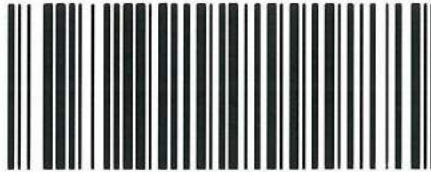


Hawkesbury City Council

Our Ref: LEP007/15
9 June 2016



PCU065688

Ms Catherine Van Laeren
Director, Sydney Region West
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

366 George Street
(PO Box 146)
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4587 7740
DX: 8601 Windsor

Dear Ms Van Laeren

Planning Proposal for Lot 23 DP 778553, 280 Castlereagh Road, AGNUS BANKS NSW 2753

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), it is advised that Council at its meeting of 10 May 2016 resolved as follows:

That:

1. Council support the planning proposal for Lot 23 DP 778553, 280 Castlereagh Road, Agnes Banks to allow development of the land for a large lot rural residential development with a minimum lot size of not less than 4,000m².
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

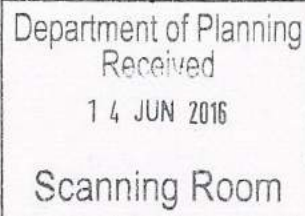
As per resolution item 2 enclosed for the Department's consideration is a copy of the planning proposal prepared in accordance with Section 55 of the Act together with a copy of Council's report and resolution on the matter.

As per resolution item 3 Council requests a Written Authorisation to Exercise Delegation to make the Plan. Please find attached the completed Evaluation Criteria for the delegation of plan making functions.

Should you have any enquiries regarding this matter please contact Karu Wijayasinghe (02) 45604546.

Yours faithfully

Karu Wijayasinghe
Senior Strategic Land Use Planner
Direct Line: (02) 4560 4546
Attach 1: Planning Proposal
Attach 2: Council Report and Resolution 25 August 2015
Attach 3: Completed Evaluation Criteria



Where people make the difference.

All communications to be addressed to the General Manager
P.O. Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
E-mail: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm

English

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聯絡 Hawkesbury City Council 查詢。

Hindi

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02 4560 4444

GLENN FALSON

Urban & Rural Planning Consultant ABN 95292937939

STATEMENT IN SUPPORT OF REZONING (PLANNING PROPOSAL)

RURAL – RESIDENTIAL SUBDIVISION

Lot 23 DP 778553

Castlereagh Road, Agnes Banks



March 2015
(Ref: 141191)

Prepared by Glenn Falson
BA; LG(Ord4); DTCP; M.EnvL; MPIA

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Page 1 of 35

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Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	5
The Planning Proposal	5
Background.....	5
DESCRIPTION OF LAND AND SURROUNDING LOCALITY.....	6
Location.....	6
Site description	7
Locality Description	7
Topography	7
Soils	7
Agricultural Land	8
European Heritage	8
Aboriginal Cultural Heritage	9
Landscape, Visual and Open Space Values	9
Ecology	9
Bushfire	10
Access and Transport	10
Utilities and Services Infrastructure	11
Community Facilities and Human Services	12
Alternative Land Uses	12
Subdivision Design	12
STATUTORY PLANNING POLICIES AND CONTROLS.....	12
Land Use Zoning	12
State Planning Controls and Policies	13
Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995).....	13
State Environmental Planning Policy 44 – Koala Habitat	13
SEPP5 – Remediation of Land	14
SREP5 No 20 – Hawkesbury Nepean River.....	14
Regional Planning Controls and Policies	16
Sydney Metropolitan Strategy	16
Local Planning Controls and Policies	17
Hawkesbury Local Environmental Plan 2012.	17
Hawkesbury Residential Lands Strategy 2010.	17
Hawkesbury Employment Lands Strategy 2008.	18
Community Strategic Plan 2010-2030	18
Our City Our Future - Rural Rezoning Policy 1998.....	19
MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL.....	21
JUSTIFICATION STATEMENT (S 55(1) OF THE ACT	21
Part 1 - Objectives or Intended Outcomes.....	22
Part 2 - Explanation of Provisions	22

Part 3 - Justification	22
Part 4 - Mapping	33
Part 5 – Community consultation	34
Part 6 – Project Timeline.....	34
CONCLUSION.....	35

Executive Summary

The site at Agnes Banks is a 2.0ha single allotment. It is located on the northern fringe of the Agnes Banks township and adjoins rural/residential lots on all sides of varying sizes.

Council's Residential Strategy has identified specific areas / localities that are considered by the Council as suitable for further investigation for urban expansion and in a range of lot sizes from traditional small residential lots to larger periphery lots that might form a transition from the denser urban areas to the rural surrounding areas. The site is within an area identified within Council's strategy for investigation and assessment for smaller lots commensurate with available services and infrastructure.

Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into four lots that would be in character with other lands in the vicinity and would form an appropriate component of the Agnes Banks township expansion. A plan of proposed subdivision has been prepared that shows four allotments, with areas of 4,000m², 4,000m², 6,636m² and 5,343m².

The land has a reticulated water supply and sewerage past its frontage. It is not known at this stage if each proposed lot would be able to connect to these services however the each lot is capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control can be satisfied. Electricity, telephone, garbage and recycling facilities are available to the site.

The conclusion is that the site is appropriate for subdivision as proposed and that the current Lot Size Map should be altered to account for subdivision of the land into lots of minimum size 4,000m² or, if more appropriate, that there be a clause amendment inserted into the LEP to permit the subdivision generally as proposed.

It is understood that the general market for all types of land within the Hawkesbury LGA is strong and consistent with a short supply of lots including rural, rural/residential, and residential.

It has been identified that there is a need for an additional 5-6,000 dwelling sites in the Hawkesbury LGA to 2031. Existing zoned areas are mostly built out hence the need identified within Council's strategy to look for additional sites including those around the perimeter of existing towns and villages. The subject proposal will assist in satisfying, in some way, this identified demand and is consistent with strategies identified within Council's Residential Land Strategy.

Introduction

The Planning Proposal

The Planning Proposal has been prepared on behalf of the landowner and it is submitted to Hawkesbury City Council to request that the current LEP Lot Size Map be altered to provide for lots with a minimum of 4,000m² or alternatively that it be permitted as a clause amendment to the LEP.

This Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guidelines prepared by the Department of Planning and Infrastructure entitled "A guide to preparing Planning Proposals", dated October 2012.

The Planning Proposal is in support of a rezoning proposal for land that is on the northern fringe of the Agnes Banks township. The premise of the proposal is that it recognizes that the subject land is, prima facie, suitable for large lot residential use and would be appropriate fringe development for Agnes Banks. It is concluded that subdivision of this land is appropriate in the circumstances of the case and would be consistent with the direction identified in Council's recent Residential Strategy.

Attached to this submission is a draft plan of subdivision for four (4) large lot residential lots with areas ranging from 4,000m² to 6636m².

An LEP Gateway determination will allow for any further detailed site investigation to occur where necessary however it is believed that matters of effluent disposal, bushfire protection, access and flora/fauna matters are all appropriate. There is, therefore, considered to be prima facie evidence that the site can be developed by the creation of four lots and that dwellings can be developed on the proposed vacant lots. It is believed that no further studies are required in conjunction with this Planning Proposal at this stage or its process to the Department of Planning & Environment's Gateway determination.

Background

The Hawkesbury Residential Land Strategy is the document prepared by Council to guide future residential development within the LGA, with

the aim of accommodating between 5,000 and 6,000 new dwellings by 2031.

The Strategy identifies that existing centres within the Hawkesbury only have the potential to accommodate approximately 600 of the total 5,000 – 6,000 required new dwellings. The remaining 5,400 dwellings need to be provided from greenfield sites and/or development around the periphery of existing towns and villages or as infill development as recommended in the Strategy as follows:

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such, the Hawkesbury Residential Land Strategy has developed a strategy for large lot residential or rural residential development to focus around existing rural villages.

The future development of rural villages is recommended to:

- _ Be low density and large lot residential dwellings, which focus on proximity to villages and services and facilities; and*
- _ Minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.*

Additionally development within and adjacent to rural villages must:

- _ Be able to have onsite sewerage disposal;*
- _ Cluster around or on the periphery of villages;*
- _ Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- _ Address environmental constraints and with minimal environmental impacts; and*
- _ Only occur within the capacity of the rural village.¹*

The Planning Proposal site's location and its attributes are considered to meet the above criteria.

Description of Land and Surrounding Locality

Location

The site is located approximately 60km north west of the Sydney CBD, and is on the northern fringe of the existing residential zoned component of the Agnes Banks township. Agnes Banks (and the

¹ Hawkesbury Residential Land Strategy 2010, exec summary, page viii.

subject site) is situated on Castlereagh Road which is a controlled State road under the management of the Roads & Maritime Services. It forms one of the main links between Richmond and Penrith.

Agnes Banks is approximately 4km south of Richmond which is the major commercial and service town in the locality and the Hawkesbury LGA generally.

Agnes Banks is a small town. As well as a residential component it has surrounding rural lands much of which is flood liable.

Site description

The site is comprised of one (1) allotment being Lot 23 DP 778553 has an area of 2.00ha.

There is an existing dwelling on the land approximately in the middle of the site which will be contained on proposed Lot 33. An existing agricultural shed is contained on proposed Lot 34 and proposed Lots 31 and 32 are vacant. The site is a corner allotment and has frontage to Crowleys Lane as well as Castlereagh Road.

The site has some scattered vegetation however is generally cleared except for shade trees.

The site is relatively level and there are good building sites on the three proposed lots that do not already contain dwellings.

The existing dwelling and proposed dwelling sites are clear of vegetation.

Locality Description

The site is located on the northern fringe of Agnes Banks and is surrounded by mostly small lot rural/residential properties and is close to the zoned residential part of the township. There are houses adjoining the site on all sides.

Topography

The land is virtually flat and is above the assessed 1:100 flood level.

Soils

The acid sulfate soil map contained within Hawkesbury's Local Environmental Plan 2012 indicates that the property is within a class 5 soil classification. Most of the Hawkesbury LGA is covered with this same classification. There is no particular requirement for development within this soil class area unless extensive earthworks are undertaken and when such might be close to waterways etc.

Agricultural Land

The site is within Class 3 agricultural land classification in accordance with the Land Classification mapping of the NSW Department of Primary Industries. The Agricultural Land Classification Atlas for the Sydney Basin and Lower Nepean – Hawkesbury Catchment defines these classes as:

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

The surrounding land uses, the small size of the land, existing vegetation and proximity of Agnes Banks township are all disincentives to any high order agricultural use. As a result, light grazing is identified as the highest agricultural value which can be placed on the land or even this is doubtful given the existing small size of the site and surrounding development.

