

Hawkesbury City Council

Our Ref: LEP009/13

14 January 2015



PCU057891



366 George Street
(PO Box 146)
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4587 7740
DX: 8601 Windsor

Ms Rachel Cumming
Regional Director
Sydney West Region
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
15 JAN 2015
Scanning Room

Dear Ms Cumming

Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 Lot 11 DP 633630, 373 Bells Line of Road, Kurmond

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), it is advised that Council at its meeting of 28 October 2014 resolved as follows:

That:

1. Council support the preparation of a planning proposal for Lot 11 DP 633630, 373 Bells Line of Road, Kurmond to allow development of the land for large lot residential / rural residential development.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. 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.
5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.
6. Council also make a submission to the RMS, requesting details of:

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
واطلب منهم 131 450 على الرقم
أن يتصلوا بمدينة 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，
要求他們接線(02) 4560 4444
聯絡 Hawkesbury City Council 查詢。

Hindi

इन कामजों में आवश्यक जानकारी दी गई है।
यदि आप इसे समझ नहीं पायें तो कृपया दूरभाष
दुभाषिया सेवा से 131 450 पर सम्पर्क करें तथा
उससे हाक्सबरी सिटी काउन्सिल से 02 4560 4444
पर मिलाने को कहिये।

Filipino- Tagalog

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

Macedonian

Ovoj dokument sadrži važna informacija.
Ako ne go razbirate ve molim da se javite na službu za
tolkuvawe preku telefon (Telephone Interpreting Service) na
131 450 i poberajte da go kontaktiraat Hawkesbury City Council na
02 4560 4444

- a) *The current capacity of Richmond Bridge.*
- b) *Any potential upgrades planned for Richmond Bridge, intersections between East Market Street and March Street, Richmond and Bells Line of Road, Grose Vale Road and Terrace Road, North Richmond and the expected completion dates and confirmation that the funds are allocated.*
- c) *Council to inform the RMS of the number of dwellings constructed since the 2013 Richmond Bridge Study, west of the river, and potential dwellings expected in the next seven years (2021) west of the river and any other information so that the RMS has up to date details from Council to provide sound information.*

As per resolution item 2 enclosed for the Department's consideration is a copy of the planning proposal 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 3 Council requests a Written Authorisation to Exercise Delegation to make the Plan.

Should you have any enquiries regarding this matter please contact Philip Pleffer on (02) 45604546.

Yours faithfully



Philip Pleffer
Strategic Planning Co-ordinator

Attach 1: Planning Proposal

Attach 2: Council Report and Resolution 28 October 2014

ACTION ITEM

ADOPTED

At the ORDINARY Meeting held on 28 October 2014

User Instructions

To view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

Resolved Items Action Statement

Action is required for the following item as per the Council Decision or Resolution Under Delegated Authority.

Item: CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 373 Bells Line of Road, Kurmond - (95498)

Mr Glen Falson addressed Council, speaking for the item.

Mr Michael Want addressed Council, speaking against the item.

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Paine.

Refer to RESOLUTION

357 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Paine.

That:

1. Council support the preparation of a planning proposal for Lot 11 DP 633630, 373 Bells Line of Road, Kurmond to allow development of the land for large lot residential / rural residential development.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. 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.

5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.
6. Council also make a submission to the RMS, requesting details of:
 - a) The current capacity of Richmond Bridge.
 - b) Any potential upgrades planned for Richmond Bridge, intersections between East Market Street and March Street, Richmond and Bells Line of Road, Grose Vale Road and Terrace Road, North Richmond and the expected completion dates and confirmation that the funds are allocated.
 - c) Council to inform the RMS of the number of dwellings constructed since the 2013 Richmond Bridge Study, west of the river, and potential dwellings expected in the next seven years (2021) west of the river and any other information so that the RMS has up to date details from Council to provide sound information.

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

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

Item: CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 373 Bells Line of Road, Kurmond - (95498)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 373 Bells Line of Road, Kurmond into six development lots and one community lot.

It is recommended that Council support the preparation of a planning proposal to allow development of the subject land primarily for rural residential development.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulations and as specified in the "Gateway" determination administered by the Department of Planning and Environment (DP&E).

Background

Council considered a report on a proposed investigation area for development within the vicinity of Kurmond at its meeting of 5 February 2013 and resolved (in part) as follows:

"That:

- 1. Council carry out investigations within the area on the map entitled "Kurmond Village large lot residential/rural-residential Investigation Area". These investigations are to determine the suitability of the identified lands for large lot residential and/or rural residential development and are to be funded by planning proposal application fees.*
- 2. Investigations already undertaken by applicants for Planning Proposals within the Kurmond area be utilised by Council as a basis for their further investigations as appropriate.*
- 3. The applicants be consulted by Council with a view of assisting the investigations where appropriate.*
- 7. Council consider any new planning proposals on their merit and compliance with the relevant criteria of the Hawkesbury Residential Land Strategy, unless and until the strategy is changed by Council."*

The "Kurmond Village large lot residential/rural-residential Investigation Area" referred to in this report includes the subject land given its location within the one kilometre radius of the Kurmond Neighbourhood Centre (see Figure 1 below).

