

Our Ref: 1241
Your Ref: PP_2016_HAWK_001_00

22 February 2017

Ms Mary-Lynne Taylor
Chair
Sydney West Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

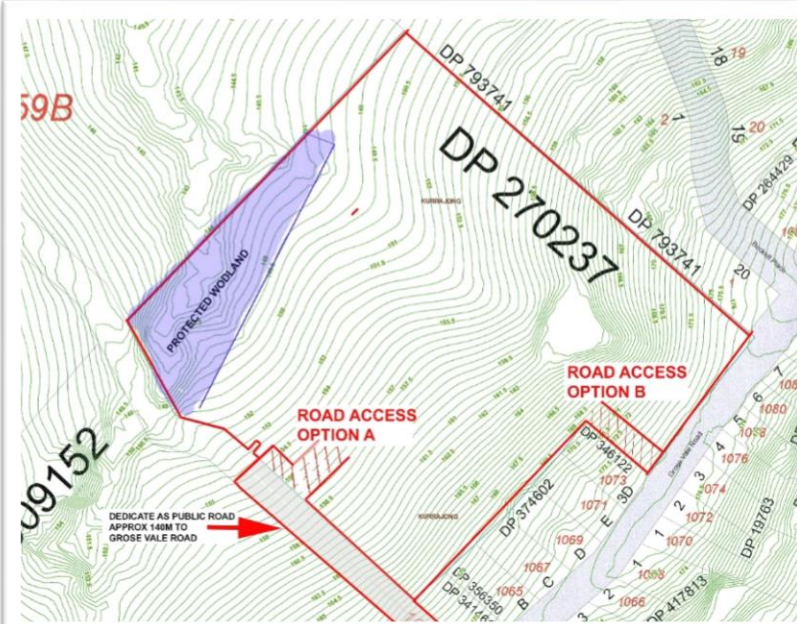
Dear Ms Taylor

RE: Planning Proposal 1059A Grose Vale Road Kurrajong – Response to Submissions

The subject planning proposal was placed on public exhibition for two periods between November 2016 and January 2017. I am advised that for the first exhibition period, a superseded version of the planning proposal (indicating 9 lots proposed) was exhibited in error. The second exhibition period included the correct documentation.

A total of six (6) submissions were received (three in response to the first exhibition and three in response to the second). The purpose of this letter is to provide a response to the matters raised in those submissions. The copies provided by NSW Planning & Environment had the authors' names and addresses redacted, therefore it is difficult to fully comprehend how the respondents will be directly impacted. It is noted that some matters were raised by more than one respondent. The following information is provided in response to the matters raised.

Matter Raised		Applicant's Response
1	Sight distance on Grose Vale Road at proposed intersection is not sufficient. Near fatal accident in the vicinity of the site	The proposed access to Grose Vale Road is located within a 60kph zone. There is clear sight distance of approximately 80m to the south and 120m to the north. This is considered adequate for a 60kph zone. Notwithstanding, access to the site is yet to be finally resolved. The final access arrangement will be resolved in a future development application for subdivision. This may or may not include direct access to Grose Vale Road. This level of detail is not required for the purposes of the planning proposal. The near fatal accident referred to by the respondent was caused by an out of control driver who was speeding excessively and collided with a vehicle which was reversing from a driveway. This is irrelevant to the proposal and is a somewhat distasteful attempt to muddy the water.
2	Object to nine lot subdivision due to potential impacts on riparian forest from runoff, on-site sewerage systems and bushfire asset protection zones.	Submission received in response to first notification period. The proposal is to allow six lots. The preliminary effluent disposal and bushfire reports confirm that there is sufficient area on each proposed lot for effluent irrigation and for the establishment of bushfire APZ's without impact on the riparian corridor. The creek and riparian corridor is currently protected by a simple restrictive covenant as shown in Figure 17 of the planning proposal. As part of any future subdivision, it is intended (and would be required by Council) to commission a detailed flora and fauna report for submission with a DA and to put in place a vegetation management plan via s88B of the Conveyancing Act. It is