The current owner has used the property as a single large lot residential use and this is how it has been for many years.

It is considered that subdivision of the land as proposed would be consistent with this current use and have no impact on primary production capacity.

European Heritage

The Hawkesbury LGA has a diverse cultural heritage which includes cultural landscapes, roadways, historic buildings and infrastructure. The Hawkesbury LGA has heritage that dates back to the earliest years of colonial settlement, including four of the five Macquarie Towns.

The site does not contain a heritage listed item and there are none nearby that would be impacted on by the subdivision proposal.

Aboriginal Cultural Heritage

Whilst the Hawkesbury LGA has a rich Aboriginal archaeological heritage there are no known sites on the subject land or in its close vicinity. Normal awareness during construction of a dwelling and vehicle access would be appropriate and is what Council requires for any new construction.

Landscape, Visual and Open Space Values

The site has some scattered vegetation. There would not be any substantive change to the landscape of the site or surroundings if the subdivision were to proceed. Additional dwellings are not beyond the capacity of the land and development of the land as proposed would be hardly distinguishable in the context of the site and its surrounds.

Ecology



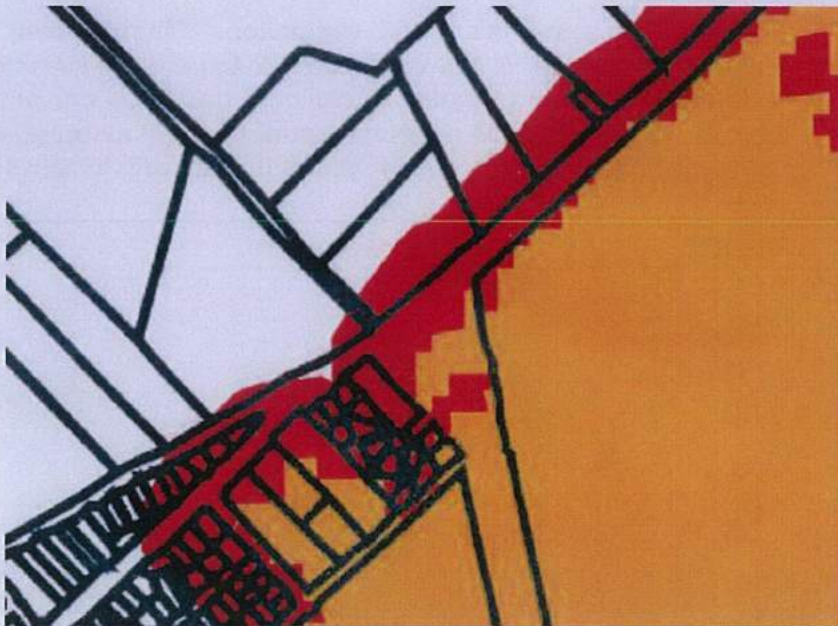
Extract of LEP Biodiversity Map

Despite that the site only has scattered vegetation shade trees the site is included in the Terrestrial Biodiversity Map within Council's LEP 2012. The map indicates that approximately 3/4 of the site is classed as "significant vegetation".

Whilst a flora/fauna assessment of the site has not been carried out at this stage it can be seen from perusal of the aerial photograph of the

site on the cover of this report that the subdivision and dwelling locations can take place without impact on vegetation. It is not considered that a formal report on flora/fauna of the site is required at this stage but would be more appropriate if identified through the Gateway process of the Department of Planning & Infrastructure. In reality however vegetation will not be affected and a flora/fauna assessment is probably not required.

Bushfire



Council's Bushfire Prone Land Map (extract above) identifies the site as being partly within a Bushfire Prone Land – Vegetation Buffer area (area identified in red).

While no formal bushfire assessment has been undertaken at this stage it is believed that there is more than sufficient room on each proposed lot to site a dwelling that complies with Planning for Bushfire 2006 including appropriate access, asset protection zones, water supply etc. Again a formal bushfire report could be done as part of the Gateway process at a later stage if required.

Access and Transport

There is a possible road widening proposal that affects the land and is shown on Council's LEP maps (extract below). This area is shown on the subdivision plan as a restriction on the use of land. It does not impact on the ability of the land to contain a subdivision as proposed.



Castlereagh Road would continue to provide access to the existing dwelling on Lot 33 and also to Lot 34. Lots 31 and 32 would have access of Crowleys Lane.

Castlereagh Road is a classified road under the management of the Roads & Maritime Services and, being one of the main connector roads between Penrith and Richmond, is in good condition. Crowleys Land is an undivided local 2 lane roads under the control of Hawkesbury Access to each lot relatively level and good sight distances exist in each direction.

There is a local bus that goes along Castlereagh Road that links Penrith with Richmond. Both Penrith and Richmond have metropolitan train stations that link with Sydney.

Utilities and Services Infrastructure

Reticulated water and sewer goes past the front of the site along Castlereagh Road. It is not known at this stage whether the subdivision will be able to connect to these services however they are not relied upon to enable the lots to be created which are of a size where on-site effluent disposal can take place.

Electricity and telephone are available to the site.

Garbage and recycling services are provided to the site and would be available to the additional lots created.

Community Facilities and Human Services

The following facilities are available within Richmond which is only 4km from the site:

- Primary schools.
- High School
- Shops including super markets, newsagents and a variety of specialty shops.
- Cafes and restaurants.
- Service stations.

Alternative Land Uses

Council's LEP 2012 does allow a range of uses in the current RU4 zoned land however the only reasonable alternative use for the site would be the continued current use as a rural/residential lot. As mentioned the site is too small for any meaningful agricultural use and is constrained by some vegetation cover.

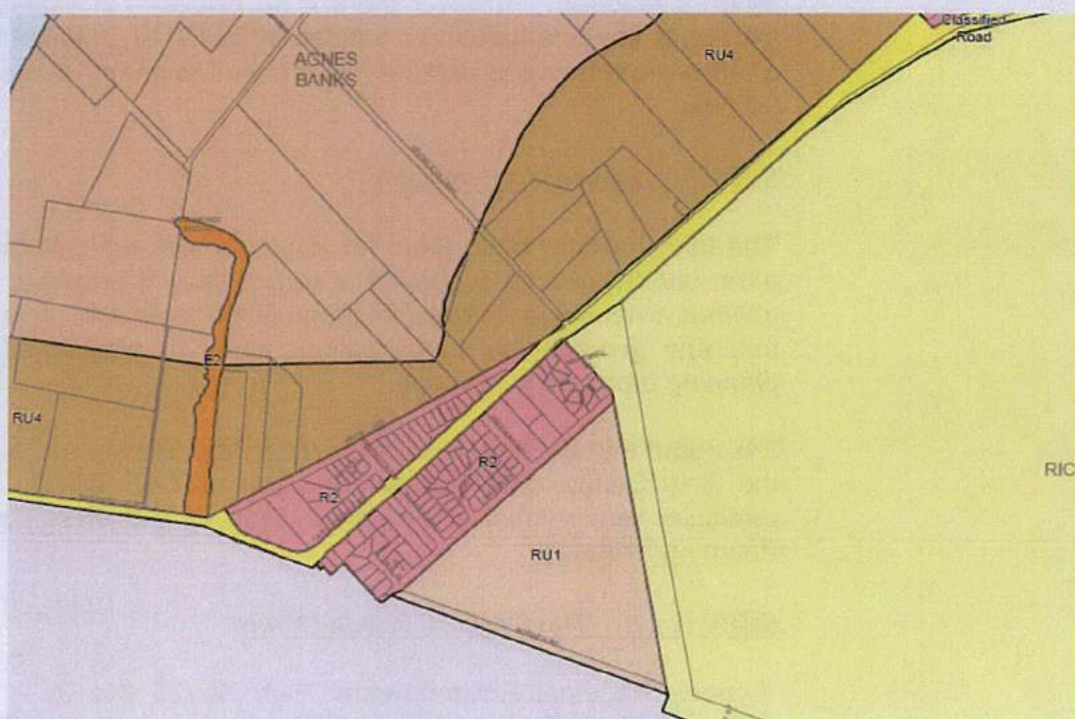
Subdivision Design

The plan of subdivision shows four large lot residential ranging from 4,000m² to 6,836m². It is recognised that this lot layout is for preliminary discussion purposes and may alter slightly following from detailed site investigations. Suffice to say that there is prima facie evidence to suggest that the land is capable of subdivision generally as proposed.

Statutory Planning Policies and Controls

Land Use Zoning

The site is currently zoned RU4 – Primary Production Small Lots under Hawkesbury LEP 2012 (extract of LEP map below).



The lot size map within the LEP provides for a minimum lot size of 2ha within the RU4 zone.

State Planning Controls and Policies

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

The primary aim of SREP No 9 (No 2-1995) is 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 site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

State Environmental Planning Policy 44 – Koala Habitat

State Environmental Planning Policy 44 – Koala Habitat Assessment is applicable. A formal assessment of the site against this Policy has not been done however would be included in any subsequent flora/fauna report if required. However there is no evidence of koalas on site and the site is not core habitat as defined by SEPP44. It is not believed that a formal flora/fauna assessment is required to enable this subdivision to proceed.

SEPP55 – Remediation of Land

The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed.

It is noted that the land is within class 5 Acid Sulfate soil as identified in the Acid Sulfate Soil Map forming part of LEP 2012. There is no particular requirement arising as a result of this classification for this Planning Proposal.

SREP No 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No 20 (No 2) – Hawkesbury Nepean River [From 1st July 2009 existing Regional Environmental Plans become a “deemed” SEPP under Division 2, Part 3 of the EP&A Act].

The aim of SREP 20 is to protect the environment of the Hawkesbury – Nepean River System by ensuring that the impacts of future land uses are considered in a regional context. Part 2 of SREP20 provides general planning considerations and recommended strategies. The following specific policies are relevant:

1. Total Catchment Management

Policy: Total catchment management is to be integrated with environmental planning for the catchment.

Strategies

- a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant a significant adverse environmental effect from the proposal.*
- b) Consider the impact of the development concerned on the catchment.*

c) Consider the cumulative environmental impact of proposals on the catchment.

The proposal is a minor spot rezoning that would have little impact on the river or its catchment. This type of development is envisaged by Council's Residential Land Strategy. Any cumulative impact would be recognised as suitable in the context of expanding towns and villages as promoted by Council's strategy.

