

permit six residential lots and one community lot				
Proposal Title :	permit six residential lots and one community lot			
Proposal Summary :				
PP Number :	PP_2015_HAWKE_001_00	Dop File No :	15/04442	
Proposal Details	and the product of the	and the second second second	in the second second	
Date Planning Proposal Received :	15-Jan-2015	LGA covered :	Hawkesbury	
Region :	Metro(Parra)	RPA :	Hawkesbury City Council	
State Electorate :	LONDONDERRY	Section of the Act :	55 - Planning Proposal	
LEP Type :	Spot Rezoning			
Location Details				
Street : 373	3 Bells Line of Road			
Suburb : Ku	rmond City :	NSW	Postcode : 2757	
Land Parcel : Lot	t 11 DP 633630			
DoP Planning Offi	cer Contact Details			
Contact Name :	Georgina Ballantine			
Contact Number :	0298601568			
Contact Email : georgina.ballantine@planning.nsw.gov.au				
RPA Contact Details				
Contact Name :	Philip Pleffer			
Contact Number :	0245604546			
Contact Email :	philip.pleffer@hawkesbury.nsw.go	ov.au		
DoP Project Mana	ger Contact Details			
Contact Name :	Derryn John			
Contact Number :	0298601505			
Contact Email :	derryn.john@planning.nsw.gov.au	ı	2	
Land Release Data	3	1		
Growth Centre :	N/A	Release Area Name :	N/A	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes	

	iots and one community for			
MDP Number :		Date of Release :		
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A	
No. of Lots	0	No. of Dwellings (where relevant) :	6	
Gross Floor Area	0	No of Jobs Created :	0	
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes			
If No, comment :	To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.			
	POLITICAL DONATIONS DISCLO	SURE STATEMENT		
	Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.			
	"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.			
	The term relevant planning application means:			
	- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument"			
	Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).			
	The Department has not received	any disclosure statements f	or this Planning Proposal.	
Have there been meetings or	Νο			
communications with registered lobbyists?			ан. С	
If Yes, comment :	The Department's Lobbyist Conta records of contact with lobbyists	-	11 March 2015. There are no	
Supporting notes				
Internal Supporting Notes :	SUBJECT SITE AND SURROUND	S		
	The subject land is located appro Centre. The site has an area of 10 Bells Line of Road and Bells Lane	.31ha, is irregular in shape, a	and has frontage to both	
	The site contains a Veterinary clin immediate confines of the Veterin scale grazing.			
	An unnamed intermittent waterco middle of the site. Surrounding th the site. An aerial map is provided proposal.	is watercourse is the majorit	ty of remnant vegetation on	

The land is undulating and has an elevation of approximately 93m AHD at Bells Line of Road, falling to approximately 55m AHD at the unnamed watercourse and then rising to an elevation of approximately 90m AHD towards Bells Lane. Slopes on the site generally exceed 10% with some parts of the site towards Bells Line of Road and the unnamed watercourse exceeding 15%.

#### ZONING AND LOT SIZE

The site is zoned RU1 Primary Production under Hawkesbury Local Environmental Plan 2012. The subject land is surrounded by RU1 Primary Production land on all sides. The current minimum lot size for RU1 land in the area is 10ha.

The subdivision plan and proposed Lot Size Map (pgs 3 and 5 of the Proponent's planning proposal) show that the proposed six residential lots range in size from 0.78ha to 2.45ha. Council has stated that approval of the subdivision plan will be dependent upon development application provisions.

Land surrounding the site consists of a varied mix of lots sizes with smaller lots generally located to the east and north, starting at an area of 300sqm (including proposed lots) and larger lots located to the south and west, starting at approximately 2ha. The predominant land use in the vicinity is low density residential and rural residential development.

#### SERVICES

Council is satisfied that the site is capable of containing on-site effluent disposal. The site is serviced by reticulated water, electricity, telephone, garbage and recycling facilities.

#### SITE ACCESS

Vehicular access to the site is from Bells Line of Road to the east and Bells Lane to the west. The subdivision design (pg. 3 of the proponent's planning proposal) proposes a shard line of access from Bells Line of Road for the newly created lots. The existing access for the veterinary clinic will remain.

