

STATEMENT IN SUPPORT OF REZONING (PLANNING PROPOSAL)

RURAL – RESIDENTIAL SUBDIVISION

98 Bells Lane, Kurmond



December 2014
(Ref: 141184)

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

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

Contents

EXECUTIVE SUMMARY	4
INTRODUCTION.....	5
The Planning Proposal	5
Background.....	6
DESCRIPTION OF LAND AND SURROUNDING LOCALITY.....	7
Location.....	7
Site description	7
Locality Description	7
Topography	7
Soils	8
Agricultural Land	8
European Heritage.....	9
Aboriginal Cultural Heritage	9
Landscape, Visual and Open Space Values	9
Ecology	9
Bushfire	10
Access and Transport	11
Utilities and Services Infrastructure	11
Community Facilities and Human Services	12
Alternative Land Uses	12
Subdivision Design	12
STATUTORY PLANNING POLICIES AND CONTROLS.....	13
Land Use Zoning	13
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	13
SREP5 No 20 – Hawkesbury Nepean River.....	14
Regional Planning Controls and Policies	15
Sydney Metropolitan Strategy	15
Local Planning Controls and Policies	16
Hawkesbury Local Environmental Plan 2012.	16
Hawkesbury Residential Lands Strategy 2010.	16
Hawkesbury Employment Lands Strategy 2008.....	17
Community Strategic Plan 2010-2030	18
Our City Our Future - Rural Rezoning Policy 1998.....	18
MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL.....	21
JUSTIFICATION STATEMENT (S 55(1) OF THE ACT	21
Part 1 - Objectives or Intended Outcomes.....	21
Part 2 - Explanation of Provisions	21

Part 3 - Justification	21
Part 4 - Mapping	32
Part 5 – Community consultation	33
Part 6 – Project Timeline.....	33
CONCLUSION.....	34

Executive Summary

The site at Kurmond is a 4.92ha single allotment. It is located on the southeastern fringe of the Kurmond residential village 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 considered to be within an area identified within Council's strategy for investigation and in fact is included in an investigation map prepared by Council for consideration of further urban development at Kurmond.

Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into a number of lots that would be consistent with other lands in the vicinity and would form an appropriate component of village expansion at Kurmond. A plan of proposed subdivision has been prepared that shows four (4) allotments, with areas of 2.50ha, 1.13ha, 0.7956ha and 0.5ha.

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 and that the current Lot Size Map should be altered to account for subdivision of the land into lots of minimum size 4,000m², and 1ha 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.

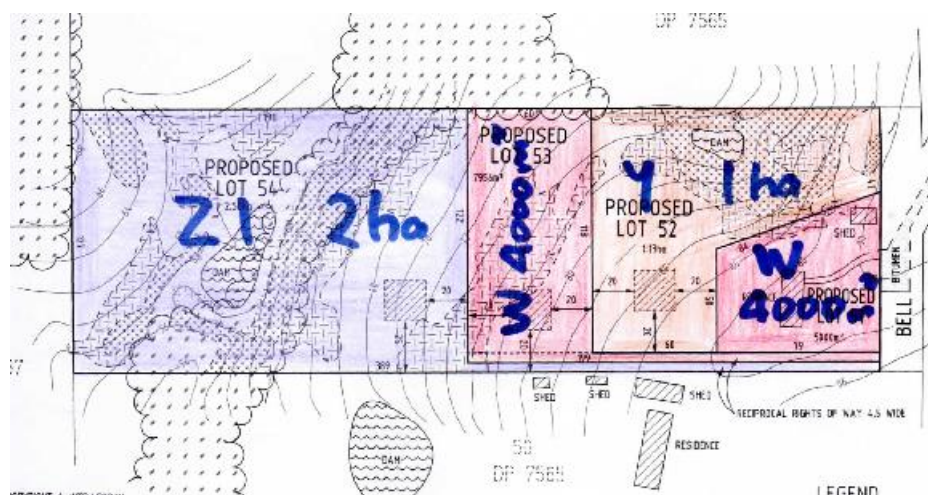
Electricity, telephone, garbage and recycling facilities are currently available to the site boundaries. The proposed subdivision would be appropriate in terms of on-site effluent disposal, bushfire control and vegetation and flora/fauna management. There is no reticulated town water to the site.

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 4000m², 1ha and 2ha as per the below suggestion 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 within the south eastern part of the Kurmond Village. The premise of the proposal is that it recognizes that the subject land is, prima facie, suitable for large lot residential or rural/residential use and would be appropriate infill development within the village and as identified in the investigation map prepared by Council of an area around Kurmond. 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.

