

Hawkesbury City Council

Our Ref: LEP003/13
03 June 2014



PCU53645

Ms Rachel Cumming
Regional Director
Sydney West Region
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 Cumming

Planning Proposal to rezone Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), it is advised that Council at its meeting of 29 December 2014 resolved as follows:

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.

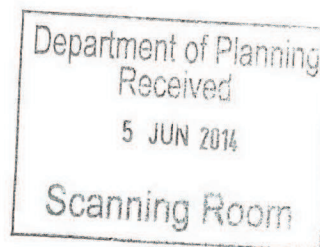
As per resolution item 3 enclosed for the Department's consideration is a copy of the planning proposal seeking amendments to Land Zoning Map and the Lot Size Map of HLEP2012 prepared in accordance with Section 55 of the Act together with a copy of Council's report and resolution on the matter.

As per resolution item 4 Council requests a Written Authorisation to Exercise Delegation to make the Plan.

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 29 April 2014



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

This document contains important information.
If you do not understand it please contact the Telephone
Interpreting Service on 131 450 and ask them to contact
Hawkesbury City Council on 02 4560 4444.

Arabic

تحتوي هذه الوثيقة على معلومات مهمة
إذا لم تفهمها الرجاء الاتصال بخدمة الترجمة الهاتفية
والطلب منهم (131 450) على الرقم
أن يتصلوا ببلدية هوكسبري
02 4560 4444 على الرقم

Chinese

這份文件載有重要的資訊。如果你不了解它。

請致電 131 450，電話傳譯服務。

要求他們聯絡(02) 4560 4444

聯絡 Hawkesbury City Council 查詢。

Hindi

इन प्रमर्शों में आवश्यक जानकारी हो गई है।
यदि आप इसे समझ नहीं पाएंगे तो कृपया दूरभाष
टुर्नालिंग सेवा से 131 450 पर संपर्क करें तथा
आपसे आवश्यक विवरण मिले। कॉन्सिल से 02 4560 4444
पर संपर्क करें।

Filipino-Tagalog

Ang dokumentong ito ay mayroong mahalagang impormasyon.
Kung hindi ninyo nauunawaan ito pakikawagan ang Telephone
Interpreting Service sa 131 450 at hilingin sa kanila na tawagan
ang Hawkesbury City Council sa 02 4560 4444.

Macedonian

Ovaj dokument sadrži važnu informaciju.
Ako ne go razbirate ve molimo da se javite na službu za
tolkuvanje preko telefona (Telephone Interpreting Service) na
131 450 i poverajte da go kontaktirate Hawkesbury City Council na
02 4560 4444.

PLANNING PROPOSAL

1026 GROSE VALE ROAD KURRAJONG



February 2013 (amended May 2014)
(Ref: 121118)

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

COPYRIGHT: The concepts and information contained within this document are the property of Falson & Associates Pty Ltd. Use or copying of this document in whole or in part without the written permission of Falson & Associates Pty Ltd constitutes an infringement of copyright.

Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	5
The Planning Proposal	5
Background.....	6
DESCRIPTION OF LAND AND SURROUNDING LOCALITY	7
Site Location	7
Site description.....	7
Locality Description	9
Topography	9
Soils	9
Agricultural Land	9
European Heritage	10
Aboriginal Cultural Heritage	12
Landscape, Visual and Open Space Values	12
Ecology	13
Bushfire	15
Access and Transport	15
Utilities and Services Infrastructure	16
Community Facilities and Human Services	2
Alternative Land Uses	17
Subdivision Design	17
STATUTORY PLANNING POLICIES AND CONTROLS	19
Land Use Zoning	19
State Planning Controls and Policies	20
Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995)	20
State Environmental Planning Policy 44 – Koala Habitat	20
SEPP55 – Remediation of Land	20
SREP No 20 – Hawkesbury Nepean River	20
Regional Planning Controls and Policies	22
Sydney Metropolitan Strategy	22
Local Planning Controls and Policies	23
Hawkesbury Local Environmental Plan 2012.	23
Hawkesbury Residential Lands Strategy 2010.	23
Hawkesbury Employment Lands Strategy 2008.	24
Community Strategic Plan 2013-2032	24
Our City Our Future - Rural Rezoning Policy 1998.....	25
MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL	27
JUSTIFICATION STATEMENT (S 55(1) OF THE ACT	27
Part 1 - Objectives or Intended Outcomes.....	28
Part 2 - Explanation of Provisions	28

