

Item: CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 431 and 431A Greggs Road, Kurrajong - (95498, 124414)

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 431 and 431A Greggs Road, Kurrajong into nine lots.

It is recommended that Council not support the planning proposal due to it not demonstrating compliance with the locational criteria of the Hawkesbury Residential Land Strategy (HRLS) and the constraints of the site.

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).

Planning Proposal

Montgomery Planning Solutions (the applicant) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 431 and 431A Greggs Road, Kurrajong into nine lots. The concept plan of subdivision submitted with the proposal shows the lots ranging in size from 5,000m² to 2.38ha. The concept plan is shown in Figure 1.

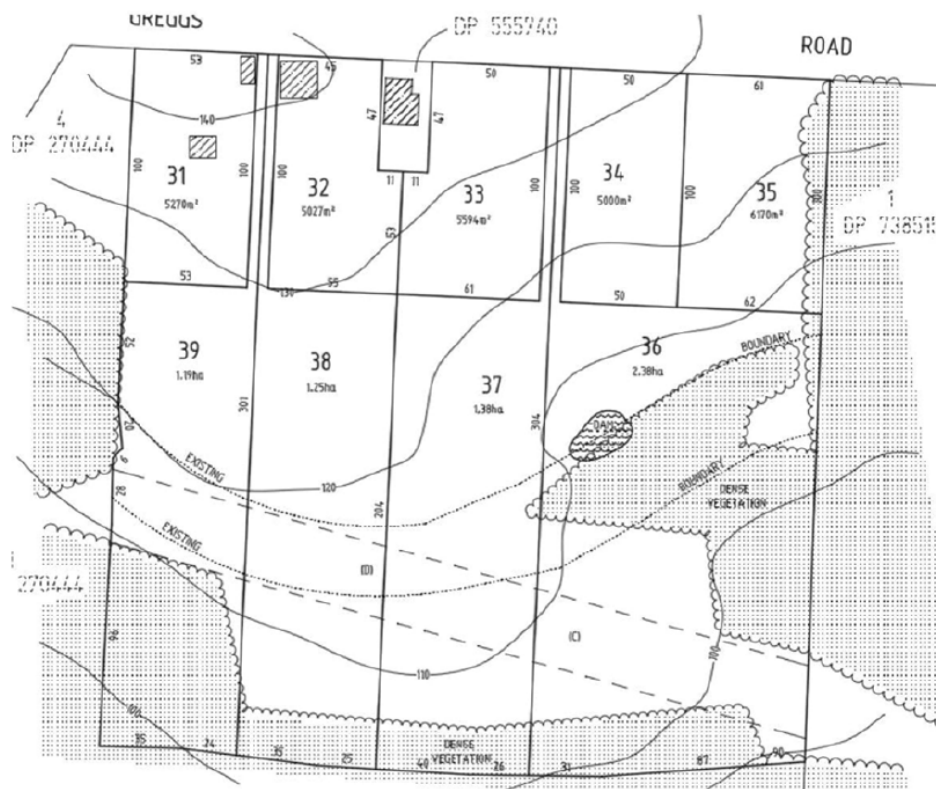


Figure 1: Concept Plan of Subdivision

The applicant proposes to amend Lot Size Map Sheet LSZ_008A of the LEP to fix the minimum lot size of lots to 4,000m² and include a new clause in the LEP to restrict the maximum number of lots into which the land can be subdivided to 9 lots.

Subject Site and Surrounds

The site is legally described as Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong.

The site, in total, has an area of 8.92ha, is approximately 300m wide by 300m deep, and has frontage to Greggs Road (see Figure 2). Note a “key hole” property is surrounded by the site. This property is Lot 1 DP 555740, 425 Greggs Road and does not form part of the planning proposal.

