

Each lot is capable of containing appropriate asset protection zones and noting that there the land is mostly cleared and there is no close bushland to either the existing dwelling or a future dwelling.

Traffic and Access

The site fronts an existing local constructed road. The entrance to the site has 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. The site has been used for low-key grazing activities in the past. It is unlikely that there will be any contamination issues arising from this past use.

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 assisting local commercial and retail outlets and assisting in maintaining local primary school student numbers. Other positive impacts identified include consistency with Council's Residential Lands Strategy; creation of additional housing opportunities (and thus conforming to the Metro Strategy); contributing to the local economy; creation of jobs during construction; assisting in maintaining local primary school numbers.

Section D – State and Commonwealth interests

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

The proposal for two housing lots will not require the provision of additional public infrastructure. Electricity and telephone is available to the site. Each lot is of adequate area to manage on-site collection of water and re-use.

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, partly within an area of Connectivity between Significant Vegetation Areas, and partly 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 if (but not likely) required.

Part 5 – Community consultation

This is a matter for Council and the Department of Planning. 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 draft plan	6 weeks
10. Request to the Department for online notification of the LEP	2 weeks

Conclusion

The subject site is on the periphery of the Kurrajong village and is a site that has available urban infrastructure and is suitable for low-key rural/residential subdivision as proposed.

The proposal would allow a reasonable low density housing use of the site and also provide a reasonable transition between the village and existing rural/residential lots surrounding the site.

Importantly the proposal is consistent with Council's adopted Residential Land Strategy as it provides larger residential lots on the edge of 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 the local Kurrajong community with added catchment for the local retail sector, provision of jobs, use of transport, and the strengthening of the general economic and social wellbeing of the local community. It is also noteworthy that the local public school needs more children to keep up their class numbers.

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.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 75 CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 1026 Grose Vale Road, Kurrajong - (95498)

Previous Item: 20, Ordinary (25 February 2014)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha.

It is recommended that Council support the preparation of the planning proposal.

Consultation

The planning proposal has not yet been exhibited. 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 1979) and associated Regulations and as specified in the "Gateway" determination.

Background

A report for this matter was presented to the Council meeting of 25 February 2014 where Council resolved the following:

"That Council defer the matter pending a site inspection".

A site inspection was undertaken on Monday 7 April 2014 and was attended by Councillors Lyons-Buckett, Porter, Rasmussen, Reardon and Williams. Apologies were received from the Mayor, Councillor Ford and Deputy Mayor, Councillor Tree and Councillors Calvert, Connolly, Creed, Mackay and Paine. The inspection was also attended by Council's Development Services Manager and the applicant.

Planning Proposal

The planning proposal submitted by Falson & Associates Pty Ltd (Falson) seeks an amendment to LEP 2012 in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha.

A concept plan for the proposed subdivision is attached to this report.

The effect of the planning proposal would be to:

1. Amend the Land Zoning Map of LELP 2012 to change the current RU1 Primary Production zoning of the land to RU4 Primary Production Small Lots.
2. Amend the Lot Size Map of LEP 2012 to fix the minimum lot size for the land at 4ha.

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Subject Site and Surrounds

The subject site is located approximately 1km south-west of the Kurrajong Neighbourhood Centre and in proximity to the intersection of Grose Vale Road and Willow Glen Road. The site has an area of 10.78ha and is an irregular shape with an approximate 130m frontage to Grose Vale Road. The site can also be accessed via Tates Lane.

The site is zoned RU1 Primary Production under LEP 2012. The current minimum lot size for subdivision of this land is 10ha.

The site contains a dwelling, associated outbuildings, and a dam. Towards the rear of the site is a watercourse which runs generally parallel to the southern boundary of the site. The remainder of the site is substantially cleared and undeveloped other than some scattered paddock trees of Acacia species.

The land generally falls from Grose Vale Road with an elevation of approximately 178 AHD towards the existing dam which is located at a level of approximately 128 AHD and closer to south-eastern corner of the site. According to Council's slope mapping land towards Grose Vale Road, within the middle of the site and along the watercourse has a slope less than 15% with the remainder of the site is generally greater than 15% in slope.

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 is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

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

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture.

There is an electricity easement at the rear of the site.