The site is subject to a Roads and Maritime Services re-alignment plan which affects a narrow strip of land adjacent to Bells Line of Road. Council is proposing to refer the proposal to Roads and Maritime Services for comment.

#### TRAFFIC

The area is considered to be low traffic, however public transport is limited to one bus route and the local residents are therefore heavily car-dependant. Due to local concerns around the impact of development west of the Hawkesbury River, Council considers that infrastructure upgrades are a fundamental matter to be addressed prior to the finalisation of any planning proposals in the locality. If the proposal proceeds Council intends to enter into a Voluntary Planning Agreement of Section 94 Development Contribution arrangement with the proponent to assist in infrastructure improvement.

#### **DEVELOPMENT APPLICATION**

According to Council's records a development application (DA0602/09) for subdivision of the land into two lots was approved by Council in September 2010. This subdivision sought to excise the Veterinary clinic (proposed Lot 1 at 3165m2) from the balance of the site (proposed Lot 2 at 10ha). Council records show that the owner of the property has activated this consent, however, at present a Subdivision Certificate has not been issued by Council nor the proposed lots registered. However, the number of lots proposed by this planning proposal is in addition to the proposed Veterinary clinic lot approved by DA0602/09. The approved subdivision plan fo DA0602/09 is shown in Attachment 2 of the Council report (pg 20).

External Supporting Notes :

## Adequacy Assessment

## Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

The objective of the planning proposal is to enable subdivision of Lot 11 DP 633630, being 373 Bells Line of Road, Kurmond to permit six residential lots and one community lot for rural residential development.

## Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment

Comment :

The intent of the planning proposal will be achieved through amendment to the relevant Lot Size Map under Hawkesbury Local Environmental Plan 2012. The current Lot Size Map displays a minimum lot size of 10ha for the site. The subdivision will be achieved through reduction of the minimum lot size to 4000sqm and insertion of a clause provision relating to the maximum number of lots permissible on the site.

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

1.2 Rural Zones

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? Yes

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land SREP No 9—Extractive Industry (No 2—1995) SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered : No other matters require consideration.

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

If No, explain 😳

117 DIRECTIONS

### **DIRECTION 1.2 RURAL ZONES**

Direction 1.2 applies as the proposal affects land within an existing rural zone. The proposal contains provisions that will increase the permissible density of land within a rural zone on land that is not located within an existing town or village. The increase in density from one lot to seven lots is considered a minor variation as the land is surrounded predominantly by smaller lots used for residential purposes. The site is located within 1km of Kurmond village centre and within the Kurmond Investigation Area (an area identified as an adjunct to the Hawkesbury Residential Land Strategy) for increased residential development. With respect to agricultural value, the land has not been used for rural/agricultural uses for many years and requires frequent slashing to control weeds.

The site is within a Class 3 agricultural land classification in accordance with the NSW Department of Primary Industries' Land Classification mapping. Class 3 land is grazing land or land well suited to pasture improvement with moderate production level. The

proximity of the site to surrounding smaller rural residential properties with lots generally between 2ha to 6ha in size, in addition to the size and slope of the land, indicate that the site is unlikely to provide a sustainable and viable area for primary production/agricultural use.

Any inconsistency with the objectives of Direction 1.2 is therefore considered to be of minor significance.

DIRECTION 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES Direction 1.3 applies as the planning proposal would have the effect of restricting the potential development for mining, petroleum production and extractive industries an increase in residential density. The subject land is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource and Energy Division of NSW Trade and Investment. Further, the subject land is not located within or in the vicinity of land described in Schedules 1, 2 and 5 of the Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1995). Council intends to consult with the Director General of the Department of Primary Industries to ensure that there are no issues with development on the land relating to resources extraction. Pending the result of the consultation, the proposal is consistent with Direction 1.3 in all aspects.

