

PLANNING PROPOSAL

M MONTGOMERY
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S SOLUTIONS

Lots 431 & 432 DP 1189536 (No. 431)
Greggs Road Kurrajong



February 2015

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This Planning Proposal was prepared by Robert Montgomery, Principal, Montgomery Planning Solutions in accordance with “A guide to preparing planning proposals” published by the NSW Department of Planning and Infrastructure, October 2012.



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Date: February 2015
Reference: 1427

DOCUMENT TRACKING

Version	Date	Revisions
1427-1	September 2014	Submission to HCC
1427-2	February 2015	Gateway Submission

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Introduction

This Planning Proposal is prepared by Montgomery Planning Solutions on behalf of the owner of the land. The land is 8.9 hectares in area and comprises open grasslands with scattered trees over gently sloping terrain. The land is zoned RU1 Primary Production under the provisions of Hawkesbury Local Environmental Plan 2012.

The land satisfies the rural village development criteria contained within the Hawkesbury Residential Land Strategy, adopted by Hawkesbury City Council on 10 May 2011.

Reports have been prepared in relation to bushfire hazard and on-site wastewater disposal, which confirm that the land has the environmental capacity to sustain some 9 large residential allotments, as per the preliminary concept plan prepared for the purposes of the Planning Proposal.

The Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council prepare a draft local environmental plan to amend the Hawkesbury LEP 2012 Lot Size Map to permit a minimum lot size of 4,000m², with a maximum yield of nine lots.

At the Ordinary Meeting held on 9 December 2014, Council resolved:

“That:

- 1. Council support the preparation of a planning proposal for Lots 431 and 432, DP 1189536, 431 and 431A Greggs Road, Kurrajong 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.”*

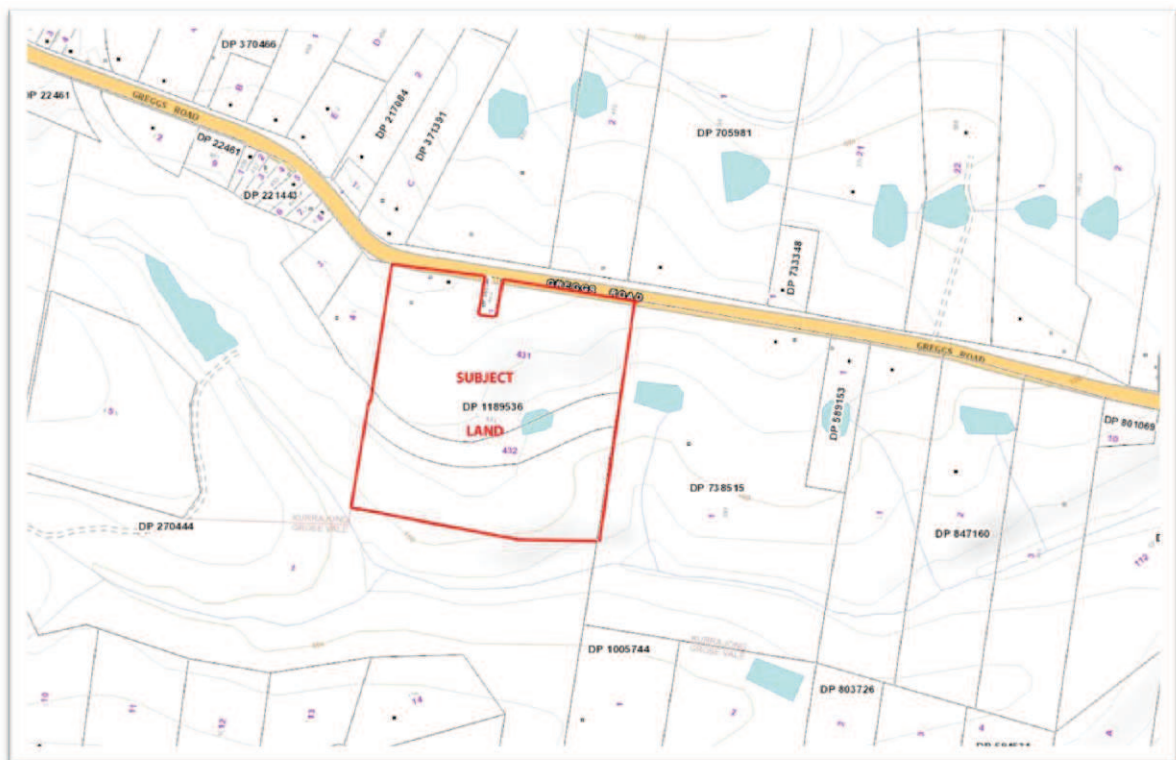
Description of Site

The land is described as Lots 431 and 432 DP 1189536 (No. 431) Greggs Road Kurrajong. The site comprises two existing lots, Lot 431 being 7.84ha, and Lot 432 being 1.08ha, which is a section of the alignment of the former Kurrajong rail line. The site is essentially rectangular in shape with a frontage to Greggs Road of 277 metres.

The Greggs Road frontage is interrupted by a small lot with an area of some 1012m², which contains a dwelling house and outbuildings. This property (Lot 1 DP 555740) does not form part of this planning proposal.

The land comprises cleared, level to moderately sloping pastures with some pockets of vegetation towards the rear of the land. A dwelling house, shed and garage are located near the Greggs Road frontage in the north-west corner of the land.

Figure 1: Cadastre. Source: LPI SIX Maps



The land falls from approximately 140m AHD in the north-west corner near Greggs Road, to a level of approximately 100m AHD along the southern boundary of the land. Lot 432 contains cuttings over part of the lot which were constructed for the former Richmond to Kurrajong rail line. The overall slope of the land is approximately 11% to 15%.

The land contains a small dry dam which is located partially within each existing lot. This dam is not watertight and currently serves no function. Accordingly this dam will be filled as part of any future subdivision. A high voltage transmission line traverses the land to the south and is located within a 30.48m wide easement.

The land contains a pocket of native vegetation along the southern boundary and along the southern half of the eastern boundary. This vegetation forms the outer edge of a vegetated riparian corridor along Redbank Creek on the adjoining land to the south.

Figures 2 and 3 below provide more detail of the site and Figures 4 - 11 show views over various parts of the land.

Figure 2: Site Plan. Source: McKinlay Morgan & Associates Pty Ltd, Plan No. 92943:BP:1

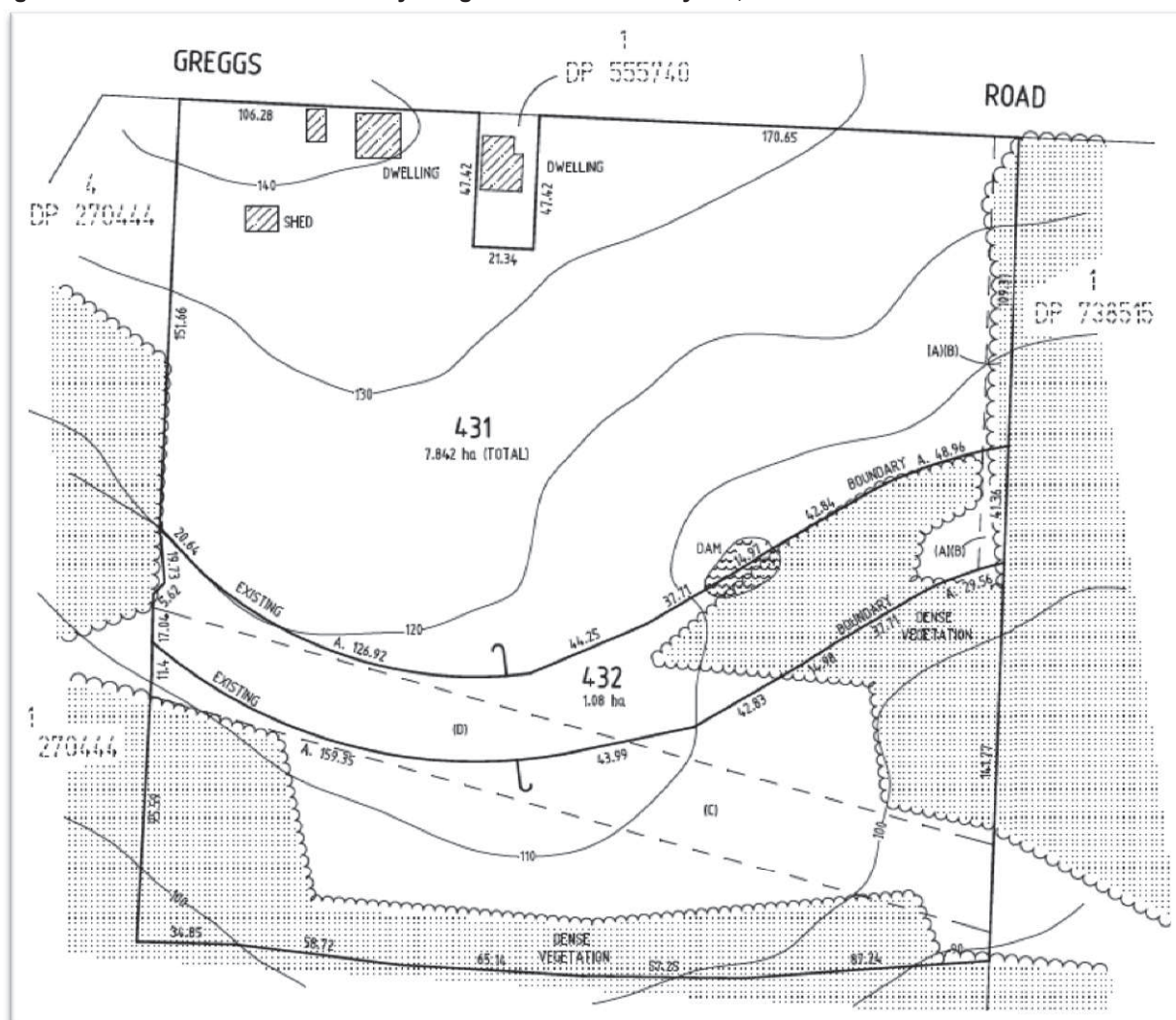
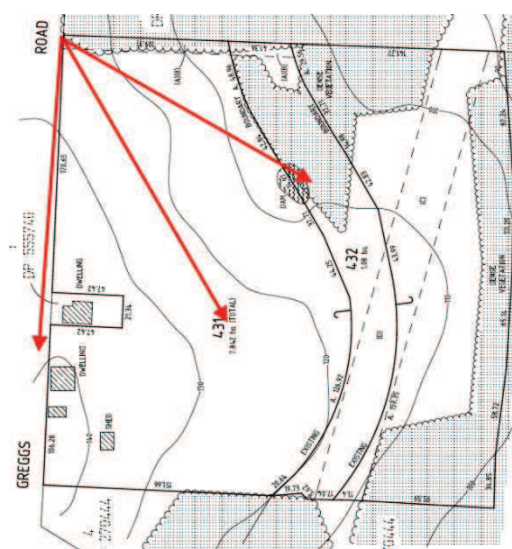


