

PLANNING PROPOSAL

M MONTGOMERY
P PLANNING
S SOLUTIONS

Lot 2 DP 270237 (No. 1059A)
Grose Vale Road Kurrajong



June 2014

TABLE OF CONTENTS

Introduction.....	1
Justification for Review	2
Description of Site	3
Surrounding Land Use.....	8
Existing Zone.....	10
Part 1 – Objectives or Intended Outcomes	12
Part 2 – Explanation of Provisions	14
Part 3 – Justification.....	15
Section A – Need for the planning proposal.....	15
Section B – Relationship to strategic planning framework.....	15
Section C – Environmental, social and economic impact.....	31
Section D – State and Commonwealth Interests.....	33
Part 4 – Mapping	33
Part 5 – Community Consultation	33
Part 6 – Project Timeline	34
Conclusion.....	35
 Attachment 1: Item 21 – Report to HCC Ordinary Meeting 25 February 2014	
Attachment 2: Item 76 – Report to HCC Ordinary Meeting 29 April 2014	
Attachment 3: HCC Letter 6 May 2014	
Attachment 4: Preliminary On-Site Waste Water Disposal Feasibility	
Attachment 5: Preliminary Bushfire Hazard Assessment Report	

LIST OF FIGURES

Figure 1	Satellite Image
Figure 2	Cadastral Map
Figure 3	Images of the Land
Figure 4	Images of the Land
Figure 5	Images of the Land
Figure 6	Images of the Land
Figure 7	Images of the Land
Figure 8	Images of the Land
Figure 9	Images of the Land
Figure 10	Images of the Land
Figure 11	Slope Analysis
Figure 12	Surrounding Land Use
Figure 13	Images of Adjoining Residential Development
Figure 14	Images of Adjoining Residential Development
Figure 15	HLEP 2012 Zone Map Extract
Figure 16	HLEP 2012 Lot Size Map Extract
Figure 17	Concept Subdivision Layout
Figure 18	Nine Lot Concept Overlay
Figure 19	Proposed Amended Lot Size Map
Figure 20	Proximity to Village Services
Figure 21	HLEP 2012 Acid Sulfate Soils Map Extract
Figure 22	HLEP 2012 Terrestrial Biodiversity Map Extract
Figure 23	View over “Connectivity” Vegetation

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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Introduction

This Planning Proposal is prepared by Montgomery Planning Solutions on behalf of the owner of the land. The land is 4.0 hectares in area and comprises open grasslands with scattered trees over gently sloping terrain. The land is zoned *RU4 Primary Production Small Lots* 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.

Preliminary 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 the Council's City Planning Director recommended that Council support the planning proposal to allow the development of the land for rural residential development. Notwithstanding this recommendation, the Council resolved at the Ordinary Meeting of Council held on 29 April 2014:

"That the planning proposal for 1059A Grose Vale Road, Kurrajong be refused as it is considered to be an inappropriate proposal for the site."

Accordingly the planning proposal is now submitted to the NSW Department of Planning and Environment for a pre-gateway review.

Justification for Review

This planning proposal was submitted to Hawkesbury City Council on 25 March 2013, after consultation with the Council's planning staff. The proposal was first reported to a meeting of Council on 25 February 2014, when the Council resolved:

"That the matter be deferred pending a site inspection"

A site inspection was undertaken on 7 April 2014 by four of the twelve councillors. Following the site inspection, the proposal was again reported to Council at the Ordinary Meeting held on 29 April 2014. On both occasions when the planning proposal was reported to Council, a detailed 13 page report, prepared by the Council staff, recommended that Council support the proposal. Notwithstanding, the Council resolved to refuse the application on 29 April 2014:

"That the planning proposal for 1059A Grose Vale Road, Kurrajong be refused as it is considered to be an inappropriate proposal for the site."

Attachments 1 and 2 are the reports considered by the Council on 25 February and 29 April 2014, including the Council staff recommendations. Attachment 3 is a letter from Hawkesbury City Council dated 6 May 2014, advising of the Council decision.

It is submitted that the planning proposal is eligible for review based on the following matters:

1. The proposal is consistent with the Hawkesbury Residential Land Strategy adopted by the Council on 10 May 2011, in particular the land satisfies the relevant sustainability criteria listed in section 6.5 of the Strategy;
2. the proposal is consistent with other relevant local strategies;
3. the proposal is consistent with the Metropolitan Strategy and the Draft North West Subregional Strategy;
4. the land has the environmental capability to support rural residential development as proposed, which is confirmed by the planning proposal document, the preliminary on-site wastewater disposal report and preliminary bushfire assessment report;
5. the proposal provides a logical extension to the existing residential part of Kurrajong village;
6. the proposal provides a suitable transition between residential and rural activities; and
7. the proposal is supported by the Council's planning staff as evidenced by the recommendations contained within their reports to proceed with the planning proposal.

Description of Site

The land is described as Lot 2 DP 270237 (No. 1059A) Grose Vale Road Kurrajong. The land is 4.0 hectares in area and is essentially rectangular in shape, with a frontage of approximately 81 metres to Grose Vale Road. The land also has a frontage of some 183 metres to a private road, which is community property created by Deposited Plan 270237.

Figure 1: Satellite Image. Source: LPI SIX Maps



The land falls from 176m AHD at Grose Vale Road, to a level of approximately 144m AHD where a minor watercourse traverses the north-west corner of the land. An overland drainage depression runs south-east to north-west from a small dam located on the higher part of the land near Grose Vale Road. Figure 2 below is a cadastral map showing watercourses and contours at 10 metre intervals.