#### DIRECTION 2.3 HERITAGE CONSERVATION

Direction 2.3 applies when a relevant planning authority prepares a planning proposal. The site does not contain a heritage listed item. A listed Council heritage item (No. 1455) is located on the opposite side of Bells Line of Road about 400 metres from the site. This item is not within the visual catchment of the site and subdivision in accordance with the proposal lot layout would have no impact on the listed item.

There are no known significant Aboriginal sites on the land or nearby. The proposal is considered to be consistent with Direction 2.3.

#### DIRECTION 3.1 RESIDENTIAL ZONES

Direction 3.1 does not apply as the planning proposal is not within an existing or proposed residential zone and the RU1 Primary Production zone does not permit significant residential development.

#### **DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT**

Direction 3.4 does not apply as the proposal does not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

#### **DIRECTION 4.1 ACID SULFATE SOILS**

Direction 4.1 applies as the site is located on land identified as 'Class 5' on the Acid Sulphate Soils Planning Map (see attached excerpt 'Acid Sulphate Map'). Hawkesbury Local Environmental Plan 2012 Clause 6.1 (2) requires that works on land in a 'Class 5' area seek council consent if the site is within 500 metres of adjacent 'Class 1, 2, 3 or 4' land. All the land within 500 metres of the site is identified as 'Class 5' and development consent is not specifically required for works that might disturb acid sulfate soils. Due to the low increase in residential density and the permissibility of development it is considered that the inconsistency of the proposal with Direction 4.1 is of minor significance.

#### **DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION**

Direction 4.4 applies as the site is identified as (and is surrounded by) Vegetation Category 1 zoned land on Council's Bushfire Prone Land Map. The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and prior to community consultation. The proposal is considered consistent with Direction 4.4 subject to Council completing the consultation process with NSW Rural Fire Service (as conditioned in the Gateway determination).

#### **DIRECTION 6.1 APPROVAL AND REFERRAL REQUIREMENTS**

Direction 6.1 applies on preparation of any planning proposal. The proposal is a straightforward rezoning that does not require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal has not been identified as designated development. The planning proposal is therefore considered to be consistent with Direction 6.1.

#### **DIRECTION 6.3 SITE SPECIFIC PROVISIONS**

Direction 6.3 applies as the planning proposal allows a particular development to be carried out. The planning proposal is consistent with Direction 6.3 as it amends the lot size map for the site to an existing category in Hawkesbury Local Environmental Plan 2012. The proposal does not impose any development standards or requirements in addition to those already contained in the Plan.

### DIRECTION 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The planning proposal was prepared with consideration for the previous Direction 7.1 'Implementation of the Metropolitan Strategy' prior to the release of the current Metropolitan Strategy - 'A Plan for Growing Sydney'. The proposal needs to be updated to include a discussion of the consistency with 'A Plan for Growing Sydney'.

The proposal is broadly consistent with A Plan for Growing Sydney in that it supports the following key Direction within the Plan: 2.1 Accelerate housing supply across Sydney. The rezoning is expected to facilitate development of an additional 6 dwellings close to Kurmond village and within the Metropolitan Rural Area.

#### SEPPS AND SREPS

#### SEPP NO. 55 - REMEDIATION OF LAND

The land has been used for low intensity grazing in the past and therefore carries a low risk of soil and groundwater contamination. Clause 6 of SEPP 55 requires that Council carry out an investigative study if contamination is suspected. Council has stated that any investigation could be carried out following the issue of the Gateway determination. It is considered that, due to the minor risk of contamination, an Investigative Study is not required.

#### SREP NO. 9 --- EXTRACTIVE INDUSTRY (NO. 2-1995)

The site is not within the vicinity of land described in Schedule 1, 2 or 5 of the SREP, however the SREP applies to all land within the Hawkesbury Local Government Area. The subdivision will not restrict the removal of deposits of extractive material from such land. The land and surrounding area have no history of extractive industry. Due to the minor significance of the proposal it is therefore considered that any inconsistency with the objectives of SREP No. 9 is justified.

#### SREP NO. 20 - HAWKESBURY-NEPEAN RIVER (NO. 2 - 1997)

The aim of SREP No. 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 SREP 20 provides general planning considerations, specific planning policies and recommended strategies.