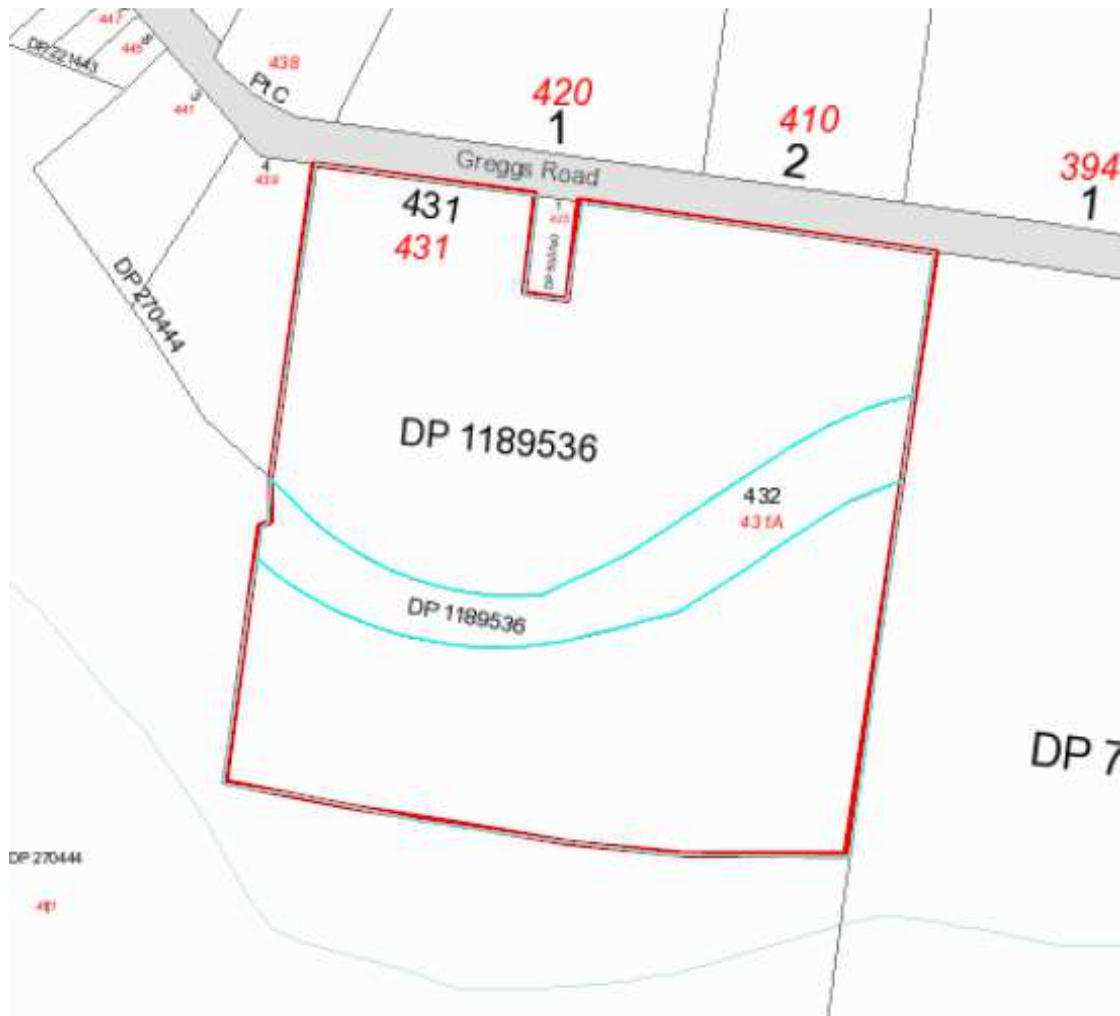


Figure 2: Subject Site

The site contains a dwelling and garage in the north-west corner of the site and one dam in the eastern portion of the site. Much of the site is cleared and consists of management grassland. Native vegetation consisting of trees and shrubs generally exists along the southern (rear) and parts of the eastern and western boundaries of the property. A high voltage transmission line easement and a cutting of the former Kurrajong rail line (the curved shaped Lot 432) cuts through the site in an east-west direction about the middle/rear of the site (see Figure 3).



Figure 3: Aerial Photograph

The site has an elevation of approximately 140m AHD at Greggs Road (north-west corner) and falls to approximately 91m AHD at the rear (south-east corner). Slopes of less than 15% are generally confined on land close to Greggs Road and a central band from Greggs Road to the rear of the site. The balance of the site generally contains land in excess of 15% in slope (see Figure 4).