It is noted that the water course in the north-west corner would be classified as a 1st order stream under the Strahler System as adopted by the NSW Office of Water.¹ The dam overflow is not a defined channel and has no bed or banks. Therefore it is considered not to be a watercourse. It is intended to fill the small dam as part of the subsequent subdivision of the land.

The land comprises mostly cleared pasture with scattered trees and a small dam located near Grose Vale Road. The land is vacant and has been used for animal grazing for many years.

Figures 3 - 10 provide views over the land. Figure 11 is a slope analysis of the land.

¹ Guidelines for riparian corridors on waterfront land, NSW Office of Water, July 2012.

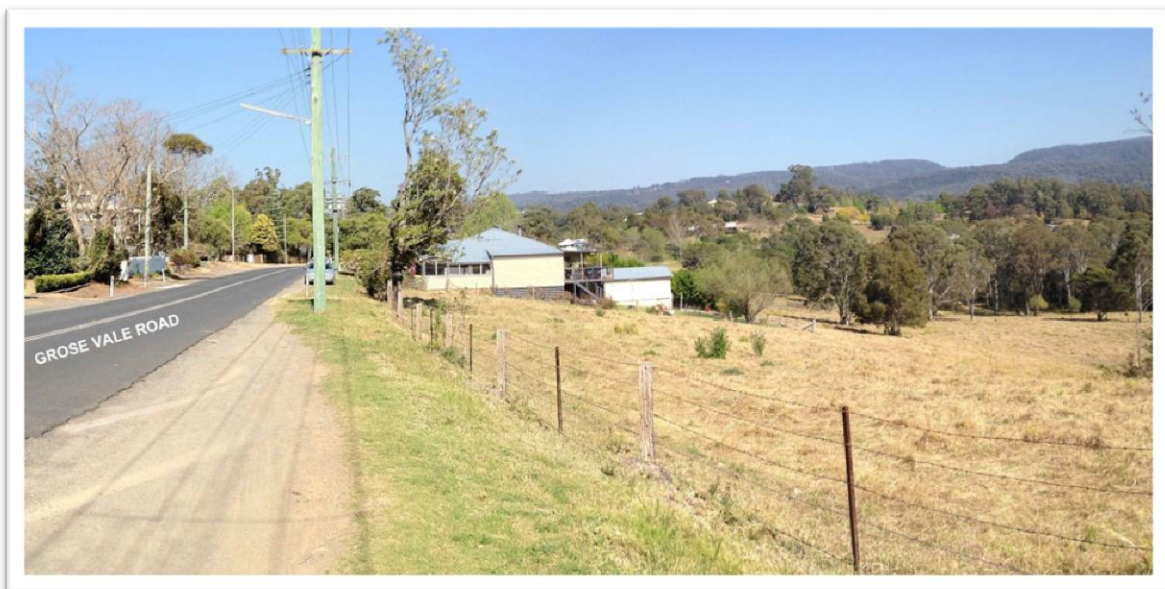
Figure 2: Cadastre. Source: NSW LPI SIX Maps**Figure 3: View to south-west along Grose Vale Road – Subject land to right of image**

Figure 4: View from Grose Vale Road looking north-west over the land

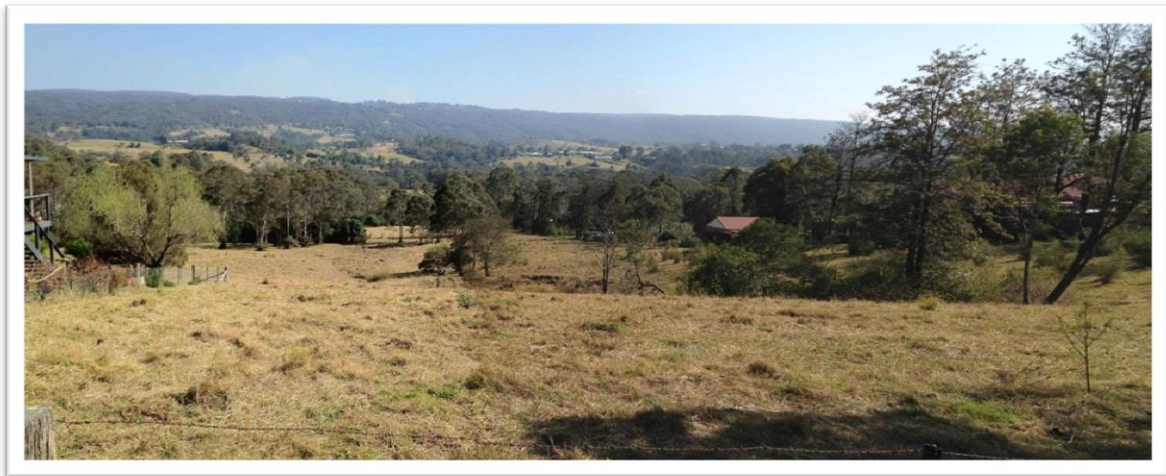


Figure 5: Existing small dam near Grose Vale Road



Figure 6: Dam Overflow path



Figure 7: View over land to south-east (Dwellings on Grose Vale Road in background)