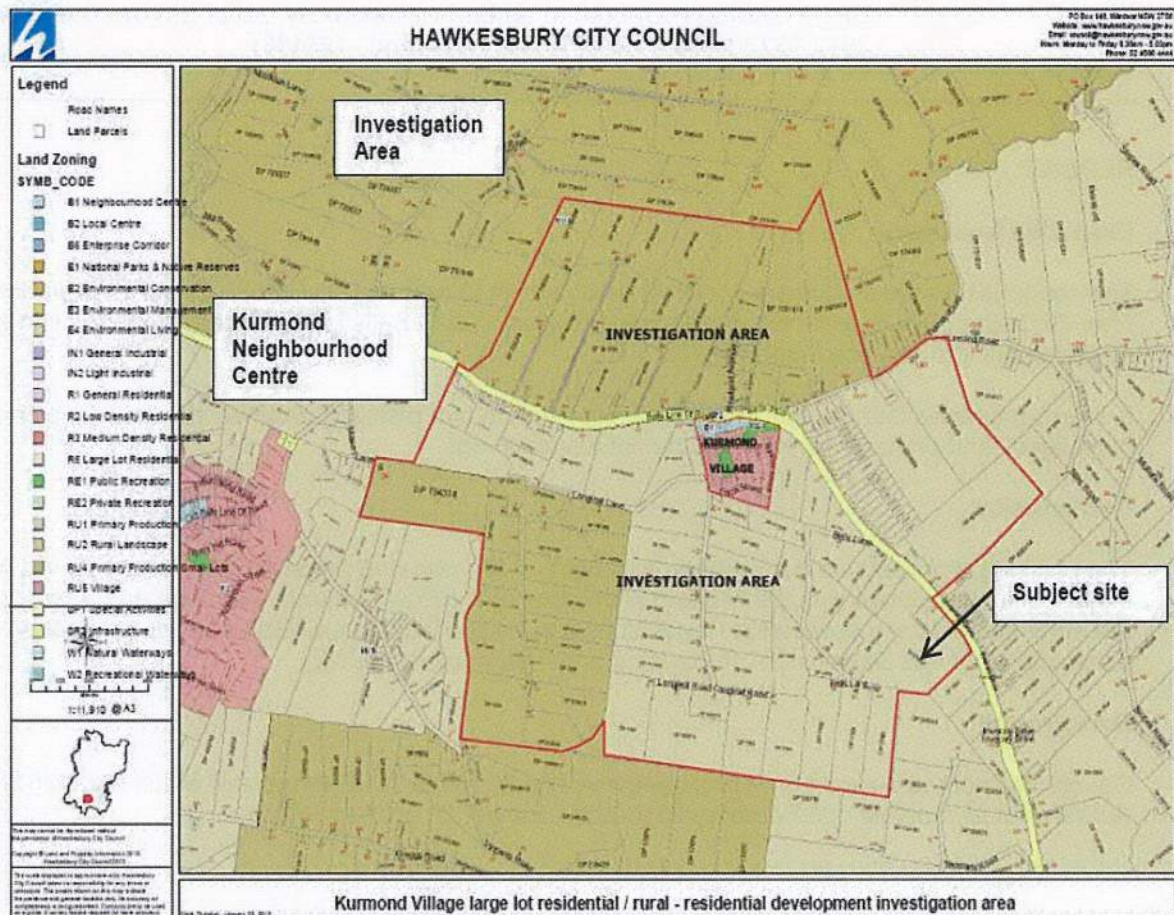


Figure 1: Kurmond Investigation Area

On 24 June 2014 Council considered a report on the progress and review of the Hawkesbury Residential Land Strategy (HRLS) which reinforced the Kurmond investigation area and also resolved in part as follows:

"That:

4. *Future planning proposals for residential development must be consistent with any structure plan and/or Section 94 Plan prepared for the locality. If no such plan is in place the applicant is to work with Council to prepare same as part of the planning proposal. Existing planning proposals currently submitted to Council will continue to be processed."*

Given Council received the subject planning proposal in November 2013 the above part resolution does not apply to this planning proposal and therefore this report considers the proposal against the current state and local strategic planning framework and other relevant criteria.

However, should the planning proposal be supported Council staff will work with the applicant with a view to ensuring that this proposal contributes fairly to the infrastructure that will be identified in the future S94 Plan for the locality.

Planning Proposal

Falson & Associates Pty Ltd (the applicant) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 373 Bells Line of Road, into six development lots and one community lot. The concept plan of the subdivision submitted with the proposal show the

development lots ranging in size from 7828m² to 2.45ha and the community lot consisting of a private accessway and a vegetated riparian area.

The applicant proposes to amend Lot Size Map Sheet LSZ_008AA of the LEP to allow the proposed subdivision of the land. A concept plan of a proposed subdivision is included as Attachment 1 to this report. (Note: this is for information purposes only and is not endorsed as an approved subdivision plan.)

Subject Site and Surrounds

The site is legally described as Lot 11 DP 633630, 373 Bells Line of Road, Kurmond. It is located approximately 1km south-east of the Kurmond Neighbourhood Centre (the Neighbourhood Centre).

The site has an area of 10.31ha, is irregular in shape, and has frontage to both Bells Line of Road and Bells Lane, Kurmond (see Figure 2).

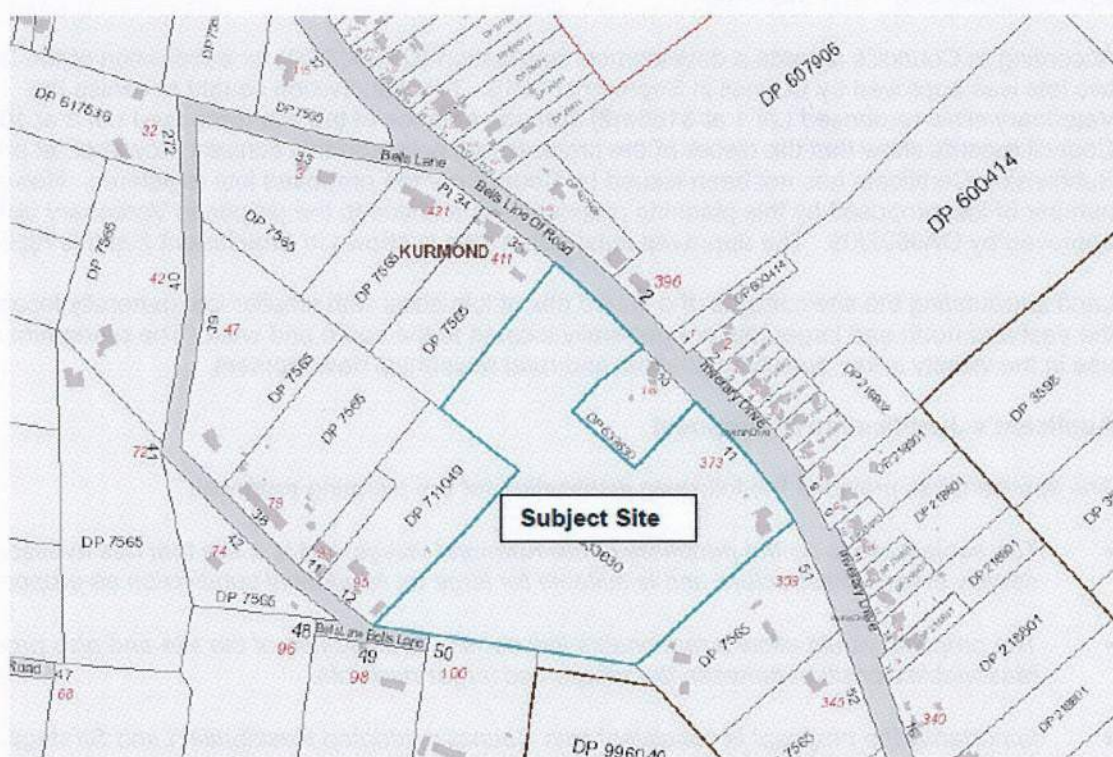


Figure 2: Subject Site

The site contains a Veterinary clinic in the south-east corner of the site and four dams. Outside of the immediate confines of the Veterinary clinic the site appears to be used primarily for low scale grazing.