The subdivision as such will have no impact on water quality although future additional dwellings on the site would need to be designed in an appropriate manner such that water quality is not adversely impacted. Appropriate mechanisms exist to ensure appropriate water quality can be put into place within the subdivision design and layout of access and building envelopes. This is a matter for detail at a subsequent stage.

6. Flora and Fauna

Policy: Manage flora and fauna communities so that diversity of species and genetics within the catchment is conserved and enhanced.

The land contains areas on each proposed lot to enable continuation and/or construction of a dwelling and associated infrastructure. It is understood that a formal flora/fauna assessment and a bushfire assessment may be required at a future stage however at this stage it is considered that there is prima facie evidence to suggest that each lot can be developed with adequate regard to flora/fauna established concepts. It is noted that whilst Council's biodiversity map shows approximately ¾ of the site as containing significant vegetation it is obvious from looking at the aerial photograph and from a site inspection that the biodiversity map requires amending.

9. Rural Residential Development

Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).

As mentioned the land is class 3 agricultural land of limited potential. The site is within that generally identified by Council as having some urban potential and thus development such as proposed is anticipated. It is believed that the environmental impacts will be satisfactory.

Regional Planning Controls and Policies

Sydney Metropolitan Strategy

The Metropolitan Plan for Sydney 2036 is applicable. The Metropolitan Plan 2036 (the Plan) is the strategic plan that guides Sydney's growth to 2036. The Plan is an integrated, long-term planning framework that will significantly manage Sydney's growth and economic development to 2036.

The Plan sets capacity targets for each subregion to facilitate housing and economic growth through providing more jobs closer to home. The Plan anticipates the North West to provide an additional 169,000 dwellings by 2036.

The Hawkesbury Residential Land Strategy is Council's response to implementing the Metro Strategy as far as it applies to the Hawkesbury LGA. The proposal arises out of Council's Strategy identifying a need for further urban development on the periphery of existing towns and villages subject to relevant criteria.

Draft North West Subregional Strategy

The Metropolitan Plan has been developed to set the framework targets for 10 Metropolitan subregions to provide for major growth in housing and employment.

The North West subregional planning strategy, which covers, inter alia, the LGA of Hawkesbury sets the broad direction for additional dwelling and employment growth.

This Strategy is split up into a number of sub-regional strategies including the North West Subregional Strategy which provides for the Hawkesbury LGA to accommodate an additional 5,000 dwellings to 2036.

The draft subregional strategy acknowledges that the Hawkesbury LGA is largely constrained by the Hawkesbury Nepean flood plain, with limited capacity for additional growth to the south of the Hawkesbury River due to the risk of flooding.

Whilst the draft subregional strategy identifies and assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north/west of the River, in association

with existing local centres it does recognise some pockets of growth potential on the southern (eastern) side of the river. One of the identified areas is that around Agnes Banks and above the 1:100 flood line. This Planning Proposal is consistent with this objective and is consistent with the further detailed investigation carried out by Council through its Residential Land Strategy.

Local Planning Controls and Policies

Hawkesbury Local Environmental Plan 2012.

Hawkesbury LEP 2012 is the current LEP applying to the site and the Hawkesbury LGA. The land is zoned RU4 – Primary Production Small Lots and the Lot Size Map within the LEP provides that subdivided lots are to have a minimum area of 2ha.

To alter the minimum lot size provisions requires an alteration to the LEP through the Planning Proposal process.

Hawkesbury Residential Lands Strategy 2010.

Council adopted the Strategy to guide it in future development of zoned residential lands and lands in proximity of zoned residential lands. The Strategy identifies that existing centres only have the potential to accommodate approximately 600 of the total 5,000 – 6,000 required new dwellings for the LGA as identified in the North Western Sub Regional Strategy. The remaining 5,400 dwellings need to be provided from greenfield sites, infill development and incremental development around existing towns and villages.

The Residential Lands strategy included a recommendation as follows:

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such, the Hawkesbury Residential Land Strategy has developed a strategy for large lot residential or rural residential development to focus around existing rural villages.

The future development of rural villages is recommended to:

- _ Be low density and large lot residential dwellings, which focus on proximity to villages and services and facilities; and*
 - _ Minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.*
- Additionally development within and adjacent to rural villages must:*
- _ Be able to have onsite sewerage disposal;*

- _ Cluster around or on the periphery of villages;*
- _ Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- _ Address environmental constraints and with minimal environmental impacts; and*
- _ Only occur within the capacity of the rural village.*

The proposal has been designed and the site is located to meet the above requirements.

Hawkesbury Employment Lands Strategy 2008.

The Employment Lands Strategy identifies Kurmond as having a local neighbourhood commercial centre. The Strategy makes the following recommendations in respect of what should happen with Kurmond.

Richmond and North Richmond centres may have opportunities for growth due to lower flood impacts. Both are minimally affected by the 1:100 year flood level. In terms of infrastructure however, Richmond is accessible by rail while North Richmond is only accessible by road. Structure planning is required to reconfigure the existing business zoned land to increase the opportunity for additional floor space.²

The proposal is consistent with the recommendations for Richmond.

Community Strategic Plan 2013-2032

The Hawkesbury Community Strategic Plan 2013–2032 is based on five themes:

- Looking after people and place
- Caring for our environment
- Linking the Hawkesbury
- Supporting business and local jobs
- Shaping our future together

Each theme contains a number of Directions, Strategies, Goals and Measures.

There is no specific strategy relating to subdivision around villages and the Planning Proposal is not inconsistent with any of the broad themes within the Strategic Plan. Of relevance is that the Planning Proposal is consistent with the “looking after people and place” directions statement in that:

² Hawkesbury Employment Lands Strategy, 2008, p113.

- It offers future residents a choice of housing options that are appropriate in the context of the site and overall qualities of the Hawkesbury.
- Any population increase resulting from the Planning Proposal will have appropriate infrastructure provision and will accord with relevant rural, environmental and heritage characteristics of the Hawkesbury.
- It will provide for appropriate development and promote physical and community infrastructure on both sides of the Hawkesbury River.

Of further relevance is that the Planning Proposal is consistent with the strategy contained in the Community Plan that identifies community needs (additional housing opportunities), establishes an appropriate benchmark and ensures that required services and facilities are available and can be delivered.

Our City Our Future - Rural Rezoning Policy 1998

This policy was adopted in 1998 and has somewhat been superseded by more current policies of Council. However the provisions of the policy are indicated below with comments on each.

1.0 Purpose of the Policy

1. That the following principles be adopted for consideration of rural rezonings to allow smaller lot subdivision :

a. Fragmentation of land is to be minimised;

The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of this land is envisaged by this subsequent strategy.

b. Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages;

The proposal is consistent with this principle.

c. No subdivision along main roads and any subdivision to be effectively screened from minor roads;

Whilst the site has a frontage to Castlereagh Road (a main road) there is an existing access point from this road. The additional lot proposed that would also have access from Castlereagh Road would be close to the existing access and these two lots could even share an access point if required with reciprocal rights-of-way.

d. No subdivision along ridgelines or escarpments;

The site is not on a ridgeline or in an escarpment area.

e. Where on site effluent disposal is proposed, lots are to have an area of at least 1 (one) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation;

Each lot has a minimum area of 4,000m² which is the recognised minimum area for on-site effluent disposal of effluent arising from later investigations of Council. A geotechnical assessment can be carried out at a later part of investigation of this Planning Proposal or as part of a subsequent development application for subdivision once the rezoning takes place.

f. The existing proportion of tree coverage on any site is to be retained or enhanced;

The subdivision does not propose removal of vegetation. The existing dwelling and the location of dwellings on the vacant lots would have sufficient open area around them for bushfire asset protection zones. Some bushfire vegetation management may be required however this would be minimal.

g. Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.

The rezoning process has altered since this policy of Council. The Gateway Process will dictate whether further studies are required. Council has embarked on preparation of a S94 Plan and this is expected to be completed in July/August of 2015.

h. Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

The form of title for subdivision of the land has not been determined. Community title can be investigated should the Planning Proposal proceed although there is not believed to be any advantage for this

subdivision to be in community title as there are no environmental features that need to be controlled via this form of title.

2. Prepare a draft local environmental plan to alter minimum requirements to average requirements with an absolute minimum requirement sufficient to contain on site effluent disposal. A clause is to be added to Hawkesbury Local Environmental Plan 1989, prohibiting any further subdivision of the residue lot if all subdivision entitlement is exhausted.

These controls can be imposed and is a matter for Council when considering support of the Planning Proposal.

3. As a means of encouraging the retention of large holdings, a concessional lot entitlement of up to 50% of the existing legal entitlement be considered under State Environmental Planning Policy No 1 where a land holding has an area in excess of 40 (forty) hectares and where the subdivision will maximise the area of a single residue lot through the provision of small rural residential lots.

Such subdivision proposals are to comply with the principles of this document with a clause to be added to Hawkesbury Local Environmental Plan 1989, prohibiting any further subdivision of the residue lot if all subdivision entitlement is exhausted.

Not applicable as land is less than 40ha and SEPP1 no longer exists in the Hawkesbury LGA.

4. Vineyard - In accordance with previous resolutions and resident representations urban development with appropriate services should be supported.

Not applicable.

Matters to be addressed in a planning proposal Justification Statement (s 55(1) of the Act)

The Planning Proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure *A Guide to Preparing Local Environmental Plans* (October 2012). The Proposal is structured in the following parts:

1. Objectives or Intended Outcomes;
2. Explanation of Provisions;
3. Justification;
 - a) Need for the Planning Proposal;
 - b) Relationship to Strategic Planning Framework;
 - c) Environmental, Social & Economic Impact;
 - d) State and Commonwealth Interests;

4. Mapping;
5. Community Consultation;
6. Project Timeline.

Part 1 - Objectives or Intended Outcomes

The objective or the intended outcome of the planning proposal is to amend the Lot Size Map of the LEP to enable potential subdivision of Lot 23 DP 778553, 280 Castlereagh Road, Agnes Banks (the subject site) into four large residential lots with a minimum lot size of not less than 4,000m².

Part 2 - Explanation of Provisions

This part of the planning proposal describes how the objective or intended outcome described in Part 1 will be achieved.

Mapping Amendment to Hawkesbury Local Environmental Plan 2012

This planning proposal involves only a mapping amendment and there are no amendments to the written LEP.

Lot Size Map Amendment

The planning proposal seeks to amend the Lot Size Map (Map Ref. Map 3800_COM_LSZ_008BA_020_20140131) of the LEP to change the minimum lot size applying to the subject land to 4,000m².

Part 3 - Justification

Section A - Need for the planning proposal.

