

Proposal to enable a two lot subdivision of Lot 3 DP 747089, 74 Longleat Lane, Kurmond

Proposal Title : **Proposal to enable a two lot subdivision of Lot 3 DP 747089, 74 Longleat Lane, Kurmond**

Proposal Summary : **The proposal seeks to amend Hawkesbury Local Environmental Plan (LEP) 2012 to facilitate a two (2) lot subdivision of Lot 3 DP 747089, 74 Longleat Lane, Kurmond.**

PP Number : **PP_2016_HAWKE_009_00** Dop File No : **00/0000**

Proposal Details

Date Planning Proposal Received :	31-Aug-2016	LGA covered :	Hawkesbury
Region :	Metro(Parra)	RPA :	Hawkesbury City Council
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	74 Longleat Lane		
Suburb :	Kurmond	City :	Postcode : 2757
Land Parcel :	Lot 3 DP747089		

DoP Planning Officer Contact Details

Contact Name : **Alicia Hall**
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RPA Contact Details

Contact Name : **Colleen Haron**
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DoP Project Manager Contact Details

Contact Name : **Terry Doran**
 Contact Number : **0298601579**
 Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**Type of Release (eg **N/A**

Residential /

Employment land) :

No. of Lots : **0**No. of Dwellings **0**

(where relevant) :

Gross Floor Area : **0**No of Jobs Created : **0**The NSW Government **Yes**

Lobbyists Code of

Conduct has been

complied with :

If No, comment : **The Department's Lobbyist Contact Register has been checked on 1 September 2016 and there are no records of contact with lobbyists in relation to this proposal**

Have there been **Yes**

meetings or

communications with

registered lobbyists? :

If Yes, comment : **To be best of the knowledge of the Metropolitan Delivery (Parramatta) team, there have been no meetings or communications with lobbyists regarding this planning proposal.**

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to amend the Lot Size Map (LSZ_008A) of the Hawkesbury Local Environmental Plan 2012 to enable a two (2) lot subdivision.**

Explanation of provisions provided - s55(2)(b)Is an explanation of provisions provided? **Yes**

Comment : **The intent of the planning proposal to subdivide the subject site into two (2) lots will be achieved by amending the Lot Size Map (LSZ_008A), to allow minimum lot sizes of 4,000 square meters and 2 hectares for this site.**

SITE DESCRIPTION AND EXISTING USES

The subject site is currently one (1) allotment i.e Lot 3 DP 747089, approximately 3.095 hectares in area and generally rectangular in shape. Longleat Lane curves around the northern and western boundaries of the site, giving it two road frontages. The site varies in height from approximately 96m AHD at the rear (southern boundary) to 110m AHD along the northern frontage (Longleat Lane) of the site and is not subject to flooding.

The site currently contains two dwellings and associated structures (pool, tennis court and outbuildings), one near the middle of the northern boundary and the other on the western boundary. Both dwellings have existing vehicular access to Longleat Lane. The dwelling on the northern boundary is a local heritage item. Approximately 70% of the site is largely cleared land, with any significant vegetation being located around the existing dwellings.

The site is currently zoned RU4 Primary Production Small Lots and is used primarily for

residential purposes. The site is located on the western fringe of Kurmond Village and located in the Kurmond and Kurrajong Investigation Area. The site is surrounded by similar small lot, rural, residential properties and there are houses adjoining the site on each boundary. The current minimum lot size for subdivision of this land is four (4) hectares.

The planning proposal seeks to subdivide the subject site into two (2) rural/residential allotments, one with an area of 2.58 hectares and the other with an area of 5,150 square metres to create a Torrens title for each dwelling.

Department Comment:

While it is acknowledged the site is located in the Kurmond and Kurrajong Investigation Area, given the presence of two dwellings on the site for a lengthy period of time, no objections are raised to the proposal proceeding. It is further considered that given the unique circumstances, an inappropriate precedent will not be set.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is generally consistent with the relevant Section 117 Directions, except as follows:

1.2 RURAL ZONES

As this proposal seeks to increase the permissible density within rural zones, this direction is relevant.

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within in a rural zone (other than land within an existing town or village). The direction specifies circumstances where a proposal may be justifiably inconsistent.

