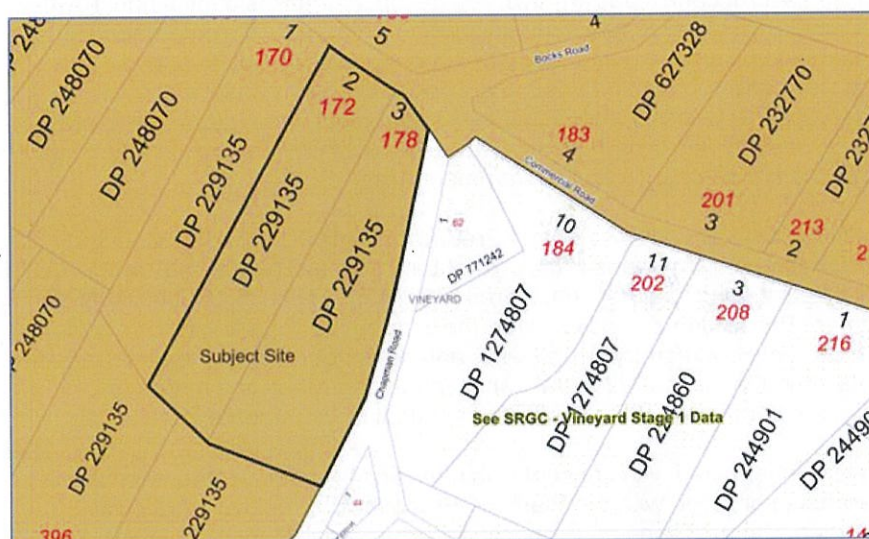


Figure 7: Extract of Land Zoning Map

#### Proposed Amendments

A depot, light industry and warehouse or distribution centre are prohibited land uses within the RU4 Primary Production Small Lots.

Rezoning of the subject site to a business or an industrial zone to allow the proposed development on the subject site is not considered to be an appropriate alternative as the immediate vicinity is predominantly zoned RU4 Primary Production Small Lots and would create a zoning anomaly at the locality. Also, a business or an industrial zone allows a range of land uses that are not considered to be appropriate at this location.

There are no other appropriate alternatives available under the provisions of the Hawkesbury Local Environmental Plan 2012 to allow the proposed development on the subject site. Therefore, the proposed amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 is considered to be the most appropriate option available to allow development of the subject site for the proposed purposes.

Therefore, the Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 to allow a depot, light industry and warehouse or distribution centre as additional permitted uses on the subject site as follows:



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#### *(a) Amendment to Schedule 1 Additional Permitted Uses*

The Planning Proposal proposes seeks to amend Schedule 1 Additional permitted uses as follows:

Insert the following clause after Clause 20 of Schedule 1:

*Use of certain land at 172 Commercial Road, Vineyard*

*(1) This clause applies to land at 172 Commercial Road, Vineyard, being Lot 2 and 3 DP 229135 identified as "X" on the Additional Permitted Uses Map.*

*(2) Development for the purposes of a depot, light industry or warehouse or distribution centre is permitted with consent.*

*(3) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the Hawkesbury Local Environmental Plan 2012 (Amendment No X).*

A Planning Proposal seeking amendments to local environmental plans to allow certain land uses as additional permitted uses on land are not generally supported by the Department of Planning and Environment unless otherwise the Planning Proposal has clear merits, and the subject site has environmental capability to accommodate the proposed development on land. Therefore, it is suggested to include a maximum gross floor area cap for the proposed development on the subject site. This approach will enable the Department of Planning and Environment to determine the appropriateness of the extent of the development on the subject site as additional permitted uses and whether the sufficient setbacks or buffers are there to ensure that the residential interface is not adversely impacted. It will also avoid any ambiguity or speculations among the adjoining neighbours and the local community.

It is therefore, suggested to amend the proposed Clause 21 to include a new subclause 4 as follows:

*21 Use of Certain Land at 172 Commercial Road, Vineyard*

*(1) This clause applies to land at 172 Commercial Road, Vineyard, being Lot 2 and 3 DP 229135, identified as "8" on the Additional Permitted Uses Map.*

*(2) Development for the purposes of a depot, light industry or warehouse or distribution centre is permitted with consent.*

*(3) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the Hawkesbury Local Environmental Plan 2012*

***(Amendment No X):***

***(4) Development consent under subclause (2) must not be granted if the total gross floor area of a depot, light industry or warehouse or distribution centre within the site is greater than X,XXXm<sup>2</sup>.***

#### *(b) Proposed Amendment to Additional permitted use Map*

The Planning Proposal seeks to make an amendment to the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the south-eastern part of the subject site to which the proposed additional permitted use clause 21 applies as item "8" on the Additional permitted uses Map.