Figure 3: Satellite Image. Source LPI SIX Maps



Figure 4: View over Subject Land



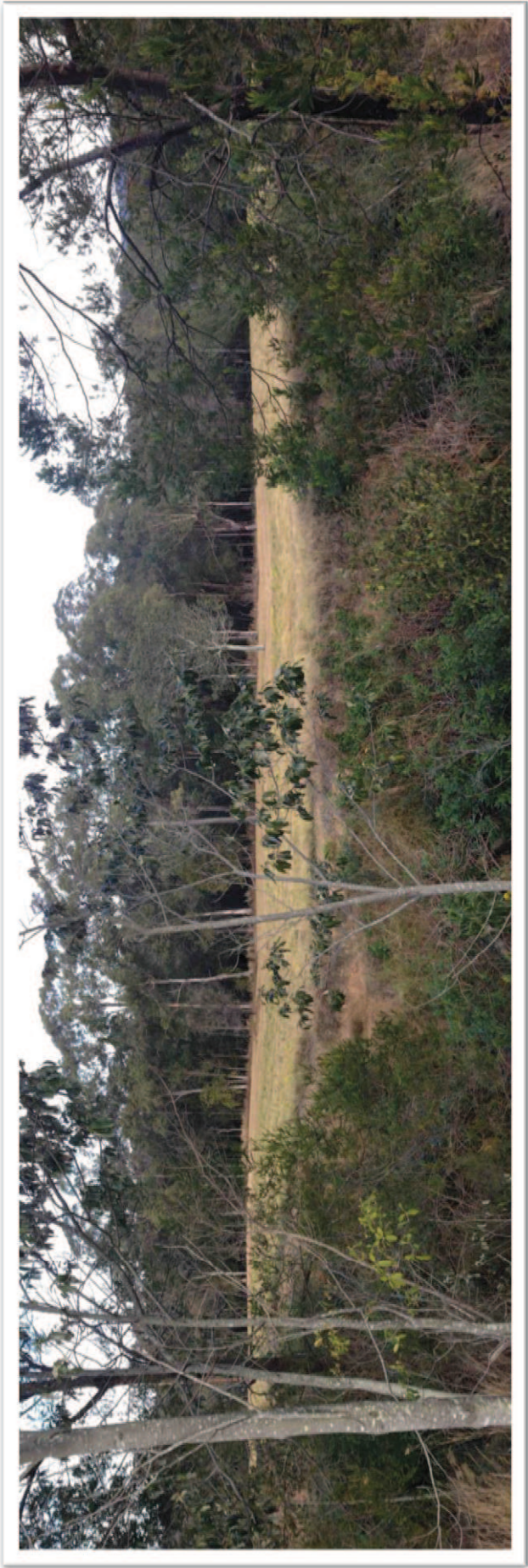


Figure 5: View over Subject Land

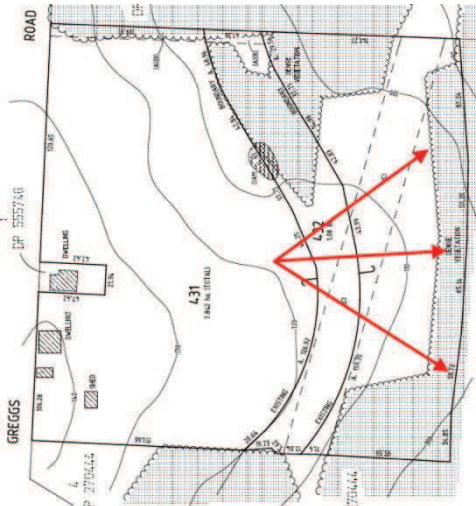


Figure 6: View over Subject Land

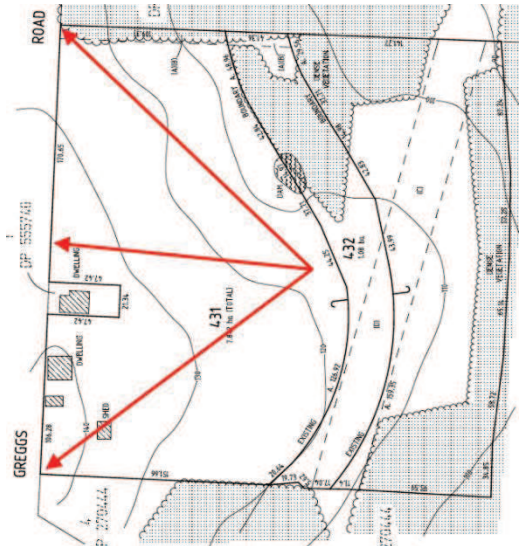
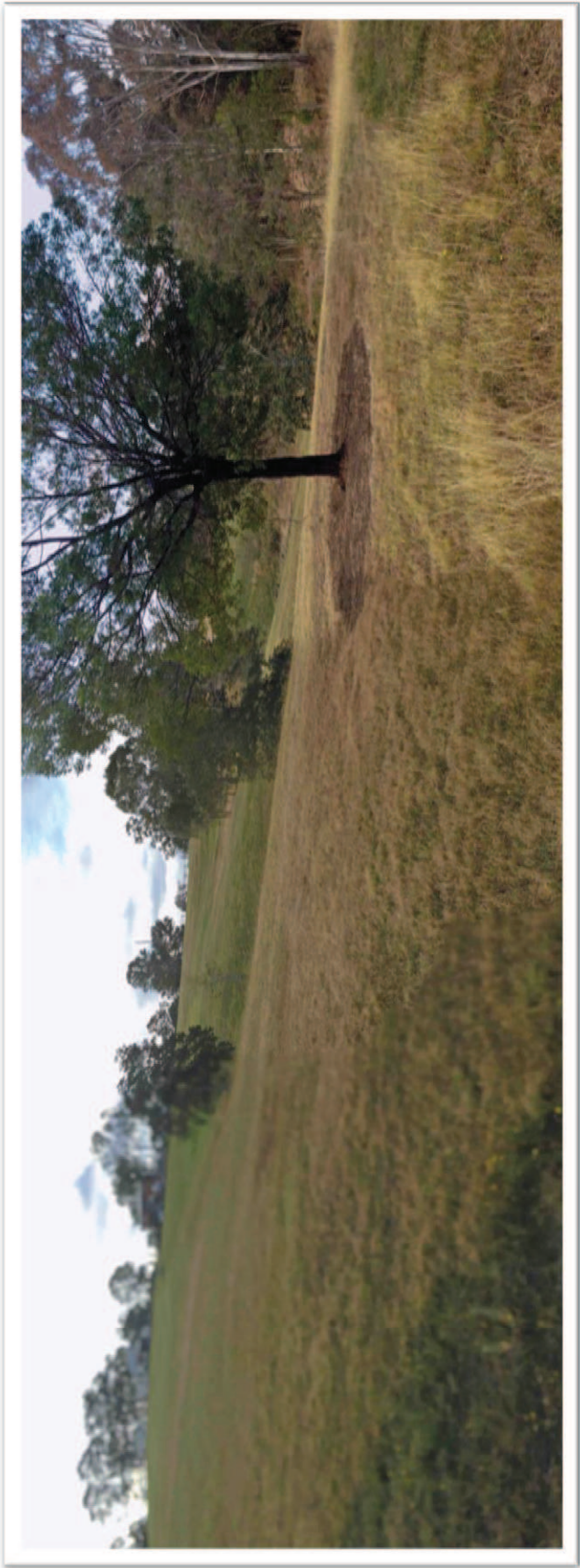


Figure 7: View over Subject Land

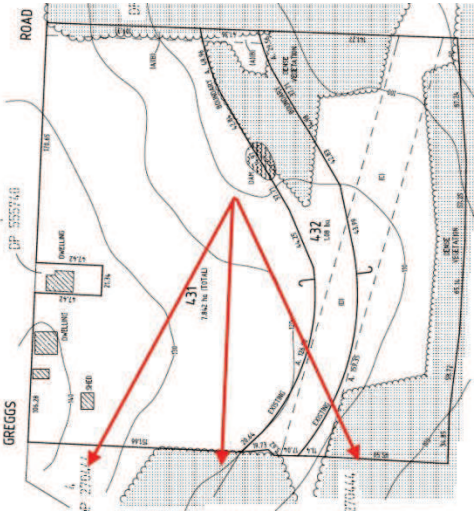
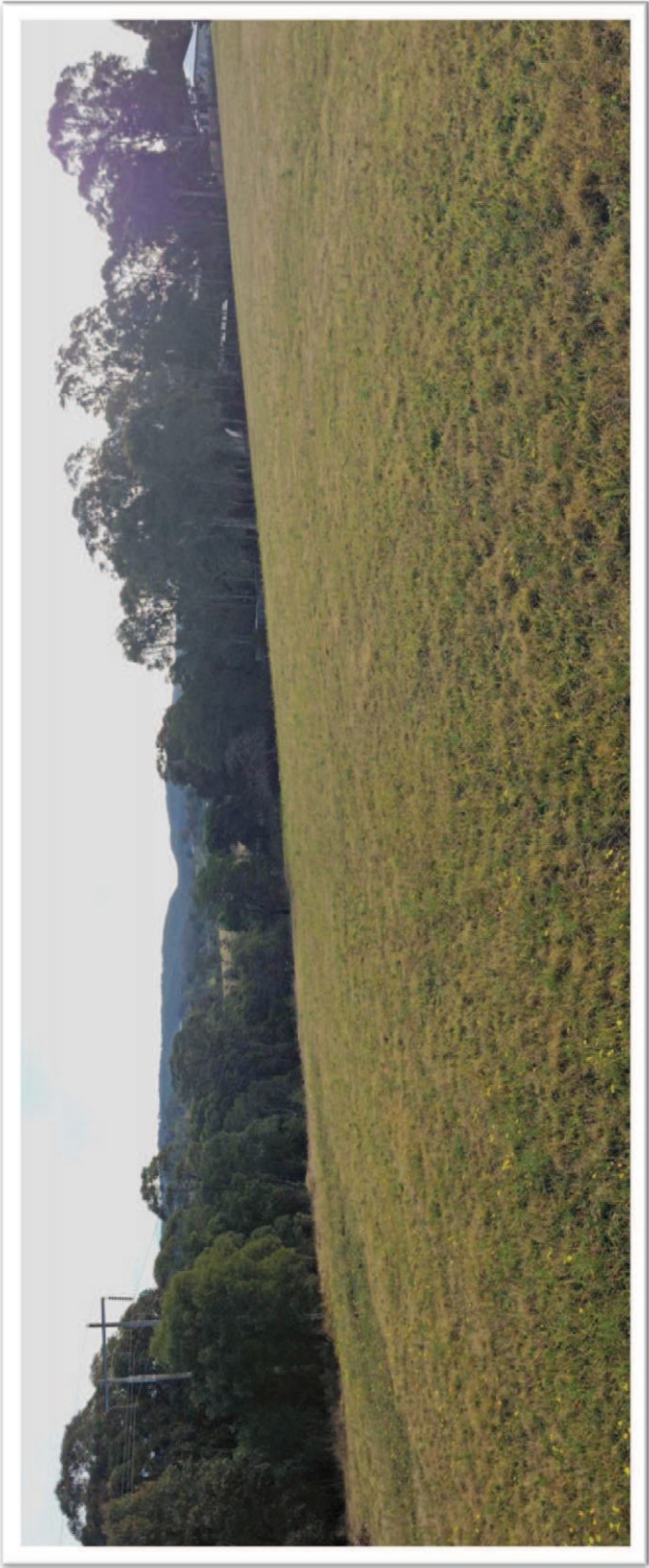


Figure 8: View over Subject Land

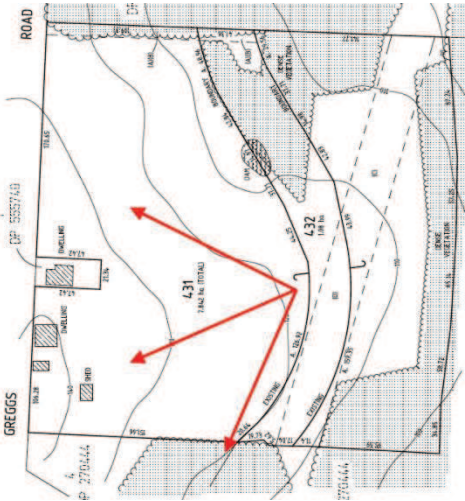
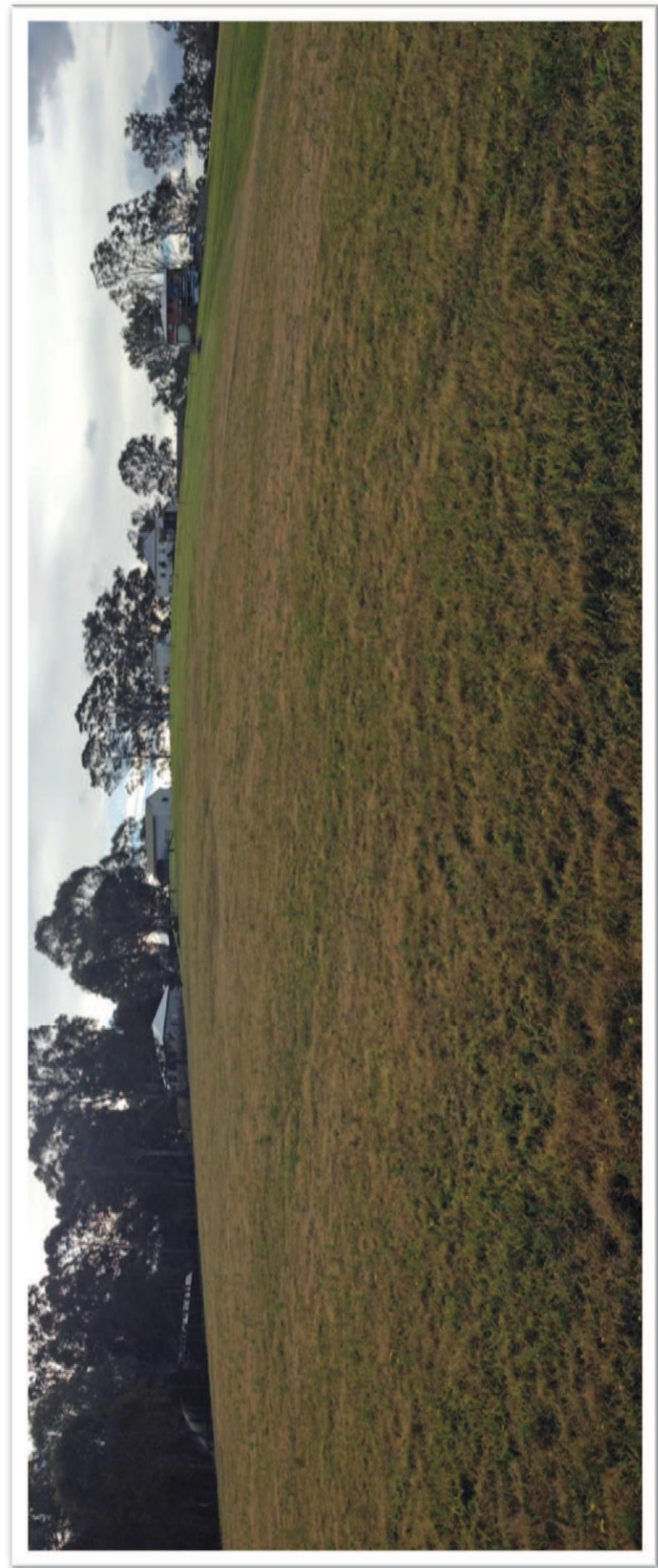