Part 3 - Justification	28
Part 4 - Mapping.....	39
Part 5 – Community consultation	39
Part 6 – Project Timeline.....	40
CONCLUSION	41

Executive Summary

The site at Kurrajong is a 10.78ha site comprising of one allotment. The site is located at the southern fringe of the residential village of Kurrajong and is adjoined on two boundaries by a different zone that allows lots of 4ha to be created whereas the zone that contains the land has a minimum subdivision size requirement of 10ha.

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 considered to be within an area identified within Council's strategy for investigation.

Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into two lots that would be consistent with other lands in the vicinity and within the adjoining 4ha zone.

The site is capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control can be satisfied.

The conclusion is that the site is appropriate for subdivision as proposed, that the current RU1 zone boundary could remain and the lot size map could be altered to reflect the subdivision proposal.

We understand 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.

Electricity, telephone and transport services is currently available to the site boundaries and each lot would have good road frontage access.

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, albeit in a small way, this identified demand and is consistent with strategies identified within Council's Residential Land Strategy.

Introduction

The Planning Proposal

Falson & Associates Pty Ltd has prepared this Planning Proposal on behalf of the landowners and it is submitted to Hawkesbury City Council to request that the Lot Size Map for the subject land be altered to enable it to be subdivided into 2 x 4ha lots.

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 edge of the existing residential zone at Kurrajong Village. The premise of the proposal is that it recognizes that the subject land is, prima facie, suitable for subdivision into 4ha lots and that this would be consistent with land to the rear and across the road where 4ha is the permissible lot size for subdivision. The land is currently zoned RU1 Primary Production with the adjoining land zoned RU4 Primary Production Small Lots. The proposal would recognise that the characteristics of the land are the same as the RU4 zone and that the Lot Size Map could be altered to reflect this. The proposal would maintain an appropriate transitional development between the Village and the larger lots surrounding the village. In fact the zone and lot size provisions within Council's Local Environmental Plan (LEP) means that the village is joined by a zone that promotes 10ha lots (including the subject land) with 4ha lots being further away from the village. This seems to be at odds with normal town planning location provisions where lots increase in size as they are further from residential zones.

It is concluded that altering the lot size capabilities of this land is appropriate in the circumstances of the case and would be consistent with the direction identified in Council's recent Residential Lands Strategy.

Attached to this submission is a draft plan of subdivision for two (2) rural/residential lots that each would have a minimum area of 4ha (actual areas subject to final subdivision design).

Our investigations conclude that there is sufficient evidence to indicate that subdivision of the land could take place in an environmentally sustainable manner and that Council's LEP should be altered accordingly. Thus the Planning Proposal has had regard to the physical characteristics of the site and the social context of the

surrounding area, and canvasses the key planning issues associated with the site to a level of detail appropriate to support a LEP Gateway determination by the Department of Planning & Infrastructure (DP&I).

An LEP Gateway determination will allow for any further detailed site investigation to occur where necessary although it is believed that the only issues that require further investigation are those relating to specific effluent disposal design and bushfire asset protection zone design and that these can properly wait for a subsequent development application for subdivision. That is, it is considered that there is prima facie evidence that the site can be developed by a subdivision and a subsequent additional one dwelling and that no further studies are required in conjunction with this Planning Proposal or its process to Gateway determination and beyond.

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 Residential Land 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 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

Site Location

The site is located approximately 85km north west of the Sydney CBD, and 300 metres south of the Kurrajong Village. Kurrajong is situated 1km south of the Bells Line of Road which is the second major road route over the Blue Mountains linking Sydney to Lithgow.

Kurrajong Village is a short distance from the site along Grose Vale Road. The current entrance to the site is approximately 800m to the edge of the village and start of village shops. This village contains a primary school, bushfire shed, shops, restaurants and there is a bus that goes past the site that connects the village with North Richmond, Grose Vale and then to Richmond.