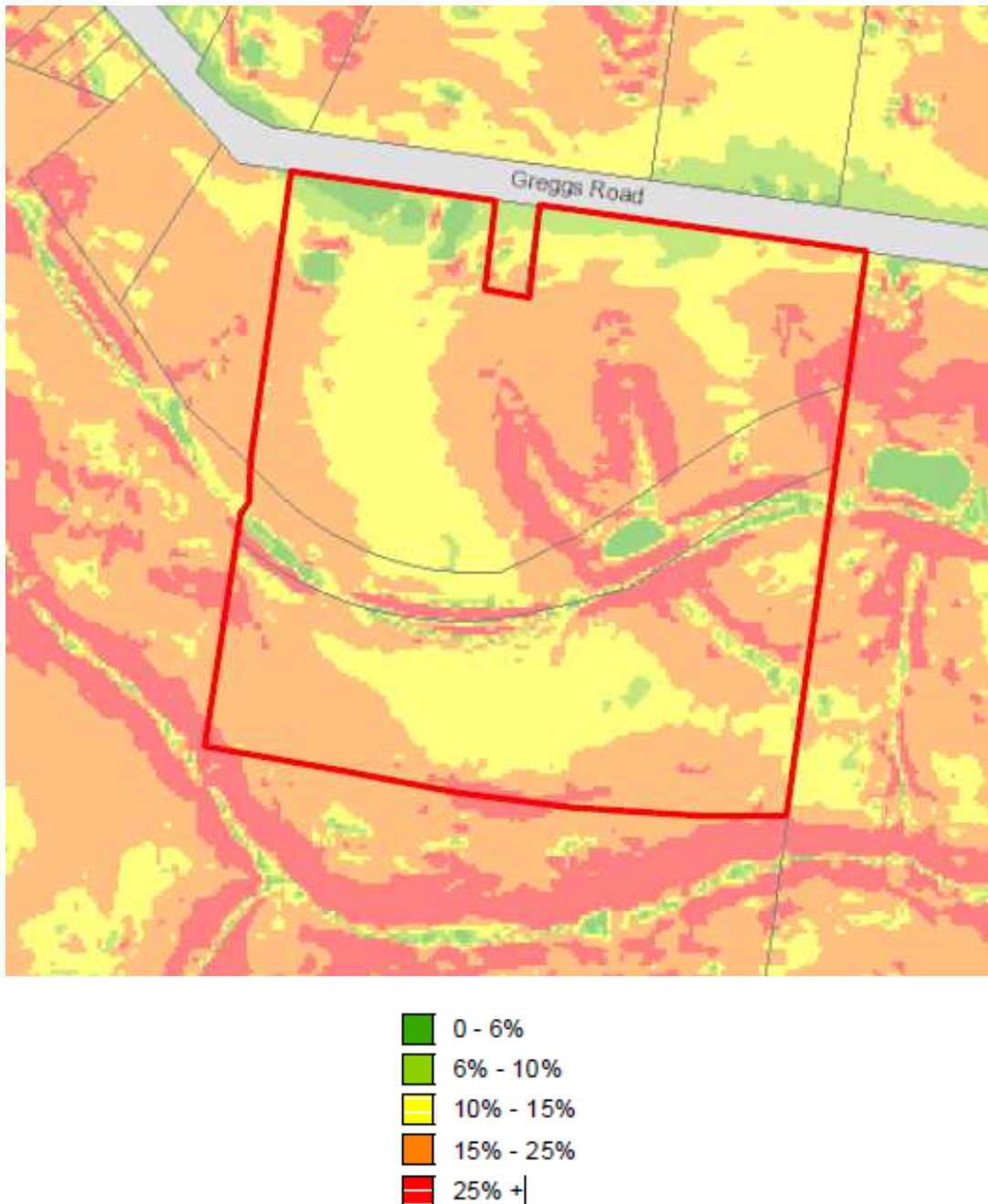


Figure 4: Slope Map

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

The site is shown as part *Significant Vegetation* and part *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. Council's vegetation mapping suggests this vegetation consists of Shale Sandstone Transition Forest (High Sandstone Influence), Shale Sandstone Transition Forest (Low Sandstone Influence), and Transition Woodland.