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

Council's Residential Land Strategy 2010 and the North West Sub-Region Strategy indicate the goal of providing further 5-6,000 dwellings within the Hawkesbury LGA by 2031.

The Planning Proposal is a result of the landowner's request for Council to consider further development of the site as being consistent with land within the Agnes Banks township and potential arising from the Residential Land Strategy. Investigations reveal an indication within the Residential Lands Strategy that required a vibrant future for small villages including the development around their perimeters

commensurate with appropriate access and facilities. The site is within such an identified area.

The use of the LEP Gateway determination process will assist in an incremental way, the achievements of the strategic objectives of the Sub-Regional Strategy and Hawkesbury Residential Land Strategy.

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

The current Lot Size Map does not allow for subdivision in the manner proposed. A planning proposal and subsequent local environmental plan is the most appropriate and easiest way to bring about development of the subject land to be consistent with Council's Residential Lands Strategy. The subject site is in an obvious location for fringe expansion of Agnes Banks whilst at the same time recognizing environmental features of the site. The proposed preliminary subdivision layout is suitable for the site and does not compromise the environmental capacity of the land.

The alternative to altering the Lot Size Map would be to actually rezone the site to a "best fit" zone within the standard instrument list of zones such as R5 Large Lot Residential or RU5 Village, or to insert an enabling clause within the LEP. It is considered that neither of these zones (or any other zone) would be appropriate unless coming from a detailed study of a broader area. In the meantime the existing zone objectives are still appropriate and will ensure an adequate fit of the subdivision and adequate control of development. Changing the Lot Size Map or inserting an enabling clause is easier, efficient and can be done in a timely manner whilst maintaining the philosophy of the Standard Instrument LEP.

The Planning Proposal is a key means of achieving the State and Regional objectives and strategic outcomes within the Hawkesbury LGA, specifically the housing targets set by Council's Residential Land Strategy and the North-West Subregional Strategy. Whilst there are some large lot yield proposals currently with Council and the Department of Planning & Environment, the total proposed yield to 2031 can only be addressed if smaller proposals such as this are included alongside larger proposals. In this way there will be a variety of housing choices brought to the market and smaller landholders are seen to be part of the process and an integral component of local communities.

Section B - Relationship to strategic planning framework.

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

The Metropolitan Plan for Sydney 2036

The Sydney Metropolitan Strategy – City of Cities: A Plan for Sydney's Future (the Metro Strategy) was released in 2005 to support growth while balancing social and environmental impacts over 25 years. The Metro Strategy has now been updated and integrated with the Metropolitan Transport Plan towards greater sustainability, affordability, liveability and equity for generations to come.

The below table provides assessment of the Planning Proposal against the relevant objectives and actions of the Metropolitan Plan for Sydney 2036.

Actions	Response
Objective B1 – to focus activity in accessible centres.	The proposal provides for fringe development on the north of Agnes Banks township.
Action B1.1 – plan for centres to grow and change over time.	The proposal assists in carrying out this action.
Action B1.3 – aim to locate 80% of all new housing within walking catchments of existing and planned centres of all sizes with good public transport.	The site is cycling distance of Richmond and there is a bus route to the larger centres of Richmond and Penrith.
B3.1 Plan for new centres in existing urban areas and greenfield release areas.	The site adjoins an existing village area and a logical one for large lot residential lots as proposed.

Objective D1 – to ensure an adequate supply of land and sites for residential development.	The proposal is for large lot residential development. There is a demand for this type of development which is in short supply within the Hawkesbury LGA.
Action D1.1 – locate at least 70% of new housing within existing urban areas and up to 30% in new release area.	The site adjoins Agnes Banks and is consistent with development envisaged by Council's Residential Land Strategy.
D1.2 - reflect new subregional housing targets in Subregional Strategies and Local Environmental Plans, and monitor their achievement.	The proposal will assist in the sub regional strategy of providing for an additional 5-6,000 house sites by 2031.
Objective D2 – to produce housing that suits expected future needs.	There is an expectation within the village areas of the Hawkesbury LGA that additional housing opportunities will occur commensurate with projected growth.
Action D2.1 – ensure local planning controls include more low rise medium density housing in and around smaller local centres.	The proposal does not achieve this action. Agnes Banks is not currently provided with adequate water and sewer services to provide for low rise medium density housing.
D3.1 Explore incentives to deliver moderately priced rental and purchase housing across all subregions.	The proposal will assist in meeting demand for rural/residential and large lot residential housing that, like all other housing types, is in short supply within the Hawkesbury LGA.
Objective F1 – to contain Sydney's urban footprint.	The proposal is on the fringe of Agnes Banks and envisaged by Council's Residential Strategy as being within an area for limited growth.
Objective F2 - to	The site has limited opportunities for

maintain and protect agricultural activities and resource lands	agriculture however the relatively small size of the land, proximity of housing, and vegetation constraints suggests that any meaningful agricultural use is nonexistent.
Objective G5 – to achieve sustainable water use.	Water sensitive design can be incorporated into future dwelling applications to Council.
Objective G6 - to protect Sydney's unique diversity of plants and animals.	Whilst the site contains some significant vegetation there would be little or no impact on this. Final lot design can be part of a discussion along with the application process with council however the preliminary design would seem to allow adequate on-site effluent disposal, bushfire asset protection zones and minimize any impact on flora/fauna.
Objective H3 – to provide healthy, safe and inclusive places based on active transport. Action H3.1 – design and plan for healthy, safe, accessible and inclusive places.	There is limited transport within the rural village areas of the Hawkesbury LGA. However this site is within cycling distances to the local Richmond shopping centre and bus route that provides access to both Richmond and Penrith

Draft North West Subregional Strategy

The Draft North West Subregional Strategy identifies and assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north of the River in association with existing local centres. However limited growth areas are identified on the southern (eastern) side of the River. Whilst not specifically mentioned in the sub regional strategy Agnes Banks would fall within such a local centre.

The proposal is consistent, albeit in a small way, with the objective of a further 5-6,000 dwellings within the Hawkesbury LGA by 2031.

The Metropolitan Plan for Sydney 2036 can be viewed at <http://strategies.planning.nsw.gov.au/MetropolitanStrategyforSydney/PreviousMetropolitanstrategies.aspx>

The Subregional Strategy can be viewed at
<http://www.shop.nsw.gov.au/pubdetails.jsp?publication=7957>

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

The Planning Proposal is considered consistent with the following plans of Council:

- Residential Land Strategy 2010;
- Community Strategic Plan 2013-2032;
- Our City Our Future – Rural Subdivision Policy 1998.

Residential Land Strategy 2010

Council's Residential Land Strategy identifies that existing zoned land within the Hawkesbury only have the potential to accommodate approximately 600 of the total 5,000 – 6,000 required new dwellings to 2031.

Additionally the Strategy requires a vibrant future for small villages including the development around their perimeters commensurate with appropriate access and facilities. The site is on the fringe of the residential component of Agnes Banks and is within an area to be considered for development in accordance with Council's Strategy.

The Hawkesbury Residential Land Strategy can be viewed on Council's website www.hawkesbury.nsw.gov.au.

Community Strategic Plan 2013-2032

As mentioned earlier the Community Strategic Plan contains a number of themes which contains a number of Directions, Strategies, Goals and Measures.

There is no specific strategy relating to subdivision around villages and the Planning Proposal is not inconsistent with any of the broad themes within the Strategic Plan.

The Hawkesbury Community Strategic Plan 2013 - 2032 can be viewed on Council's website www.hawkesbury.nsw.gov.au.

Our City Our Future – Rural Subdivision Policy 1998

This Policy has largely been superseded by later Council policies. The proposal is consistent with the general philosophies within this policy or is justifiably inconsistent given that the site is within an area now identified as having urban potential.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the proposal is consistent with the following state policies:

SEPP 9 – Extractive Industry	The site is not identified as having a resource nor will its subdivision interfere with resource extraction identified within the SEPP.
SEPP 44 – Koala Habitat	There is no koala habitat on the site.
SEPP 55 – Remediation of Land	There is no past use of the land that would require a remediation plan being implemented.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not include provisions that contradict or hinder the application of the SEPP.
SREP 20 Hawkesbury Nepean River	The proposal is not inconsistent with the strategies contained within SREP 20.

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

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

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

- a. employment and resources
- b. environment and heritage
- c. housing, infrastructure and urban development

- d. hazard and risk
- e. regional planning
- f. local plan making.

The following section provides an assessment of the planning proposal against applicable Section 117 directions. A full copy of the directions can be viewed at

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

Direction	Consistency	Comments
1.2 Rural Zones	Yes	The proposal is considered to be of minor significance only in terms of impact on the available rural zones and rural/agricultural lands. The site has not been used for any form of meaningful rural/agricultural use in the past and is currently required to be mechanically slashed to keep grass and weed infestation at bay. Due to the location of the site adjacent to other small lots and because of vegetation on part of it the site is arguably not conducive to productive agricultural use. As the proposal is only for four large lot housing and/or rural/residential lots, provides a community benefit and is considered to be of minor significance the proposal does not warrant the preparation of a specific rural study particularly noting Council's Residential Strategy that identified sites such as this for village expansion.

3.1 Residential Zones	Yes	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. Subdivision of the land would allow for a variety of lot sizes and housing opportunities, enable connection to existing services (or be able to provide for separate water supply and effluent disposal) and be of appropriate environmental impact.
3.4 Integrated Land Use and Transport	Yes	The proposed rezoning will have no impact on transport. Agnes Banks is served by a local bus route and the proposal is of minor significance only. It is therefore considered that the proposal does not warrant the preparation of a specific study in accordance with this Direction.
4.1 Acid Sulfate Soils	Yes	The land is within that broad area in the locality covered by class 5 soil on Council's Acid Sulfate Soils Map within LEP 2012. The proposal is consistent with the Direction in that: • No works are proposed with the subdivision or subsequent dwellings that would require an assessment of soils. • The draft LEP is of minor significance.
4.4 Planning for Bushfire Protection	Yes	Matters of bushfire protection can be adequately incorporated into the subdivision including asset protection zones and management of vegetation.
6.1 Approval and Referral Requirements	Yes	The proposal is of minor local significance. There is no reason why any further development of the site would require consultation or referral procedures to be incorporated into the LEP. The proposal is therefore consistent with this Direction.