Figure 9: View over Subject Land

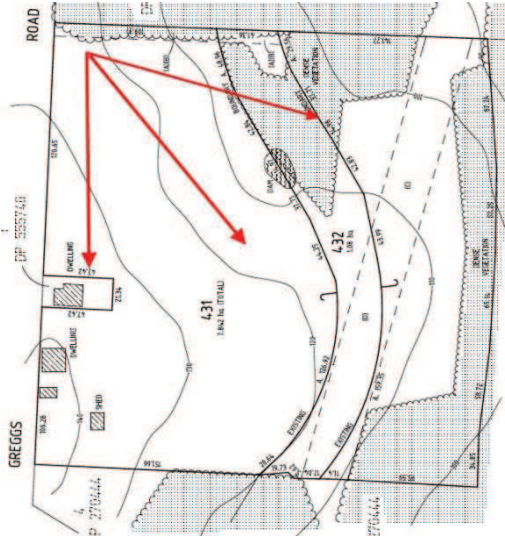
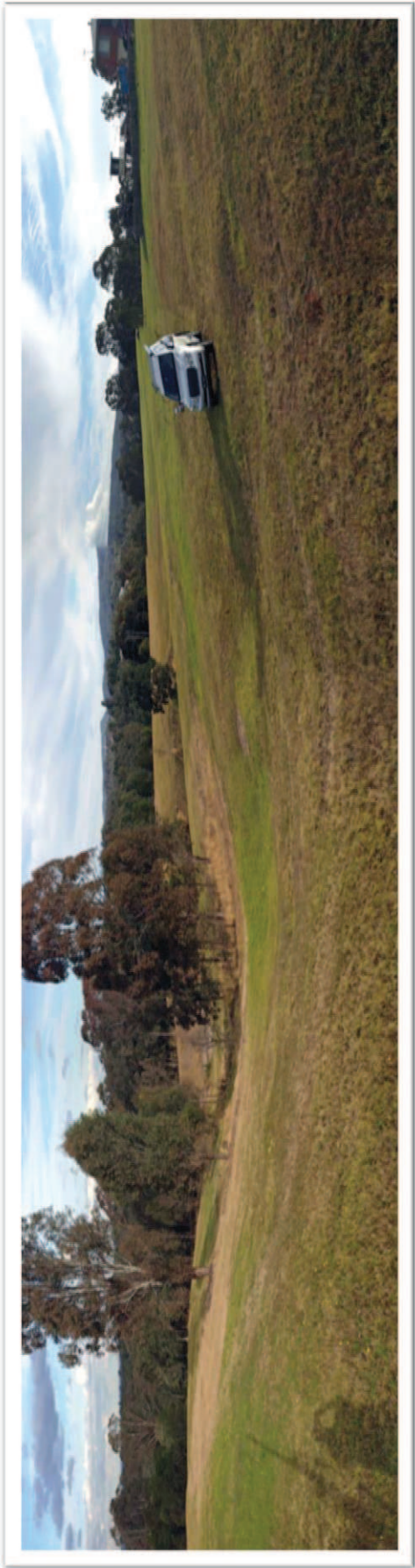


Figure10: View over Subject Land

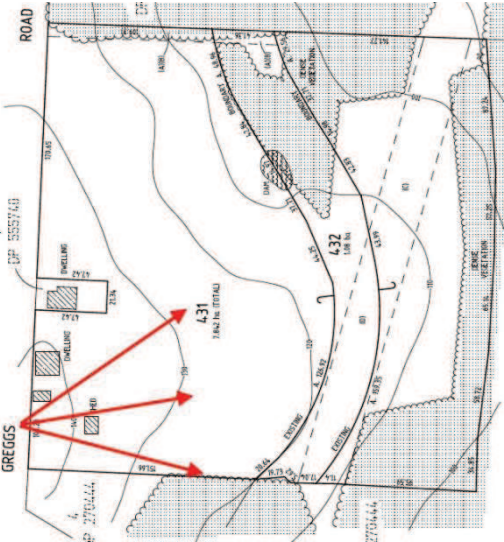
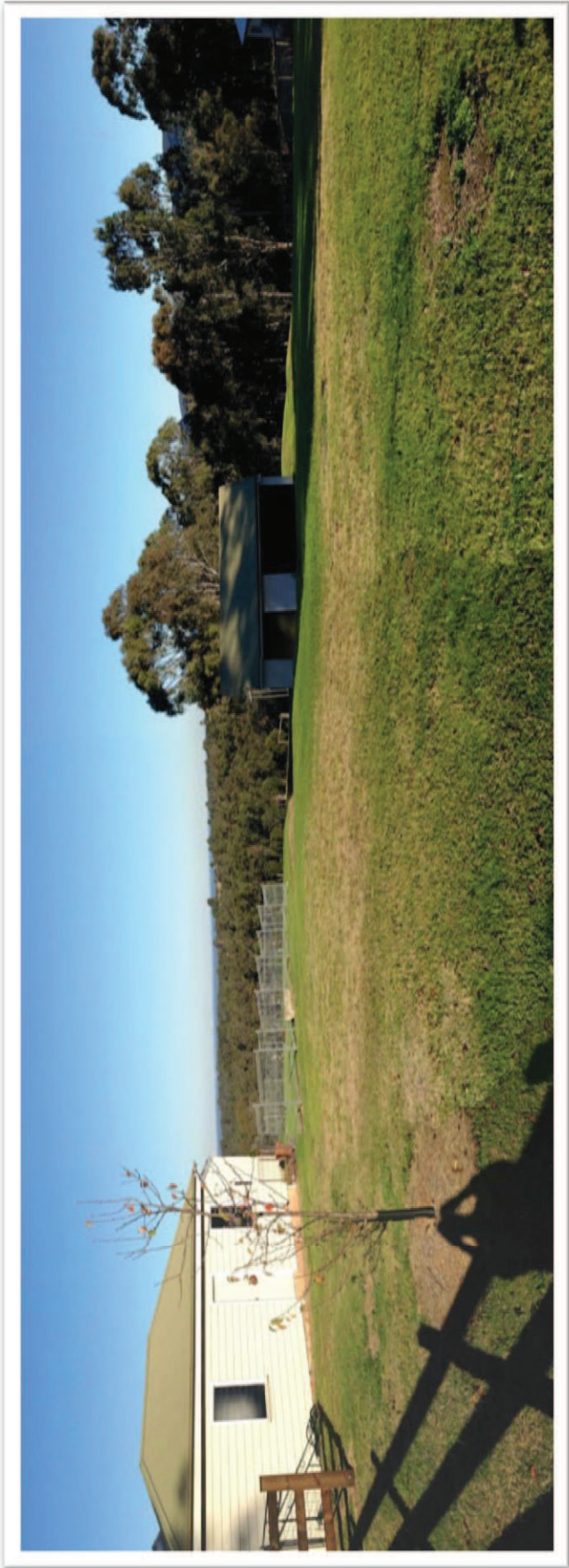
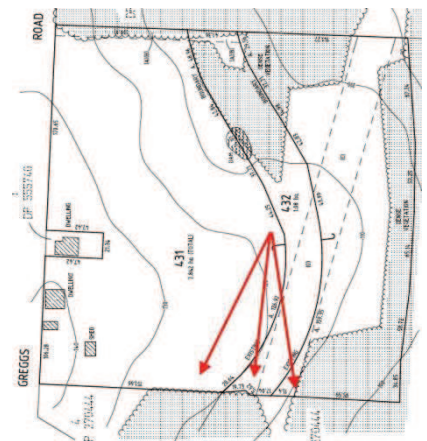
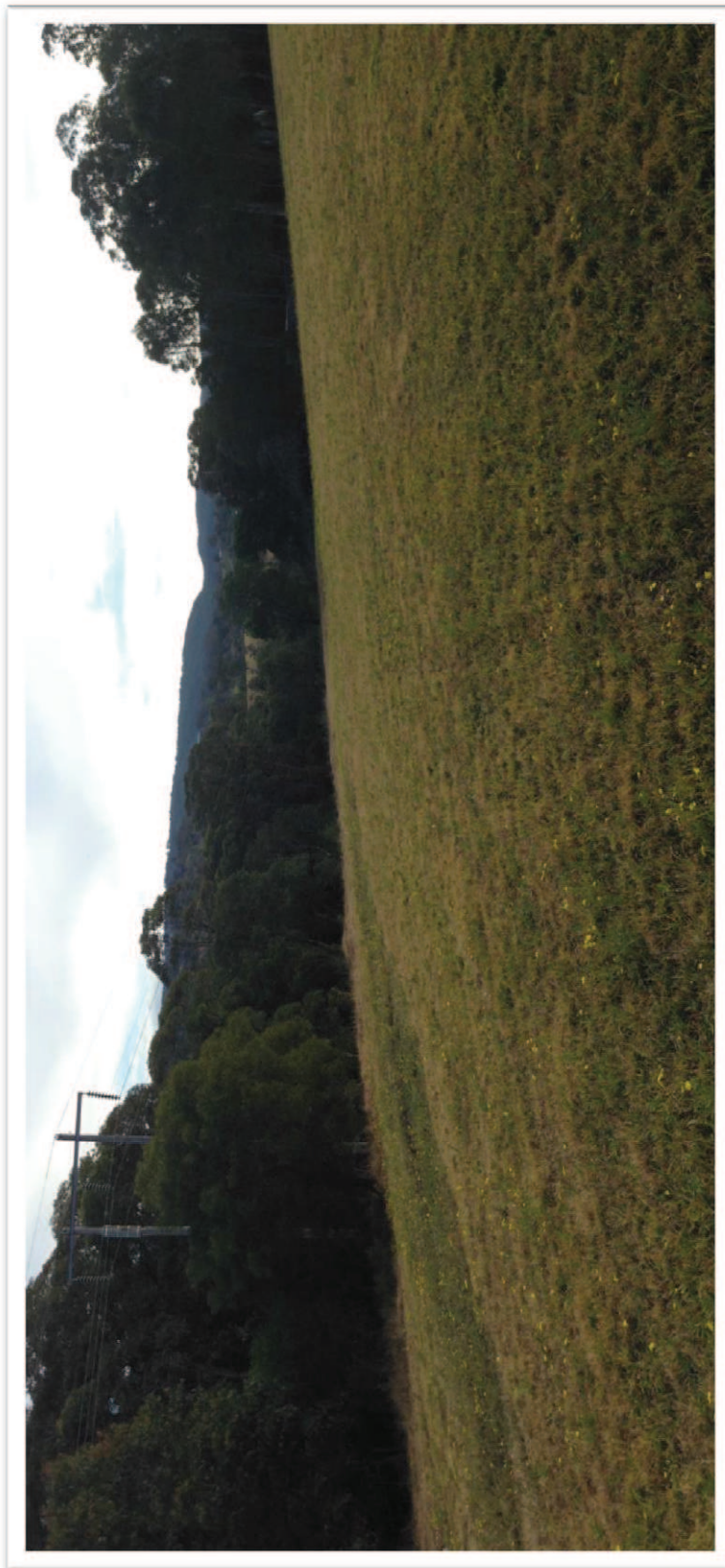


