



**Hawkesbury LEP 2012 - minimum lot size amendment for 431 & 431A Greggs Road,
Kurrajong**

Proposal Title : **Hawkesbury LEP 2012 - minimum lot size amendment for 431 & 431A Greggs Road, Kurrajong**

Proposal Summary : **The proposal seeks to reduce the minimum lot size for land at 431 and 431A Greggs Road, Kurrajong, from 4ha to not less than 4,000m2 in order to facilitate a 9-lot rural residential subdivision.**

PP Number : **PP_2015_HAWKE_004_00** Dop File No : **15/04996**

Proposal Details

Date Planning Proposal Received :	18-Mar-2015	LGA covered :	Hawkesbury
Region :	Metro(Parra)	RPA :	Hawkesbury City Council
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	431 Greggs Road		
Suburb :	Kurrajong	City :	Postcode :
Land Parcel :	Lot 431 DP 1189536		
Street :	431A Greggs Road		
Suburb :	Kurrajong	City :	Postcode :
Land Parcel :	Lot 432 DP 1189536		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	8.92	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	8
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **To the best of the knowledge of Metropolitan (Parramatta), the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 24 March 2015, and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

KURMOND INVESTIGATION AREA AND HAWKESBURY RESIDENTIAL LAND STRATEGY

In response to the receipt of a number of planning proposals to facilitate rural residential subdivision around Kurmond and Kurrajong, Hawkesbury City Council on 5 February 2013 resolved to carry out investigations into the suitability of these areas for rural residential development.

On 3 February 2015, Council resolved that acceptance of new planning proposals for the locality be suspended until structure planning and development contribution planning for the Kurrajong and Kurmond Investigation Areas are completed or July 31 2015.

This planning proposal was considered by Council in December 2014, so the February 2015 resolution does not apply.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to facilitate a nine-lot subdivision of the subject site for rural residential purposes.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to deliver its objectives by:**
- amending the Hawkesbury LEP 2012 minimum lot size map to reduce the minimum lot size from 10 hectares to 4,000m2 minimum lot size for the subject site; and
- amending the restricted lot yield map to identify a maximum lot yield of 9 for the subject site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

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

If No, explain :

1.2 Rural Zones

The site is zoned RU1 Primary Production, and no change to this zoning is proposed. The intended reduction in minimum lot size from 10 hectares to 4,000m2 will facilitate the development of nine rural residential lots on a site that currently accommodates one dwelling, and this increase in residential density within a rural zone is not consistent with the intent of the Direction.

Given the small dwelling yield of the proposal, the current low-intensity use of the land for light grazing, and the site's proximity to Kurrajong village, it is considered that this inconsistency is minor.

1.3 Mining, Petroleum Production and Extractive Industries

The proposed increase in residential density would have the effect of restricting the potential development for mining, petroleum production and extractive industries. The subject land is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource and Energy Division of NSW Trade and Investment. Further, the subject land is not located within or in the vicinity of

land described in Schedules 1, 2 and 5 of the Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1995).

Council should consult NSW Trade and Investment to ensure that there are no issues with development on the land relating to resources extraction. The proposal is, however, considered consistent with this Direction.

3.4 Integrating Land Use and Transport

The proposal will facilitate increased residential density in a location that is not regularly serviced by public transport, and will therefore require residents to drive, which is inconsistent with the intent of this Direction. Council argues that the Direction is centres-focused and does not readily translate to a rural residential context. Given this, and the small scale of the intended development, it is considered that this inconsistency with the Direction is minor in nature.

4.1 Acid Sulfate Soils

The site is identified as Class 5 (less constrained) on the Acid Sulfate Soils Planning Map. Hawkesbury LEP 2012 contains provisions (Clause 6.1 Acid Sulfate Soils) relating to acid sulfate soils, and it is considered that these provisions provide adequate protection against adverse impacts. Any inconsistency with this Direction is therefore minor in nature.

4.4 Planning for Bushfire Protection

The site is identified as bushfire vegetation category 1 on the Bushfire Prone Land Map. This Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and prior to community consultation. The proposal is considered consistent with Direction 4.4 subject to Council completing the consultation process with NSW Rural Fire Service (as conditioned in the Gateway determination).