6.3 Site Specific Provisions	Yes	The proposal would maintain the existing zone within LEP 2012 but either alter the Lot Size Map to accord generally with the subdivision proposal or insert an enabling clause to the LEP which would provide for a maximum lot yield. Additionally there is no need for any specific development standards to be incorporated into the LEP. The proposal therefore is able to satisfy this Direction. The planning proposal will not provide any unnecessary restrictive site specific planning controls.
7.1 Implementation of the Metro Strategy	Yes	Agnes Banks is not mentioned within the Metropolitan Strategy and has no hierarchical status. It is not contained within the north-west growth centre. The proposal is of minor significance and reflects an appropriate low-scale development adjacent to an existing village and which is consistent with Council's Residential Strategy. The proposal is not inconsistent with the Metro Strategy and therefore complies with this Direction.

Section C – Environmental, social and economic impact

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

The site is cleared for where residential development would take place. It is not likely that there would be any impact on flora/fauna.

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

The following possible (but not probable) environmental effects are identified.

Water Quality

The proposal would rely on on-site disposal of effluent for each dwelling (existing and proposed). It is anticipated that appropriate on-site disposal systems can be designed for the site given the topography, grass cover and area available.

Bushfire Prone Land

Each lot is capable of containing appropriate asset protection zones.

Traffic and Access

The site fronts existing constructed roads. The entrances to the site have good sight distances in each direction and each lot would have appropriate access. Traffic generated from the proposal is capable of being adequately contained on the local road system.

Site Contamination

The site is classified as class 5 within Council's Acid Sulfate Soils Map within LEP 2012. It is unlikely that there will be any contamination issues arising from past rural/residential uses.

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

There are not any identified negative social or economic effects arising from this proposal. Positive outcomes are identified in terms of the following:

- Assisting local commercial and retail outlets.
- Assisting in maintaining local primary and high school student numbers.
- Consistency with Council's Residential Lands Strategy.
- Creation of additional housing opportunities (and thus conforming to the Metro Strategy).
- Creation of jobs during construction of a new dwelling.

Section D – State and Commonwealth interests

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

The proposal for four housing lots will not require the provision of additional public infrastructure.

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

Consultation has not occurred at this stage. It is anticipated that consultation will be undertaken with the following public authorities:

- Office of Environment and Heritage.
- Roads and Maritime Services.
- Rural Fire Service.
- Department of Trade & Investment – Mineral Resources Branch.

Part 4 - Mapping

Attached to this report are the following maps/diagrams:

- Aerial photo with the subject land outlined.
- Plan of proposed subdivision.
- Plan of current zone for the locality with subject land outlined.
- Plan of current Lot Size Map with the subject land outlined.
- Plan of land with subdivision outlined and suggested lot size map alterations.

The site and locality generally around the site is within a 10m building height limit as shown on Council's LEP Building Height Map.

The site is also shown on Council's LEP Biodiversity Map as being partly within a Significant Vegetation Area. There is also significant parts of the land clear of constraint. The Planning Proposal does not propose any alteration of this map and any subsequent subdivision of the land should work within this map constraint and provide appropriate mitigation measures. Notwithstanding however the map does not appear to be accurate as it relates to vegetation on the land. However It is unlikely that vegetation will be required to be removed as a consequence of future dwelling construction.

Part 5 – Community consultation

This is a matter for Council and the Department of Planning & Environment. It is envisaged that the proposal would be advertised in a local newspaper and that adjoining owners would be notified. A period of 14 days is considered sufficient community consultation for this planning proposal and would seem to be consistent with the Department of Planning & Industries "A guide to preparing local environmental plans".

Part 6 – Project Timeline

Project Phase	Indicative Timeline
1. Anticipated commencement date	12 weeks from date of referral to DP&I for Gateway determination
2. Completion of technical information prior to government agency consultation	6 weeks
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining/affected property owners, public notice in a local newspaper, and exhibition material	3 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions and a report on the matter to Council	10 weeks
7. Advice to the Department, the applicant and submission authors of Council's resolution	2 weeks
8. Request to PC to prepare a draft LEP under Section 59(1) of the Act with a copy of the request to DP & I	2 weeks
9. Finalisation of the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the	6 weeks

draft plan	
10. Request to the Department for online notification of the LEP	2 weeks

Conclusion

The subject site is on the northern fringe of the Agnes Banks residential area and is a site that has available low density urban infrastructure and is suitable for large lot residential subdivision as proposed.

The proposal would allow a reasonable low density housing use of the site and also provide reasonable large lot fringe development of the village.

Importantly the proposal is consistent with Council's adopted Residential Land Strategy as it provides larger residential lots within an existing urban area commensurate with available services. It is also consistent with the Metropolitan Strategy and Draft North Western Subregional Strategy in that it will assist in a small way of creating the target of 5-6,000 dwellings to 2031.

Additionally there is a multiplier effect associated with expenditure from subsequent access and dwelling construction which will be of benefit to the local community. This is manifest in the boost particularly to local shops and schools, provision of jobs, use of transport, and the strengthening of the general economic and social wellbeing of the local community.

There are no identified negative community impacts arising from the proposal.

It is believed that the planning proposal satisfies the requirements of the Department of Planning & Infrastructure for a Gateway Determination by the LEP Review Panel.

ORDINARY MEETING

Meeting Date: 10 May 2016

ITEM: 77 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- 280 Castlereagh Road, Agnes Banks - (95498, 124414)**

Applicant Name:	Glenn Falson Urban and Rural Planning Consultant
Planning Proposal No:	LEP007/15
Property Address:	280 Castlereagh Road, Agnes Banks
Owner/s:	DR and VJ Smith
Date Received:	1 December 2015
Current Minimum Lot Size:	2 Hectare
Proposed Minimum Lot Size:	4,000m ²
Current Zone:	Part RU4 Primary Production Small Lots and part SP2 Infrastructure
Site Area:	2ha
Recommendation:	Council support the planning proposal and submit to the Department of Planning and Environment for a "Gateway" determination

REPORT:

Executive Summary

Council has received a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the applicant) which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (the LEP) to enable potential subdivision of Lot 23 DP 778553, 280 Castlereagh Road Agnes Banks (the subject site) into four large residential lots with a minimum lot size of not less than 4,000m².

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

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks an amendment to the LEP in order to permit the subdivision of the subject site into four lots with a minimum lot size of not less than 4,000m².

The planning proposal aims to achieve the above proposed outcome by amending the Minimum Lot Size Map (Map Identification No. 3800_COM_LSZ_008BA_020_20140131) of the LEP. As an alternative, the applicant proposes that Council insert an appropriate provision in the LEP to limit the maximum lot yield of the subdivision of the subject site consistent with the planning proposal to allow the site to be subdivided into 4 large rural residential lots.

A concept plan of the proposed four lot subdivision is attached to this report for discussion purposes only in relation to the potential yield of the subject site, and does not form part of the planning proposal. The concept plan shows the proposed four lots ranging in size from 4,000m² to 6,636m². The concept plan is shown in Figure 1 below.

ORDINARY MEETING

Meeting Date: 10 May 2016

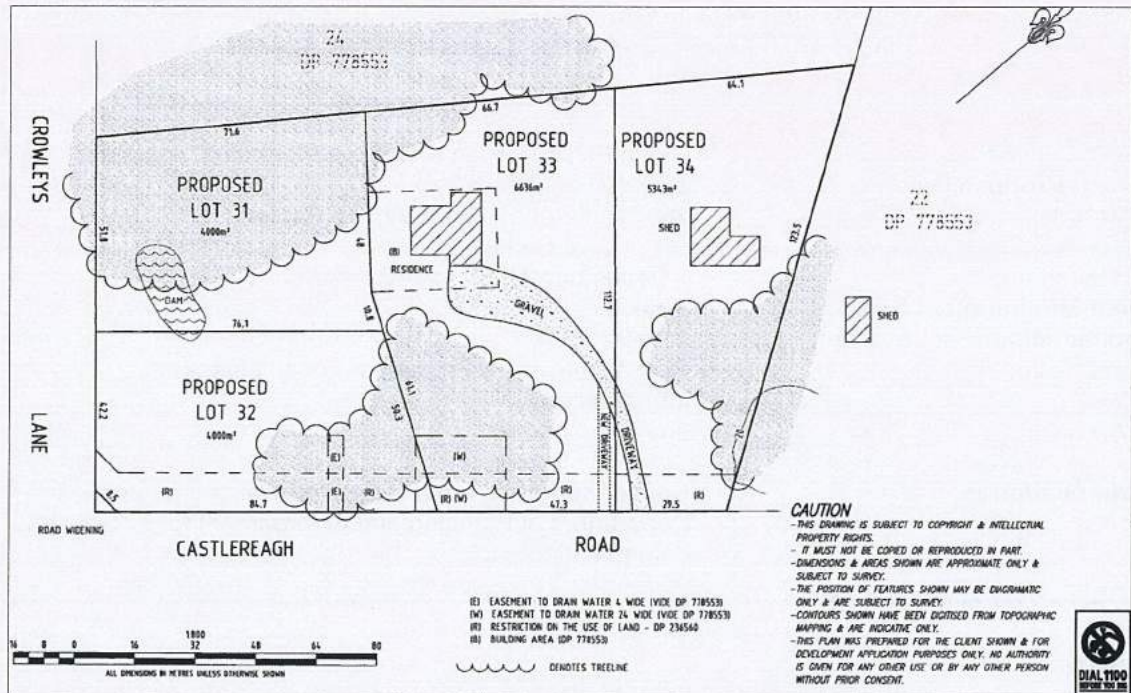


Figure 1: Subdivision Concept Plan (Not for Approval)

Subject Site and Surrounds

The subject site is legally described as Lot 23 DP 778553, and has a street address of 280 Castlereagh Road Agnes Banks. The subject site is located on the northern fringe of the existing low density residential development as highlighted in Figure 2.