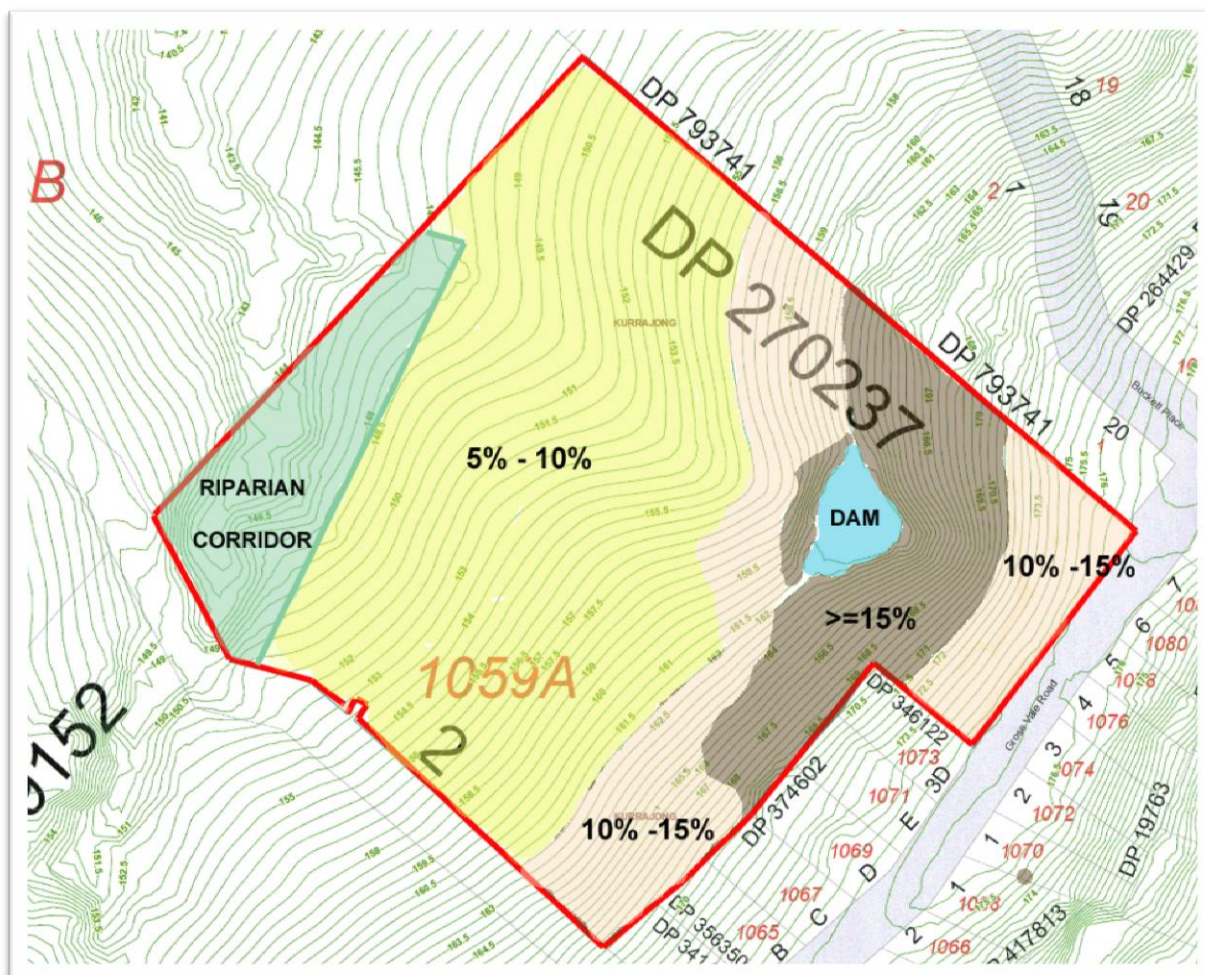


Figure 8: View land to south-west (private road in background)



Figure 9: Mid-section of the land looking towards riparian corridor



Figure 10: Riparian Corridor (north-west corner of the land)**Figure 11: Slope Analysis. Base Contours from HCC Mapping**

Surrounding Land Use

The land is located on the edge of Kurrajong Village, some 450 metres from the commercial village centre. Land adjoining to the north-east comprises a number of residential lots of ranging in size from approximately 700 to 4,000m² in area. Land adjoining to the north-west and south comprises 4 hectare lots, while land on the opposite side of Bells Line of Road comprises a number of residential lots ranging in size from approximately 500m² to 700m².

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.

It is noted that there is no agricultural activity in the immediate locality, other than light grazing. There is no intensive or commercial agriculture in the locality.

Figure 12 below is a satellite image which shows the established subdivision pattern in the locality and the surrounding land use. Figures 13 and 14 show dwellings on the southern side of Grose Vale Road.

Figure 12: Surrounding land use and subdivision patterns. Source: NSW LPI SIX Maps