Properties immediately to the north, south and west are zoned RU4 and properties immediately to the east are zoned RU1 Primary Production under LEP 2012 and the immediate locality is predominantly zoned RU4 Primary Production Small Lots. The current minimum lot sizes for subdivision of the immediate surrounding properties are generally in the range of 4ha to 10ha in size.

Within close proximity of the site are locally significant heritage items at 941, 1033, 1040 and 1042 Grose Vale Road, Kurrajong.

According to Council's development approval records the site has been approved for a rural shed and subsequent modifications to the shed. The site is currently being used for residential purposes and has been used for grazing and some farming activities.

The site is situated above 1 in 100 year ARI flood level.

Applicant's Justification of Proposal

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

- *The planning proposal will enable economic use of the land for rural residential purpose consistent with the surrounding development.*
- *The land has appropriate physical characteristics to support the proposed two lot subdivision.*

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- *The planning proposal will assist in maintaining the viability of the Kurrajong Neighbourhood Centre.*
- *The planning proposal is consistent with the Metro Plan, dNWSS, HRLS and other relevant statutory framework.*
- *There are no adverse environmental and visual impacts arising from this planning proposal.*

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establish 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.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural-residential planning proposal at Kurrajong. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development i.e. on the western side of Hawkesbury River and on the fringe of Kurrajong Rural Neighbourhood Centre, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

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 proposal can be described as a rural residential development on the fringe of the Kurrajong Neighbourhood Centre.

The HRLS states that the future role of rural residential development is as follows:

Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.

For the purposes of this proposal, the relevant criteria for rural residential development, as defined in Section 6.5 of the HRLS, are that it be large lot residential dwellings and:

- *Be able to have onsite sewerage disposal;*
- *Cluster around or on the periphery of villages;*

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- Cluster around villages with services that meeting existing neighbourhood criteria services as a minimum (within a 1km radius);
- Address environmental constraints and have minimal impact on the environment; and
- Only occur within the capacity of the rural village

The ability to dispose of effluent on site is discussed in later sections of this report.

The site is proximate to the Kurrajong Neighbourhood Centre (i.e. from the edge of the Kurrajong commercial area to the centre of the subject site frontage is approximately 930m).

Relevant environmental constraints are discussed in later sections of this report.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

"That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011."

Compliance with the HRLS has been discussed above. Compliance with the Hawkesbury Community Strategic Plan 2013 - 2032 (the CSP) will be discussed later in this report.

Section 117 Directions

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. 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 to rezone the land from RU1 Primary Production to RU4 Primary Production Small Lots and both these zones are rural zones. The planning proposal does seek to increase the permissible density of land by reducing the minimum lot size from 10ha to 4ha.

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Direction 1.3 Mining, Petroleum Production and Extractive Industries

Requires consultation with NSW Industry and Investment.

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.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. 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&I 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 sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

Requires consultation with the NSW Rural Fire Service, 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. It is considered that the planning proposal is consistent with this Direction as it does not require 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 is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in LEP 2012 for the RU4 Primary Production Small Lots zones.

Direction 7.1 Implementation of the Metropolitan Strategy

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

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The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I are satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

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

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require 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 advises that:

"The land has not been used for an agricultural use for many years. Previous uses were for limited grazing activities of cattle and horses. There is no obvious evidence of surface or groundwater pollution as a result of past uses.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation."

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Council's investigations undertaken in February 2010 revealed that the site had been used for the operation of a tilt of concrete panel business with no development approval.

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

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

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;

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- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- 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.

It is considered that a future rural dwelling on the planned additional lot has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Character of the Area

The area surrounding the site contains a mix of lot sizes and the predominant average lot size in the immediate vicinity is 4ha. A number of relatively small rural residential lots are within the vicinity of the subject site to the northeast. The proposed lots are of similar size to these existing properties.

Topography

The land generally falls from Grose Vale Road with an elevation of approximately 178 AHD towards the existing dam which is located at a level of approximately 128 AHD and closer to south-eastern corner of the site. According to Council's slope mapping land towards Grose Vale Road, within the middle of the site and along the watercourse has a slope less than 15% with the remainder of the site is generally greater than 15% in slope.

The concept plan for the proposed two lot subdivision does not show a building footprint of a future dwelling on the proposed additional lot to demonstrate the environmental capability of the land. Given the proposed lots sizes are more than 4ha it is considered that a suitable building footprint could be accommodated within the land. However, this issue can be taken into consideration at the development application stage.