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 a subdivision and subsequent dwellings and that no further studies are required in conjunction with this Planning Proposal or its process to 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.

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

Description of Land and Surrounding Locality

Location

The site is located approximately 85km north west of the Sydney CBD, and is within the southeastern part of the Kurmond Village. Kurmond is situated on the Bells Line of Road which is the second major road route over the Blue Mountains linking Sydney to Lithgow.

Kurmond Village is a small town that is centred on Bells Line of Road and in particular the shops and Primary School but with an enclosed village area to the south comprised of dead-end roads and large lot residential and/or rural/residential lots.

Site description

The site is comprised of one (1) allotment being Lot 49 DP 7565 and known as No 98 Bells Lane, Kurmond. The lot has an area of 4.92ha.

There is an existing dwelling on the land in the north-eastern corner of the site adjacent to Bells Lane. The site has some relatively dense vegetation to the rear of the site which is traversed by a natural intermittent watercourse. The front 2/3rds approximately of the site is cleared except for occasional shade trees. There are two dams on the site, one towards the front of the site and one towards the rear.

The site generally has a gentle fall from the Bells Lane frontage to the rear although there are some areas with slopes of 15-20% and some greater than 20%.

The existing dwelling and proposed dwelling sites are clear of vegetation and are on slopes less than 15%.

Locality Description

The site is contained within the enclosed southern part of the Kurmond Village. It is surrounded by mostly small lot rural/residential properties. There are houses adjoining the site on all sides.

Topography

The land varies in height from approximately 90m AHD along the road frontage to 58 metres along the watercourse towards the rear. The slope then rises to the rear boundary to 68m 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 Class 3 and Class 4 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.

Class 4 – Marginal lands not suitable for cultivation and with a low to very low productivity for grazing. Agriculture is based on native or improved pastures established using minimum tillage. Production may be high seasonally but the overall level of production is low as a result of a number of major constraints both environmental and edaphic.

The surrounding land uses, the soil and slope profile of the land, proximity of Kurmond 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. The site may have been used for hobby grazing activities in the past but it is too small for any meaningful agricultural use in terms of cropping or production. Additionally, there is an intermittent water course that traverses land that would limit any intensive agricultural use.

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 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.

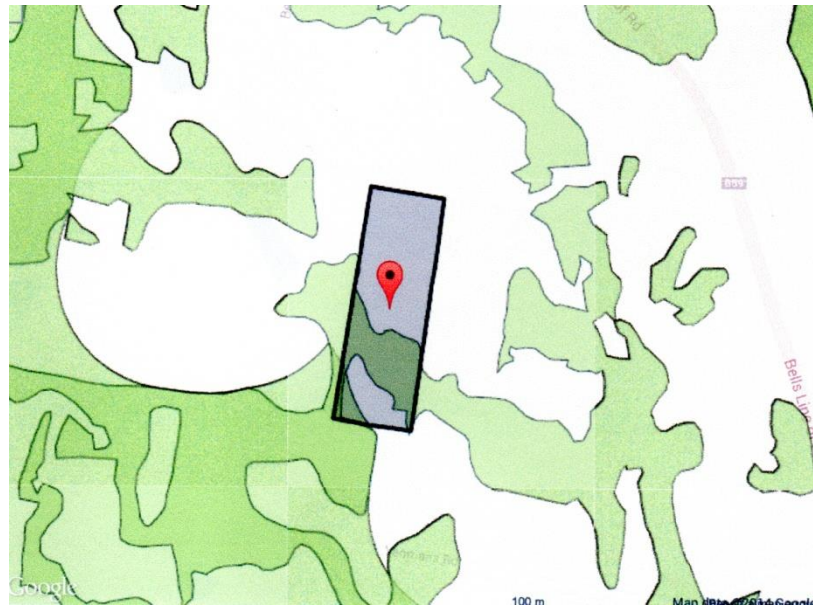
Aboriginal Cultural Heritage

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 a component of heavy vegetated towards the rear along the watercourse with only scattered vegetation elsewhere. There would not be any substantive change to the landscape of the site or surroundings if the subdivision were to proceed. Whilst changing the site from rural to large lot residential, it is not beyond the capacity of the land to satisfactorily absorb two additional houses which would be hardly distinguishable in the context of the site and its surrounds.

Ecology



Extract of LEP Biodiversity Map with property identified

The site is included in the Terrestrial Biodiversity Map within Council's LEP 2012. The map indicates that approximately 1/4 of the site is classed as "significant vegetation" with approximately 5% as "connectivity between significant vegetation".