An unnamed intermittent watercourse runs north-west to south-east generally through the middle of the site. Surrounding this watercourse is the majority of remnant vegetation on the site.

The land is undulating and has an elevation of approximately 93m AHD at Bells Line of Road and 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%.

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

Land within the vicinity of the unnamed watercourse and the north-western boundary is shown as *Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. Council's vegetation mapping

suggests this vegetation consists of Alluvial woodland, Shale Sandstone Transition Forest (High Sandstone Influence), Shale Sandstone Transition Forest (Low Sandstone Influence), and Shale Hills Woodland.

The site is shown as being bushfire prone (bushfire vegetation category 1 and 2 and buffer) on the NSW Rural Fire Service's Bushfire Prone Land Map.

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

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

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is not within an area of scenic significance under this SREP.

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 is shown in Attachment 2 of this report.

Land surrounding the site consists of a varied mix of lots sizes with smaller lots generally located to the east and north and larger lots are generally located to the south and west. The predominant land use in the vicinity is low density residential and rural residential development.

Applicant's Justification of Proposal

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

- *The subject site is on the periphery 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 provides a reasonable transition between the village and larger rural lots.*
- *Importantly the proposal is consistent with Council's adopted Residential Land Strategy as it provides larger residential lots on the edge of an existing urban area commensurate with available services. It is also consistent with the Metropolitan Strategy and Draft North Western Subregional Strategy in that it will assist in a small way of creating the target of 5-6,000 dwellings to 2031.*
- *There will be a net community benefit in that the proposal (and subsequent residential use) will assist in maintaining local village commercial and retail uses.*
- *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.*

The following sections of this report provide an assessment of the planning proposal.

Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Plan for Sydney 2036 (the Metro Plan) provides a long-term planning framework for Sydney and identifies the following key Strategic Directions to transform Sydney as a more compact, networked city with improved accessibility, capable of supporting more jobs, housing and lifestyle opportunities by 2036:

- A. Strengthening 'the City of Cities'
- B. Growing and renewing centres
- C. Transport for a connected city
- D. Housing Sydney's population
- E. Growing Sydney's economy
- F. Balancing land uses on the city fringe
- G. Tackling climate change and protecting Sydney's natural environment
- H. Achieving equity, liveability and social inclusion
- I. Delivering the Plan

The Draft Metropolitan Strategy for 2031 (the draft Metro Strategy) released in March 2013 sets out a vision with key objectives, policies and actions to drive sustainable growth of Sydney to 2031 and beyond and it aims to achieve the following key outcomes for Sydney:

- Balanced growth
- A liveable city
- Productivity and prosperity
- Healthy and resilient environment
- Accessibility and connectivity

Once the draft Metro Strategy finalised, it will replace the Metro Plan.

The Draft North West Subregional Strategy (dNWSS) provides a broad framework for the long-term development of the north-western sector of Sydney, guiding government investment and linking local and state planning issues.

The above explained documents contain a number of key strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance, and identify a hierarchy of centres.

The applicant has provided an assessment of the planning proposal against the Metro Plan and dNWSS and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed residential development i.e. on the western side of Hawkesbury River and on the fringe of Kurmond Neighbourhood Centre and a reasonable access to the required infrastructure it is considered that the proposal is generally in compliance with all these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The importance of maintaining the viability of existing rural villages is recognised in the HRLS and as such it recommends that future residential development in rural villages should be low density and large lot residential, which focus on proximity to centres and services and facilities.

The main aim of the planning proposal is to subdivide the land into six development lots and one community title lot with development lot sizes ranging from 7828m² to 2.45ha. Hence the proposal can be described as a rural residential / large lot residential development on the fringe of the Kurmond village.

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

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

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

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

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- *be able to have onsite sewerage disposal;*
- *cluster around or on the periphery of villages;*
- *cluster around villages with services that meeting existing neighbourhood criteria services as a minimum (within a 1km radius);*
- *address environmental constraints and have minimal impact on the environment;*
- *within the capacity of the rural village*

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

The site is on the periphery of the Kurmond village centre.

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

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

On 30 August 2011 Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

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

Council Policy - Our City Our Future Rural Rezoning Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.

NOTE: Since the time of adoption, this Policy has essentially been superseded by subsequent amendments to Hawkesbury Local Environmental Plan 1989, NSW Draft North West Subregional Strategy, the HRLS, the Hawkesbury Community Strategic Plan, the commencement of the current LEP, and the DP&E's gateway system for dealing with planning proposals.

The Policy is repeated below with responses provided by the applicant. Where relevant, additional staff responses are provided.

a. Fragmentation of the land is to be minimised

Applicant response:

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

Applicant response:

The proposal is consistent with this principle.

c. No subdivisions along main road and any subdivision to be effectively screened from minor roads

Applicant response:

Existing vegetation will largely screen the subdivision.

Staff response:

The planning proposal proposes four lots with either direct or indirect access from Bells Line of Road which is a main road. If the planning proposal is to proceed it will be referred to Roads and Maritime (RMS) for comment regarding the permissibility, or otherwise, of additional accesses from Bells Line of Road.

It is considered that the two proposed lots accessed from Bells Lane would represent a minor change to the immediate visual catchment and no additional screening of these lots is necessary. The lots to be accessed from Bells Line of Road when viewed from Bells Lane will be substantially screened by the vegetation in along the unnamed watercourse running through the site.

d. No subdivision along ridgelines or escarpments

Applicant response:

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.***

(NOTE: This provision has been superseded by the LEP)

Applicant response:

The lots will vary in size down to a minimum of 7828m². This is larger than the size of allotment that is indicated by Council as being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within LEP 2012 generally).

- f. ***The existing proportion of tree coverage on any site is to be retained or enhanced.***

Applicant response:

The subdivision does not propose removal of vegetation. It is believed that dwellings and bushfire asset protection zones can be established on each lot without removal of significant vegetation. Some understorey management may be required.