		submitted that this will provide a better and more rigorous protection regime than currently exists.
3	Residents did not expect additional subdivision on community title block.	The Proposal is prepared in accordance with the Hawkesbury Residential Land Strategy, which is a public document adopted by Council in 2011.
4	Council rejected the proposal on 29 April 2014. This should be upheld as nothing has changed.	The Council decision to reject the proposal was in response to a political campaign by some nearby residents. It was not based on planning grounds. The Council Planning Director recommended approval as the proposal satisfies the criteria of the Residential Land Strategy. Hence the need for the applicant to follow the Gateway Review path.
5	i. Covenant Preventing Access to Grose Vale Road. ii. Does not comply with RFS access requirements iii. Road Access Option A will impact on significant vegetation	i. When the subject lot was created, a covenant was placed on the land prevent direct vehicle access to Grose Vale Road. Figure 18A of the planning proposal shows two options for access. If Option B is pursued, the applicant would request Council to release the restriction in the context of a future development application.  ii. Contrary to the submission, access via a road within a community title subdivision is an acceptable access solution pursuant to Planning for Bushfire Protection 2006. It is noted that the NSW RFS raises no objection to the proposal in their response dated 21 October 2016. iii. The option A access road is sited some 60m from the creek and 40m from the identified significant vegetation associated with the riparian corridor. The proposed access road is deliberately located within the cleared pasture area of the land. One or two individual trees may or may not be impacted by the road, depending on the final alignment. An alternative access solution is also available via one of the six residential lots which adjoin the subject land (each have access to Grose Vale Road with no restriction on title). Notwithstanding, this level of detail will be the subject of a future development application for subdivision should the planning

		proposal proceed. Any access proposed will need to satisfy the requirements of Hawkesbury Development Control Plan.
6	Insufficient water supply for Kurrajong	This matter is generally raised by one or two Kurrajong residents in response to similar planning proposals. It is understood that Sydney Water has not logged any complaints in relation to low water pressure. At a recent Council Meeting the City Planning Director advised the Council that Sydney Water is investigating whether any upgrade is required (in response to a request by Council). Notwithstanding, any future subdivision will be required to satisfy the requirements of Sydney Water, as a legal requirement applied to every subdivision.
7	Lots insufficient in size to provide on-site effluent disposal	The ability to dispose of effluent on-site is one of the rural village sustainability criteria contained within the Hawkesbury Residential Land Strategy. This planning proposal is accompanied by a feasibility report prepared by Toby Fiander & Associates which concluded that “there is sufficient suitable land available on each block of the indicative subdivision to allow for adequate disposal”. In contrast, the objection contains no scientific evidence to dispute Mr Fiander’s conclusion. The relevant Council staff accepted the report as satisfactory. It is submitted that the Panel will also be satisfied in relation to on-site effluent disposal. It is noted that the original proposal assessed by Mr Fiander was for nine lots. Obviously, with six lots now proposed, there will be less impact.
8	Traffic – Insufficient capacity of road bridge between Richmond and North Richmond	The access between Richmond and North Richmond (Bells Line of Road) is part of the classified road network, which is owned and managed by NSW Roads and Maritime Services (RMS). In the response dated 18 January 2017, RMS advised that it “would raise no objection to the planning proposal, as it is unlikely to have a significant impact on the classified road network.”
9	No Environmental Impact Study	This is a minor site specific planning proposal, which is not so significant to warrant an EIS. Indeed, the Gateway Determination did not require this to be done. Notwithstanding, it is submitted that sufficient information was submitted with the planning proposal to satisfy the Council, the Gateway and the Panel to proceed. In particular, the on-site effluent feasibility report makes allowances for appropriate buffers to the creek and to significant vegetation. Also the preliminary bushfire report allows for the required asset protection zones for each dwelling site without encroaching into the bushland. The creek and riparian corridor is currently protected by a simple restrictive covenant as shown in Figure 17 of the planning proposal.