Council advises that the subject site has not been used for any form of meaningful agricultural purposes for many years and has primarily been used for residential purposes. The site currently contains two (2) existing dwelling houses.

DEPARTMENT COMMENT:

The proposal is for a small subdivision of land which will result in the creation of two (2) lots. Given that two (2) dwellings already exist on the site and that the subdivision will not result in an increase in residential density, it is considered to be of minor

significance and therefore, justifiably inconsistent. Recommend accordingly.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

Should the proposal proceed, to ensure consistency with this direction, the planning proposal should be forwarded to the NSW Department of Primary Industry - Agriculture with a minimum of 40 days to provide comments.

To comply with this direction, the proposal may be required to be updated to address any objections/comments made by the Department of Primary Industry.

2.3 HERITAGE CONSERVATION

This direction is relevant as the proposal is on land that contains an item of heritage significance. The item is listed item No. 1458 'Longleat' under Schedule 5 Environmental Heritage of the Hawkesbury LEP 2012.

A heritage assessment has not been provided as part of the proposal, and at present, the entire site is described within the heritage listing.

To ensure consistency with this direction i.e. to ensure the heritage significance of this item is protected, as a determination condition, it is recommended that Council's heritage adviser is to determine an appropriate curtilage for the heritage item. The proposed heritage map is to be amended accordingly and the planning proposal is to incorporate this action. Recommended accordingly.

3.4 INTEGRATED LAND USE AND TRANSPORT

As this proposal seeks to alter the minimum lot size on urban land, this direction is relevant.

This direction states that a planning proposal that contains provisions that alter urban land must give effect to and be consistent with the aims, objective and principles of Improving Transport Choice. The direction specifies circumstances where a proposal may be justifiably inconsistent.

DEPARTMENT COMMENT

The proposal is for a two (2) lot subdivision. It is unlikely that the subdivision will result in increased car dependence or travel demand. The planning proposal is justifiably inconsistent due to its minor nature. Recommend accordingly.

4.1 ACID SULFATE SOILS

This direction is relevant as the subject site is identified as containing 'Class 5 Acid Sulfate Soils' on the Acid Sulfate Soils map and the proposal seeks to intensify land uses this direction is relevant.

No works that would require the assessment of soils are proposed as part of this subdivision. Given the minor nature of this proposal, this inconsistency is considered to be justifiably inconsistent. Recommend accordingly.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The subject site is shown as being bushfire prone on the Bushfire Prone Land Map. To ensure consistency with this direction, consultation is required with the NSW Rural Fire Service prior to community consultation and has been conditioned accordingly.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND DEEMED SEPPS

The proposal is generally consistent with all relevant SEPPS, except as follows:

STATE ENVIRONMENTAL PLANNING POLICY NO. 44 - KOALA HABITAT PROTECTION

The proposal is for a small subdivision to allow each house to be contained on a separate lot. No development is proposed. The proposal seeks to allow the subdivision of land. Council has indicated that the provisions of this SEPP would be considered with the lodgement of a development application for any future work.

The proposed amendment is not considered to be inconsistent with SEPP No. 44.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Given the nature of the proposal, consideration of potential contamination would appropriately be considered at development application stage for any future development.

The proposed amendment is not considered inconsistent with the provisions of this SEPP.

STATE REGIONAL ENVIRONMENTAL POLICY NO. 20 - HAWKESBURY NEPEAN RIVER (NO 2 - 1997)

Council indicate that any future uses of the additional lot for residential purposes will be able to comply with the relevant provisions of this SREP or be able to appropriately minimise any impacts.

The proposed amendment is not considered inconsistent with this SREP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping was provided, but is not considered suitable for exhibition.