- g. ***Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.***

(NOTE: The need for an environmental Study is determined by the Gateway process.)

Applicant response:

The rezoning process has altered since this policy of Council. The Gateway Process will dictate whether further studies are required.

Staff response:

Taking into consideration the scale of the development is it considered that an environmental study is not required. However, this will be a matter for the DP&E's "Gateway" determination.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement will be further discussed with the applicant if this planning proposal is to proceed.

- 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.***

Applicant response:

The proposed subdivision incorporates community title subdivision for part of it that will allow proper management of access from Bells Line of Road and of vegetation along the watercourse.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The planning proposal seeks an amendment to Lot Size Map of the LEP and does not propose any changes to the current RU1 Primary Production zoning.

The applicant states:

"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 rural/agricultural use for many years and is currently required to be mechanically slashed to keep grass and weed infestation at bay. Due to the location of the site adjacent to dwellings on small lots and vegetation and watercourse on site the land is arguably not conducive to productive agricultural use. As the proposal . . . 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."

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

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 & Energy Division of NSW Trade & Investment. Further, the subject land is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The planning proposal seeks amendment only to the Lot Size Map of the LEP, and does not propose any provisions prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The applicant states:

"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."

Given clause 6.7 Essential services of the LEP already makes provision for essential services this planning proposal does not need to propose additional services requirements and it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The planning proposal seeks amendments only to the Lot Size Map of the LEP and the current RU1 Primary Production zoning of the land is to remain unchanged. This zone permits carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001).

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural-residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed, Council seek guidance from the DP&E via the "Gateway" process, regarding the applicability of this document as it would seem that the substantial increase in large lot residential development (rural residential development) may be contrary to this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E. The subject site is identified as containing "Class 5" (less constrained) acid sulphate soils on the Acid Sulfate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid sulfate soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid

sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal.

The applicant has not provided an acid sulfate soil study demonstrating the appropriateness of the proposed minimum lot sizes for the land however the applicant does note the mapped classification and states:

"no works are proposed with the subdivision or subsequent dwellings that would require an assessment of soils. The draft LEP is of minor significance."

The DP&E will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The site is shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination from DP&E, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

The planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP only and does include any restrictive site specific planning controls. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. This Direction requires that planning proposals should be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.

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

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

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

State Environmental Planning Policies

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

State Environmental Planning Policy No. 55 - Remediation of Land - (SEPP 55)

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

A contamination report has not been submitted with the planning proposal. The applicant states that:

"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."

If the planning proposal is to proceed, the DP&E can consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter. This would also be a consideration in any future development applications for the site.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)* 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.

Given the site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of SREP 9 nor will the proposed development restrict the obtaining of deposits of extractive material from such land the planning proposal is consistent with this direction.

Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997) - SREP 20

The aim of *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997) - 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural-residential development and the metropolitan strategy.

Specifically SREP 20 encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;

- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Hawkesbury Local Environmental Plan 2012

The planning proposal does not propose to rezone the land, and the current RU1 Primary Production Small Lots zoning under the LEP is to remain unchanged. The planning proposal seeks to amend only the Lot Size Map of the LEP to allow the proposed subdivision of the land.

Given the site is located within the "Kurmond Village large lot residential/rural-residential Investigation Area" the proposal to amend the Lot Size Map is considered appropriate.

Services

The applicant advises that reticulated water, electricity, telephone, garbage and recycling services are provided to the site and would be available to the additional lots created. The detail of this servicing is a matter that must be considered at the development application stage for the site, should the planning proposal be supported.

There is no reticulated sewer in the vicinity of the site. Initial assessment of the land and proposed lot sizes suggests that on-site disposal of effluent could be achieved. This can be further considered at the development application stage.

Topography

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

The HRLS recognises slopes greater than 15% act as a constraint to development. The concept plan of subdivision shows that reasonable sized building envelopes can be accommodated on land with slope less than 15%.

Site Access, Public Transport and Traffic Generation

Vehicular access to the site is from Bells Line of Road and Bells Lane. These access points are relatively level and good sight distances could be achieved in each direction subject to some vegetation removal along the Bells Line of Road frontage. The subdivision design proposes to have a shared access from Bells Line of Road for the newly created lots. The existing access for the veterinary clinic will continue to exist.

The site is subject to a RMS re-alignment plan which affects a narrow strip of land adjacent to Bells Line of Road.

If the planning proposal is to proceed, it will be referred to RMS for comment regarding the proposed access and effect on the re-alignment plan.

The site is within reasonable cycling and walking distance to the Kurmond village shops. There is a bike path on the opposite side of Bells Line of Road that links North Richmond with Kurmond.

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located near the Kurmond Post Office. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will be private vehicle dependent.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been considered by the planning proposal. It is considered that this is a matter for Council and the RMS to address with the outcome being incorporated into affected planning proposals.

Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. It is considered this will be a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made. In response to this issue the applicant states:

"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."

Ecology

The applicant has not undertaken a flora/fauna assessment of the site however states:

"the subdivision proposes that a "riparian zone" be established along the watercourse so that the area can be properly managed with development excluded from it. It is envisaged that this would be set up through a community title form of subdivision. It is

considered that houses could be built on the proposed vacant lots without the need for any clearing of 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."

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

Agricultural Land Classification

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

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

Given the site is in close proximity to the Kurmond Neighbourhood Centre, surrounding rural residential development and it not being used for intensive agricultural uses for many years it is considered that it is unlikely the site could be used for a substantial or viable agricultural enterprise.

Bushfire Hazard

No formal bushfire assessment has been undertaken at this stage however it is considered that there is sufficient room on each proposed lot to site a dwelling that complies with Planning for Bushfire Protection 2006 (PBP) including asset protection zones, water supply etc.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for consideration. It is noted that the proposed access off Bells Line of Road appears not to comply with the provisions of PBP with respect to the number of lots served hence it is anticipated that the RFS will make comment regarding this.

Heritage Significance

The site does not contain or adjoin and items of heritage significance or heritage conservation areas.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the Hawkesbury Community Strategic Plan are of most relevance to the planning proposal:

"Looking After People and Place"

Directions

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Strategies

- Revitalise and enhance town centres and villages.
- Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character.

Financial Implications

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

Conclusion

It is considered that some form of large lot residential / rural residential development on the subject site is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for rural residential development.