6.3 Site Specific Provisions

The proposal will apply a restricted lot yield provision for the site. This mechanism already exists in Hawkesbury LEP 2012 and has been applied to other sites which have been subject to planning proposals to facilitate rural residential subdivision. As the proposal does not introduce a new provision, it is considered that it is consistent with this Direction.

7.1 Implementation of A Plan for Growing Sydney

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

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

SEPP No 44—Koala Habitat Protection

The proposal is not expected to have any effect on the site's existing vegetation, and will therefore not impact any koala habitat.

SEPP No 55—Remediation of Land

The land has been used for limited grazing in the past and therefore carries a low risk of soil and groundwater contamination. The applicant has said that there is no obvious evidence of surface or groundwater pollution as a result of past uses. Clause 6 of SEPP 55 requires that Council carry out an investigative study if contamination is suspected. Council has stated that any investigation could be carried out following the issue of the

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Gateway determination. It is considered that, due to the minor risk of contamination, an investigative study is not required, and there are adequate protections at the development application stage.

SREP No 9—Extractive Industry (No 2—1995)

The site is not within the vicinity of land described in Schedule 1, 2, 3 and 5 of the SREP. Schedule 4, however, applies to all land within the Hawkesbury local government area. The subdivision will not restrict the removal of deposits of extractive material from such land. The land and surrounding area have no history of extractive industry. Due to the minor significance of the proposal it is therefore considered that any inconsistency with the objectives of SREP No. 9 is justified.

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

The aim of SREP No. 20 is to protect the environment of the Hawkesbury–Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies.

It is considered that the proposal is minor, and can be achieved without any significant adverse impact on the Hawkesbury River Catchment. The site is not situated within an area of scenic significance under this SREP. Due to the minor significance of the proposal it is therefore considered that any inconsistency with the objectives of SREP No. 20 is justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided extracts of the proposed minimum lot size map and the proposed restricted lot yield map as well as a draft concept plan of the proposed subdivision, a cadastral map and a slope map. These maps adequately identify the subject site.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation of 14 days has been proposed. This is consistent with similar proposals in the area, and is considered appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Hawkesbury LEP 2012 is a Principal LEP.**

LEP :

Assessment Criteria

Need for planning
proposal :

The proposal is not the result of any strategic study or report, but is instead the result of an application made by the land owner. However, Council's Residential Land Strategy 2011 recognised the need to maintain the ongoing viability of rural villages through residential development (Section 6.5 Rural Village Development Criteria). The Strategy states that all future low density and large lot residential development in rural villages should cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius). The proposal does not meet these criteria, in that it is more than 1km from Kurrajong.

This notwithstanding, the Department has issued Gateway determinations for a number of planning proposals for reduced lot size and intensified rural residential development around Kurrajong and Kurmond, and, while these were within the 1km radius, it is considered that they constitute a precedent. The proposal will assist in providing housing and housing choice in the Hawkesbury local government area.

Consistency with
strategic planning
framework :

A PLAN FOR GROWING SYDNEY

The subject land falls within the Metropolitan Rural Area as identified by A Plan for Growing Sydney, but Kurrajong is not identified as being of any regional or strategic significance.

The Plan refers generally to the importance of sustaining the viability of agricultural resources and rural residential areas within the Metropolitan Rural Area and South West subregion. The site has been used for light grazing, but, due to its slope of up to and greater than 15%, it is unlikely to be viable for any more intensive agricultural purposes.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The draft North West Subregional Strategy does not refer to the site specifically. The draft Strategy states that rural lands need to be protected from incompatible uses for their ongoing viability. This is particularly the case for intensive agricultural industries such as poultry sheds, mushrooms and protected cropping (p. 117). As the site has limited agricultural capability and is in the vicinity of smaller rural residential lots, it is not considered to be significant rural resource land.

The proposal will contribute to the Hawkesbury local government area's housing target of 5,000 new dwellings for Hawkesbury by 2031. The proposal is considered to be generally consistent with the draft Subregional Strategy.