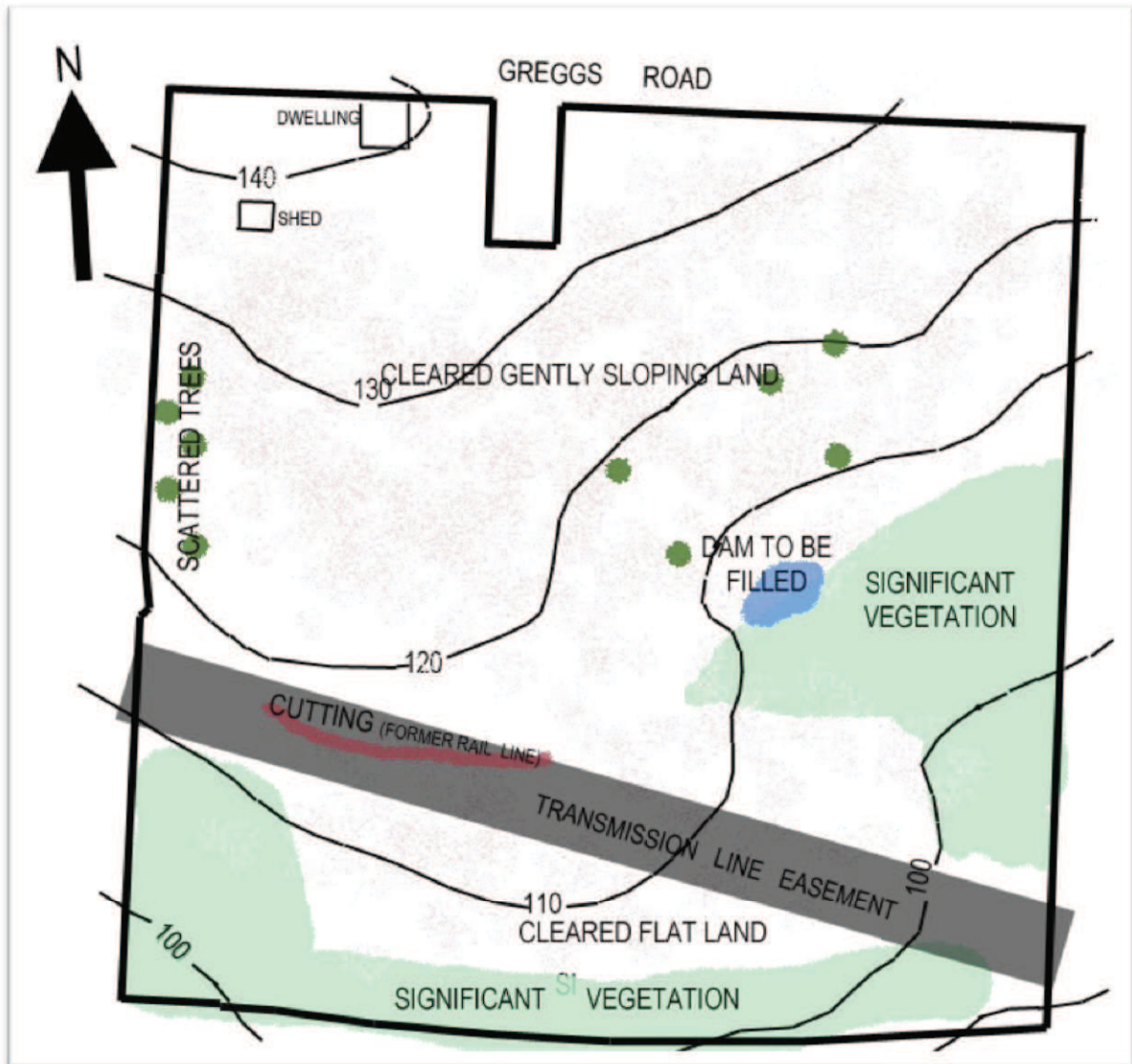
Figure11: View over Subject Land



Site Analysis

Figure 12 below is a site analysis based on the physical constraints of the land.

Figure 12: Site Analysis (Base Plan: McKinlay Morgan & Associates)



The following observations are made:

- Significant vegetation should be preserved by ensuring that no building or clearing occurs in the identified areas;
- Any subdivision design should optimise the unconstrained land generally located between Greggs Road and the transmission easement;
- The constrained land (ie transmission line and significant vegetation) is suitable for inclusion into larger lots;
- Site distance along Greggs Road is adequate to accommodate vehicle access to additional lots.

Surrounding Land Use

The land is located 1 kilometre south of Kurrajong village (commercial zone). Access to the village is via Greggs Road and Grose Vale Road, which are sealed two lane rural roads. Greggs Road also provides access to the North Richmond urban area which is located some 5km to the east.

Land adjoining to the east is a rural residential property of similar size to the subject land. It contains a dwelling, outbuildings and vegetation. Land adjoining to the south and partially west is part of the Redbank Creek riparian corridor. This land was set aside as a neighbourhood lot in a community title rural residential subdivision of Patterson Lane to the south. Land adjoining to the west comprises smaller rural residential allotments. Land on the northern side of Greggs Road comprises rural residential lots.

The area in general comprises rural residential allotments which vary in size from 1,000m² to 10 hectares. Other than light grazing, there is no commercial or intensive agriculture in the immediate locality. The locality is effectively a transition between residential living within the Kurrajong village and larger agricultural properties located further away.

Figure 13 over page is a satellite image of the locality with lot boundaries to demonstrate the varied subdivision pattern.

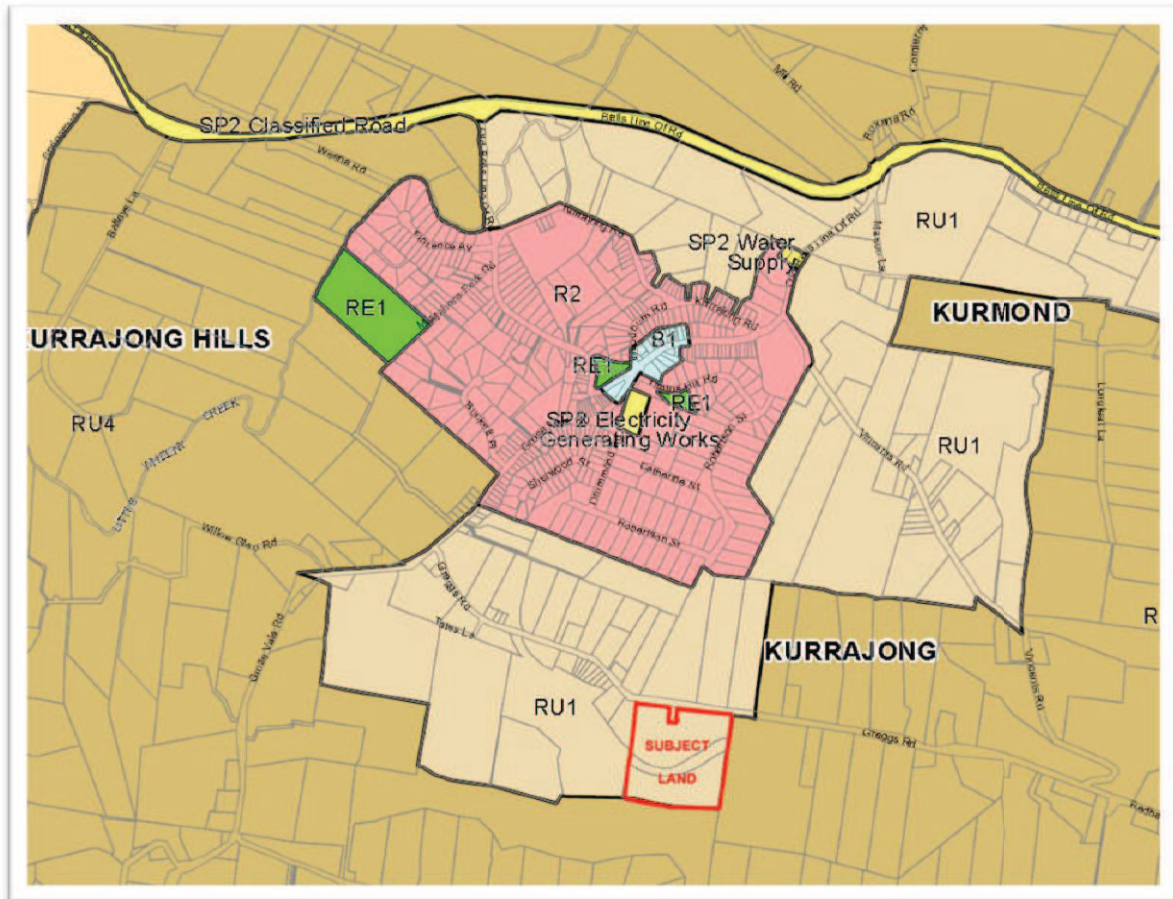
Figure 13: Surrounding land use and subdivision patterns. Source: NSW LPI SIX Maps



Existing Zone

The subject land is zoned “RU1 Primary Production” under the provisions of Hawkesbury Local Environmental Plan 2012.

Figure 14: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008A



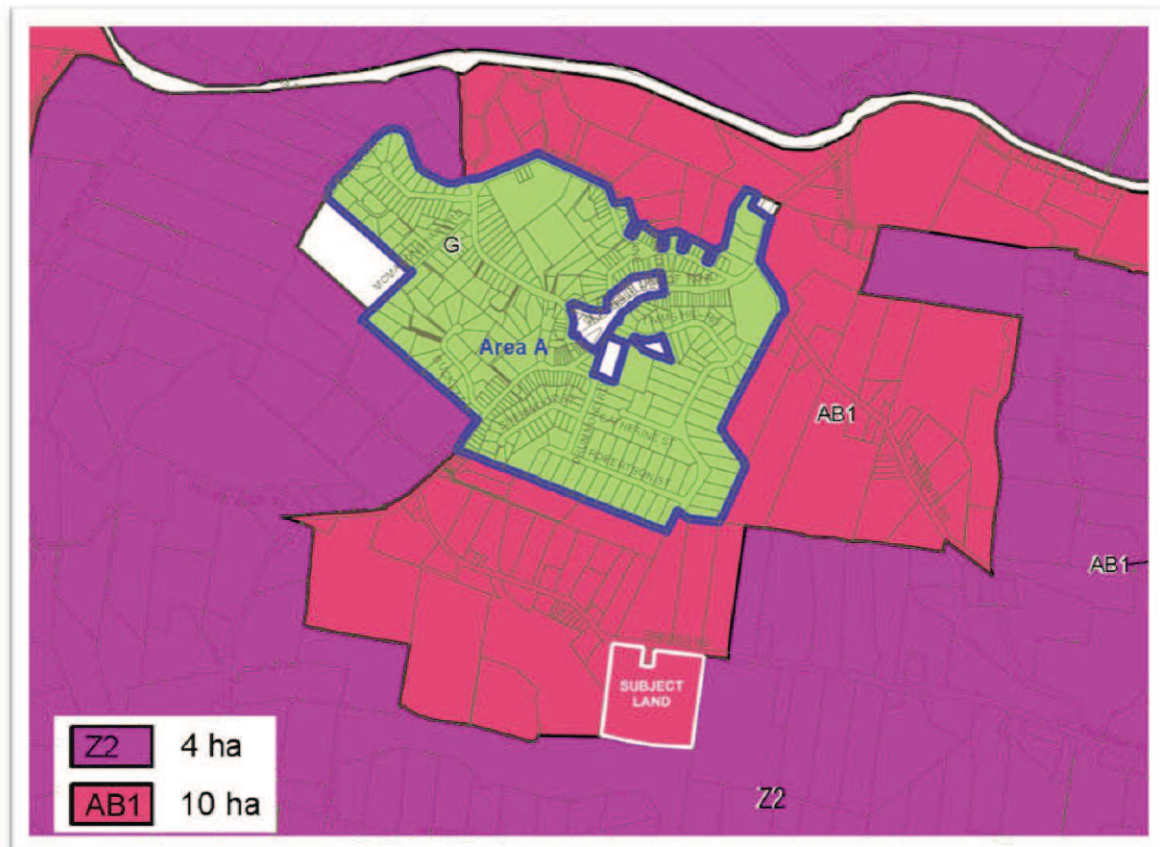
The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*

- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

In accordance with Clause 4.1 of HLEP 2012 the minimum permissible lot size is 10 hectares. It is noted that the minimum lot size for the adjoining land to the south and east is 4 hectares.