In addition to the above proposed amendments, the current Clause 2.5 of the Hawkesbury Local Environmental Plan 2012 will apply to the subject site:

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#### ***"2.5 Additional permitted uses for particular land***

*(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—*

*(a) with development consent, or*

*(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that*

*development."*

*(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

#### **Suitability of the Subject Site**

The following section discusses the suitability of the subject site for the proposed development.

##### **Topography**

The subject site varies in elevation from approximately 34.5m AHD at Commercial Road to 13m AHD at the rear. The subject site is relatively flat with a gentle slope towards the Killarney Chain of Ponds at rear. This means, the topography of the subject site is not unfavourable to the proposed development.

##### **Public Infrastructure and Services**

The subject site has access to all the required infrastructure services including electricity, telephone and reticulated water other than access to a reticulated sewerage system. Should the Plan be made, the capability of any existing onsite sewerage system on the subject site to accommodate the proposed development could be considered at the development application stage.

However, if the Planning Proposal is to proceed and receive a Gateway Determination, relevant public agencies such as Sydney Water, Energy Australia, AGL and Telstra Corporation would need to be consulted about the Planning Proposal. This will be to receive advice on the adequacy and any need for augmentation of the existing infrastructure to support future development on the subject site.

##### **Flora and Fauna**

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas of land mainly along the boundaries of the subject site as 'endangered ecological community' and an area of land closer to the southern boundary of the subject site as 'connectivity between remnant vegetation' as illustrated in Figure 8 below.

Council vegetation mapping shows the subject site as containing Shale Plains Woodland mainly along the site boundaries and free of any vegetation at the middle of the subject site as shown in Figure 8. Shale/ Plains Woodland is listed as a Critically Endangered Ecological Community (CEEC) under the NSW Threatened Species Conservation Act 1995 and under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The proposed development area is mainly located within the area free of any vegetation and the 'connectivity between remnant vegetation' area.

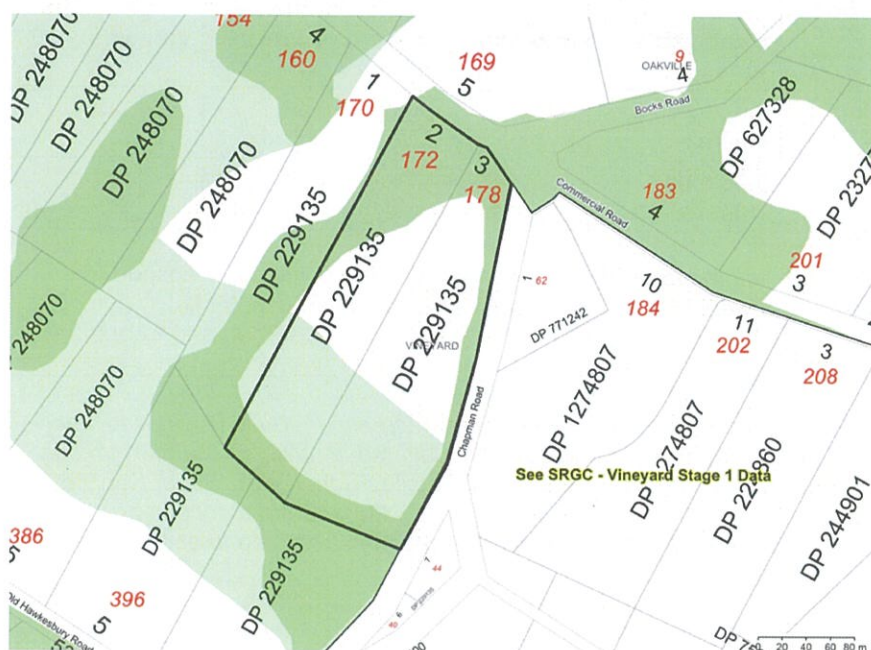
However, Figure 5 - Aerial view of the subject site above shows otherwise. According to the aerial view, existing vegetation is mainly accommodated within the riparian corridor of the Killarney Chain of Ponds along the southwestern boundary, southeastern boundary along Chapman Road and northeastern boundary along Commercial Road. In addition, some patches of vegetation is closer to the northeastern boundary and closer to the rear of the subject site



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*"The Terrestrial Biodiversity Map in the Hawkesbury LEP 2012 identifies that parts of the Site are mapped as 'Significant Vegetation' and 'Connectivity Between Significant Vegetation'. This is mainly at the western end of the Site, in the riparian corridor below the 1:100 year flood extent. Vegetation on this portion of the Site will be protected from future development as the land is not developable."*

The Planning Proposal is not accompanied by a Flora and Fauna Assessment to demonstrate that the proposed development can be accommodated on the subject site with no adverse impacts on the existing vegetation. However, should the Planning Proposal proceed, the Department of Planning and Environment will consider the necessity of a flora and fauna assessment as part of the Gateway Determination.