The following mapping will be conditioned to be included in the planning proposal, prior to public exhibition:

- A map showing the existing site by highlight, land use zone and the immediate surrounding area. The map must contain a legend and north point.
- An appropriate extract of the existing lot size map (LSZ_008A) and the corresponding proposed minimum lot size map. These maps must contain a legend and north point.
- An appropriate extract of the existing LEP heritage map showing showing the proposed curtilage. These maps must contain a legend and a north point.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A public exhibition period of 14 days is proposed.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2012**

Comments in relation to Principal LEP : **The Hawkesbury Local Environmental Plan 2012 came into effect when it was published to the NSW Legislation website on 21 September 2012.**

Assessment Criteria

Need for planning proposal :	A planning proposal is considered the best way to achieve the amendment to the Minimum Lot Size Map.
Consistency with strategic planning framework :	A PLAN FOR GROWING SYDNEY A Plan for Growing Sydney provides an overarching strategic vision for development across the Sydney Metropolitan Region with a focus on livability, economic growth and environmental protection with a focus on the location of housing, infrastructure, employment and open space. The proposed amendment is not inconsistent with A Plan for Growing Sydney and will not hinder the attainment of these goals.
Environmental social economic impacts :	ENVIRONMENTAL The proposal indicates that site does not have access to reticulated water or sewer and that each house harvests water from rain water collection tanks. The proposal indicates that each house an effluent disposal system but that the system attached to the house on the western boundary may need alteration. The proposal is not accompanied by a wastewater feasibility assessment report or any other relevant study or statement in relation to wastewater treatment. Council advises that their records only indicate one registered system, which is attached to the main house (on the northern boundary). To ensure adequate sewerage management systems are available on site, an onsite effluent disposal report is recommended and will be conditioned accordingly. The planning proposal is unlikely to result in any adverse environmental impacts or have any impact on critical habitat or threatened species. ECONOMIC/SOCIAL No adverse social or economic impacts are anticipated.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
Other - provide details below			

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If Other, provide reasons :

On site effluent disposal report.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1. Cover Letter.pdf	Proposal Covering Letter	Yes
2. Planning Proposal.pdf	Proposal	Yes
3. Council Report - 74 Longleat Lane, Kurmond.pdf	Proposal	Yes
4. Council Resolution 9 August 2016 - 74 Longleat Lane, Kurmond.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **SECTION 117 DIRECTIONS**
It is considered that any inconsistency with section 117 directions 1.2 Rural Zones, 3.4 Integrated Land Use and Transport and 4.1 Acid Sulfate Soils are of minor significance.

It is recommended that the Secretary's delegate agree that any inconsistency is justified.

DELEGATION AND PLAN MAKING FUNCTION

Hawkesbury City Council has requested delegation of the plan making function in relation to this proposal. Given the minor nature of the planning proposal, it is considered appropriate for authorisation to be issued in this instance.

GATEWAY DETERMINATION

As the matter is of a local, minor, planning matter, in accordance with Council's position, it is recommended that the Gateway Determination function be exercised by the Director, Sydney Region West.

RECOMMENDATION AND GATEWAY CONDITIONS

It is recommended that the planning proposal proceeds, subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal, as follows:

- append its logo (and relevant address details) on the cover sheet of the proposal;
- amend 4.2 Part 2 - Explanation of Provisions, so that the mechanism to achieve the proposed amendment is clearly explained, including that a curtilage boundary has been determined and the LEP heritage map is proposed to be amended accordingly;

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- inclusion of a diagram showing the existing site, land use zone and the immediate surrounding area (the diagram must contain a legend and north point); and,
- an extract of the relevant part of the existing lot size map (LSZ_008A) and the proposed minimum lot size diagram, containing a legend and north point.

2. To ensure that adequate sewerage management is available to both lots, preparation of an onsite effluent disposal report is to form part of the exhibition material.

3. To ensure consistency with s117 Direction 2.3 Heritage Conservation, Council's heritage adviser is to determine an appropriate curtilage for the heritage item and include within the planning proposal an appropriate heritage map showing this curtilage for exhibition purposes.

4. Prior to undertaking public exhibition, Council is to consult the Rural Fire Service to ensure consistency with Section 117 Direction 4.4 Planning for Bushfire Protection.

5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage – Heritage Department;
- NSW Department of Primary Industries - Agriculture (minimum of 40 days to provide comment (s117 Direction 1.3(5)(b))); and,
- NSW Rural Fire Service.

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

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported to address the particular circumstances applying to the land.

Signature:


T DORAN

Printed Name:

Date:

23/9/16