Public Transport, Accessibility and Traffic Generation

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located within the Kurrajong village. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will most likely to rely upon private vehicles.

The site is currently accessed via Grose Vale Road. The concept plan for the proposed subdivision shows that the proposed Lot 101 containing the existing dwelling house maintains its current access from Grose Vale Road. The proposed Lot 102 which is a battle-axe allotment also gains access from Grose Vale Road and it also can access via Tates Lane.

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Given the planning proposal is only to subdivide the land into two lots and allow an additional dwelling on the proposed Lot 102 there will be no significant traffic generation in the locality.

Services

The applicant advises that the land is serviced by power and telecommunication services. A reticulated water supply is not available to the site, hence future occupants will need to rely on tank water.

The site does not have access to a reticulated sewer system and future development of the site will depend on an onsite sewage disposal system. The concept plan shows the proposed two lots (Lot 101 and Lot 102) with areas of 6.19ha and 4.59ha respectively. The existing dwelling on proposed Lot 101 is served by a septic tank and trench system.

Whilst no preliminary wastewater disposal feasibility study or any other relevant statement/study has been submitted with the planning proposal the applicant claims that given the topography, grass cover and the proposed lot sizes, appropriate on-site sewerage system can be designed for the site and the proposed Lot 102 is large enough to contain a building footprint with associated effluent disposal, bushfire protection zone and ancillary development well away from the intermittent watercourses and dam.

Heritage Significance

The site is not identified as a heritage item/property in Schedule 5 Environmental Heritage of LEP 2012 or located within a conservation area. Four heritage listed properties are located within the immediate vicinity. The likely impact of the future development of the land on these heritage properties can be assessed at development application stage. Appropriate development conditions ensuring no adverse impacts on these heritage items/properties could be imposed in future development approvals for the subject land.

Ecology

The Terrestrial Biodiversity Map of LEP 2012 identifies more than 50% of the site area as 'connectivity between significant vegetation'. Council's vegetation mapping records site as Unclassified vegetation and Turpentine - Ironbank Forest. A recent site investigation reveals that there is limited vegetation on site and this vegetation is dominated by scattered paddock trees of the Acacia species. It is considered that the significance of flora/fauna on the land can be assessed at development application stage.

Towards the rear of the site is a watercourse which runs generally parallel to the southern boundary of the site. The conservation significance referred to in the Council's Biodiversity Protection Map of the LEP 2012 represents a riparian buffer zone of 50m from top of bank for both sides of the watercourse. This should be retained to a minimum of 20m either side (40m in total).

It is considered that the concept subdivision plan shows sufficient land within the generally cleared area that could be available for the erection of buildings, waste water disposal and asset protection zones. Furthermore the planning proposal does not seek to amend *Clause 6.4 Terrestrial biodiversity* of the LEP or the associated map layer hence detailed consideration of any future development of the land can occur at development application stage.

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.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

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Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "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 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.*
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 site to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Compliance with DP&I Guidelines for Preparing Planning Proposals

A planning proposal needs to be prepared in accordance with s.55 of the *Environmental Planning and Assessment Act, 1979* (the Act) and having regard to the NSW Department of Planning's (DP&I's) 'A guide to preparing local environmental plans' October 2012 (the Guidelines). This planning proposal has been prepared in accordance with the previous Guidelines published in July 2009. Should the planning proposal be supported, and in order to ensure consistency with the current Guidelines, the applicant will be required to update the planning proposal prior to the planning proposal being forwarded to the DP&I for a "Gateway" determination.

Conclusion

It is considered that the planning proposal enabling development of the subject land for rural residential purpose is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for rural residential development.

Financial Implications

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

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.

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RECOMMENDATION:

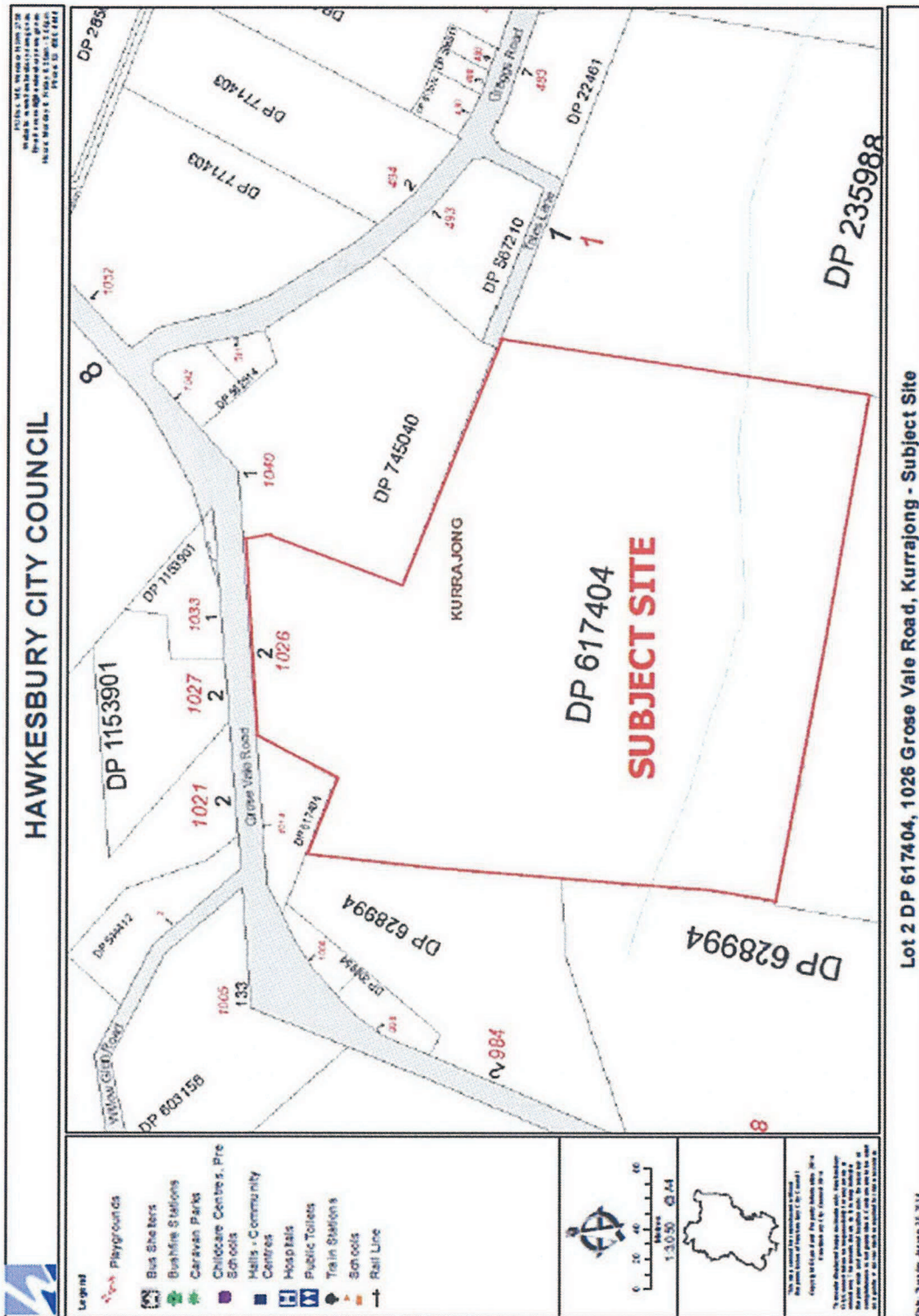
That:

1. Council support the preparation of a planning proposal for Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong to allow development of the land for rural residential development with a minimum lot size of 4ha.
2. Council does not endorse any proposed subdivision layout submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in gazettal.
3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. The Department of Planning and Infrastructure 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** Locality Plan
- AT - 2** Subject Site
- AT - 3** Aerial Photo of Site
- AT - 4** Slope Map