It is also recommended that if the DP&E determines that the planning proposal is to proceed, this development, via a Section 94 plan or Voluntary Planning Agreement, contribute to the required infrastructure, especially road upgrade and provision, in the locality.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

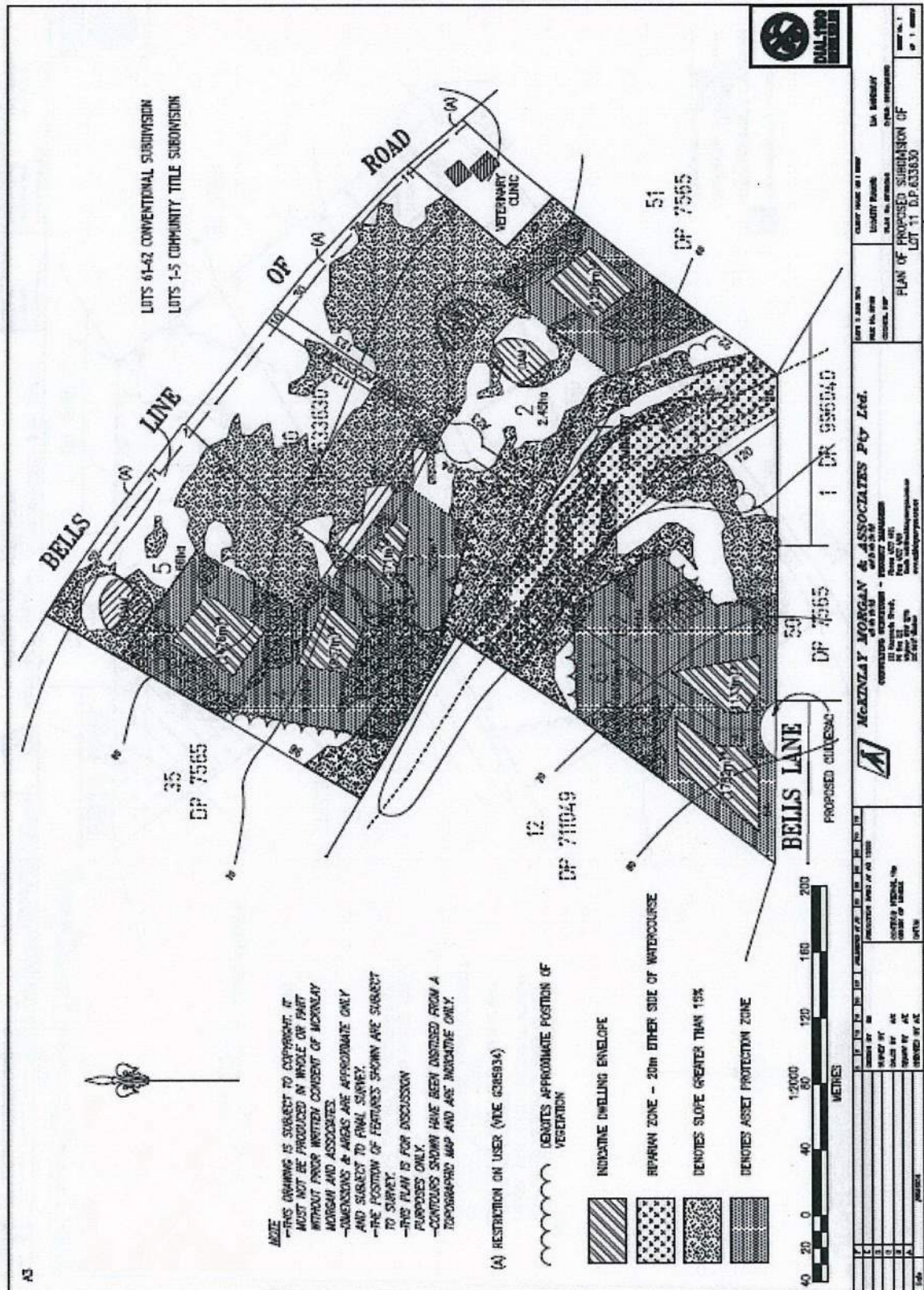
1. Council support the preparation of a planning proposal for Lot 11 DP 633630, 373 Bells Line of Road, Kurmond to allow development of the land for large lot residential / rural residential development.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. 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.
5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.

ATTACHMENTS:

AT - 1 Concept Plan of the Proposed Subdivision

AT - 2 Plan of subdivision approved by DA0602/09

AT - 1 Concept Plan of the Proposed Subdivision



oooO END OF REPORT Oooo

dp&E

Glenn Falson

Urban & Rural Planning Consultant ABN 95292937939

STATEMENT IN SUPPORT OF REZONING (PLANNING PROPOSAL)

RURAL – RESIDENTIAL SUBDIVISION

Lot 11 DP 633630 Bells Lane, Kurmond



October 2013
(Ref: 131128)

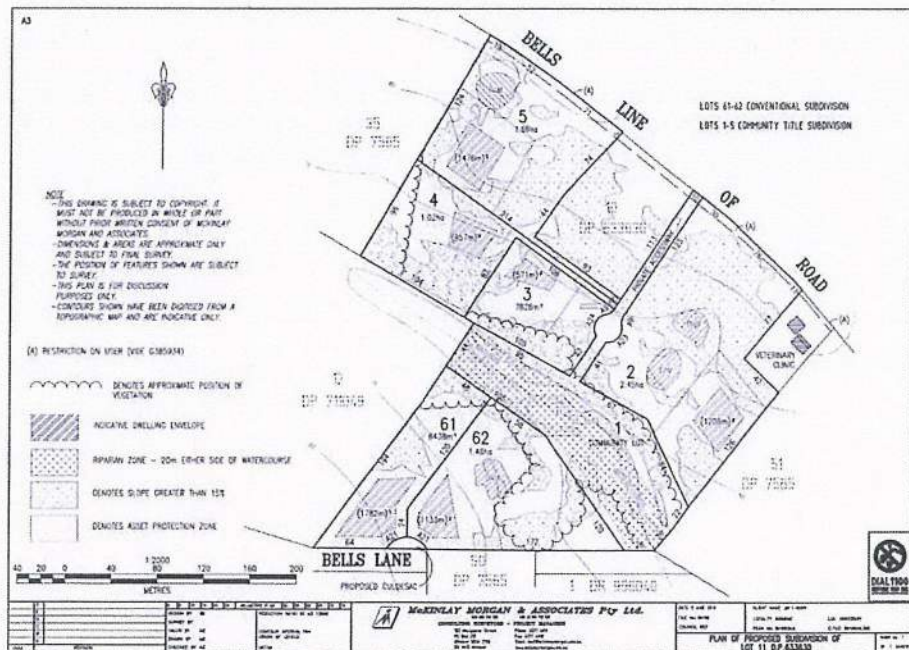
Prepared by Glenn Falson
BA; LG(Ord4); DTCP; M.EnvL; MPIA

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Plan of proposed subdivision

Executive Summary

The site at Kurmond is a 10.3165ha single allotment. It is located on the south eastern 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 a draft 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 six (6) rural/residential allotments and one (1) community lot. A small lot has been approved to be divided off the land that will contain a veterinary surgery that exists on the land.