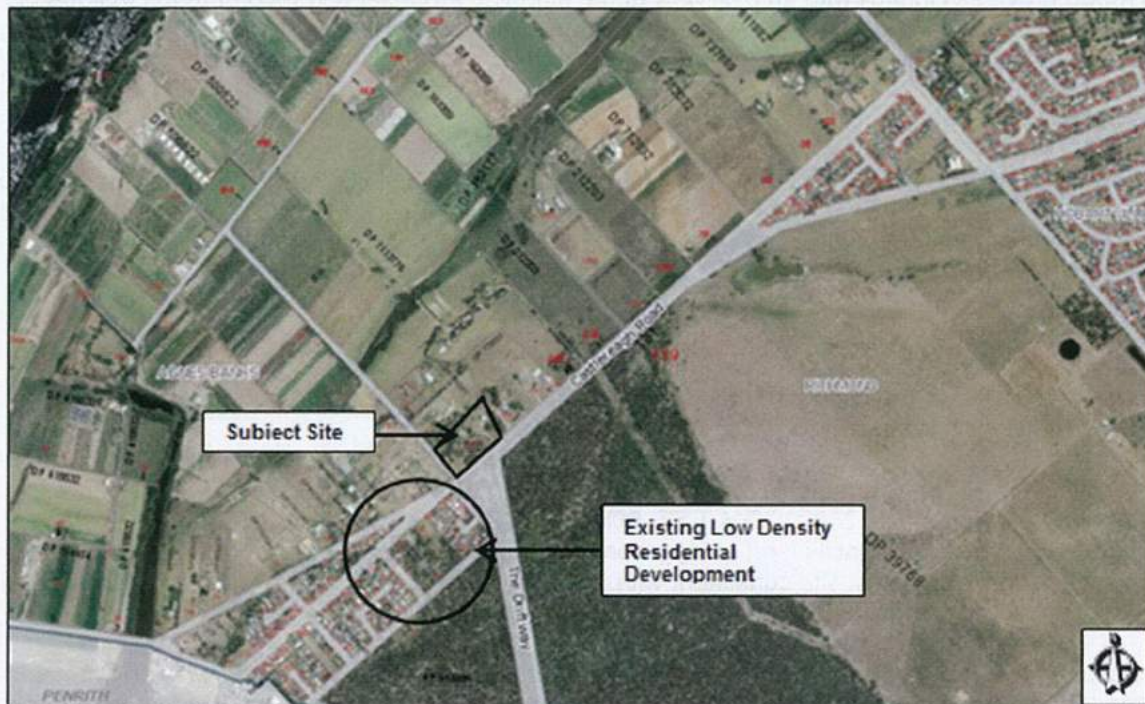


Figure 2: Site Location

The subject site has an area of 2ha and is almost a trapezium in shape. It is a corner allotment and has frontages to both Castlereagh Road, and Crowleys Lane. The site has approximately a 165m primary

frontage to Castlereagh Road which links Richmond and Penrith. As shown in Figure 3 below, the subject site is currently accessed via Castlereagh Road which is a classified road maintained by Roads and Maritime Services (RMS).



Figure 3: Subject Site

The subject site and several properties fronting Castlereagh Road in this location are affected by future widening of Castlereagh Road. Reservation Acquisition Map (Map Identification No. 3800_COM_LRA_008BA_020_20120316) of the LEP identifies part of the subject site zoned SP2 Infrastructure, and marked "Classified Road" for acquisition for future widening of the Castlereagh Road as shown in Figure 4 below.



Figure 4: Extract of the Land Reservation Acquisition Map Highlighting Future Widening Requirements

ORDINARY MEETING

Meeting Date: 10 May 2016

The site is zoned part RU4 Primary Production Small Lots, and part SP2 Infrastructure (Classified Road) under the LEP, with the current minimum lot size for subdivision of this land being 2ha.

The site is shown as being bushfire prone (Bushfire Vegetation Category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The whole site is shown as being within Acid Sulfate Soil Classification 5 which represents a relatively low chance of acid sulphate soils being present on the site.

The site is shown as being Agriculture Land Classification 4 on maps prepared by the former NSW Department of Agriculture.

The site is situated above the 1 in 100 year ARI flood level. The site is relatively flat, and according to Council's slope mapping, the entire site area has a slope less than 10%.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

The site contains a dwelling house, a farm building, a dam and some existing vegetation. The existing dwelling house is located closer to the north-western boundary, and the outbuilding is located closer to the north-eastern boundary. A dam is located closer to the south-western boundary as shown in Figure 5.



Figure 5: Aerial view of the Subject Site

The properties immediately to the north, west and east are zoned RU4 Primary Production Small Lots and properties immediately to the south are zoned SP1 Education, Agriculture, Research Station. The immediate locality is predominantly zoned RU4 Primary Production Small Lots. The current minimum lot sizes apply for the subdivision of the immediate surrounding properties are generally in the range of 450m² to 10ha in size.

Land surrounding the subject site consists of a varied mix of lots sizes with small low density residential lots located immediately adjacent in Castlereagh Road. The immediate surrounding area of the site is characterised by rural residential and low density residential development.

Applicant's Justification of Proposal

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

- *The site is within an area identified within Council's strategy for investigation and assessment for smaller lots commensurate with available services and infrastructure.*
- *Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into four lots that would be in character with other lands in the vicinity and would form an appropriate component of the Agnes Banks township expansion.*
- *The land has reticulated water supply and sewerage past its frontage. It is not known at this stage if each proposed lot would be able to connect to these services however each lot is capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control can be satisfied.*
- *Electricity, telephone, garbage and recycling facilities are available to the site.*
- *It has been identified that there is a need for an additional 5 - 6,000 dwelling sites in the Hawkesbury LGA by 2031. Existing zoned areas are mostly built out hence the need identified within Council's strategy to look for additional sites including those around the perimeter of existing towns and villages. The subject proposal will assist in satisfying, in some way, this identified demand and is consistent with strategies identified within Council's Residential Land Strategy.*

'A Plan for Growing Sydney' (the Sydney Metropolitan Strategy), Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and draft North West Subregional Strategy (dNWSS) establishes the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

Agnes Banks does not contain a retail/commercial precinct, and therefore is not classified as a "centre" (e.g. neighbourhood centre, village centre) in the above documents.

The Hawkesbury Residential Land Strategy (HRLS) is in part a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies. The HRLS identifies the Richmond Future Investigation Area that is above the 1:100 flood level to enable possible expansion of the Richmond urban residential area to accommodate additional dwellings to achieve the Hawkesbury residential dwelling target of 6,000 dwelling units by 2031 identified in the dNWSS. The subject site is located within the Richmond Future Investigation Area as shown in Figure 6 below.

Given the subject site is located within the Richmond Future Investigation Area, the planning proposal seeking amendment to the Lot Size Map of the LEP to allow subdivision of the subject site into four large rural residential lots with a minimum lot size of not less than 4,000m² is considered to be consistent with the HRLS, and thereby generally consistent with both the Sydney Metropolitan Strategy and dNWSS.

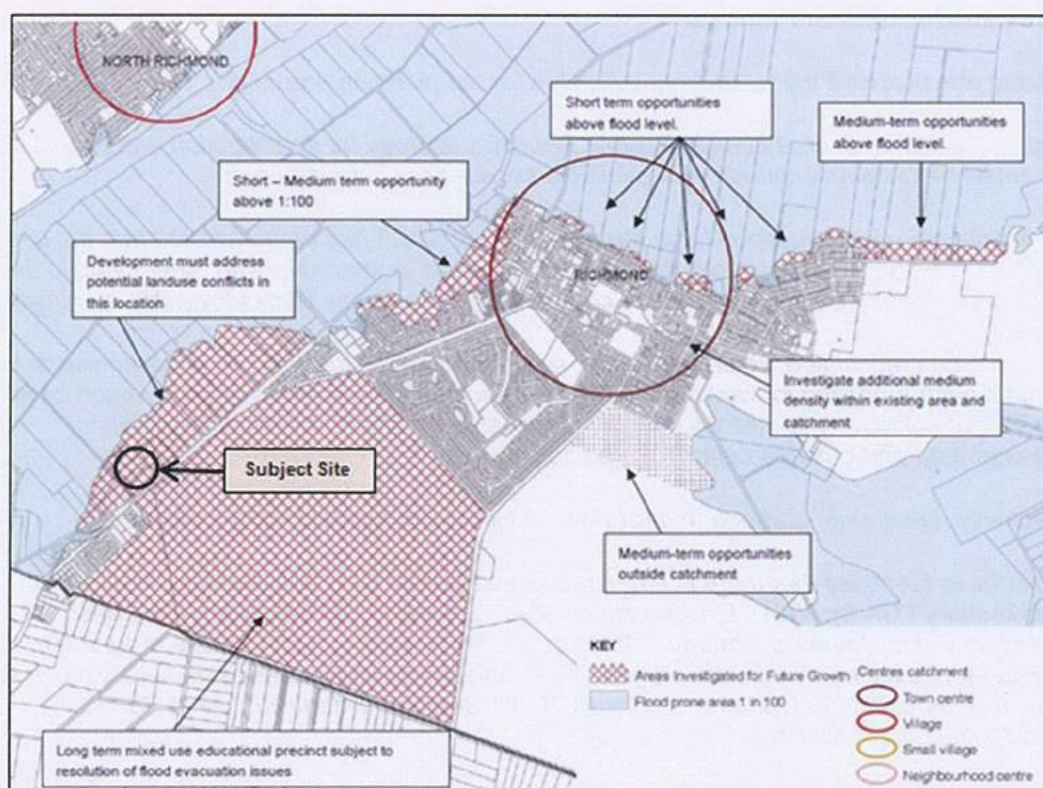


Figure 6: Extract of the Richmond Future Investigation Area Map of the HRLS

Section 117 Directions

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

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making
- Implementation of a Plan for Growing Sydney

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal.

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

Direction 1.2 Rural Zones

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 an amendment to the Lot Size Map of the LEP only, and it does not contain provisions to increase the permissible density of land. It is therefore considered that the planning proposal is consistent with this Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

Mineral Resources Audit of Hawkesbury Plan 2011 prepared by the (then) NSW Trade & Investment (now Department of Primary Industry) shows the site as 'Identified Resource', and it is located within the Richmond Lowlands Sand and Gravel Resource Area as shown in Figure 7 below.