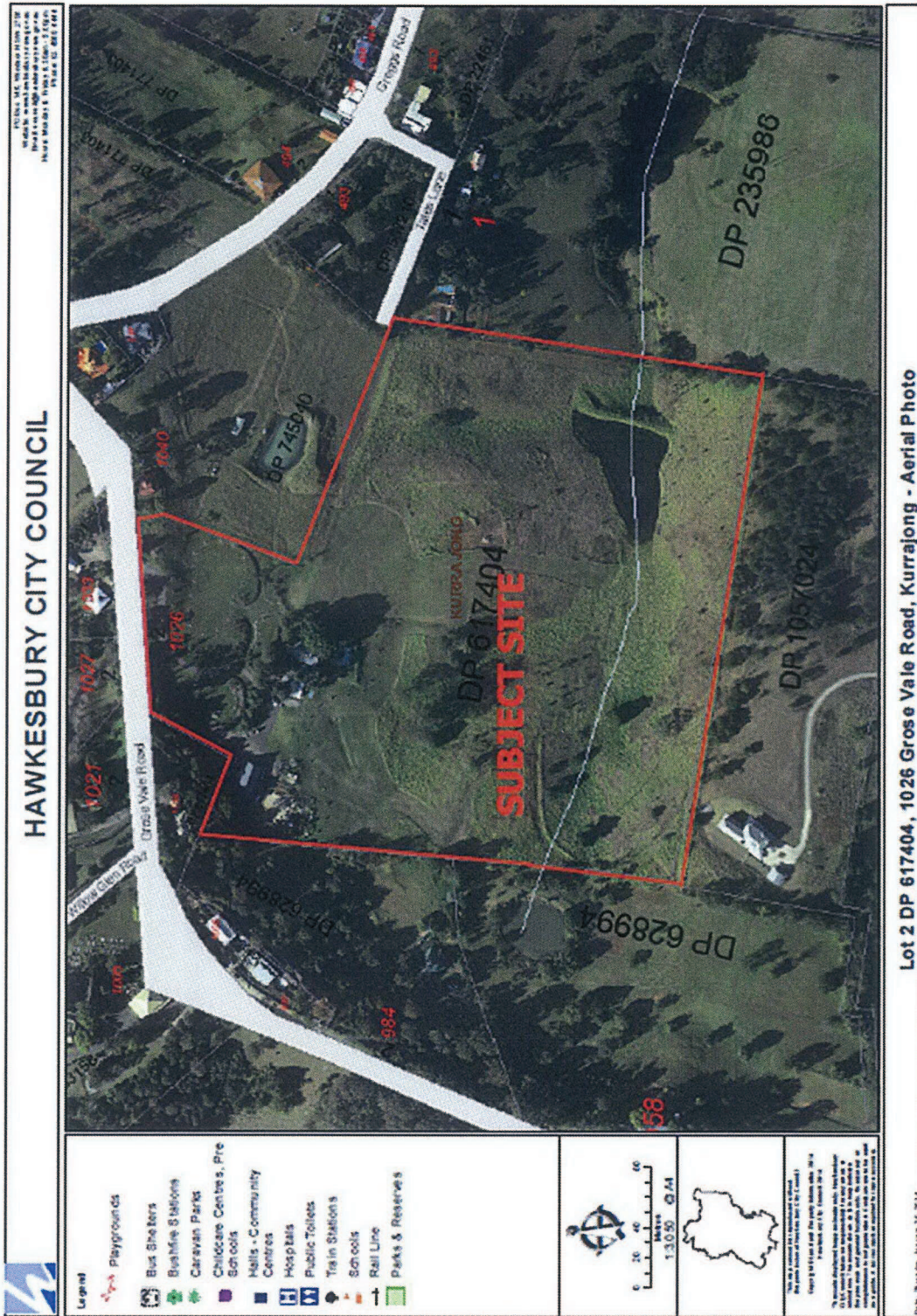
AT - 2 Subject Site



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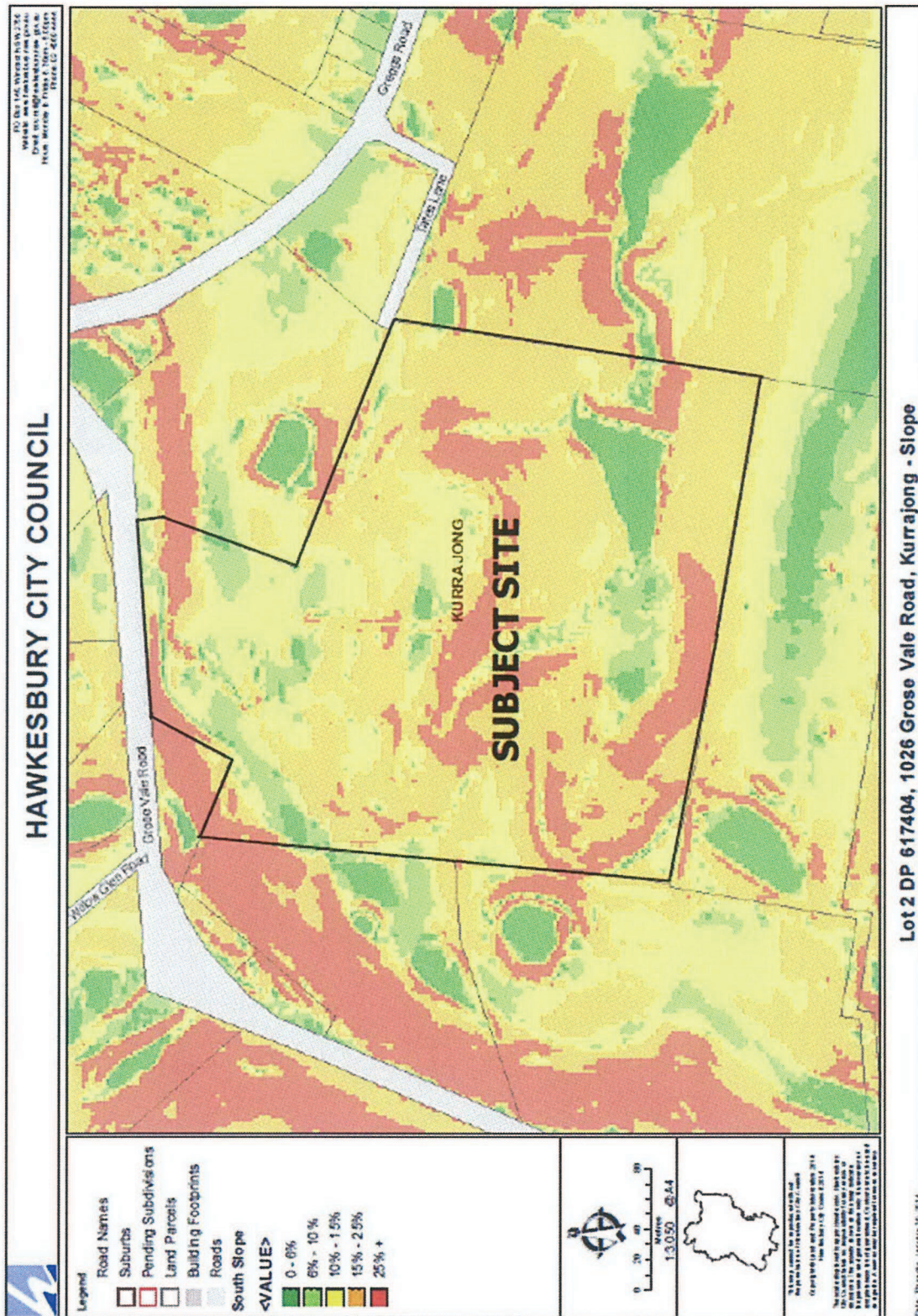
AT - 3 Aerial Photo of Site



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AT - 4 Slope Map



oooO END OF REPORT Oooo

ORDINARY MEETING

Minutes: 29 April 2014.

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 75 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 1026 Grose Vale Road, Kurrajong - (95498)**

Previous Item: 20, Ordinary (25 February 2014)

Mr Glenn Falson addressed Council, speaking for the item.

MOTION:

A MOTION was moved by Councillor Calvert, seconded by Councillor Rasmussen.

That the planning proposal for Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong be refused as it is considered an inappropriate proposal for the site.

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

For the Motion	Against the Motion
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Paine	Councillor Ford
Councillor Porter	Councillor Mackay
Councillor Rasmussen	Councillor Reardon
	Councillor Tree

Councillor Williams was absent from the meeting.

The Motion was lost.

A FORESHADOWED MOTION was moved by Councillor Conolly, seconded by Councillor Tree.

Refer to RESOLUTION

ORDINARY MEETING

Minutes: 29 April 2014.

120 RESOLUTION:

RESOLVED on the Foreshadowed Motion of Councillor Conolly, seconded by Councillor Tree.

That:

1. Council support the preparation of a planning proposal for Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong to allow development of the land for rural residential development with a minimum lot size of 4ha.
2. Council does not endorse any proposed subdivision layout submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in gazettal.
3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. The Department of Planning and Infrastructure 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 Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Porter
Councillor Reardon	Councillor Rasmussen
Councillor Tree	

Councillor Williams was absent from the meeting.