## Site Access and Traffic Generation

The subject site is currently accessed via a loop access road with two access points from Chapman Road, with no direct vehicular access currently available from Commercial Road. The Planning



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Proposal states that heavy vehicles enter the subject site via the southern access point and exit the via the northern access point back onto Chapman Road.

A Transport Assessment prepared by JMT Consulting in support of the Planning Proposal introduces a revised access arrangement to the subject site by re-establishing the access point from Commercial Road and connecting this through to the existing southern access point from Chapman Road through an internal loop road as shown in Figure 6 above. The existing Chapman Road northern access point would be closed off under this concept. The Traffic Assessment states that the final access arrangements, including details of new/modified driveway crossovers, will be detailed as part of a future Development Application for the subject site.

The Traffic Assessment has used the Transport for NSW Guide to Traffic Generating Developments (TDT 2013/04a) for business parks and industrial estates to forecast traffic generation and revealed that the proposed development accommodating an additional 5,000m<sup>2</sup> floor space generate 29 vehicles generated in the morning peak hour and 31 vehicles in the afternoon peak hour as summarised in Table 5 below. Further it states that this level of traffic generation is equivalent to approximately one vehicle every two minutes and would not have a significant impact on the surrounding road network.

**Table 5: Forecasted traffic generation**

Peak Hour	Additional Gross Floor Area	Traffic Generation Rate	Vehicles into Site	Vehicles out of Site	Total Vehicles
AM peak hour	5,500m <sup>2</sup>	0.52 trips /100m <sup>2</sup>	20	9	29
PM peak hour	5,500m <sup>2</sup>	0.56 trips /100m <sup>2</sup>	9	22	31

The Traffic Assessment states that Traffic modelling has been undertaken using the Transport for NSW approved SIDRA modelling software package to consider the impacts of a potential redevelopment of the subject site at the intersections Windsor Road/Chapman Road and Chapman Road/Commercial Road. The Assessment states that:

*"The traffic modelling demonstrates that the relatively small increase in traffic flows associated with a potential redevelopment of the site will not result in adverse impacts on the surrounding road network. The two key intersections in the vicinity of the site retain their Level of Service when compared to a 'future base' scenario. This demonstrates that the proposal can be supported by the existing road network with no additional measures required to accommodate future traffic demands."*

Further, the Assessment states that:

*"Traffic modelling undertaken in accordance with Transport for NSW guidelines demonstrates that the operation of key intersections in the vicinity of the site will not be impacted by the small number of additional vehicle movements associated with a future DA for the site. A sensitivity assessment was conducted which considered both a low and high case development scenario. This sensitivity assessment showed the level of service of key intersections remained unchanged under the scenarios modelled - confirming that any future development arising from the Planning Proposal will not unduly impact the performance of the surrounding road network. In the above context the traffic and transport impacts of the Planning Proposal are considered acceptable".*



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Irrespective of the above findings, if the Planning Proposal is to proceed and receive a Gateway Determination, the Transport for NSW will be consulted about the Planning Proposal to receive any feedback on the proposed development on the subject site.

#### Character of the Area

The immediate locality of the subject site is predominantly characterised by rural residential development and the approximate lot size within the immediate vicinity is 2ha. As shown in Figure 9, the properties immediately north, south and west are rural residential development, and the Vineyard Precinct Stage 1 Development to the east. In summary, the area immediately surrounding the subject site has two distinct visual characteristics. One area having a rural-residential character, and the other area having an urban low to medium density residential developments.



Figure 9: Subject Site and Surround

The Planning Proposal enabling a depot, light industry and warehouse or distribution centre on the subject site is generally a single-storey development and therefore is consistent with the immediate vicinity which is predominantly characterised by a low to medium rise development. The scale of development is not considered to be a key factor determining a Planning Proposal. However, a maximum gross floor for the development is included in order to ensure that the proposed development will not adversely impact the visual character of the locality.