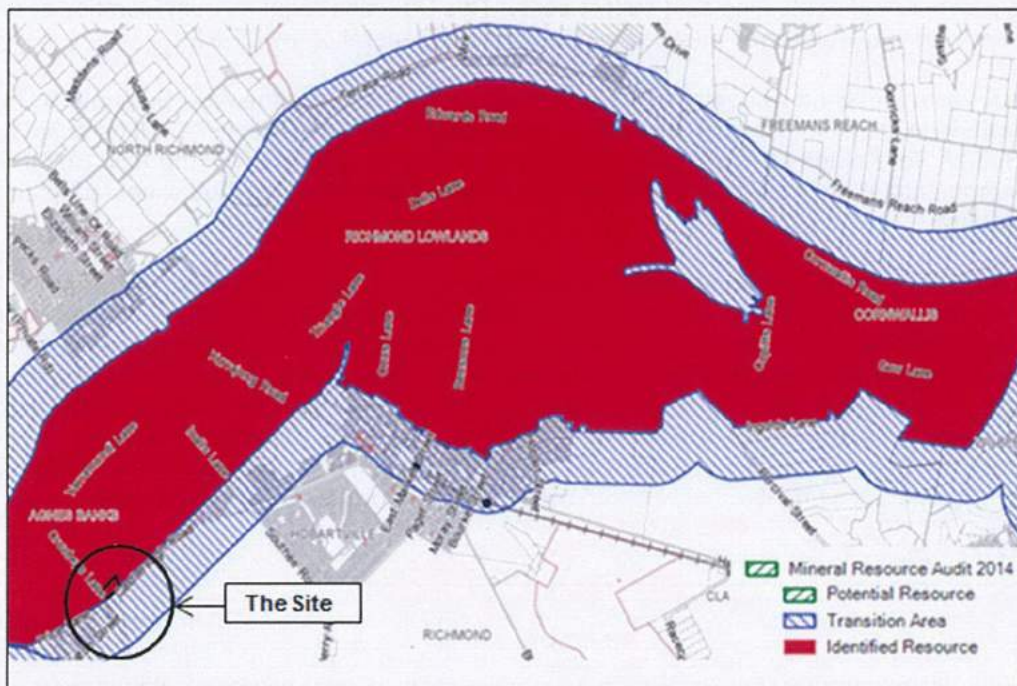


Figure 7: Extract of Mineral Resources Audit of Hawkesbury Plan

According to the (then) NSW Trade & Investment, the Identified Resource Area contains active mineral, petroleum and/or extractive operations. Mineral Resources Branch of the (then) NSW Trade & Investment had updated this plan in 2014. Any proposed zoning changes or development within this area could adversely affect or be affected by current or future resource developments. Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the planning proposal will be referred to the Department of Industry for comments in accordance with the Direction 1.3(4).

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001)

In summary, this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

ORDINARY MEETING

Meeting Date: 10 May 2016

The document is very much centres based and not readily applicable to Agnes Banks which does not contain a retail/commercial precinct other than a large residential precinct with different lots sizes ranging from 550m² to 1.3ha.

The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&E via the "Gateway" process, regarding the applicability of this document.

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 DP&E.

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

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such a study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. An acid sulfate soil study has not been included in the planning proposal. The DP&E will consider this as part of their "Gateway" determination and if required can request further information or consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The land is identified as bushfire prone, containing Vegetation Category 1. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

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*

ORDINARY MEETING

Meeting Date: 10 May 2016

- (ii) *has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

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

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP only. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

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

'A Plan for Growing Sydney' is one of the issues taken into consideration in the early part of the assessment of the planning proposal. As mentioned previously in this report, the conformance with the Council's Hawkesbury Residential Land Strategy establishes that the planning proposal is generally consistent with the Plan for Growing Sydney.

State Environmental Planning Policies

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

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

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

The applicant states that:

'The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed'.

Council's records show that the site has not been used or approved for any agricultural uses or any other activities identified in Table 1 - 'Some Activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land' other than residential purpose. Therefore contamination of the land is very unlikely.

If the planning proposal is to proceed further, consideration of potential contamination can be dealt with after the DP&E "Gateway" determination.

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

ORDINARY MEETING

Meeting Date: 10 May 2016

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 site is within the Richmond Lowlands Sand and Gravel Resource Area.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the planning proposal will be referred to the Department of Industry for comments in accordance with Direction 1.3(4).

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

The aim of SREP No 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- *rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);*
- *develop in accordance with the land capability of the site and do not cause land degradation;*
- *the impact of the development and the cumulative environmental impact of other development proposals on the catchment;*
- *quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;*
- *consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;*
- *consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices;*
- *site and orientate development appropriately to ensure bank stability;*
- *protect the habitat of native aquatic plants;*
- *locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;*
- *consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;*
- *conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;*
- *minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;*

ORDINARY MEETING

Meeting Date: 10 May 2016

- *consider the impact on ecological processes, such as waste assimilation and nutrient cycling;*
- *consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;*
- *consider the need to control access to flora and fauna habitat areas;*
- *give priority to agricultural production in rural zones;*
- *protect agricultural sustainability from the adverse impacts of other forms of proposed development;*
- *consider the ability of the site to sustain over the long term the development concerned;*
- *maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;*
- *consider any adverse environmental impacts of infrastructure associated with the development concerned.*

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

It is considered that future dwellings on the planned proposed lots have the potential to either satisfy the relevant provisions SREP No 20, or are able to appropriately minimise its impacts.

Hawkesbury Local Environmental Plan 2012

The site is zoned part RU4 Primary Production Small Lots and part SP2 Infrastructure (Classified Road) under the LEP. The current minimum lot size for subdivision of this land is 4ha.

The planning proposal seeks to amend Lot Size Map (Map Identification No. 3800_COM_LSZ_008BA_020_20140131) of the LEP to specify 4,000m² minimum lot size for the subject site (refer to Attachment 1 of this Report) which will allow subdivision of the land into large residential lots. Given the predominant rural residential and low density residential character of the immediate vicinity, and a mix of surrounding lot sizes ranging from approximately 550m² to 3ha, the planning proposal seeking to amend the Lot Size Map of the LEP to enable four large residential lots with minimum lot sizes of 4,000m² is considered appropriate.

However, this report does not propose to endorse any subdivision plan submitted in support of the planning proposal, hence it is not considered appropriate to support an amendment to the Lot Size Map of the LEP as proposed.

As an alternative, the applicant has proposed that Council insert an appropriate provision in the LEP to limit the maximum lot yield of the subdivision of the site consistent with the planning proposal to allow the site to be subdivided into four large rural residential lots. The DP&E will ultimately decide on the type of amendment to the LEP, however it is understood that at present the DP & E's preferred option is to amend the Lot Size Map of the LEP and not the inclusion of a clause or a provision in the LEP to limit the number of lots of subdivision of the land.

Access and Transport

The site is currently accessed via Castlereagh Road which is a Classified Road maintained by RMS. The site and several properties fronting Castlereagh Road are affected by future widening of Castlereagh Road by RMS. The Reservation Acquisition Map of the LEP identifies part of the subject site zoned SP2 Infrastructure and marked "Classified Road" for acquisition for future widening of the road. The relevant acquisition authority is the RMS. Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the RMS

needs to be consulted on this matter to consider the likely impact of the proposed development on the current traffic movement in the locality.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been taken into consideration by the planning proposal. It is considered that this is a matter for Council and Roads and Maritime Services (RMS) to address with the outcome being incorporated into affected planning proposals.

Public transport is limited to the Westbus Route 678 service between Richmond and Penrith. The bus service operates every 30-60 minutes during peak periods and just one trip per day during off peak period. On Saturdays, there are only two trips in the morning peak period. Given the very limited frequency of services, the future occupants of the proposed subdivision will most likely rely upon private vehicles for transportation.

Topography

The subject site has an elevation of approximately 20.5m AHD towards Castlereagh Road, and is fairly flat. According to Council's slope mapping, the entire site area has a slope less than 10% as shown in Figure 8 below.



Figure 8: Slope Analysis

The HRLS recognises slopes greater than 15% act as a constraint to development and future subdivision of the site for large rural residential lots would need to be limited to that area of land having a slope less than 15%. Given this criterion there is not any slope constraint for subdivision of the land into four lots.

Ecology

The planning proposal is not accompanied by a flora and fauna survey and assessment report, and the applicant provides the following information on flora and fauna on the site:

'Despite that the site only has scattered vegetation shade trees the site is included in the Terrestrial Biodiversity Map within Council's LEP2012. The map indicates that approximately ¾ of the site is classified as "significant vegetation".

ORDINARY MEETING

Meeting Date: 10 May 2016

Whilst a flora/fauna assessment of the site has not been carried out at this stage it can be seen from perusal of the aerial photograph of the site on the cover of this report that the subdivision and dwelling locations can take place without impact on vegetation. It is not considered that a formal report on flora/fauna of the site is required at this stage but would be more appropriate if identified through the Gateway process of the Department of Planning & Environment. In reality however vegetation will not be affected and a flora/fauna assessment is probably not required'.

The Terrestrial Biodiversity Map of the LEP identifies approximately 80% of the site area as 'endangered ecological community' as shown in Figure 9 below.



Figure 9: Extract of Terrestrial Biodiversity Map

Council vegetation mapping records the site as containing Shale Plains Woodland, the most widely distributed form of Cumberland Plain Woodland which is listed as an endangered ecological community (EEC) under the *NSW Threatened Species Conservation Act 1995* as shown in Figure 10.

ORDINARY MEETING

Meeting Date: 10 May 2016

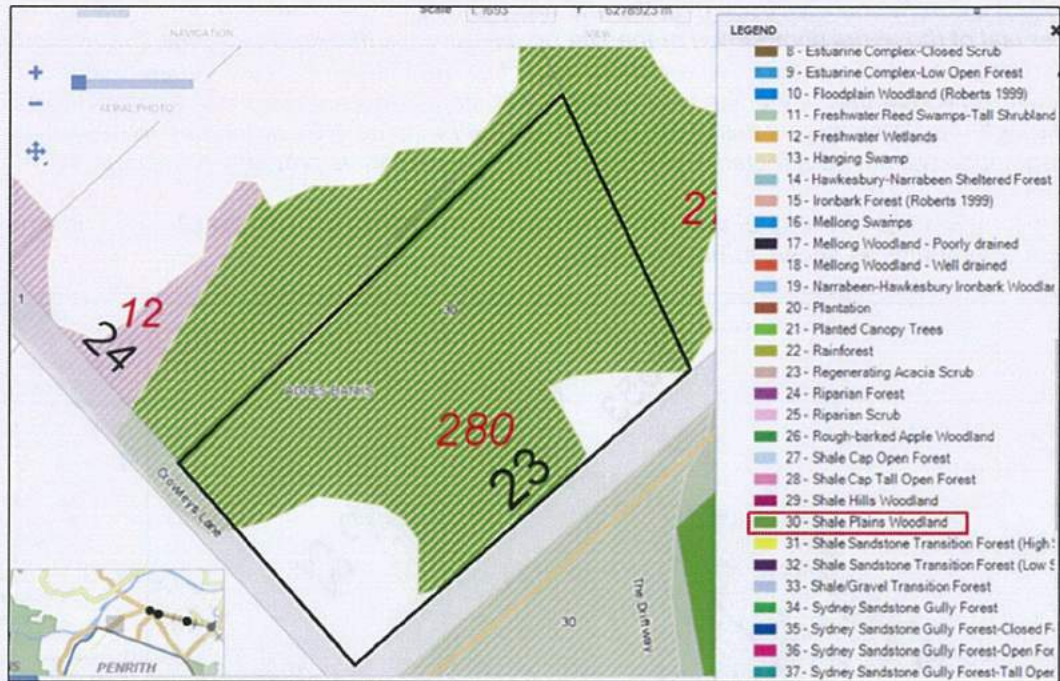


Figure 10: Extract of Council's Vegetation Map

An aerial view of the site which is superimposed onto the subdivision concept plan in Figure 11 indicates that the proposed lots have some areas of land free of any significant vegetation.