Figure 15: Extract from HLEP 2012 Lot Size Map Sheet LSZ_008A



It is observed that the RU1 zone surrounds the Kurrajong Village to the north, east and south. This appears to be somewhat of an anomaly which has been created historically, as the primary focus of the RU1 zone is agricultural production and primary industries. However, in this instance the RU1 zone applies to a band of properties which is closest to residential development associated with the village, while land further removed from the village is zoned for smaller lots.

It is submitted that the land zoned RU1 in Figure 14 above is unsuitable for intensive agriculture or primary industries due to the close proximity to residential land within the Kurrajong village. Historically, where residential land adjoins productive agricultural land there has been conflict between agricultural practices and neighbouring residents.

Typical rural land use conflict issues include pesticide spray drift, dust from cultivation, noise from farm machinery and loading of vehicles and odours from fertilisers, pesticide spray, animals and burning of crop residues. Notwithstanding, in this instance none of the lots within the RU1 zone are large enough to support viable agriculture without intensive use of the land (for example feed lots, market gardens).

While it is not the purpose or intention of this planning proposal to recommend changes to the zoning in this locality, it is pointed out that the locality is in effect a transition between residential and rural land uses. The Hawkesbury Residential Strategy¹ recognises this in the Rural Village Development Criteria in paragraph 6.5.

It is considered that providing additional land for housing in this location is logical and represents “*the promotion and coordination of the orderly and economic use and development of land*” as stated in the Objects of the Environmental Planning & Assessment Act, 1979.

¹ Hassell, Hawkesbury Residential Land Strategy, adopted by Hawkesbury City Council 10 May 2011.

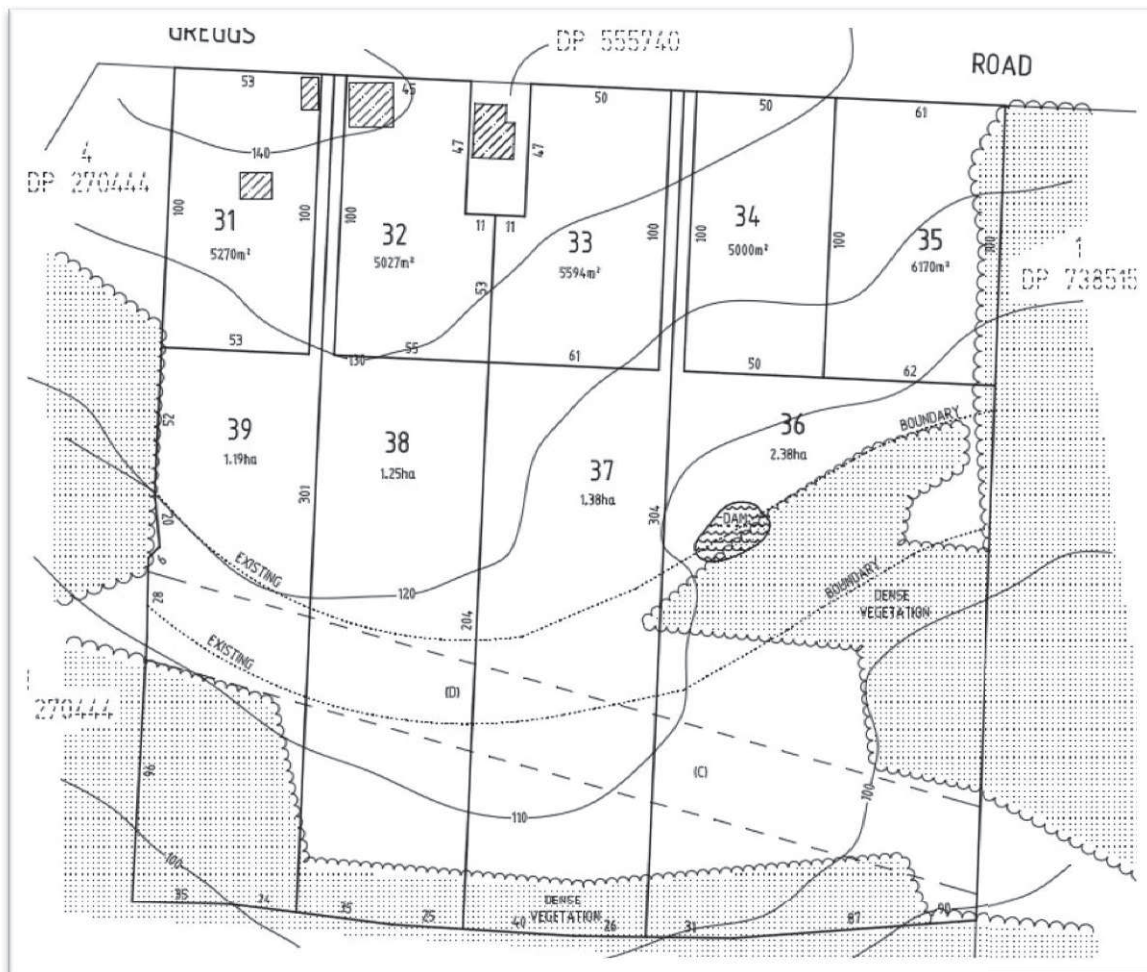
Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal is to allow the land to be subdivided into large residential lots, which are sufficient in size to support sustainable housing within a rural village setting.

The intended outcome is to facilitate a development application to subdivide the land into nine lots with a minimum size of 4,000m².

Figure 16 below is a concept subdivision plan based on the site analysis and requirements for on-site effluent disposal, bushfire asset protection, including relevant buffer distances.

Figure 16: Concept subdivision

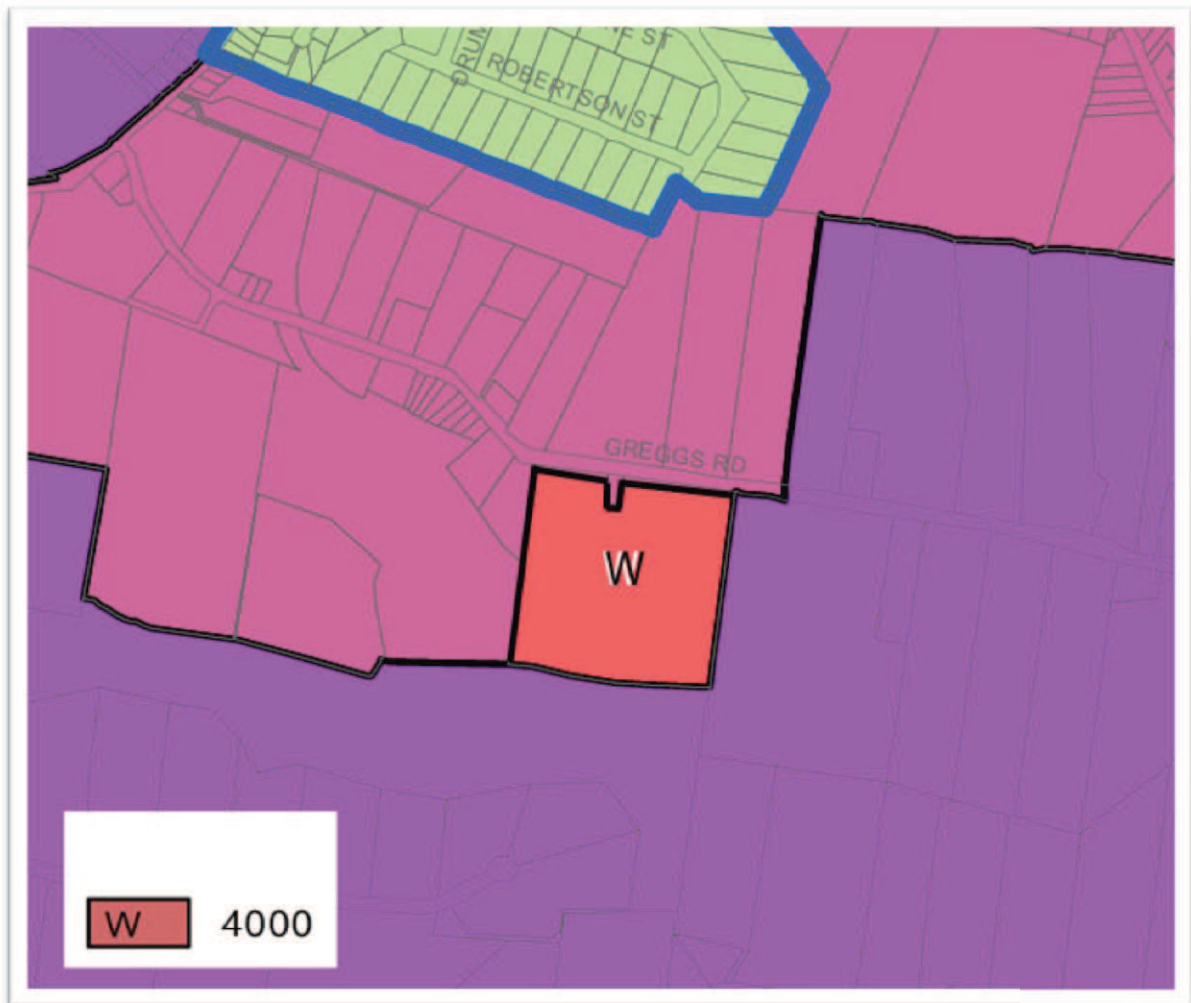


Part 2 – Explanation of Provisions

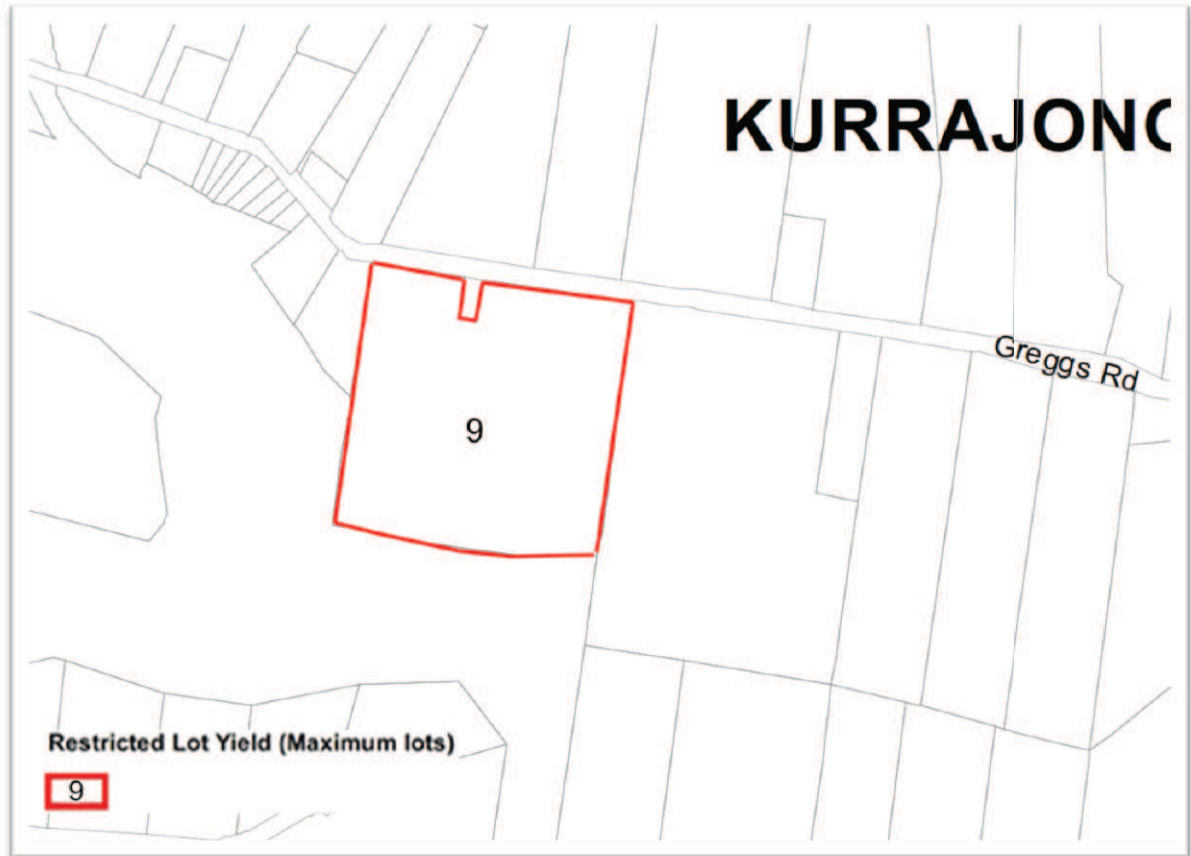
The proposed outcome will be achieved by amending Hawkesbury Local Environmental Plan 2012 in the following ways:

1. Amend Hawkesbury Local Environmental Plan 2012 Lot Size Map Sheet LSZ_008A to fix the minimum lot size for the land at 4,000 square metres as shown in Figure 17 below.
2. Amend the Restricted Lot Yield Map Sheet RLY_008A to place a maximum lot yield of 9 for the subject land as shown on the proposed amended map at Figure 18 below.