Figure 13: Residential Development southern side of Grose Vale Road



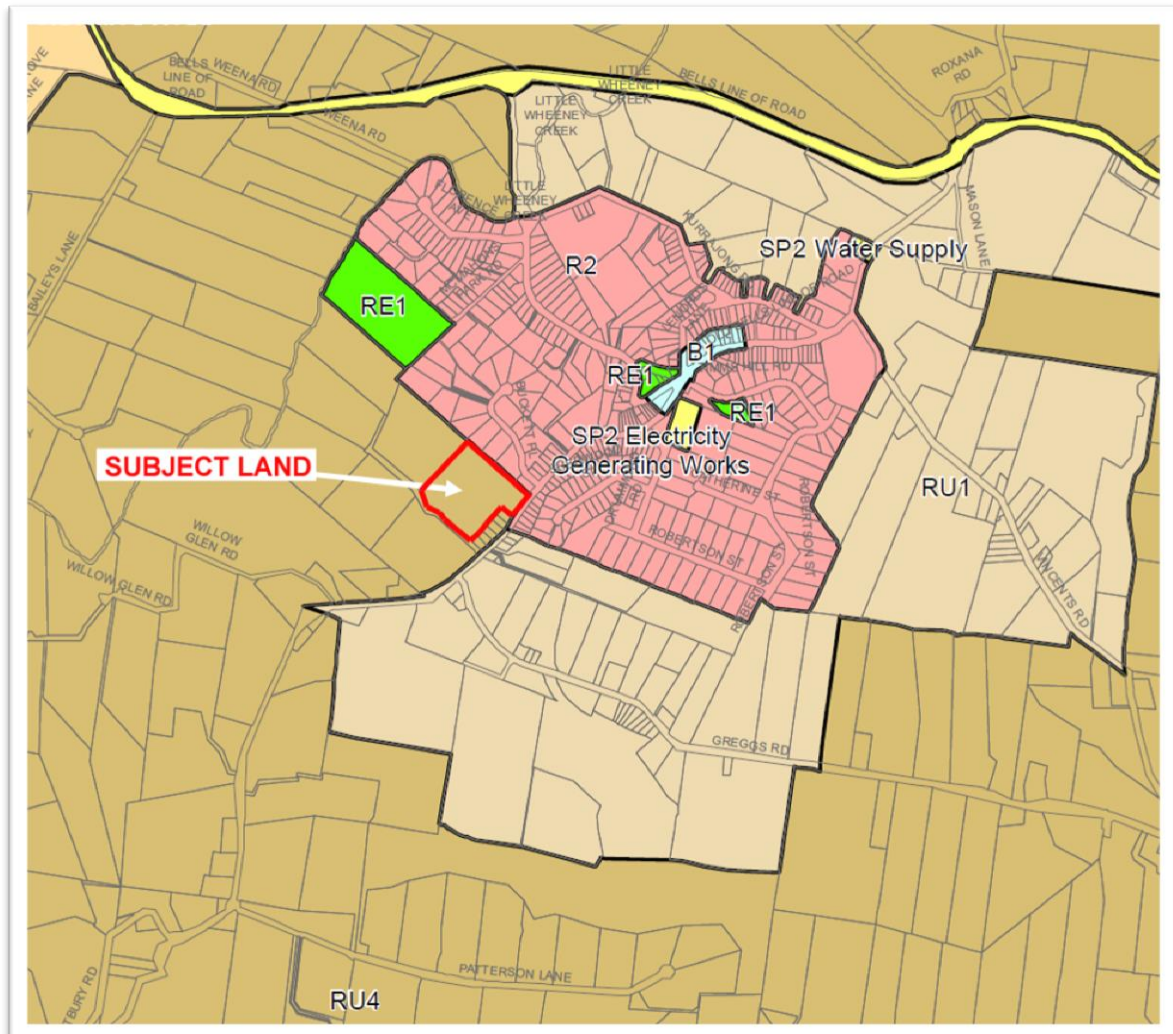
Figure 14: Residential Development southern side of Grose Vale Road



Existing Zone

The subject land and land adjoining to the south and west is zoned “RU4 Primary Production Small Lots” under the provisions of Hawkesbury Local Environmental Plan 2012. It is noted that land adjoining to north is zoned “R2 Low Density Residential”.

Figure 15: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008A

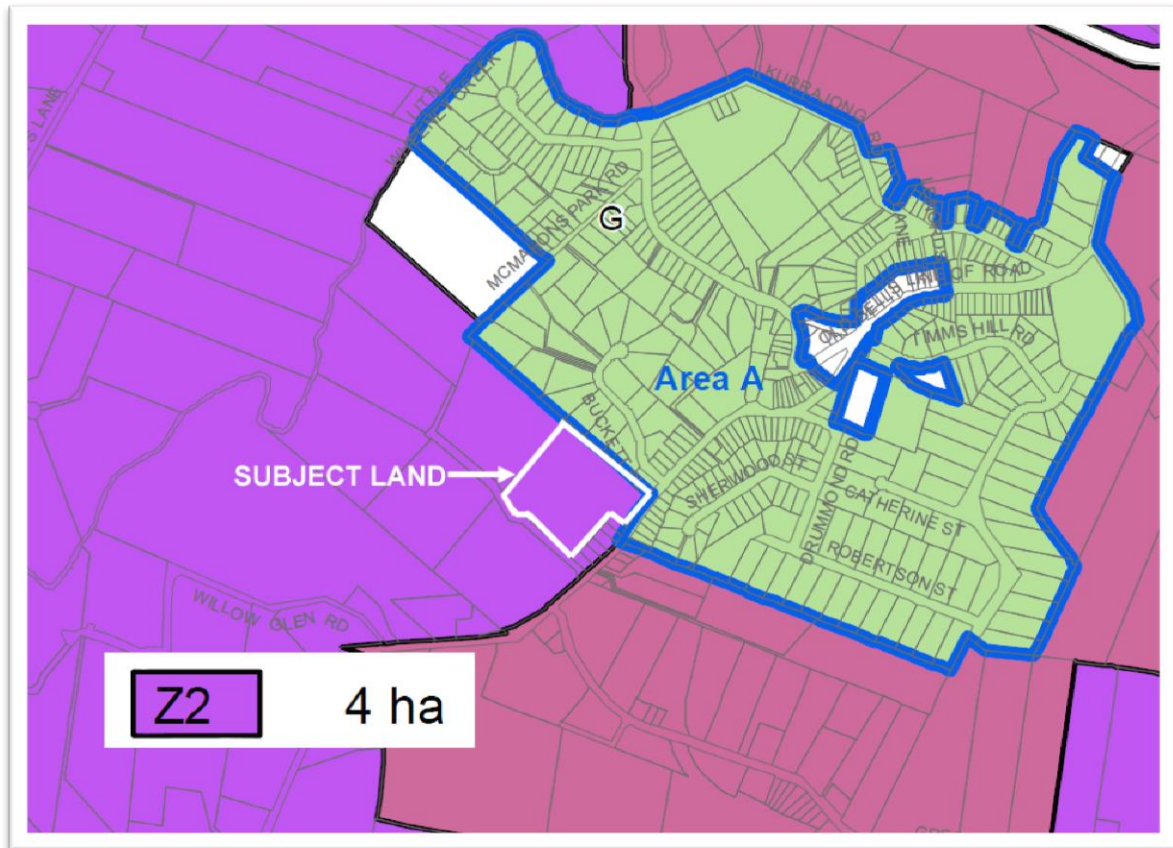


The objectives of the RU4 zone are as follows:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- 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.