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.

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.

Water, 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.

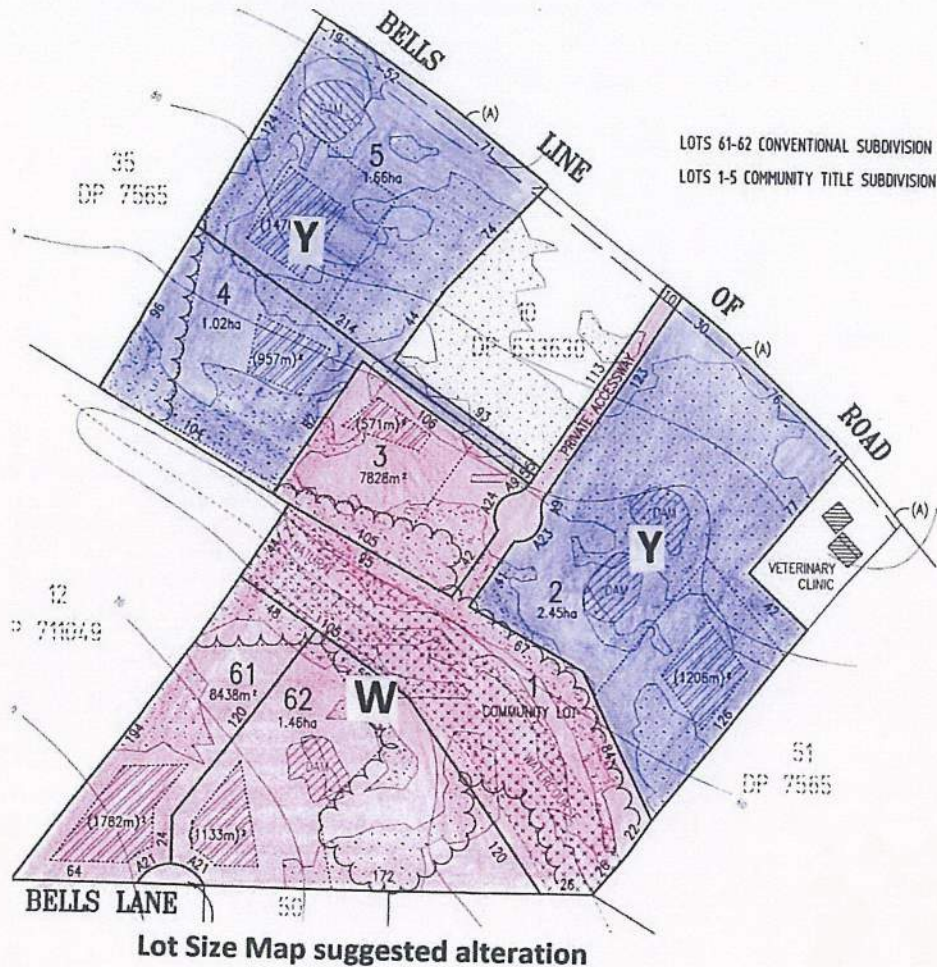
It has been identified that there is a need for an additional 5-6,000 dwelling sites in the Hawkesbury LGA to 2031. Existing zoned areas are mostly built out hence the need identified within Council's strategy to look for additional sites including those around the perimeter of existing towns and villages. 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 either the current LEP Lot Size Map be altered to provide for lots with a minimum of 4000m² and 1ha as per the below suggestion or that the lot size map be altered to reflect just one lot size (4,000m²) and there be a clause provision inserted relating to the maximum number of lots that can be created.



Brown shaded area "W" = 4,000m² minimum

Purple shaded area "Y" = 1ha minimum

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.

This Planning Proposal is in support of a rezoning proposal for land that is on the south eastern fringe 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 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.

Attached to this submission is a draft plan of subdivision for six (6) large lot residential or rural/residential lots that range from 7828m² to 1.66ha. There is an additional community lot that will contain a proposed accessway and a riparian area along the watercourse.

An LEP Gateway determination will allow for any further detailed site investigation to occur where necessary although it is believed that there are no significant constraints and that there is prima facie evidence that the site can be developed by a subdivision and subsequent dwellings. It is therefore believed 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 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.

Description of Land and Surrounding Locality

Location

The site is located approximately 80km north west of the Sydney CBD, and is on the south eastern fringe 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. It has residential lots and large lot residential and rural/residential lots within the village and an array of lot sizes around the periphery of the village.

Site description

The site is comprised of one (1) allotment being Lot 11 DP 633630. The lot has an area of 10.31ha.

There is an existing veterinary surgery on the land in the north-eastern corner of the site adjacent to Bells Line of Road. The site has two road frontages, Bells Line of Road and Bells Lane. The site is irregular in shape and is bisected by a natural watercourse that has some riparian

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

vegetation along its length. Whilst this watercourse does not split the land physically it divides it topographically so that there is approximately 2/3rds of the site area on the Bells Line of Road side and 1/3 on the Bells Lane side.

Other than the riparian vegetation the land is mostly cleared other than for scattered shade trees. There are four dams on the land.

The site falls evenly from both road frontages to the watercourse.

Locality Description

The site is located on the south eastern fringe of the Kurmond Village. It is surrounded by mostly small lot rural/residential properties. There are houses adjoining the site on each boundary. Opposite on Bells Lane is a row of residential sized lots with houses.

Topography

The land varies in height from approximately 60m AHD along the watercourse to approximately 85m along each road frontage. The slope is moderate where future houses would be constructed.

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 former NSW Department of Agriculture. These lands are described 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 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 residential development and the natural watercourse are all disincentives to any high order agricultural use.