Site description

The site is comprised of one allotment being Lot 2 in DP617404 and known as No 1026 Grose Vale Road, Kurrajong. The lot has an area of 10.78ha.

There is an existing dwelling on the land on its north western corner adjacent to Grose Vale Road. There is also a shed, dam, and intermittent watercourses towards the rear that leads to the dam. There is an electricity easement crossing the site towards the rear of the land.

The site is gently undulating with a sparse scattering of trees. The land has been used in the past for grazing of cattle and horses however its current use is for a residence only with associated structures.

The site is undulating but generally falls from the Grose Vale Road frontage to the rear of the site.

The site also has access to Tates Lane on its north eastern corner. The site has connection to reticulated water, electricity and telephone.

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



Access road into property. Shed in middle, dwelling on left amongst trees. Grose Vale Road is along ridge line on other side of trees.



Dwelling on site located amongst trees. Grose Vale Road is along ridge line.

Locality Description

The site is within a rural/residential locality of varying lot sizes. Adjoining the site there are properties that range in size from large residential lots of approximately 2000m² through smaller acreage lots along Greggs Road to the north and along Grose Vale Road to larger lots in the range 4 – 10 ha. The subject land is one of the largest in the locality.

There are some heritage listed dwellings and other buildings near to the site as identified in the Heritage Map elsewhere in this report.

There are dwellings on most of the surrounding lots. The closest dwelling is on a small residential lot adjoining the site between the dwelling on the site and Grose Vale Road.

Topography

The land varies in height from approximately 172m AHD along Grose Vale Road and then sloping gently to the south (rear) boundary which lies at approximately 130m AHD.

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 a 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 Class 3 land as:

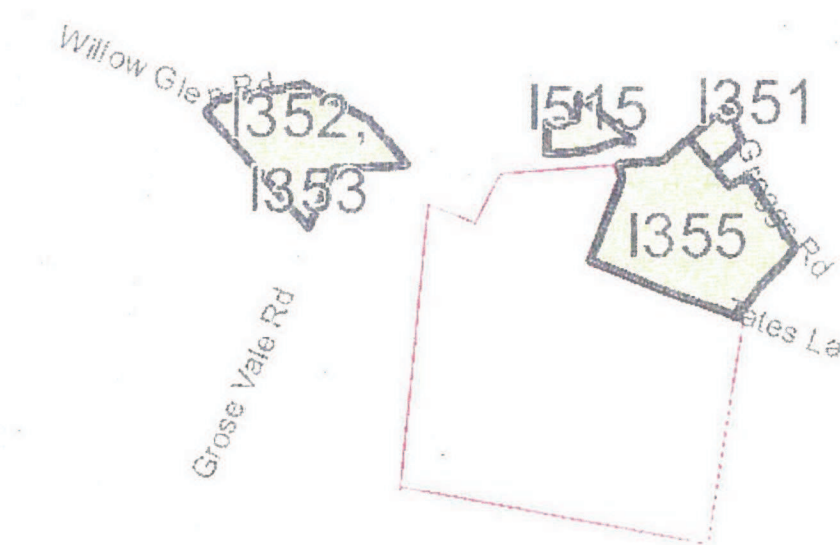
Class 3 – Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate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

The surrounding land uses, the soil and slope profile of the land, proximity of Kurrajong Village 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. Whilst the site has been used for hobby farm cattle and horse grazing in the past it is too small for any meaningful agricultural use in terms of cropping or production. Additionally there are intermittent water courses that traverse the lower portion of the land that would limit any intensive agricultural use.

It is considered that subdivision of the land into two lots would have no impact on primary production or on the land's ability to contain hobby farms.

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.



Extract of Council LEP Heritage Map. Site outlined in red.

Whilst the site does not contain a heritage listed item it is adjacent to properties that contain heritage dwellings. It is considered that these dwellings and their curtilage are sufficiently removed from the subject site such that its subdivision and subsequent one additional dwelling would not impact on the significance of the heritage items. Only the item No 1355 is visible from the site. Item 1351 is too far away to have

any particular view. Item 1515 is on the opposite side of Grose Vale Road and not visible due to topography and vegetation. Items 1352/3 are part of the Anglican Church complex and not visible from the property due to distance, topography and vegetation.