In accordance with Clause 4.1 of HLEP 2012 the minimum permissible lot size is 4 hectares. It is noted that, in the absence of reticulated sewer, the minimum lot size for the adjoining residential land is 4,000m².

Figure 16: Extract from HLEP 2012 Lot Size Map Sheet LSZ_008A



It is considered that the land is unsuitable for primary industry due to the close proximity of residential development and rural residential land use. The land is located some 450m from Kurrajong Village (commercial), and therefore satisfies the necessary criteria for rural village expansion.²

Council has seen many conflicting situations with orchards, market gardens and the like. It is noted that most of the lots within the adjacent RU1 zone do meet the minimum lot size and are not large enough to support viable agriculture.

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.

² Hawkesbury Residential Land Strategy, Adopted 10 May 2011.

It is acknowledged that the Council reports refer to a planning proposal to allow for development of six lots. However, the planning proposal was originally submitted with a potential lot yield of nine allotments, and the preliminary bushfire and on site effluent disposal reports confirm that the nine lot concept will comply with relevant requirements.

It is submitted that there are no planning or environmental reasons to reduce the number of lots proposed from nine (9) to six (6), and the Council reports contain no reasons to support the reduction in lot yield. Figure 18 below demonstrates that the nine lot concept is not inconsistent with the established pattern of lot sizes.

Figure 18: Nine Lot Concept Overlay



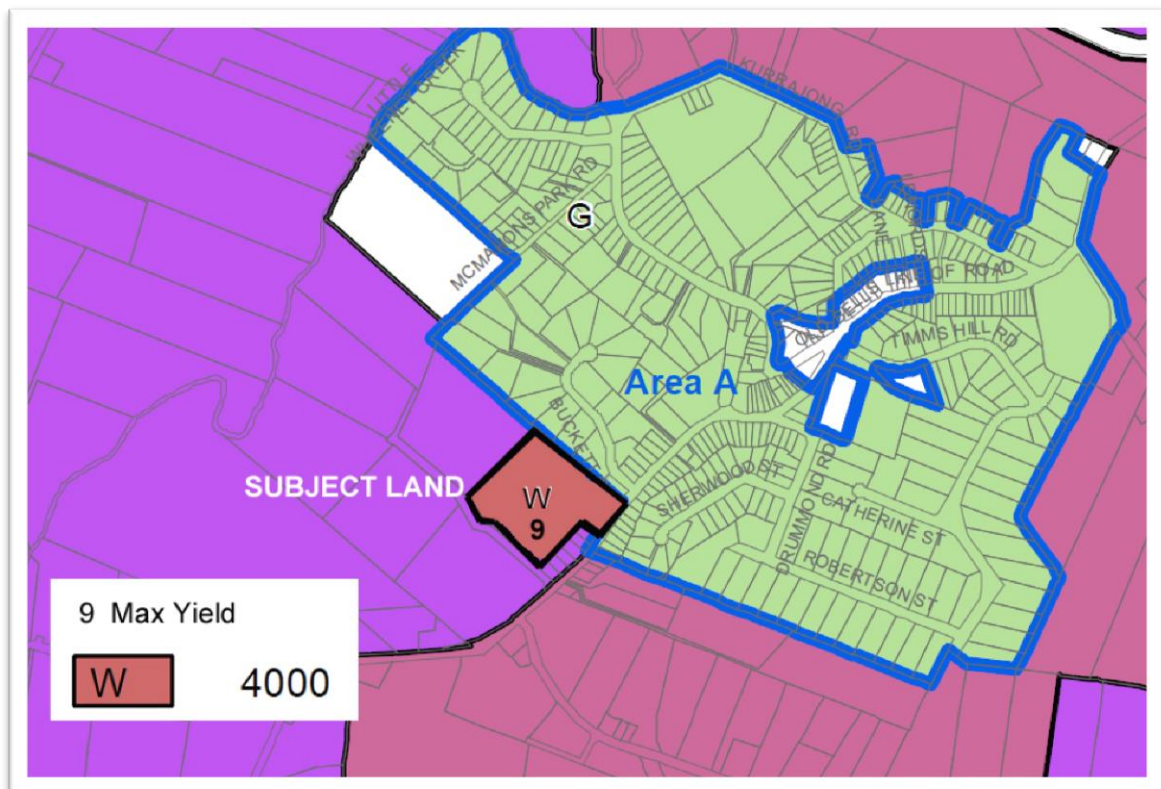
It is pointed out that Figure 17 is a concept only. Access may be achieved directly to Grose Vale Road as shown, in another location, or through adjoining land. Access may also be obtained from the existing private road adjoining the south-western boundary (subject to a construction upgrade and dedication as a public road). There may also be alternative allotment configuration, subject to further, more detailed design investigations at development application stage.

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 18 below.
2. Inclusion of a new clause within Hawkesbury LEP 2012 to control the maximum number of lots into which the land can be subdivided, ie 9 lots.