Figure 17: Proposed Amended HLEP 2012 Lot Size Map Sheet LSZ_008A



The format of this amendment is consistent with another similar planning proposal within the Hawkesbury LGA which was recently received gazetted.

Figure 18: Proposed Amended HLEP 2012 Restricted Lot Yield Map Sheet RLY_008A

Note: Sheet RLY_008A does not currently exist.

Part 3 – Justification

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

Yes. The planning proposal has been prepared as a result of the Hawkesbury Residential Land Strategy. The proposal satisfies the criteria for rural village expansion as contained within the Strategy.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The alternative is to amend Hawkesbury LEP 2012 by including an additional permitted use of the land within Schedule 1 to allow the proposed subdivision of the land. However, it is considered that amending the Lot Size Map and inclusion of a lot yield clause as proposed is consistent with the ethos of the Standard Instrument LEP and is the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

Section B – Relationship to strategic planning framework.

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Hawkesbury Local Government Area is identified in *A Plan for Growing Sydney 2014* as within the West Subregion. The following goals, directions and actions have relevance to the proposal.

Goals / Directions / Actions	Response
Goal 2: A city of housing choice, with homes that met our needs and lifestyles Direction 2.1: Accelerate housing supply across Sydney Action 2.1.1: Accelerate housing supply and local housing choices Action 2.3.1: Require local housing strategies to plan for a range of housing types	The Plan's focus is on providing more housing, with a greater choice of dwelling types in well serviced locations. The Plan requires local housing strategies to plan for a range of housing types. This proposal is prepared in accordance with the Hawkesbury Residential Lands Strategy, prepared by Council to put such housing strategies in place. The proposal will be supported by appropriate infrastructure for the rural locality including transport, schools, health facilities, open space and recreation. The Hawkesbury Residential Lands Strategy has identified both the need for

	additional housing and suitable locations for additional housing. A range of opportunities are identified including urban infill, new urban areas and additional housing around rural villages.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. Direction 4.2: Build Sydney's resilience to natural hazards Action 4.2.3: Map natural hazard risks to inform land use planning decisions Direction 4.3: Manage the impacts of development on the environment	This planning proposal is prepared in the context of the Hawkesbury Residential Lands Strategy. The Strategy recognises that there is limited capacity within existing residential zoned land of the LGA to accommodate more dwellings, hence the majority of new dwellings will need to be provided from greenfield sites / extension of the footprint of existing centres. The Strategy recognises that urban growth in the Hawkesbury is severely limited by environmental constraints such as State and National parks, agricultural land values, flooding issues, and noise constraints. The subject site is free from these constraints and satisfies the Hawkesbury Residential Lands Strategy criteria for rural village expansion. The minor increase in housing in suitable locations around existing rural villages will contribute to the continued viability of those villages, while not substantially changing the rural character of the area. The land is classified as bushfire prone land. Any future subdivision will address the requirements of Planning for Bushfire Protection in detail. However a review of the proposal indicates that compliance will be achievable. The smallest of the proposed lots is 5,000m². An on-site wastewater disposal assessment was carried out by Envirotech, which confirms that the land

	is suitable for on-site effluent disposal. It is considered that the proposal has taken account of the natural hazards and environmental constraints and features and the impacts of the development will be managed to ensure that the proposal will have minimal impacts.
Priorities for West Subregion: Accelerate housing supply, choice and affordability and build great places to live	One of the stated priorities is to: “Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.” This planning proposal will assist by creating new housing opportunities in a suitable location as identified by the Hawkesbury Residential Lands Strategy..

Although it is not consistent with the regions identified by *A Plan for Growing Sydney*, the Northwest draft Subregional Strategy remains relevant as an “exhibited draft strategy”. The following table lists the relevant actions from the Subregional Strategy.

Actions	Response
NW Action C5.1.2 Councils to reflect best practise established by the Growth Centres Commission in land release areas outside the North West Growth Centre.	The Planning Proposal is a minor expansion of an existing rural village.
NW Action D2.3.3 State and local government to improve existing interchanges and bus stops. NW Action D3.1.1 The Roads and Traffic Authority (now Roads and Maritime Service (RMS)), in cooperation with the local government, to continue to upgrade walking and cycling facilities,	Westbus operates along Bells Line of Road and Old Bells Line of Road/Grose Vale Road between Richmond and Kurrajong. This service operates every 30 minutes during the peak periods with the closest stop being located on Grose Vale Road. An off-road pedestrian/bike path which

including cycleway development in Blacktown, Castle Hill and Colo. NW Action D3.1.2 The NSW Government and local government to work together to align local walking and cycling networks with public transport routes to improve accessibility to public transport.	links Kurmond to North Richmond runs along Bells Line of Road. Colo High School and Kurmond Public School are also linked by this pathway.
NW Action E2.1.2 Sydney Metropolitan and Hawkesbury – Nepean Catchment Management Authorities to work with agencies and North West councils to ensure that the aims and objectives of Catchment Action Plans are considered in the future management and planning of local council areas.	It is anticipated that as part of the consultation with public authorities the Hawkesbury – Nepean CMA will be given an opportunity to comment on the Planning Proposal.
NW Action E2.1.5 North West councils to continue to promote water sensitive urban design.	The Planning Proposal is a minor expansion of an existing rural village. The minimum lot size proposed is 4,000m², allowing for all stormwater to be contained within each allotment.
NW Action E4.1 Maintain rural activities and resource lands.	Due to the size of the land and the proximity to residential neighbours, the land is not suitable for viable agriculture. There is currently no commercial agriculture in the immediate locality.
NW Action E6.3.1 The Heritage Office to work with local councils to identify areas in the North West Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.	The land and surrounding land is not identified as having heritage significance. Notwithstanding, it is anticipated that as part of the consultation with public authorities the Heritage Office will be given an opportunity to comment on the Planning Proposal.
NW Action F2.1.1 Councils to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and residential growth is being located. NW Action F2.1.2 Council to consider open space improvement programs with better facilities to encourage use. NW Action F2.1.3 Councils to consider mechanisms to increase the capacity of	It is considered that the additional population generated by this Planning Proposal (less than 100 persons) is unlikely to trigger a requirement for acquisition of additional open space land. This is especially the case where the minimum lot size will be 4,000m², which provides for significantly large amounts of private open space.

local sports fields to a district level. NW Action F2.1.4 NSW Government and local councils to develop links between smaller reserves to create diversity and broader user experience. NW Action F2.1.5 Local councils to consider modifying underutilised open space for informal activities such as skating, basketball, netball and the establishment of cafes.	
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This planning proposal represents minor growth north-west of the Hawkesbury River which is associated with the existing Kurrajong village centre. Therefore, the proposal is consistent with the North West Subregional Strategy and A Plan For Growing Sydney.

A Plan for Growing Sydney can be viewed at: <http://www.strategy.planning.nsw.gov.au/sydney/wp-content/uploads/sites/2/2015/02/A-Plan-For-Growing-Sydney-WEB-2015.pdf>

The Subregional Strategy can be viewed at <http://www.shop.nsw.gov.au/pubdetails.jsp?publication=7957>

4. *Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?*

The relevant strategic plans are the Hawkesbury Community Strategic Plan 2013-2032 and the Hawkesbury Residential Land Strategy, 2011.

4.1 Hawkesbury Community Strategic Plan 2013-2032

This plan was adopted by Hawkesbury City Council in May 2013. The provisions of the Community Strategic Plan which are of most relevance to the planning proposal are:

Looking after people and place

Directions

1. Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
3. Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
4. Have development on both sides of the river supported by appropriate physical and community infrastructure
5. Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure
6. Have friendly neighbourhoods, connected communities, and supported household and families
7. Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategies

1. Revitalise and enhance town centres and villages
2. Encourage affordable, diverse and quality housing solutions in serviced areas
3. Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character
4. Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use
5. Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations
6. Provide for a safer community through planning, mitigation and response

Goals

1. Towns and villages to be vibrant places that people choose to live in and visit
2. Appropriate and affordable range of infrastructure and services available to meet contemporary needs
3. Viable tourism economy
4. Funded viable and sustainable events
5. Housing is available and affordable for the population whilst retaining agricultural and heritage values
6. Managed population growth that contributes to and sustains the local economy and services and respects agricultural and heritage values of the area

7. Maintain and foster the rural and heritage character within the Hawkesbury
8. Viable and sustainable agriculture industries retained and developed
9. Natural and built heritage valued socially and economically
10. Ongoing review and implementation of community disaster and safety plans
11. Continue to support agencies and volunteers who assist in maintaining a safe and socially valuable community

Caring for Our Environment

Directions

1. Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape
3. Take active steps to encourage lifestyle choices that minimise our ecological footprint
4. Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

Strategies

1. Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships
2. Reduce our environmental footprint through resource and waste management
3. Manage growth with ecologically sustainable principles
4. Engage with the community and work together to care for our environment

Goals

1. Clean, healthy, usable rivers and waterways
2. Balance the needs of our ecology, recreational and commercial activities
3. Maximise sustainable use of potable and recycled water
4. Reduced greenhouse gas emissions
5. Our community is living more sustainably
6. Waste management facility operating on a commercial basis
7. Reduced waste to landfill
8. Environmental impact of growth is minimised
9. Healthy and functioning catchments and riparian corridors
10. Improved community awareness of the importance and value of healthy catchments, natural waterways, vegetated riparian corridors, surface water and groundwater resources.

Sustainability Principles

The following are considered relevant to the Planning Proposal.

- Principle 4: Use of energy and other resources must be just and efficient, both across the globe and between generations
- Principle 5: Even if there is doubt about the environmental impact that an action will have, one should err on the side of caution to protect the environment

It is submitted that the planning proposal is consistent with the Hawkesbury Community Strategic Plan. The planning proposal will assist in the achievement of some of the above Goals, particularly in terms of providing housing choice and creating a sustainable local economy. The proposal satisfies the environmental goals, by minimising the impact of growth and providing sustainable, managed housing opportunities in an area of high amenity.

The environmental impacts have been carefully considered through bushfire and on-site wastewater assessment reports. It is considered that the planning proposal satisfies the sustainability principles of the Plan.

The Hawkesbury Community Strategic Plan 2013 - 2032 can be viewed on Council's website www.hawkesbury.nsw.gov.au.

4.2 Hawkesbury Residential Land Strategy 2011

The Hawkesbury Residential Land Strategy guides the location and type of future residential development within the LGA. The strategy is based on best practice models of sustainable development which seek to guide future residential development within the LGA over the next 30 years and ensure future residential development is sustainable and meets the needs of the Hawkesbury population.

The review of population and dwelling characteristics (Chapter 3.0) identified that future population growth within the LGA is ageing and household sizes are decreasing. This will have significant impact on housing needs, services and facilities within the LGA.

The projections show an estimated demand for an additional 5,932 dwellings which is slightly higher than the dwelling target set in the North Western Subregional Strategy.

The Residential Strategy is designed to be suitably flexible to provide 5,000-6,000 dwellings with the final number of dwellings being shaped by market demand and more detailed environmental capacity analysis. As outlined in Section 3.3.6 [of the Strategy], the majority of additional dwellings (5,400 dwellings) will be located in existing or expanded urban and village areas where they can access such services and facilities. The remainder of future development (600 dwellings) will be located in the remaining localities, subject to compliance with the sustainability matrix for neighbourhood centres.²

The following table sets out the Rural Village Criteria from the Strategy, with comments in relation to the subject planning proposal.