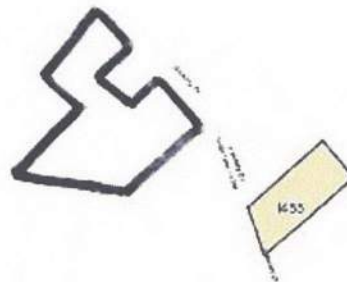
The site does not contain a dwelling and the site has been maintained by limited grazing activities and mechanical slashing for many years.

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. There is a listed Council item (No 1455) on the opposite side of Bells Line of road and about 400 metres from the site. This item is not within the visual catchment of the site and subdivision in accordance with the proposed lot layout would have no impact on the listed item.



Site shown outlined relative to heritage item 1455

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.

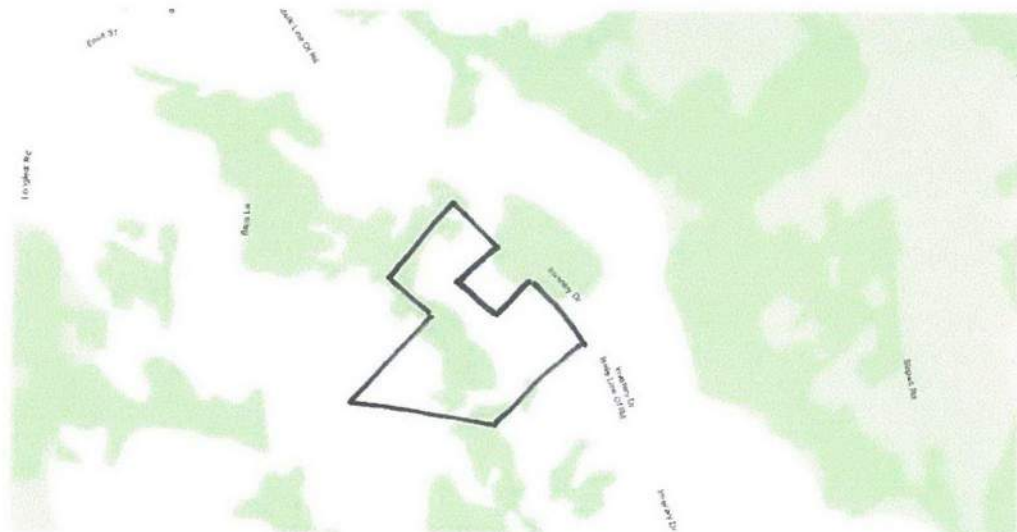
Landscape, Visual and Open Space Values

As mentioned the site has a natural watercourse towards its middle that dissects it. There is riparian vegetation along this watercourse. There

are scattered shade trees on the remainder of the site with a strip generally along the Bells Line of Road frontage. The watercourse is not visible from the roads and the property generally is not highly visible due to the slope away from the roads.

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 or rural/residential it is not beyond the capacity of the land to satisfactorily absorb houses on the lots which would be hardly distinguishable in the context of the site and its surrounds that include many houses on a variety of lot sizes.

Ecology



Extract of LEP Biodiversity Map. – Property shown outlined.

The site is included in the Terrestrial Biodiversity Map within Council's LEP 2012. The map indicates that the area along the watercourse is classed as "significant vegetation".

A flora/fauna assessment of the site has not been carried out at this stage as the subdivision proposes that a "riparian zone" be established along the watercourse so that the area can be properly managed with development excluded from it. It is envisaged that this would be set up through a community title form of subdivision. It is considered that houses could be built on the proposed vacant lots without the need for any clearing of 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.

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.

Access and Transport

Bells Line of Road is a main arterial route linking Sydney to Lithgow and beyond. There are regular bus services linking Kurmond to Richmond and the metropolitan rail service to Sydney. Additionally the site is within reasonable cycling and walking distance to the Kurmond village shops. There is a bike path on the opposite side of Bells Line of Road that links North Richmond with Kurmond.

Vehicular access to the site is from Bells Line of road and Bells Lane. These access points are relatively level and good sight distances exist in each direction. The subdivision design proposes to have a shared access from Bells Line of Road so that it is the only access for the 4 rural/residential lots that are on the Bells Line of Road portion of the site.

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 has reticulated water. There is no reticulated sewer in the vicinity of the site and none of the existing Kurmond Village has a reticulated sewer service. 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 veterinary surgery 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, telephone, 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.
- Service stations.
- Cafes and restaurants.

Additionally there is a 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 Primary Production zoned land however the only reasonable alternative use for the site would be as a rural/residential lot. As mentioned the site is too small for any meaningful agricultural use and is constrained by nearby houses and riparian vegetation to consider such a use.

Subdivision Design

The proposed subdivision design is for a part conventional subdivision and a part community title subdivision. There are 5 rural/residential lots with a shared access from Bells Line of Road and 2 rural/residential lots with individual access to Bells Lane at the rear of the site. There is one community lot that will provide the shared access from Bells Line of Road and will incorporate the riparian zone along the watercourse.

Housing lots would range in size from 7,828m² to 1.66ha depending on location and slope. Each would have sufficient room for a dwelling, bushfire asset protection zone and on-site effluent disposal area.

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) is 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 (No2 – 1997)

Sydney Regional Environmental Plan No 20 (No 2) – Hawkesbury Nepean River [From 1st July 2009 existing Regional Environmental Plans become a “deemed” SEPP under new 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 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.

A wastewater disposal report has not been carried out at this stage as by any reasonable prima facie assessment each housing lot is more than adequate in size and shape to contain a dwelling and associated effluent disposal areas.

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. A formal flora/fauna 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 these matters and 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 agricultural land of limited potential. The site is within that generally identified by Council as having some urban potential and thus development is anticipated. It is believed that the environmental impacts will be satisfactory.

It is noteworthy that this proposal, and others anticipated, are designed to account for a range of resultant lot sizes depending on slope, vegetation etc. This will ensure provision of a range of housing opportunities that is consistent with the overall philosophy of Council's Residential Strategy.

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 a rezoning of the land 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.

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.

² Hawkesbury Employment Lands Strategy, 2008, p113.

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 fronts Bells Line of Road which is a main road. There is an existing vehicular access point to this road and it is proposed that this be the shared access for the 4 rural/residential lots.