Figure 19: Proposed Amended HLEP 2012 Lot Size Map Sheet LSZ_008A



The format of this amended is consistent with another similar planning proposal which has recently received gateway approval.

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 table below provides an assessment of the Planning Proposal against the relevant actions of the Metropolitan Plan for Sydney 2036 and draft North-West Subregional Strategy. The Metropolitan Plan actions are prefixed with the letters MP, the Subregional Strategy actions are prefixed with the letters NW.

Actions	Response
MP Objective B1 To focus activity in accessible centres MP Action B1.1 Plan for centres to grow and change over time. MP Objective D1 To ensure an adequate supply of land and sites for residential development MP Action D1.1 Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release areas. MP Objective D2 To produce housing that suits our expected future needs. MP Action D2.1 Ensure local planning	The proposed development is a minor expansion of Kurrajong Village. The Subregional Strategy classifies Kurrajong as a rural neighbourhood centre. The Subregional Strategy acknowledges that the LGA is largely constrained by the Hawkesbury - Nepean flood plain, with limited capacity for additional growth to the south of the Hawkesbury River due to the risk of flooding. The Subregional Strategy assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north of the River, in association with existing local centres.

controls include more low rise medium density housing in and around smaller local centres. MP Objective F1 To contain Sydney's urban footprint MP Action F1.1 Focus land release in Growth Centres. NW Action B2.1.1 Councils to consider planning for houses growth in centres, particularly those well serviced by public transport. NW Action C1.1.3 Hawkesbury Council to prepare a strategic residential land use study to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues. NW Action C1.3.1 North West councils to plan for sufficient zoned land to accommodate their local government area housing target in their Principal LEPs. NW Action C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres. NW Action C2.3.2 North West councils to provide an appropriate range of residential zonings to cater for changing housing needs.	The Hawkesbury Residential Land Strategy (HRLS) was prepared in response to the Subregional Strategy. The HRLS found 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 HRLS 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 HRLS criteria for rural village expansion. The subject site would make a minor contribution to the housing target that has been set for the LGA by the State government. The Planning Proposal intends to create opportunities for large lot residential development, which adds to the range of housing opportunities within the LGA. With good access to Kurrajong Village, the future residents will support existing businesses, and in doing so will strengthen the viability of the centre. The other major release areas in the Hawkesbury LGA are Vineyard, Pitt Town and Bligh Park 2. While Vineyard has recently been released, it is only in the early stages of planning and actual lot production is not likely to occur for some years. Development of Pitt Town is currently underway. Bligh Park 2 is on hold pending resolution of flooding and flood evacuation issues.
MP Objective B1 To focus activity in accessible centres MP Action B1.3 Aim to locate 80 per	State Plan Priority E5 sets a target to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre. The nearest

cent of all new housing within walking catchments of existing and planned centres of all sizes with good public transport. NW Action C2.1.3 North West councils to ensure location of new dwellings improves the subregion's performance against the target for State Plan Priority E5. 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, 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.	Strategic Centres are Penrith (Regional Centre) and Rouse Hill (planned Major Centre). 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 within Kurrajong village. An off-road pedestrian/bike path which links Kurmond to North Richmond runs along Bells Line of Road. Colo High School and Kurmond Public School are also linked by this pathway.
MP Objective H3 To provide healthy, safe and inclusive places based on active transport MP Action H3.1 Design and plan for healthy, safe, accessible and inclusive places. 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 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	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.

of local council areas.	
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.
MP Objective G5 To achieve sustainable water use MP Action G5.2 Ensure water cycle management for new release areas and sites for urban renewal. NW Action E2.1.5 North West council 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 4,000m ² , allowing for all stormwater to be contained within each allotment.
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 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.	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 4,000m ² , which provides for significantly large amounts of private open space.

The Metropolitan Plan for Sydney 2036 can be viewed at <http://strategies.planning.nsw.gov.au/MetropolitanStrategyforSydney/PreviousMetropolitanstrategies.aspx>

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

This planning proposal represents minor growth north 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 the Sydney Metropolitan Strategy.

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 preliminary bushfire and flora and fauna 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.³

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

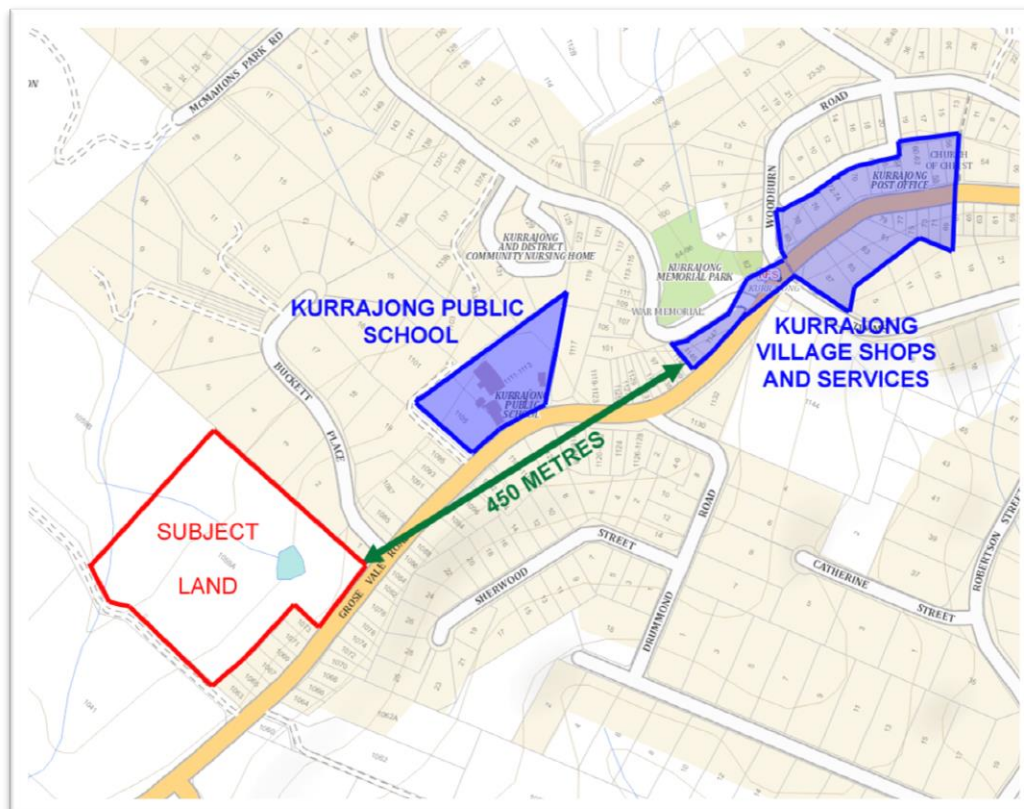
6.5 Rural Village Criteria	
Be able to have onsite sewerage disposal	Yes. The resulting large residential lots will be capable of on-site sewerage