#### 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."*

The Planning Proposal states that:



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*"Notwithstanding this classification, the Site has been highly disturbed. It is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. It contains an office and three warehouse buildings, with gravel and concrete hardstand. The existing use is in accordance with historical approvals on the Site for a 'road transport terminal' now defined as a 'depot' under Hawkesbury LEP 2012.*

*The Agricultural Land Classification does not align with the nature of the current uses on the Site. Current and historical development on the Site suggest that it has very low agricultural value. The Planning Proposal does not change the permissibility of agriculture on the Site."*

Agricultural land classification and development history showing a rural residential use and not showing as prime agricultural land as well as the subject site's proximity to the Vineyard Residential Precinct Stage 1 and the immediate surrounding is predominantly rural residential site, it is considered that it is unlikely the subject site could sustain a commercially sustainable agricultural business.

However, should Council resolve to proceed with the Planning Proposal and receive a Gateway Determination advising to proceed with the Planning Proposal from the Department of Planning and Environment, the NSW Department of Industry – Agriculture will be consulted on the Planning Proposal as part of the relevant government agency consultation.

#### Heritage

The subject site is not listed as a heritage item under Schedule 5 Environmental Heritage of the Hawkesbury Local Environmental Plan 2012 and not located within the vicinity of any heritage listed items where future development of part of the subject site may have an impact on the significance of these items. In addition, the subject site is not within or adjoining a heritage conservation area and not identified as an archaeological site.

#### Conclusion

An assessment of the Planning Proposal contained in this report highlights that the subject site has strategic and site-specific merits and potential to accommodate the planned development with no adverse impacts on amenity of the locality and the road network.

The Planning Proposal is consistent with the State and Local Planning frameworks. It will enable an orderly development, and improved amenity of the subject site and potential increase of the percentage of people who live and work within the Hawkesbury Local Government Area.

#### ATTACHMENTS

- AT - 1** Planning Proposal for 172 Commercial Road, Vineyard - *(Distributed under separate cover).*
- AT - 2** Bushfire Assessment Report - *(Distributed under separate cover).*
- AT - 3** Transport Assessment - *(Distributed under separate cover).*
- AT - 4** Flood Analysis and Report - *(Distributed under separate cover).*
- AT - 5** Detailed Site Layout Plan.









### **3.1.1. CP - Planning Proposal - LEP001/21 - 172 Commercial Road, Vineyard Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012 - (95498, 124414)**

Directorate: City Planning

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The Panel unanimously provided the following advice:

1. The panel notes the long history of various landuses on the site operating under existing consents, potentially with existing use rights, and the intention of the Planning Proposal to regularise the existing uses and enable external storage of machinery, equipment, and materials to occur within future warehouse structures. The Panel also notes that the Planning Proposal would enable a development application to be lodged over the site for the operations currently being undertaken, and that process would enable contemporary environmental standards to be conditioned as part of a consent process. The Panel also notes that the site is located within the Vineyard Precinct Stage 2 of the North West Growth Area, and that the site is part of an area identified for future employment uses. On that basis the Panel considers that the Planning Proposal has potential strategic and site-specific merit.
2. Prior to Council endorsing the Planning Proposal to the Gateway phase, the proponent should be requested to address the following items in a revised Planning Proposal:
  - a) The Planning Proposal has been considered in the context of additional permitted uses rather than a rezoning and currently proposes to enable 'depot, light industry and warehouse or distribution centre' on the site. This would facilitate a broad range of landuses and needs further refining to restrict the additional permitted uses to those specifically required to regularise the existing uses.
  - b) The Planning Proposal be amended to include a specific maximum GFA for the site so the quantum of the site's future development potential is clearly understood.
  - c) The Planning Proposal be updated to address the findings of the 2022 NSW Flood Inquiry which highlights the importance of taking a proactive, risk-based approach to flooding and planning decisions about land use.
  - d) The Planning Proposal be amended to include reference to the relevant development controls relating to the site and development, and whether Chapter 2 Part D of the Hawkesbury DCP applies to the site. If it does not, a mechanism for those provisions to apply to any future development application enabled by the Planning Proposal should be outlined.
  - e) The Planning Proposal be amended to ensure the protection of the landscaped setback / buffer around the perimeter of the site to protect the visual setting, amenity and transition to the adjoining low density residential areas to the east and semi-rural to the north and west of the site.
  - f) The Planning Proposal be updated to include commentary on the applicability of State Environmental Planning Policy (Precincts—Central River City) 2021 to the site and commentary of the consistency of the Planning Proposal with this State Environment Planning Policy.
3. Council give consideration as to whether they should enter into a VPA with the proponent.