Figure 11: Subdivision Concept Plan Overlaying on Existing Vegetation

However, approximately 70% of the land area of proposed Lot 33 contains vegetation, in addition to the existing dam, and therefore it is not considered that this lot has adequate developable area to accommodate a suitable building footprint and on-site sewage system without affecting any asset protection zone required under *Planning for Bushfire Protection 2006*. If the subject site can access the existing reticulated water and sewage system that runs along the site frontage as indicated by the applicant it may be possible to accommodate a building footprint.

Given the planning proposal does not seek to amend Clause 6.4 Terrestrial Biodiversity of the LEP or the associated map layer, a detailed consideration of any future development of the land can occur at development application stage.

However, given the presence of significant vegetation on the site, a flora and fauna assessment report needs to be prepared and submitted by a suitably qualified and experienced consultant. This can be undertaken at the post "Gateway" determination stage prior to the commencement of the government agency consultation. However, the DP&E will be able to consider this matter as part of their "Gateway" determination.

Bushfire Hazard

The site is shown as being bushfire prone (Bushfire Vegetation Category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The planning proposal is not accompanied by a bushfire assessment report. Given the site is identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection, for comments should Council resolve to proceed with the planning proposal and receive a "Gateway" determination advising to proceed with the planning proposal from DP&E.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "4. *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*"

Given the proximity of the subject site to surrounding low density and rural residential properties, and the size of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Character

The applicant states that:

'The site has some scattered vegetation. There would not be any substantive change to the landscape of the site or surroundings if the subdivision were to proceed. Additional dwellings are not beyond the capacity of the land and development of the land as proposed would be hardly distinguishable in the context of the site and its surrounds'.

The immediate locality is characterised by a mix of lot sizes with varying frontages, shapes and sizes.

Smaller lots are located immediately adjacent in Castlereagh Road, whilst larger lots are generally located to the north and east as shown in Figure 12.

Meeting Date: 10 May 2016

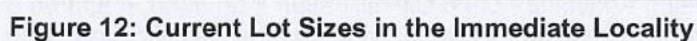
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Figure 13: Existing Character of the Locality

Given the predominant rural residential and low density residential character of the immediate vicinity, and a mix of lot sizes ranging from approximately 550m² to 3ha in the immediate vicinity, the intended outcome of the planning proposal to subdivide the land into large residential lots with minimum lot sizes of 4,000m² is not inconsistent with the existing character of the locality.

Services

According to the applicant, the site has access to electricity, telecommunication, garbage and recycling services. The applicant also states that:

'The land has a reticulated water supply and sewerage past its frontage. It is not known at this stage if each proposed lot would be able to connect to these services however the each lot is capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control can be satisfied'.

The planning proposal is not accompanied by a wastewater feasibility assessment report or any other relevant statement or study demonstrating that the proposed lots will be able to accommodate an on-site sewage system without affecting the existing vegetation and required asset protection zone. If the subject site was denied access to the reticulated sewerage system, the development of the subject site will need to rely upon on-site sewage systems. Therefore, a detailed soil assessment will need to be undertaken at the subdivision application stage to confirm the exact sizing and location of the effluent disposal areas.

Given a reticulated sewage system is running along the frontage of the site, the planning proposal would need to be referred to Sydney Water. However, the DP&E will consider this as part of their "Gateway" determination.

Heritage

The site is not identified as a heritage item/property in Schedule 5 Environmental Heritage of LEP 2012 or located within a conservation area and also not subject to any heritage order or identified as a heritage item. A few heritage properties with local significance are located in the vicinity. The likely impacts of the future subdivision of the subject site on these heritage properties can be determined at the subdivision application stage.

Given these heritage listed properties are within the vicinity of the subject site, the planning proposal will be referred to the NSW Office of Environment and Heritage for comments should Council resolve to proceed with the planning proposal and receive a "Gateway" determination advising to proceed with the planning proposal from DP&E.

Section 94 Contributions or a Voluntary Planning Agreement

The planning proposal should be covered by a Section 94 Developer Contributions Plan (S94 Plan) or a Voluntary Planning Agreement (VPA) prior to completion. The current Hawkesbury Section 94 Plan does not apply to residential development in Agnes Banks. If the planning proposal is to proceed further, a draft VPA or an addition to the current S94 Plan to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the applicant in consultation with Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is considered to be consistent with the Looking after People and Place Directions statement, and specifically:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Conclusion

ORDINARY MEETING

Meeting Date: 10 May 2016

It is considered that some form of residential development on the subject site is appropriate and feasible. It is therefore recommended that Council support and submit the planning proposal to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Financial Implications

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

If the planning proposal is to proceed further, a draft VPA or S94 Plan to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the applicant in consultation with Council.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

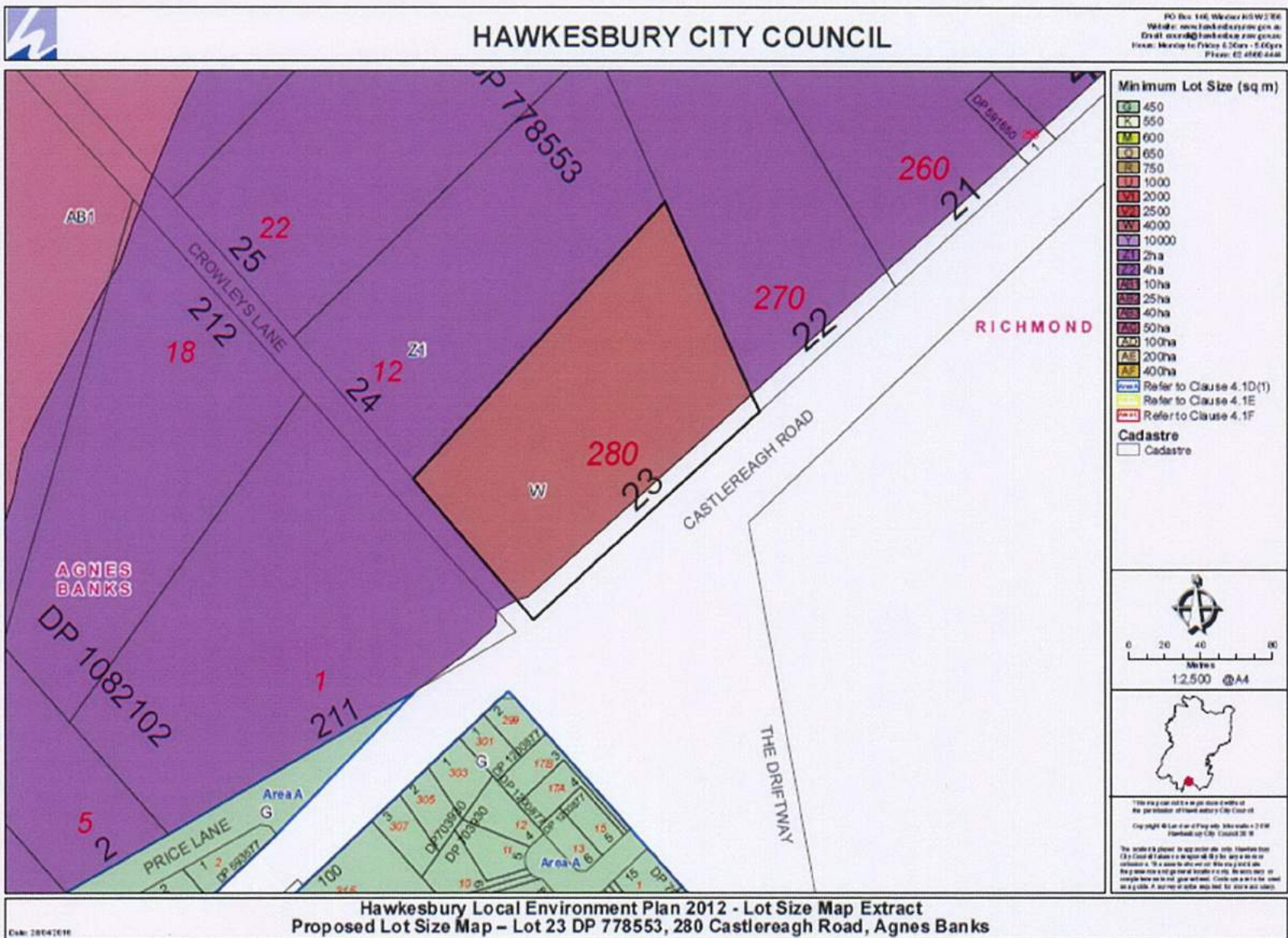
RECOMMENDATION:

That:

1. Council support the planning proposal for Lot 23 DP 778553, 280 Castlereagh Road, Agnes Banks to allow development of the land for a large lot rural residential development with a minimum lot size of not less than 4,000m².
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map

AT - 1

ACTION ITEM

ADOPTED

At the ORDINARY Meeting held on *10 May 2016*

User Instructions

To view the original Agenda Item, refer to the Meeting tab using the above date.

Resolved Items Action Statement

Action is required for the following item as per the Council Decision or Resolution Under Delegated Authority.

Item: 77	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 280 Castlereagh Road, Agnes Banks - (95498, 124414)
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Mr Glen Falson addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. Council support the planning proposal for Lot 23 DP 778553, 280 Castlereagh Road, Agnes Banks to allow development of the land for a large lot rural residential development with a minimum lot size of not less than 4,000m².
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

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 Conolly	Councillor Creed
Councillor Mackay	Councillor Lyons-Buckett
Councillor Paine	Councillor Porter
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Calvert, Ford and Tree were absent from the meeting.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Hawkesbury City Council

Name of draft LEP:LEP007/15 - 280 Castlereagh Road, AGNUS BANKS NSW 2753

Address of Land (if applicable): Lot 23 DP 778553, 280 Castlereagh Road, AGNUS BANKS NSW 2753

Intent of draft LEP: Allow development of the site for large lot residential purposes

Additional Supporting Points/Information: Planning proposal prepared by Glenn Falson Urban and Rural Planning Consultant

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Not relevant		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Not relevant		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not relevant		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Not relevant		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?				
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not relevant		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant		

Does the planning proposal create an exception to a mapped development standard?	No			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		Not relevant		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.