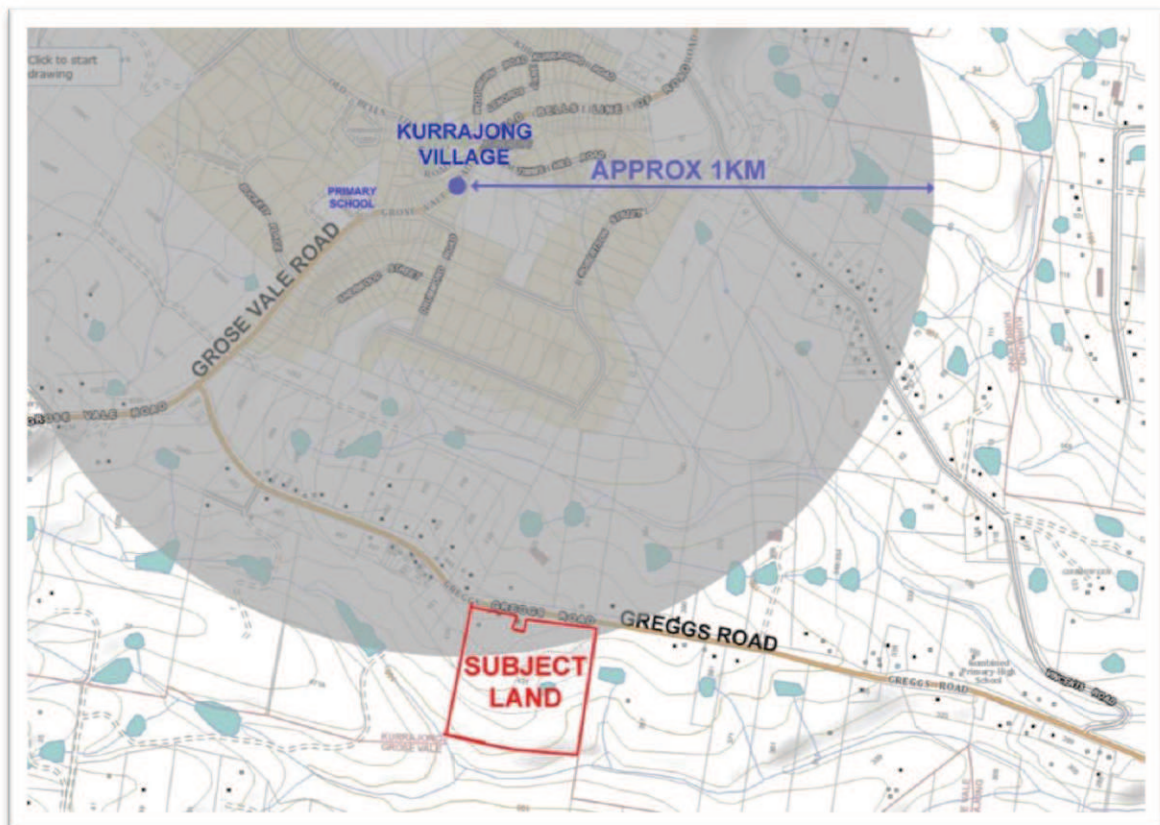
6.5 Rural Village Criteria	
Be able to have onsite sewerage disposal	Yes. The resulting large residential lots will be capable of on-site sewerage

² Hawkesbury Residential Land Strategy, 2011, pg 7/1

	disposal. This is confirmed by an on-site wastewater assessment report. Refer to Attachment 1.
Cluster around or on the periphery of villages	Yes. The land is located on the periphery of Kurrajong Village.
Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)	Yes. The land is located some 1000m from Kurrajong Village, which provides a range of services including primary school, post office, medical, chemist, news agency, supermarket, retail shops, take-away and dine-in food and cafes.
Address environmental constraints and with minimal environmental impacts	Yes. The proposal will have minimal environmental impacts.
Within the capacity of the rural village	Yes. The proposal represents a minor expansion of the Kurrajong Village only.

It is therefore concluded that the proposal meets all relevant criteria within the Hawkesbury Residential Land Strategy. Figure 18 shows the relationship between the land and the available nearby services.

Figure 19: Proximity to Local Services



It can be seen from Figure 18 that the land is located some 1,000 metres from services in Kurrajong Village. It is submitted that the land satisfies the intent of the HRLS rural village criteria to “*cluster around villages with services that meet existing neighbourhood criteria services as a minimum*”.

The Hawkesbury Residential Land Strategy can be viewed on Council's website www.hawkesbury.nsw.gov.au.

4.3 Our City Our Future Rural Rezoning Policy

This Policy was adopted by Hawkesbury City Council on 7 November 1995 and revised on 16 May 1998. Since that time, the Policy has essentially been superseded by the following studies and documents:

- NSW Department of Planning draft North West Subregional Strategy
- Hawkesbury Residential Land Strategy
- Hawkesbury Community Strategic Plan

Notwithstanding the above strategies and plans, the Our City Our Future Rural Rezoning Policy remains a formal policy of the Council. The following comments are provided in response to the relevant policy statements.

a. Fragmentation of land is to be minimised;

It is considered that the proposal minimises fragmentation of rural lands by creating lots of 5,000m² and larger, allowing for an acceptable increase in population, while not fragmenting larger viable agricultural lots.

b. Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages;

It is submitted that the proposal is within a location which has access to services and facilities and is contiguous with Kurrajong Village.

This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 – Rural Village Criteria:

Cluster around or on the periphery of villages

Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)

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

Greggs Road is not a main road.

The land falls away from Greggs Road, which means that future dwellings will be located lower than the road. The five proposed lots fronting Greggs Road are 100m deep, allowing for sufficient setbacks from the road. The remaining four proposed lots are battle axe configuration and range in size from 1.19ha to 2.38ha.

d. *No subdivision along ridgelines or escarpments;*

This section of Greggs Road follows a minor saddle. The land which is proposed to be subdivided falls away from Greggs Road to the south. The land is not along a ridgeline or escarpment.

It is therefore submitted that the proposal is consistent with this statement.

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;*

This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 – Rural Village Criteria:

Be able to have onsite sewerage disposal

The smallest of the proposed lots is 5,000m². An on-site wastewater disposal assessment was carried out by Envirotech, which confirms that the land is suitable for on-site effluent disposal. A copy of the report is attached as Attachment 1.

It is submitted that the Planning Proposal is consistent with this policy statement.

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

The Planning Proposal will have no impact on tree coverage. The subdivision concept has been designed to retain existing trees and to place building envelopes within existing cleared grazing paddocks. Additional plantings as part of subdivision works will enhance the overall tree coverage of the land.

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

It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal in accordance with Department of Planning Local Plan Making Guidelines.

At the Ordinary Meeting on 1 July 2014, Council resolved (relevantly) that:

"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."

There is no Section 94 Plan in place at present. Therefore, the applicant will work with Council to prepare same.

h. *Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.*

The form of title of subdivision is more appropriate for discussion in the lead up to a development application, once the Planning Proposal has progressed to the final stage. However, the preliminary subdivision concept provides that all lots will have access to the existing public road, and neighbourhood property is not warranted in this instance.

4.4 HCC Policy: Rezoning of Land for Residential Purposes - Infrastructure Issues

This Policy was adopted by Council on 30 August 2011 and states:

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.

It is submitted that the proposal is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, as demonstrated in Section 4.1.

The proposal satisfies the relevant sustainability criteria contained within the Hawkesbury Residential Land Strategy, as detailed in Section 4.2. In relation to infrastructure matters, the applicant will work with Council to prepare a Section 94 Contributions Plan.

Therefore the proposal is consistent with this policy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A review of state environmental planning policies reveals that the following may be applicable and relevant:

SEPP No 44 Koala Habitat Protection

The proposal will have no impact on existing vegetation. Due to bushfire and on site effluent disposal constraints, future building envelopes will be located with significant buffers from the vegetation corridor located to the south of the land.

SEPP 55 – Remediation of Land.

The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation.

SREP No. 20 – Hawkesbury - Nepean River

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 SREP 20 provides general planning considerations, specific planning policies and recommended strategies. The following specific policies are relevant to the Planning Proposal:

(1) Total catchment management

Policy: Total catchment management is to be integrated with environmental planning for the catchment.

Strategies:

- (a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.*
- (b) Consider the impact of the development concerned on the catchment.*
- (c) Consider the cumulative environmental impact of development proposals on the catchment.*

The land drains towards the upper reach of Redbank Creek, a 3rd order stream (as classified under the Strahler System)³. Redbank Creek is located on adjoining land some 60-70m from the southern boundary of the land. An assessment has been carried out in relation to suitability for on-site effluent disposal. Based on the assessment, it is considered that the land is suitable for on-site disposal of effluent.

Development of this type is encouraged by the Hawkesbury Residential Land Strategy. It has been demonstrated that there is no adverse cumulative impact in terms of this planning proposal.

(6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

The land is cleared pasture with scattered trees. A vegetated corridor located along the southern boundary will be maintained, along with some connective vegetation on the eastern boundary. The concept subdivision plan has been designed to ensure that this

³ Guidelines for riparian corridors on waterfront land, NSW Office of Water, July 2012.

vegetation does not require any clearing or thinning for future buildings or bushfire asset protection zones.

(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).*

Note. Refer also to items (1)–(7) and (12) for relevant strategies.

Strategies:

- (a) Give priority to agricultural production in rural zones.
- (b) 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.
- (c) Maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development.
- (d) Do not locate development in areas identified for future urban purposes in the Metropolitan Strategy.
- (e) Consider the suitability of the land for keeping livestock, whether or not for commercial purposes, and appropriate mitigating measures to prevent land degradation.
- (f) Consider the ability of the land to accommodate on-site effluent disposal in the long term.
- (g) Consider any adverse environmental impacts of infrastructure associated with the development concerned

It is considered that this planning proposal will not be in conflict with the relevant policies and strategies of Sydney REP 20 and can proceed.

SREP 9 – Extractive Industry (No. 2 1995)

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

State Environmental Planning Policies and Sydney Regional Environmental Plans can be viewed at <http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0> by clicking on “S” within the “Browse in Force” “EPIs” 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.

Direction	Consistency	Reason
1.2 Rural Zones	Yes	The draft LEP will be consistent with paragraphs 4(a) and 4(b). 4(a): The rural zoning of the land is not proposed to be changed. 4(b): The proposal will increase the permissible density of land within a rural zone, however the land is effectively within an existing village. Notwithstanding the above it is considered that the proposal is justified by a strategy (Hawkesbury Residential Land Strategy) as it meets the criteria for rural village development.

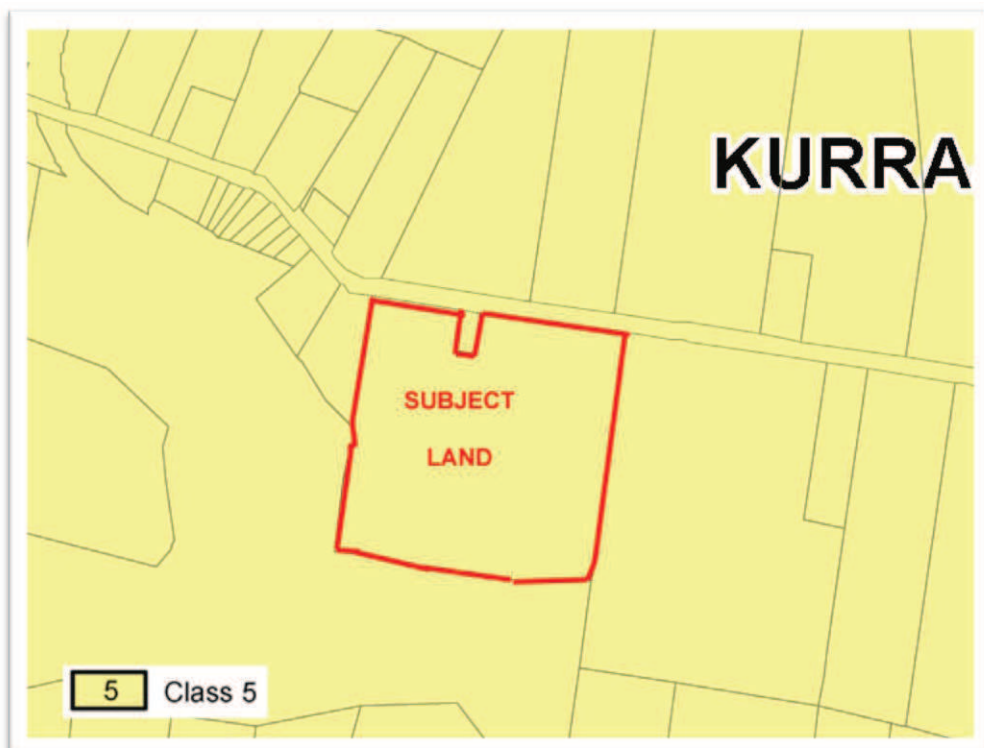
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The Department of Planning and Infrastructure has advised that consultation is required with NSW Trade & Investment. This will occur, should the planning proposal proceed. There are no existing extraction sites within or near this locality. It is understood that no specific resources have been identified in this locality. Notwithstanding, the current RU1 zone permits <i>extractive industries</i> and <i>open cut mining</i> with the consent of Council. This planning proposal does not change the land use table, therefore these activities remain permissible uses. In reality, however, extractive industries or open cut mines are simply not suitable for this locality due to the existing rural residential nature of the area. Whether the minimum lot size is 10 hectares or 4000m², the conflict between extracting any resources and the established pattern of development would be far too significant.
3.4 Integrated Land Use and Transport	Yes	The draft LEP will provide housing opportunities in a locality which is adequately serviced by public transport (in rural village terms). The draft LEP is consistent with the relevant guidelines and policy.
4.1 Acid Sulfate Soils	No	Figure 20 below is an extract from the Council's Acid Sulfate Soils Map, which shows that the property is identified as Class 5. It is considered that the inconsistency with this Direction is justified as the proposal is of minor significance.