The site is shown as being bushfire prone (bushfire vegetation category 1) 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 and 4 on 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.

Land surrounding the site consists of a varied mix of lots sizes with smaller lots generally located to the north-east and larger lots elsewhere. 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:

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.*

Hawkesbury Residential Land Strategy

The Hawkesbury Residential Land Strategy (HRLS) 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 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;
- be within the capacity of the rural village

Of particular relevance to this planning proposal are the 1st, 3rd and 4th dot points of the above criteria.

Onsite Sewerage disposal

The applicant has provided an on-site waste water management report that concludes the site is suitable for the on-site treatment and disposal of wastewater.

Given the findings of the report and the size of the proposed lots it is considered that the site is suitable for the on-site treatment and disposal of wastewater.

Proximity of Site to Services

The third criterion sets a threshold for large lot residential / rural-residential development of 1km radius from services within a village. The HRLS defines these services as being those that meet convenience shopping needs e.g. a convenience store, milk bar, petrol station, takeaway.

The subject site is approximately 1069m from the centre of the Kurrajong shopping village (see Figure 5) hence it is outside of the area that the HRLS recommends for possible large lot residential / rural-residential development. This distance is measured 'as the crow flies' i.e., from the closest boundary of the site directly to the centre of Kurrajong, and not along a road or pedestrian route. Should a road or pedestrian route be followed it would then far exceed the 1km criteria. The distance from services is a critical planning consideration for future development in areas that have limited public transport. The topography of the land for walking to facilities is also important and the 1 km line shown is only to the front of the site whilst the distance to future lots at the rear of the site would be at least another 100 - 200 metres across mostly steep terrain.

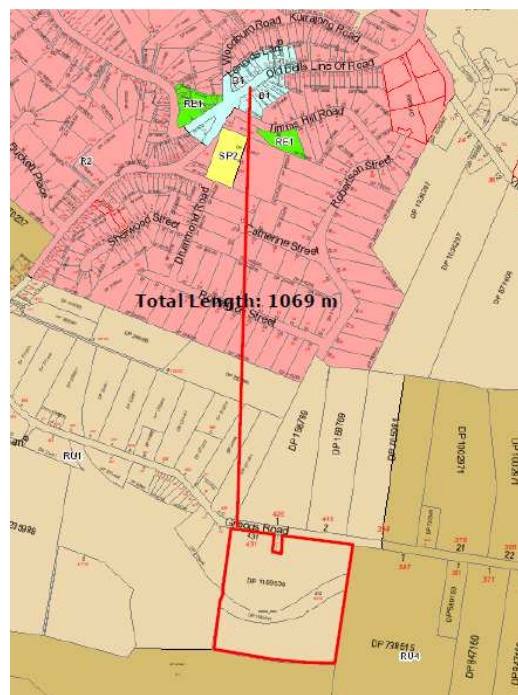


Figure 5: Distance of Site from Kurrajong Shopping Village

Environmental Constraints

The HRLS recognises land slopes greater than 15% act as a constraint to development.

As can be seen in Figure 4 a substantial portion of the site is greater than 15% in slope. Based on this information it is considered that the proposed subdivision does not allow for reasonable sized building envelopes to be accommodated on land with slope less than 15% that would not result in significant cut or fill.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the HCSP are of most relevance for large lot residential / rural-residential development planning proposals.

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
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

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 recommended that Council not support the preparation of this planning proposal to allow development of the land for large lot residential / rural residential development due to the proposal not adequately satisfying the relevant criteria of the HRLS.

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 Council not support the planning proposal to allow development of Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong for the purposes of large lot residential / rural residential development as it is not adequately consistent with the relevant criteria of the Hawkesbury Residential Land Strategy.

ATTACHMENTS:

There are no supporting documents for this report.

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