Whilst a flora/fauna assessment of the site has not been carried out at this stage it can be seen 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 identifies the site as being wholly within a Bushfire Prone Land – Vegetation Category 1 zone.

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

Bells Lane is a dead-end local rural/residential road. It has no transport services however the site is within reasonable cycling and walking distance to the Kurmond village shops.

Bells Lane is an undivided local 2 lane road under the control of Hawkesbury Council. The lane intersects with Bells Line of Road which is a classified road.

Access to the site from the lane is relatively level and good sight distances exist in each direction (noting that the road ends at the adjoining property to the east).

There is an existing local bus service that runs along Bells Line of Road and which links Kurmond to Kurrajong, 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.

Utilities and Services Infrastructure

The site does not have reticulated water or sewer and currently relies on rain water tanks and the dam on the property for water supply. This is similar to many other properties in the locality whilst others in the smaller residential lots in the village have reticulated water provided. None of the existing Kurmond Village has a reticulated sewer service and 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

proposed lot to have on-site disposal. The existing dwelling on the land has such a facility and the size of the proposed new lots are more than adequate in size and topography to also have on-site waste disposal.

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 the Kurmond Village:

- Primary school.
- Shops including mini-market, newsagent and a variety of specialty shops.
- Cafes and restaurants.
- Service stations.
- High School a short distance away at North Richmond.

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 continued current use as a rural/residential lot. As mentioned the site is too small for any meaningful agricultural use and is constrained by an intermittent creek that traverses the site to the rear and riparian vegetation along this creek.

Subdivision Design

The plan of subdivision shows three large lot residential or rural/residential lots of varying sizes. 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 as proposed.

Statutory Planning Policies and Controls

Land Use Zoning

The site is currently zoned RU1 – Primary Production under Hawkesbury LEP 2012.

The lot size map within the LEP provides for a minimum lot size of 10ha within the RU1 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) 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 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 required. However there is no evidence of koalas on site and the site is not core habitat as defined by SEPP44.

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 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 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 however the building envelopes shown on the preliminary subdivision layout indicate that appropriate effluent disposal areas exist.

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 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.

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 and 4 agricultural land of low value and 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.

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. 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 RU1 – Primary Production and the Lot Size Map within the LEP provides that subdivided lots are to have a minimum area of 10ha.

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.

Villages and neighbourhood centres such as Kurrajong, Kurmond, Pitt Town, Bligh Park, Wilberforce and McGraths Hill should be supported by allowing additional residential intensification in their immediate vicinity where environmental constraints allow. This might require an accompanying increase in business and retail development capacity.²

The proposal is consistent with the recommendations for Kurmond.

² Hawkesbury Employment Lands Strategy, 2008, p113.

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:

- 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;

The site does not front and is not visible from a main road.

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;

The lots will vary in size down to a minimum of 5,000m². A lesser area than this, 4,000m², is the size of allotment that is indicated by Council as normally being the minimum to contain on-site effluent disposal in later studies (eg Kurrajong Heights, Wilberforce and within LEP 2012 generally). The 5,000m² lot is that around the existing house that already has an effluent disposal system within the proposed lot boundaries. The other three lots are 2.5ha, 1,1ha and 7956m², each of which is well able to contain on site effluent disposal.

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 indicative dwelling sites on the two vacant lots would have sufficient open area around them for bushfire asset protection zones. Some vegetation management may be required however this is believed to 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.

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.

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 proposed local environmental plan would either alter the Lot Size Map as it applies to the land or have an enabling clause inserted into the LEP. It is presumed that there will be provisions contained within the draft plan that would limit the number of lots to generally coincide with the planning proposal and that no further subdivision of this land would be permissible once the actual number of lots have been assessed as appropriate.

The proposal, albeit in a small way, would assist in meeting the demand for additional housing supply and housing choices within the requirement for an additional 5-6,000 houses by 2031.

Part 2 - Explanation of Provisions

It is envisaged that the draft local environmental plan would include provisions relating to suitable dwelling location, vegetation management, bushfire asset protection zones, access and effluent disposal.

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 Kurmond Village. Investigations reveal an indication within the Residential Lands Strategy adopted by Council in 2010 that required a vibrant future for small villages including the development around their perimeters commensurate with appropriate access and facilities. The site is within the contained southeastern part of the Kurmond Village and is within an area to be considered for development in accordance with Council's Strategy and the later Kurmond investigation map prepared.

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 infill expansion of the village of Kurmond 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 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.