It is considered that the proposal is a relatively minor lot size variation, with a potential increase of only six dwellings, and can be achieved without any significant adverse impact on the Hawkesbury River Catchment. In addition the site is not situated within an area of scenic significance under this SREP. It is recommended that Local Land Services NSW be consulted prior to finalisation of the proposal, however, due to the minor significance of the proposal it is considered that any inconsistency with the objectives of SREP No. 20 is justified.

### Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

Council have not provided a proposed Lot Size Map. A subdivision layout and a small Lot Size diagram for the site are included in the Proponent's planning proposal at pages 3 and 5 respectively.

## Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Community consultation will be carried out in accordance with the conditions of the Gateway determination.

### **Additional Director General's requirements**

Are there any additional Director General's requirements? No

If Yes, reasons :

## Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

## **Proposal Assessment**

#### Principal LEP:

#### Due Date : September 2012

Comments in Hawkesbury Local Environmental Plan 2012 commenced on 21 September 2012. relation to Principal LEP :

## Assessment Criteria

Need for planning proposal :	The Department has received six planning proposals for reduced lot size and increased rural residential development for sites within the Kurmond Investigation Area within the last 3 years. Two of the proposals are currently under consideration and the remaining four proposals were granted approval/Gateway status. Of particular note is the approved Gateway for 396 Bells Line of Road, Kurmond. The site at no. 396 is zoned RU1 Primary Production and is proposed to achieve a minimum lot size of 4000sqm for a yield of up to 23 lots. In addition, the site at no. 396 is located directly opposite the subject land on the eastern side of Bell Line of Road.
a N	The subject land is not specified in any strategic study or report, however Council's Residential Land Strategy 2011 recognised the need to maintain the ongoing viability of rural villages through residential development (Section 6.5 Rural Village Development Criteria). The Strategy states that all future low density and large lot residential development in rural villages should cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius). The proposal is a low density development within 1km of the environs of the Kurmond Neighbourhood Centre and therefore is considered to contribute to the ongoing viability of the Centre

Consistency with strategic planning	A PLAN FOR GROWING SYDNEY
framework :	The subject land falls within the Metropolitan Rural Area as identified by A Plan for Growing Sydney, however the general Kurmond area is not identified as being of any regional or strategic significance.
	The Plan refers generally to the importance of sustaining the viability of agricultural resources and rural residential areas within the Metropolitan Rural Area and South West subregion. Due to the location of the subject land within 1km of the Kurmond Neighbourhood Centre and the smaller surrounding lot sizes, the subject land is unlikely to be viable for agricultural purposes and is suitable to contribute to the expansion of Kurmond.
	DRAFT NORTH WEST SUBREGIONAL STRATEGY
	The draft North West Subregional Strategy does not refer to the site specifically. The draft Strategy states that rural lands need to be protected from incompatible uses for their ongoing viability. This is particularly the case for intensive agricultural industries such as poultry sheds, mushrooms and protected cropping (pg. 117). As the site has limited agricultural capability and is surrounded by smaller rural residential lots, it is not considered to be significant rural resource land.
	In addition, the proposal rezones land to facilitate six new dwellings within 30 minutes drive of the Regional City of Penrith, a goal set by the State Plan and supported by the Subregional Strategy (pg. 86). In a minor way the rezoning may contribute to the Hawkesbury's housing target of 5,000 new dwellings for Hawkesbury by 2031. The proposal is considered to be generally consistent with this draft Strategy.
Environmental social economic impacts :	ENVIRONMENTAL IMPACTS Land around the unnamed watercourse and the north-western boundary and southern boundary is shown as Significant Vegetation on Council's Terrestrial Biodiversity Map of LEP 2012. Council's vegetation mapping suggests this consists of Alluvial Woodland, Shale Sandstone Transition Forest (High Sandstone Influence), Shale Sandstone Transition Forest (Low Sandstone Influence), and Shale Hills Woodland.
	The subdivision plan proposes establishing a riparian zone along the watercourse through a community title form of subdivision. The proponent states that development on the lots may not require vegetation clearing. However, due to the significance of the vegetation on site and the increase in residential density it is recommended that a flora/fauna assessment is carried out.
	Council considers 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.
	SOCIAL AND ECONOMIC IMPACTS The increase in residential density will contribute to the ongoing viability of the Kurmond Neighbourhood Centre. As such there will be a minor, positive social and economic impact from the reduction in minimum lot size.