³ Hawkesbury Residential Land Strategy, 2011, pg 7/1

	disposal. This is confirmed by a preliminary feasibility review. Refer to Attachment 4.
Cluster around or on the periphery of villages	Yes. The land adjoins residential allotments which form part 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 450m 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 20 shows the relationship between the land and the available nearby services.

Figure 20: Proximity to Local Services



It can be seen from Figure 20 that the land is located only 450 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*”.

Given the close proximity of a number of residential and rural residential lots, the proposal may be considered as infill development.

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 mostly 4,000m² residential lots, 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 residential lots associated 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;

Grose Vale Road is not a main road.

The land falls away from Grose Vale Road, which means that the proposed subdivision will not be readily visible from this road.

d. No subdivision along ridgelines or escarpments;

Grose Vale Road follows a minor ridgeline or saddle. The land which is proposed to be subdivided falls away from Grose Vale Road to the west. The proposal will not be visible against the eastern escarpment and foothills backdrop due to the nature of the topography.

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 size of the proposed lots is 4,000m². A preliminary geotechnical investigation was carried out by Toby Fiander and Associates, which confirms that the land is suitable for on-site effluent disposal. A copy of the report is attached as Attachment 4.

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 riparian vegetation 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. The Council planning staff recommended that the applicant will be required to enter into a voluntary planning agreement if the Council's Section 94 Plan is not completed in time.

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 a public road. Private roads are problematic in terms of the current Planning for Bushfire Protection requirements.

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 Council has considered the existing infrastructure issues in the locality and is satisfied that the proposal has made adequate provision for infrastructure. The proposal also satisfies the relevant sustainability criteria contained within the Hawkesbury Residential Land Strategy, as detailed in Section 4.2.

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

A preliminary ecological assessment was carried out by Australian Wetlands Consulting Pty Ltd. No evidence of koala activity was observed and no suitable habitat is located on 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 a 1st order stream (as classified under the Strahler System)⁴, which forms a minor tributary of the Hawkesbury River. A preliminary assessment has been carried out in relation to suitability for on-site effluent disposal. Based on the preliminary 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 riparian corridor located in the north-west corner of the land will be maintained. The concept subdivision plan has been designed to ensure that this vegetation does not require any clearing or thinning for future buildings or bushfire asset protection zones.

⁴ Guidelines for riparian corridors on waterfront land, NSW Office of Water, July 2012.

It is considered that the proposal will have a positive impact on flora and fauna, as the riparian corridor will be enhanced by the removal of animal grazing, which currently occurs over the whole of the land.

(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.

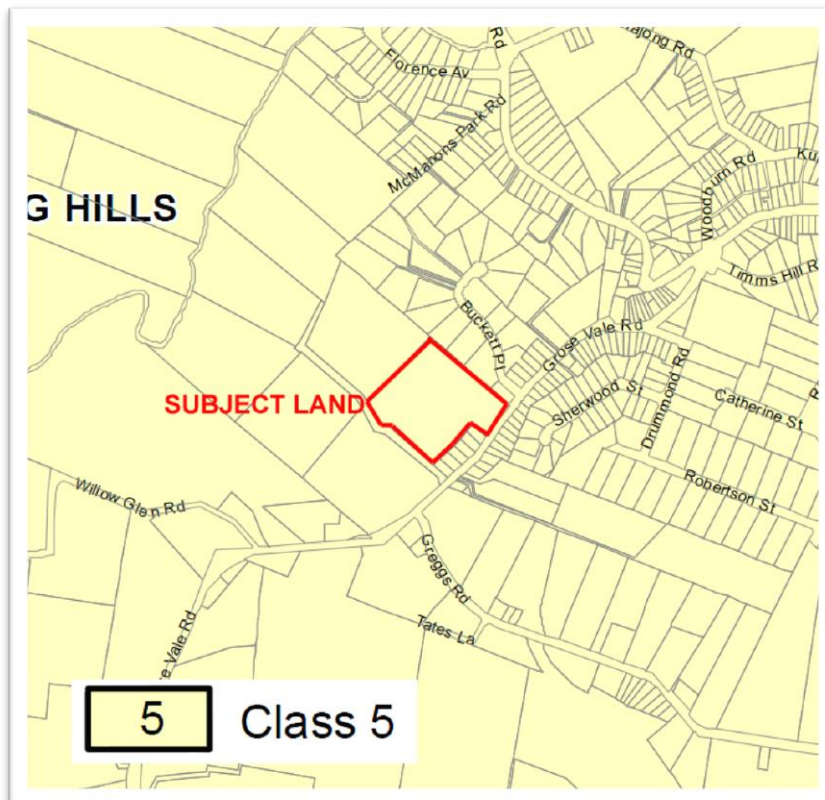
The following section provides an assessment of the planning proposal against applicable Section 117 directions. A full copy of the directions can be viewed at <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

Direction	Consistency	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. 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 extractive industries and open cut mining 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 residential and rural residential nature of the area. Whether the minimum lot size is 10 hectares or 2000m², 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 21 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. A preliminary assessment prepared by Control Line Consulting concludes that the proposal is able to comply with <i>Planning for Bushfire Protection</i> . Attachment 5 is a copy of the Control Line 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.