House at No 1040 Grose Vale Road backing onto top of property. This is heritage list No 1355 within Council's LEP register. Note that this photo was taken with a telephoto lens and in fact appears a lot further away than how it appears.



Dwelling at 1033 Grose Vale Road on opposite side of road. This is listed as heritage item No 1515 in Council's LEP. This dwelling cannot be seen from the subject property due to topography and vegetation.

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 open nature of the site and those surrounding is characterised by gently undulating rural and rural/residential land on the fringe of more dense urban development. Farm dams and open pastures are a feature and include scattered trees and grasses.

It is not believed that there will be any substantive change to the landscape of the site or surroundings. The local landscape will eventually alter by the construction of an additional dwelling however this would not be distinguishable in a broader context.



General location of future house site on vacant lot.



Existing dam. Rear of property is along edge of tree line in the background.

Ecology



Extract of LEP Biodiversity Map. Property outlined in red.

The site is included in the Terrestrial Biodiversity Map within Council's LEP 2012. The map indicates that approximately half of the site (corresponding with the rear portion) is classed as "connectivity between significant vegetation". An examination of the site and of an aerial photograph indicates that the rear portion of the site is substantially cleared and has been for many years. The area of the site within the "connectivity between significant vegetation" has no difference in vegetation cover or character than that part of the site that is not included in Council's map. There is no continuous canopy in the area covered by the map.

It is believed that by any reasonable inspection or assessment it can be seen that the "connectivity" zone in the Biodiversity Map is incorrect and that detailed flora/fauna assessment is not required at least at this stage of the Planning Proposal process. It is believed that even with a subsequent subdivision/development application a detailed flora/fauna assessment is not required however if required then the appropriate time to do it would be with a subsequent application. It is noteworthy that even if the land is required to remain as partly within the "connectivity" zone then the subdivision could still proceed without impact on this area.

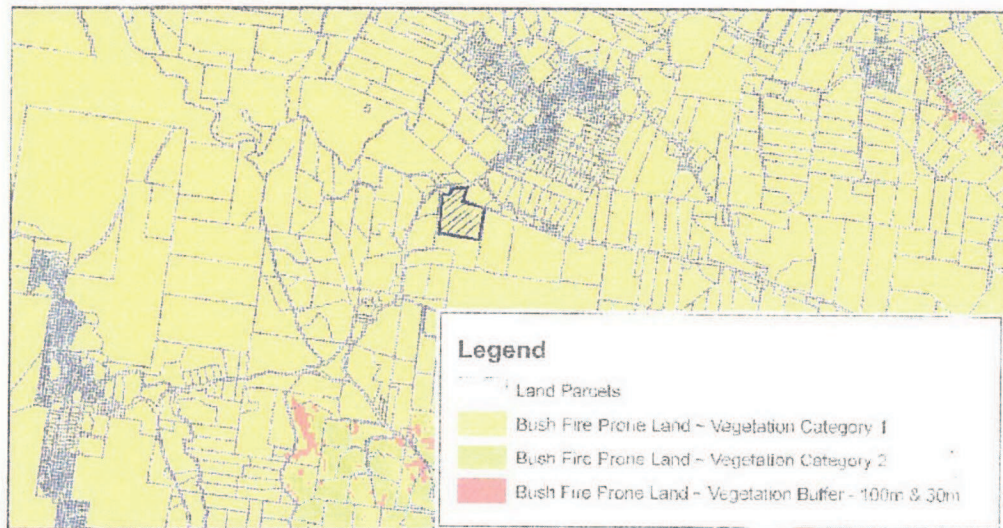
The site does contain two intermittent drainage lines within the area covered by the "connectivity" zone however no future dwelling or access construction would take place close to these lines.



Sparse scattering of trees in background and mowed paddock in foreground are both within the "connectivity between significant vegetation" area.

Bushfire

Council's Bushfire Prone Land Map identifies the site as being within a Bushfire Prone Land – Vegetation Category 1 zone.