	Assessment Process	6				
	Proposal type :	Routine		Community Consultation Period :	14 Days	
	Timeframe to make LEP :	12 months		Delegation :	RPA	
	Public Authority Consultation - 56(2) (d) :	NSW Department of I	Primary Ind Primary Ind ice	lustries - Minerals and Petro	bleum	
	Is Public Hearing by the	PAC required?	No			
	(2)(a) Should the matter proceed ? Yes					
	If no, provide reasons :					
	Resubmission - s56(2)(b	) : <b>No</b>				
	If Yes, reasons :					
Identify any additional studies, if required.						
	Flora Fauna If Other, provide reasons :					
	Identify any internal cons	sultations, if required :				
	No internal consultation	n required				
	Is the provision and fund	ing of state infrastructu	ire relevant	to this plan? No		
	If Yes, reasons :					

## Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter - 373 Bells Line of Road, Kurmond.pdf	Proposal Covering Letter	Yes
Planning Proposal - 373 Bells Line of Road, Kurmond.pdf	Proposal	Yes
Proponent's Planning Proposal - Glenn Falson - 373 Bells Line of Road, Kurmond pdf	Proposal	Yes
Council Report 28 Oct 2014 - 373 Bells Line of Road, Kurmond.pdf	Determination Document	Yes
Current Zoning, Lot Size and Biodiversity Maps.pdf	Мар	Yes

## **Planning Team Recommendation**

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

## S.117 directions:

1.2 Rural Zones1.3 Mining, Petroleum Production and Extractive Industries2.3 Heritage Conservation

	ts and one community lot
	<ul> <li>3.1 Residential Zones</li> <li>3.3 Home Occupations</li> <li>3.4 Integrating Land Use and Transport</li> <li>4.1 Acid Sulfate Soils</li> <li>4.4 Planning for Bushfire Protection</li> <li>6.1 Approval and Referral Requirements</li> <li>6.3 Site Specific Provisions</li> <li>7.1 Implementation of A Plan for Growing Sydney</li> </ul>
Additional Information :	1. Prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.
	2. Prior to exhibition, Council is to prepare a flora and fauna study for the site. This is to be included in the planning proposal's exhibition package.
	3. Under section 117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the Commissioner of the NSW Rural Fire Service following the receipt of the Gateway Determination and prior to undertaking community consultation. Following such consultation, Council should demonstrate the consistency of the Proposal with the Direction.
	4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
	(a) the planning proposal must be made publicly available for a minimum of 28 days; and (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).
	5. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:
	<ul> <li>Greater Sydney Local Land Services</li> <li>Endeavour Energy</li> <li>Office of Environment and Heritage</li> </ul>
	<ul> <li>NSW Department of Primary Industries – Agriculture</li> <li>NSW Trade &amp; Investment – Resource &amp; Energy Division – Land Use</li> <li>NSW Rural Fire Service</li> <li>Roads and Maritime Services</li> <li>Telstra</li> </ul>
	Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
-	6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
	7. Delegation is to be given to Council to exercise the Minister's plan-making powers.
	8. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.
Supporting Reasons :	The proposal has merit and will contribute to the ongoing viability of Kurmond Neighbourhood Centre. The subject land is included in Council's Kurmond Investigation Area, identified for rural residential development. In addition the site is located within 1km of Kurmond village, a requirement for development identified in the Hawkesbury Residential Land Strategy.

Hawkesbury LEP 2012 - Amend the Lot Size Map for 373 Bells Line of Road, Kurmond to permit six residential lots and one community lot				
Signature:	RTamminp			
Printed Name:	Rachel Cumming Date:	17 March 2015		