4.4 Planning for Bushfire Protection	Yes	The Rural Fire Service will be consulted by the Council during preparation of the draft LEP. An assessment prepared by Envirotech concludes that the proposal is able to comply with <i>Planning for Bushfire Protection</i> . Attachment 2 is a copy of the Envirotech Report.
6.3 Site Specific Provisions		
(4)(a)	Yes	The proposal will introduce a new maximum lot yield provision which applies to the site. The inconsistency is of minor significance and considered to be justified given the characteristics and constraints of the site.
(4)(b)	Yes	
(4)(c)	No	
7.1 Implementation of the Metropolitan Strategy	Yes	The planning proposal is consistent with the Metropolitan Strategy. This is discussed in question 4 under Section B of this report.

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>

Figure 20: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008A

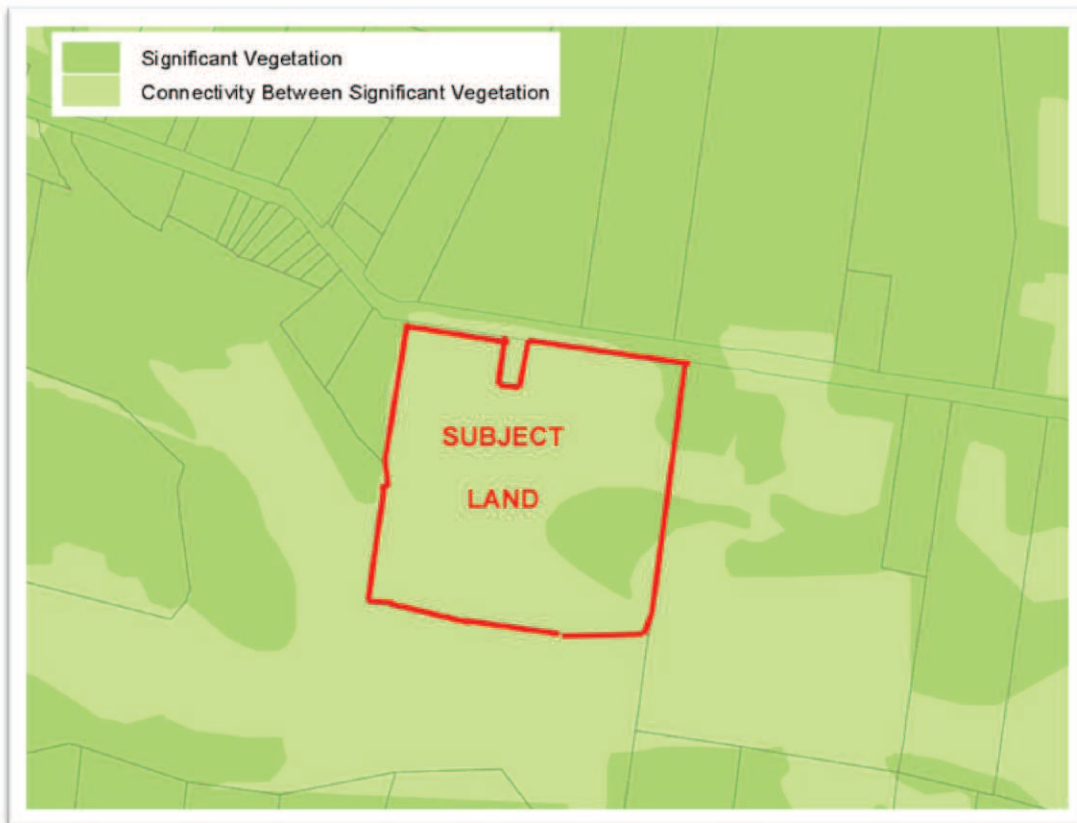


Section C – Environmental, social and economic impact.

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Council's biodiversity mapping identifies some significant vegetation within the riparian corridor, and an area of connectivity between significant vegetation in the southern section of the land. It is noted that Council has not ground trothed this mapping set. Figure 21 below is an extract from the relevant map.

Figure 21: Extract from HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008A



Ground inspection shows that some of the area identified as connectivity should be mapped as significant vegetation, while most of the area is cleared pasture with no connectivity. There is no native ground cover or shrub layer and very few individual trees within the pasture area. Figure 22 is a representation of actual vegetation.

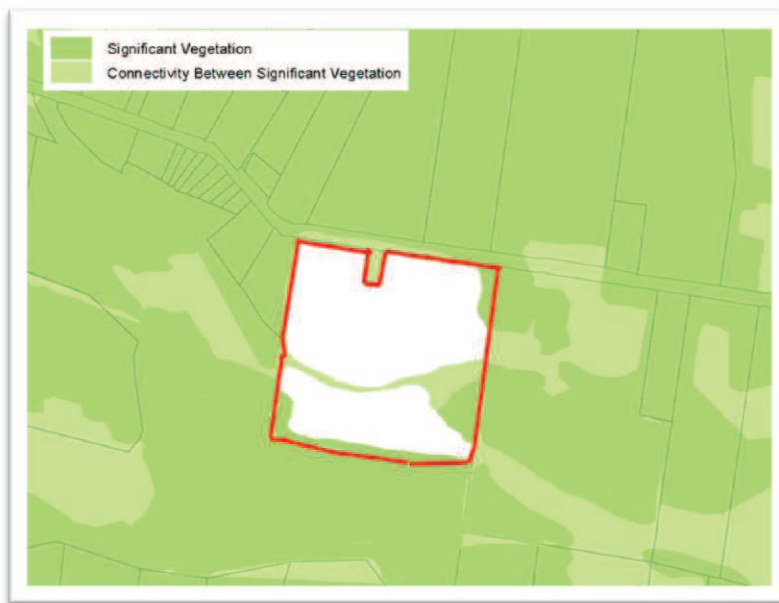
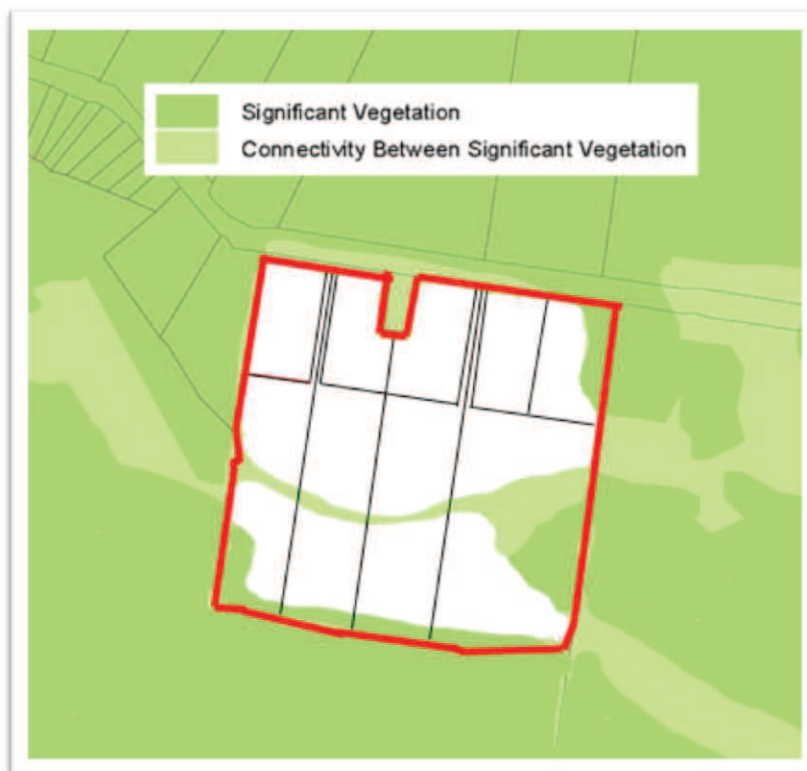
Figure 22: Representation of actual vegetation from ground inspection

Figure 23 demonstrates that the concept layout for nine allotments has been prepared taking the vegetation into consideration.

Figure 23: Nine Lot Concept Plan Overlay

It is submitted that each proposed lot has sufficient area to provide a building envelope without any impact on significant vegetation. When the concept layout is read in conjunction with the bushfire hazard assessment report it is clear that all building envelopes will be located north of the east-west connectivity strip to achieve compliance with the provisions of Planning for Bushfire Protection (2006).

8. Are there any other likely environmental effects as a result of the planning proposal and how are these to be managed?

The land is classified as bushfire prone land. Any subdivision application which may follow this planning proposal will address the requirements of *Planning for Bushfire Protection* in detail. However a review of the proposal indicates that compliance will be achievable.

Appendix 2 is a bushfire hazard assessment report prepared by Envirotech, which concludes that the proposal will comply with *Planning for Bushfire Protection* (2006).

9. Has the planning proposal adequately addressed any social and economic effects?

Yes.

There are positive social and economic effects arising from utilising land for minor expansion of the rural village of Kurrajong. The land is within close proximity to existing schools, services and shops, all of which will benefit from the additional households which will be established on the land. The proposal will provide additional housing opportunities in a suitable area as identified by the Hawkesbury Residential Land Strategy.

It is noted that the land has not been identified as containing any items of European or aboriginal cultural heritage.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The land is serviced by electricity, telephone and communications and reticulated water. The likely demand for services created by the subdivision would be met by the usual contribution process with the relevant authorities.

Waste water from future dwellings on the proposed lots will be treated and disposed on-site. Therefore there will be no additional demand for reticulated sewerage.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following public authorities should be consulted in relation to the issues listed in the table below.

Public Authority	Issue
NSW Office of Environment & Heritage	Potential impact on flora and fauna
NSW Rural Fire Services	The land is identified as bushfire prone
NSW Department of Trade & Investment – Mineral Resources Branch	Requirement of S 117 Direction 1.3
Hawkesbury Nepean Catchment Management Authority	SREP 20 – Hawkesbury Nepean River

Part 4 – Mapping

Sufficient mapping has been included in this Planning Proposal to identify the mapping changes which are required. The Council will provide appropriate mapping in accordance with the *Standard technical requirements for LEP Maps*. The Council's mapping will be produced for public notification and for gazettal.

Part 5 – Community Consultation

It is considered that a public exhibition period of 14 days would be sufficient community consultation for this planning proposal.

Part 6 – Project Timeline

It is suggested that it would be reasonable for the LEP to be completed within 9 months from the week after the Gateway Determination is issued. The suggested project timeline is as follows:

Project Phase	Indicative Timeline
1. Anticipated commencement date	4 weeks from date of referral to P&E of revised planning proposal
2. Completion of technical information prior to government agency consultation	Nil
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	2 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions, assessment report and decision to proceed to final LEP	6 weeks
7. Request to PC to prepare a draft LEP under Section 59(1) of the Act	2 weeks
8. 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
9. Request for online notification of the LEP	2 weeks

Conclusion

It is considered that this planning proposal satisfies all of the requirements for a Gateway Determination by the LEP Review Panel. In summary, the proposal is justified for the following reasons:

1. The land has the appropriate physical characteristics to support large lot residential development as proposed.
2. The proposed rezoning will make use of existing infrastructure, therefore no additional infrastructure is required.
3. There will be no adverse environmental or visual impact as a consequence of development of the land.
4. The proposal represents a suitable expansion of the existing Kurrajong Village.
5. The proposal is consistent with all relevant State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.

Attachment 1: On-site Wastewater Management Report

Attachment 2: Bushfire Hazard Assessment