Extract from Council Bushfire Prone Land map. Subject property is hatched in middle of diagram.

The land is mostly cleared due to previous grazing uses. A future dwelling on the proposed vacant lot would be able to comply with NSW Planning for Bushfire 2006 including appropriate access, asset protection zones, water supply etc.

Access and Transport

Grose Vale Road runs along the site's north and north western boundary, and is an undivided regional 2 lane road under the control of Hawkesbury Council. Grose Vale Road is configured as a loop road, providing access to Bells Line of Road for the communities of North Richmond, Grose Vale, Grose Wold and Kurrajong. It intersects with Bells Line of Road at both Kurrajong and North Richmond.

There is an existing local bus service that runs past the site and which links to Kurrajong, Bowen Mountain, Grose Vale and North Richmond and then to Richmond and Penrith. There is a Sydney metropolitan train station at Richmond.

It is acknowledged that North Richmond and the Bridge on Bells Line of Road currently experiences traffic capacity problems during peak periods. Should this planning proposal proceed then the impact of this proposal would be insignificant in terms of the road and bridge's function. It is noteworthy that there are other Planning Proposals afoot that, if supported, would be of a size where substantial upgrading of the North Richmond Bridge or some alternative traffic management would

take place. Additionally it is understood that Council is in the course of preparation of a S94 contributions plan for development at Kurmond. It is envisaged that if this Planning Proposal were to proceed a contribution would be levied on the subdivision for each additional lot created to assist in implementation of traffic infrastructure in the locality. Alternatively the landowner could enter into a Voluntary Planning Agreement with Council so that an amount approximating what might come from the S94 Plan can be levied with the resultant subdivision if the S94 Plan has not at that time been implemented.



Sight lines from entrance along Grose Vale Road.

Utilities and Services Infrastructure

The site does not have a reticulated water or sewer service. It is noted that the Kurrajong Village also does not have a reticulated sewer service although reticulated water is available.

As happens in rural lands in the Hawkesbury effluent is either disposed of on site or is collected and pumped out via an approved contractor for transportation to an approved waste outlet. The subject site is large enough for each lot to have on-site disposal. The existing dwelling on the land has such a facility and the size of the proposed new lot is more than adequate in size and topography to also have on-site waste disposal.

Water supply on rural lands is provided by collection of roof water, dams, bores etc. Each lot is capable of containing water collection for both potable use and for bushfire reserve storage.

Electricity and telephone are available to the site.

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

Community Facilities and Human Services

The following facilities are available within the Kurrajong Village:

- Primary school.
- Catholic, Anglican and Uniting Churches.

- Shops including supermarket, chemist, bakery, newsagent and a variety of specialty shops.
- Cafes and restaurants.
- Community Hall along with a variety of service clubs.
- Bushfire Shed.
- Nursing home.
- Retirement Villages

Alternative Land Uses

Council's LEP 2012 does allow a range of uses in the current RU1 zoned land however the only reasonable alternative use for the site would be the current use of residential or rural/residential with low-key grazing opportunities. These uses could take place even if the land is subdivided as proposed with this Planning Proposal. The proposal would allow such uses to continue whilst also allowing for an additional dwelling and thus promoting Council's Residential Land Strategy.

Subdivision Design

The preliminary proposed plan of subdivision shows two lots with areas of 6.19ha containing the existing dwelling and shed and 4.59ha which would be a vacant lot containing the existing dam.

Whilst not shown on the proposed vacant lot 102 there is ample room for a building envelope with associated effluent disposal, bushfire asset protection zone and ancillary development. This building envelope would be well removed from the intermittent water courses and dam and would be considerable distance from the adjoining heritage dwellings such that there would be no impact on those dwellings.

Proposed Lot 101 would maintain its existing access to Grose Vale Road. Lot 102 would have a new access to Grose Vale Road and would also have access to Tates Lane. There is ample sight distance along Grose Vale Road for these accesses. Access to a future dwelling on Lot 102 could be either from Grose Vale Road or Tates Lane and would be subject to final dwelling location. Below is a plan of preliminary subdivision.