Figure 21: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008A

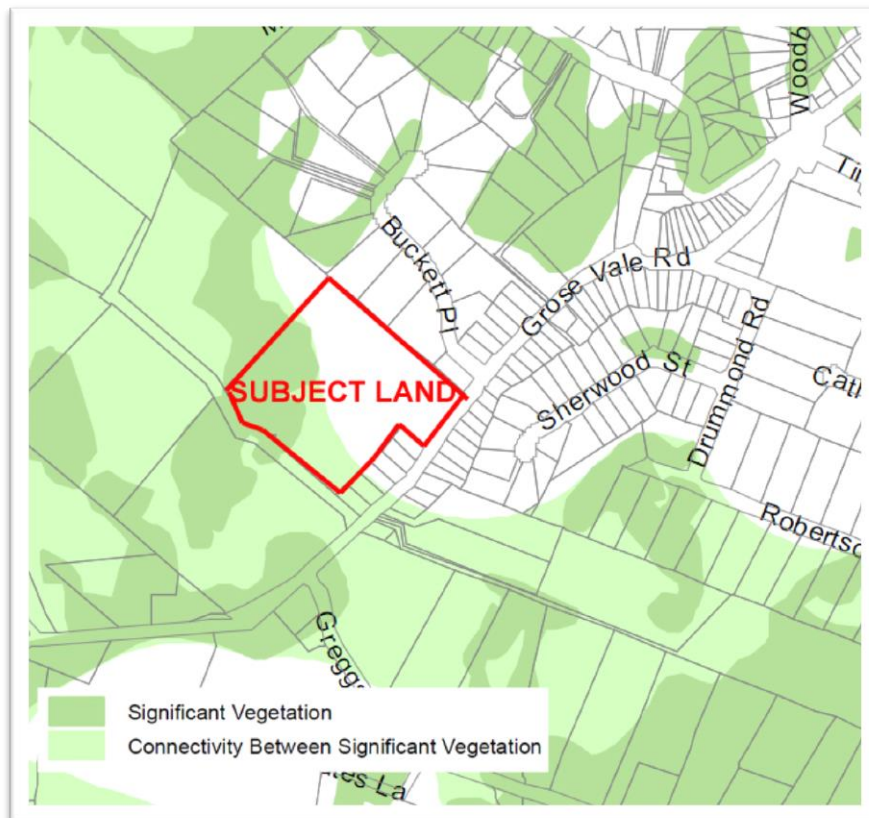


Section C – Environmental, social and economic impact.

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. Figure 22 below is an extract from the relevant map.

Figure 22: Extract form HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008A



Ground inspection confirms that the area identified as significant vegetation is concentrated within the riparian corridor. This area will not be affected by the subdivision or subsequent dwellings or asset protection zones.

The area identified as connectivity between significant vegetation is slashed pasture with no trees. There is also no native ground cover or shrub layer, as shown in Figure 23 below.

It is considered that the proposal will have no adverse impact on threatened species populations or ecological communities.

Figure 23: View over “Connectivity” Vegetation

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 preliminary review of the proposal indicates that compliance will be achievable.

Appendix 5 is a preliminary bushfire hazard assessment report prepared by Control Line Consulting, which concludes:

“After consideration of the aims and objectives of Planning for Bush Fire Protection 2006 in the context of the Rezoning Application and the Concept Layout Plan for future development of the subject allotment it is my professional opinion that the provisions of bushfire regulatory requirements could be achieved and that the consent authorities would be likely to approve the indicated development.”

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	1 week

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. The proposal effectively represents infill development.
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: Report to HCC Ordinary Meeting 25 February 2014

Attachment 2: Report to HCC Ordinary Meeting 29 April 2014

Attachment 3: HCC Letter 6 May 2014

Hawkesbury City Council

Your Ref:
Our Ref: LEP004/13

6 May 2014

Montgomery Planning Solutions
PO Box 49
KURMOND NSW 2757

Dear Mr Montgomery

Planning Proposal to amend Hawkesbury LEP 2012 Lot Size Map or Schedule 1 to permit subdivision Lot 2 DP 270237, 1059A Grose Vale Road, Kurrajong

Reference is made to the above mentioned planning proposal.

You are advised that on 29 April 2014 Council resolved as follows:

That the planning proposal for 1059A Grose Vale Road, Kurrajong be refused as it is considered to be an inappropriate proposal for the site.

You are advised that in accordance with Council's Fees and Charges a refund of 50% of the \$15,000 application fee is available. It is also noted that an LEP advertising fee of \$352.10 was paid at the time of lodgement and this too is refundable. Please advise if you seek these refunds.

Yours faithfully


Philip Pfeffer
Strategic Planning Co-ordinator



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Facsimile: 02 4587 7740
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Attachment 4: Preliminary On-site Wastewater Disposal Report

Attachment 5: Preliminary Bushfire Assessment Report