HAWKESBURY RESIDENTIAL LAND STRATEGY

The Hawkesbury Residential Land Strategy (HRLS) notes a number of impacts associated with rural residential development, and establishes criteria that proposals should meet in order to be considered. These criteria include the capacity for on-site effluent disposal, location on the periphery (ie. within 1km) of existing villages, ability to address environmental constraints and have minimal environmental impact, and ability to occur within the infrastructure capacity of the village.

The subject site at its closest point is 1.069km from Kurrajong village centre; it therefore does not fulfil the 1km criterion. However, it is close to fulfilling the criterion, and its small scale (8 new dwellings) means that it is unlikely to have a significant impact on Kurrajong's infrastructure.

Significant portions of the site have a slope between 15% and 25%, and the HRLS identifies slopes of greater than 15% as a constraint to development, requiring significant cut and fill. This may mean that some of the lots proposed in the concept plan of subdivision are not viable. However, the concept plan of subdivision does not constitute part of the proposed amendment, and the final subdivision layout will be a matter to be considered through the development application process.

The proposal is able to address environmental issues so as to minimise environmental impact. A preliminary wastewater study has concluded that on-site effluent disposal is achievable on each proposed lot identified by the subdivision concept plan.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The site is shown on Council's Biodiversity Map as being partly within a Significant Vegetation Area, partly within an area of Connectivity between Significant Vegetation Areas and partly clear of constraint. The ecological communities are Shale Sandstone Transition Forest (High Sandstone Influence), Shale Sandstone Transition Forest (Low Sandstone Influence) and Transition Woodland.

The concept subdivision plan proposes a layout that does not require any clearing of land. 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.

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The site is within a Class 3 and Class 4 agricultural land classification in accordance with the NSW Department of Primary Industries' Land Classification mapping. Class 3 land is grazing land or land well suited to pasture improvement with moderate production level, while Class 4 is considered as marginal lands not suitable for cultivation and with low productivity for grazing. The proximity of the site to rural residential properties with lots generally between 2ha to 6ha in size, in addition to the size and slope of the land, indicates that the site is unlikely to provide a sustainable and viable area for primary production use.

A flora and fauna survey and assessment has not been undertaken. Given that there is no intent to clear land for development, such a study is not considered necessary.

SOCIAL AND ECONOMIC IMPACTS

Due to its minor nature, the proposal is unlikely to cause any significant social or economic impacts. An increase of eight dwellings will contribute in a small way to the growth of Kurrajong.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Department of Trade and Investment
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter - 431 and 431A Greggs Road, Kurrajong.pdf	Proposal Covering Letter	Yes
Council report - 431 and 431A Greggs Road, Kurrajong.pdf	Proposal	Yes

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Council resolution - 431 and 431A Greggs Road, Kurrajong.pdf	Determination Document	Yes
Proponent's planning proposal - 431 and 431A Greggs Road, Kurrajong.pdf	Proposal	Yes
Bushfire Hazard Assessment - 431 Greggs Road Kurrajong.pdf	Study	Yes
Wastewater Management Report - 431 Greggs Road Kurrajong.pdf	Study	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.4 Planning for Bushfire Protection
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : Delegation of Gateway determination

The proposal is considered to be routine in nature, and it is recommended that the determination function of the Gateway be exercised under delegation by the appropriate officer of the Department of Planning and Environment.

Delegation to Council

Hawkesbury City Council has requested that plan making functions be delegated to Council. Given the routine nature of the planning proposal, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

It is recommended that the proposal proceed, subject to the following conditions:

1. Prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:
 - Greater Sydney Local Land Services - Hawkesbury-Nepean Catchment Authority
 - Endeavour Energy
 - Office of Environment and Heritage
 - NSW Trade & Investment

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- NSW Rural Fire Service
- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Delegation is to be given to Council to exercise the Minister's plan-making powers.

7. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal has merit. It will assist in providing housing and housing choice in the Hawkesbury local government area, and it will contribute to the ongoing viability of Kurrajong Neighbourhood Centre.

Signature:



Printed Name:

DERRYN JOHN

Date:

2 APRIL 2015