		As part of any future subdivision, it is intended (and would be required by Council) to commission a detailed flora and fauna report for submission with a DA and to put in place a vegetation management plan via s88B of the Conveyancing Act. It is submitted that this will provide a better and more rigorous protection regime than currently exists.
10	Precedent for neighbouring properties.	The Hawkesbury Residential Land Strategy, suggests that land within 1km of the village may be suitable for rural residential development subject to meeting the relevant sustainability criteria. Indeed, The NSW Department of Primary Industries made the following comment in it response dated 235 October 2016: <i>“DPI Agriculture supports strategic land planning that encourages contained residential growth to enable certainty for agricultural investment outside strategic growth areas and designed with separation from existing agricultural operations. The landholder proposal connects to existing urban / village area which has merit and should maximise residential infill to reduce the demand for planning proposals elsewhere in the primary production and rural landscape zones.”</i> This planning proposal satisfies all relevant criteria. Therefore the only precedent which may be taken from approval is compliance with the relevant strategy and sustainable development within the constraints of the land.
11	Lack of emergency services west of the river.	The future occupants of the land will be provided with the same level of service currently provided to Kurrajong residents. Contrary to the objection, the Kurrajong fire station is located only a few hundred metres from the land. The provision and distribution of emergency services such as police and ambulance is a matter for State government.
12	Negative impact on rural atmosphere	The proposal is for rural residential lots on the edge of the village which is characterised by residential development. Currently there is no transition between residential lots and rural properties. Development of the land for six rural residential lots will provide an appropriate transition between residential and rural land uses.
13	Insufficient information	Contrary to the respondent’s statement, the planning proposal contains sufficient information to satisfy the relevant sustainability

		criteria of Hawkesbury Residential Land Strategy. This is confirmed by the Council planning officer's recommendation for approval, the JRPP decision to submit the proposal for Gateway Determination and the positive Gateway Determination issued by NSW Planning and Environment.
14	"A drop in the bucket": i. RMS stated that Bells Line of Road North Richmond is at capacity 5 years ago ii. Planning report states that community title subdivision is 700-800m2 lots iii. Council has resolved not to approve any further rezoning applications until completion of Kurmond Kurrajong Investigation.	i. In the response dated 18 January 2017, RMS advised that it "would raise no objection to the planning proposal, as it is unlikely to have a significant impact on the classified road network." ii. This statement is incorrect. On page 8 of the planning proposal it is stated: <i>"It is noted that six residential lots, each approximately 700m2 - 800m2 are located along the north-western side of Grose Vale Road. These lots are located next to the south-east corner of the subject land."</i> The community title lot sizes are correctly described earlier on page 8 as; <i>"Land adjoining to the north-west and south comprises 4 hectare lots"</i>. iii. This statement is incorrect. At the Ordinary Meeting of 29 November 2016, the Council resolved that: <i>"Council not accept any further planning proposal applications within the Kurmond and Kurrajong investigation area until such time as the structure planning as outlined in this report is completed. Council receive a progress report on the structure planning prior to July 2017."</i> <i>Council continue processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016."</i> The Council has subsequently supported the finalisation of two similar planning proposals.
15	If community title access road is to be used, the consent of all owners of the community title should be obtained.	There is no requirement for land owners' consent for the purposes of a planning proposal. If the community title access is found to be the best access solution, the relevant owner's consent will be provided with a future development application. Also, the access road would be upgraded by the applicant to public road standard between Grose Vale Road and the subject land. This level of detail is clearly a matter for assessment in the context of a future development application.
16	Insufficient Communication facilities.	The statement that Kurrajong does not have NBN is incorrect. A recent subdivision on the corner of Old Bells Line of Road and Vincent Road Kurrajong is connected to NBN. It is also incorrect to state that ADSL is more expensive than NBN. There is no basis for this statement. Telephone, internet and mobile services are available in the area. The majority of rural properties in the Hawkesbury (indeed in Australia) do not have NBN services.
17	Biodiversity – concern about	There is no indication of the location, direction and equipment/sensitivity of the recordings. Therefore, the veracity of this submission is questionable. Notwithstanding, a search of NSW

	various frog species	Office of Environment & Heritage database shows that none of four species purportedly identified are either endangered or vulnerable. I am instructed that the small dam (which was located at the top of the catchment on the property) has now been filled as part of the works associated with the dwelling currently under construction on the land.
18	Light Pollution	It is difficult to test the veracity of this claim as the address of the respondent has been redacted from the copy provided. Notwithstanding, the subject land is currently adjoined by at least twelve existing dwellings. It is submitted that the addition of five new dwellings in this location will have no impact in terms of light pollution.

I trust that the Panel will give careful consideration to the above comments when reviewing the submissions received from members of the public.

Yours sincerely



Robert Montgomery MPIA
Principal