<p>Action B1.1 – plan for centres to grow and change over time.</p> <p>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.</p>	<p>The proposal provides for infill development in the southeastern contained part of the Kurmond Village.</p> <p>The proposal assists in carrying out this action.</p> <p>The site is within walking and cycling distance of the village shops and bus route to the larger centres of Richmond and Windsor.</p>
--	--

<p>B3.1 Plan for new centres in existing urban areas and greenfield release areas.</p>	<p>The site is within an existing village area and a logical one for large lot residential lots as proposed.</p>
<p>Objective D1 – to ensure an adequate supply of land and sites for residential development.</p> <p>Action D1.1 – locate at least 70% of new housing within existing urban areas and up to 30% in new release area.</p> <p>D1.2 - reflect new subregional housing targets in Subregional Strategies and Local Environmental Plans, and monitor their achievement.</p> <p>Objective D2 – to produce housing that suits expected future needs.</p> <p>Action D2.1 – ensure local planning controls include more low rise medium density housing in and around smaller local centres.</p> <p>D3.1 Explore incentives to deliver moderately priced rental and purchase housing across all subregions.</p>	<p>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.</p> <p>The site is within the contained southeastern part of the Kurmond village area and assists in carrying out this action and is consistent with development envisaged by Council's Residential Land Strategy.</p> <p>The proposal will assist in the sub regional strategy of providing for an additional 5-6,000 house sites by 2031.</p> <p>There is an expectation within the rural village areas of the Hawkesbury LGA that additional housing opportunities will occur commensurate with projected growth.</p> <p>The proposal does not achieve this action. Kurmond is not currently provided with adequate water and sewer services to provide for low rise medium density housing.</p> <p>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.</p>

<p>Objective F1 – to contain Sydney’s urban footprint</p> <p>Objective F2 - to maintain and protect agricultural activities and resource lands</p>	<p>The proposal is within the southeastern part of the Kurmond Village and envisaged by Council’s Residential Strategy as being within an area for limited growth.</p> <p>The site has a limited opportunities for agriculture however the relatively small size of the land, proximity of housing, and vegetation constraints suggests that any meaningful agricultural use is limited.</p>
<p>Objective G5 – to achieve sustainable water use.</p> <p>Objective G6 - to protect Sydney’s unique diversity of plants and animals.</p>	<p>Water sensitive design can be incorporated into future dwelling applications to Council.</p> <p>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 and 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.</p>
<p>Objective H3 – to provide healthy, safe and inclusive places based on active transport.</p> <p>Action H3.1 – design and plan for healthy, safe, accessible and inclusive places.</p>	<p>There is limited transport within the rural village areas of the Hawkesbury LGA. However this site is within walking and cycling distances to the local village shopping centre and bus route that provides access to larger centres.</p>

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. Whilst not specifically mentioned in the sub regional strategy Kurmond Village 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;

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 Kurmond Village 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.

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.

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	<p>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.</p> <p>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. It is noted that the Deposited Plan that created the site is probably around 80 years old and as such the land was not of any size that would permit large scale agriculture.</p> <p>As the proposal is only for three large lot housing and/or rural/residential lots, provides a community benefit and is considered to be of minor significance the proposal does not, in our view, warrant the preparation of a specific rural study particularly noting Council's Residential Strategy that identified sites such as this for village expansion.</p>

3.1 Residential Zones	Yes	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>Subdivision of the land would allow for a variety of lot sizes and housing opportunities, enable connection to existing services and be of appropriate environmental impact.</p>
3.4 Integrated Land Use and Transport	Yes	<p>The proposed rezoning will have no impact on transport. Kurmond 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.</p>
4.1 Acid Sulfate Soils	Yes	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>Matters of bushfire protection can be adequately incorporated into the subdivision including asset protection zones and management of vegetation.</p>
6.1 Approval and Referral Requirements	Yes	<p>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.</p>

6.3 Site Specific Provisions	Yes	<p>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.</p> <p>The proposal therefore is able to satisfy this Direction.</p> <p>The planning proposal will not provide any unnecessary restrictive site specific planning controls.</p>
7.1 Implementation of the Metro Strategy	Yes	<p>Kurmond Village is not mentioned within the Metropolitan Strategy and has no hierarchical status. It is not contained within the north-west growth centre.</p> <p>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.</p> <p>The proposal is not inconsistent with the Metro Strategy and therefore complies with this Direction.</p>

Section C – Environmental, social and economic impact

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.

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 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.

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 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.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The proposal for four 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.

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, but mostly 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. As mentioned 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. 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	6 weeks

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

Conclusion

The subject site is within the existing contained southeastern part of the Kurmond Village 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 infill development within 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 the local Kurmond 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.