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 7828m². This is larger than the size of allotment that is indicated by Council as being the minimum to contain on-site effluent disposal in later studies (eg Kurrajong Heights, Wilberforce and within LEP 2012 generally).

f. The existing proportion of tree coverage on any site is to be retained or enhanced;

The subdivision does not propose removal of vegetation. It is believed that dwellings and bushfire asset protection zones can be established on each lot without removal of significant vegetation. Some understorey management may be required.

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 proposed subdivision incorporates community title subdivision for part of it that will allow proper management of access from Bells Line of Road and of vegetation along the watercourse.

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.

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 alter the Lot Size Map as it applies to the land. 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. Importantly it also allows an individual small landowner to be part of the community growth process as opposed to leaving it all to large scale developers.

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 proposal is the result of 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 on the fringe of the Kurmond Village and is considered to be within an area to be considered for development in accordance with Council's Strategy.

Additionally the Planning Proposal is a result of the landowner's request for Council to consider further development of the site as being an appropriate development and consistent with land within the Kurmond Village locale.

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 to expand the village of Kurmond whilst at the same time recognizing environmental features of the site.

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. 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 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.	The proposal provides for a small extension to the north of the Kurmond Village and adjoining the local public school and residential zoned existing development.
Action B1.1 – plan for centres to grow and change over time.	The proposal assists in carrying out this action.
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.	The site is within walking distance of the village shops and bus route to the larger centres of Richmond and Windsor.
B3.1 Plan for new centres in existing urban areas and greenfield release areas.	The site is already part of an existing rural village centre and an appropriate one for large lot residential lots as proposed.

Objective D1 – to ensure an adequate supply of land and sites for residential development.	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.
Action D1.1 – locate at least 70% of new housing within existing urban areas and up to 30% in new release area.	The site is on the fringe of the Kurmond village area and assists in carrying out this action and is consistent with development envisaged by Council's Residential Land Strategy.
D1.2 - reflect new subregional housing targets in Subregional Strategies and Local Environmental Plans, and monitor their achievement.	The proposal will assist in the sub regional strategy of providing for an additional 5-6,000 house sites by 2031.
Objective D2 – to produce housing that suits expected future needs.	There is an expectation within the rural village areas of the Hawkesbury LGA that additional housing opportunities will occur commensurate with projected growth.
Action D2.1 – ensure local planning controls include more low rise medium density housing in and around smaller local centres.	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.
D3.1 Explore incentives to deliver moderately priced rental and purchase housing across all subregions.	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.
Objective F1 – to contain Sydney's urban footprint.	The proposal is on the edge of a local village centre and envisaged by Council's Residential Strategy as being within an area for limited growth.
Objective F2 - to maintain and protect agricultural activities and resource lands	The site has some land that is suitable for agriculture however the proximity of residential housing, and vegetation constraints suggests that any meaningful agricultural use is limited.
Objective G5 – to achieve sustainable water use.	Water sensitive design can be incorporated into future dwelling applications to Council.
Objective G6 - to protect	Whilst the site contains vegetation the

Sydney's unique diversity of plants and animals.	development as proposed is appropriate and does not impact on vegetation.
Objective H3 – to provide healthy, safe and inclusive places based on active transport. Action H3.1 – design and plan for healthy, safe, accessible and inclusive places.	There is limited transport within the rural village areas of the Hawkesbury LGA. However this site is within walking distances to the local village shopping centre and bus route that provides access to larger centres.

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 considered to be 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.

5. 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 (No 2 – 1997)	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/NO/NE/0> by clicking on “S” within the “Browse in Force” “EPs” section.

6. 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	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 rural/agricultural use for many years and is currently required to be mechanically slashed to keep grass and weed infestation at bay. Due to the location of the site adjacent to dwellings on small lots and vegetation and watercourse on site the land is arguably not conducive to productive agricultural use. As the proposal is only for eight housing 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.

3.1 Residential Zones	Yes	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. 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.
3.4 Integrated Land Use and Transport	Yes	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.
4.1 Acid Sulfate Soils	Yes	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: • 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	The lots are of appropriate size and shape so that bushfire protection can be adequately incorporated including asset protection zones and management of vegetation.

6.1 Approval and Referral Requirements	Yes	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.
6.3 Site Specific Provisions	Yes	The proposal would maintain the existing zone within LEP 2012 but alter the Lot Size Map to accord generally with the subdivision proposal which would provide for a maximum lot yield. Additionally there is no need for any specific development standards to be incorporated into the LEP. The proposal therefore is able to satisfy this Direction. The planning proposal will not provide any unnecessary restrictive site specific planning controls.
7.1 Implementation of the Metro Strategy	Yes	Kurmond Village is not mentioned within the Metropolitan Strategy and has no hierarchical status. It is not contained within the north-west growth centre. 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. The proposal is not inconsistent with the Metro Strategy and therefore complies with this Direction.

Section C – Environmental, social and economic impact

7. 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 where residential development would take place. There are no identified conflicts with habitats or species.

8. 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. 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 housing lot is capable of having a dwelling and appropriate asset protection zone.

Traffic and Access

The site fronts Bells Line of Road and Bells Lane. The community title component of the subdivision has only one vehicular entrance point to Bells Line of Road thus minimizing any conflict. The entrance to the site has good sight distances in each direction. The lots fronting Bells Lane each have appropriate access. Bells Lane is a low traffic cul-de-sac. A formal traffic study has not been done as it is believed that 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.

Part 6 – Project Timeline

Project Phase	Indicative Timeline
1. Anticipated commencement date	12 weeks from date of referral to DP&I for Gateway determination
2. Completion of technical information prior to government agency consultation	6 weeks
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining/affected property owners, public notice in a local newspaper, and exhibition material	3 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions and a report on the matter to Council	10 weeks
7. Advice to the Department, the applicant and submission authors of Council's resolution	2 weeks
8. Request to PC to prepare a draft LEP under Section 59(1) of the Act with a copy of the request to DP & I	2 weeks
9. Finalisation of the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the draft plan	6 weeks
10. Request to the Department for online notification of the LEP	2 weeks

Conclusion

The subject site is on the periphery of the 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 a reasonable transition between the village and larger rural lots.

Importantly the proposal is consistent with Council's adopted Residential Land Strategy as it provides larger residential lots on the edge of an existing urban area commensurate with available services. It is also consistent with the Metropolitan Strategy and Draft North Western Subregional Strategy in that it will assist in a small way of creating the target of 5-6,000 dwellings to 2031.

There will be a net community benefit in that the proposal (and subsequent residential use) will assist in maintaining local village commercial and retail uses.

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.