



PLANNING PROPOSAL

Bells Lane Kurmond

Lot 31 DP 7565 (457 Bells Line of Road)

Lot 38 DP 7565 (79 Bells Lane)

Lot 12 DP 711049 (95 Bells Lane)

Lot 50 DP 7565 (100 Bells Lane)



September 2017 Version 2

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 and Planning Circular PS 16-004 issued on 30 August 2016.



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DOCUMENT TRACKING

Version	Date	Revisions
1436 - 1	January 2015	Submission to HCC
1436 - 2	September 2017	<ul style="list-style-type: none">• Amended lot layouts and yields in accordance with discussions with HCC staff.• Amendments to reflect current state & regional strategies• Amendments for rezoning review.

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Introduction

This Planning Proposal is prepared by Montgomery Planning Solutions on behalf of the owners of the land. The land, located in Bells Lane Kurmond, comprises four allotments with a total area of 12.758 hectares. The land comprises open pasture 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 is within the boundary of the Kurmond Village Large Lot Residential/rural-residential Investigation area as determined by Council on 7 February 2013. The land also 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 on-site wastewater management and bushfire hazard, which confirm that the land has the environmental capacity to sustain some 24 rural residential allotments, based on the criteria contained within the Hawkesbury Residential Land Strategy (HRLS).

The Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that a draft local environmental plan be prepared to amend the Hawkesbury LEP 2012 to permit subdivision of the land with a maximum a maximum total yield of 18 lots.

Rezoning Review

This Planning Proposal was first lodged with Hawkesbury City Council in January 2015 and was compliant with the relevant HRLS criteria for rural village expansion. However, on 28 July 2015 the Council adopted an "Interim" policy for planning proposals in Kurrajong and Kurmond, which introduced a new set of criteria in addition those contained within the HRLS. Consequently, there has been considerable discussion with Council planners, and concept reviews were undertaken to satisfy the new criteria at the request of the Council.

Notwithstanding that the Council's "interim" policy has not been reviewed or replaced with a permanent policy, this planning proposal has been amended to satisfy the development constraint principles of the "interim" policy. Consequently, the number of potential rural residential allotments has been reduced to 18 as shown on the preliminary concept plans within this revised Planning Proposal.

The Applicant is of the understanding that the Council town planners are satisfied with this revised planning proposal, however it appears that the elected Council is ignoring the advice of its planning executive and is refusing to progress this and other similar proposals. Attachment 1 is a letter from Hawkesbury City Council dated 4 April 2017, which recommends that we request that the proposal be deferred until [the Council provides clear instructions to the staff, rather than making decisions which conflict with its own adopted policy]. The Council correspondence provides no indication of a time for any decision to be made.

The planning proposal has been with the Council for more than 90 days and the Council has failed to indicate its support. Therefore, a rezoning review is now requested pursuant to NSW Planning & Environment Planning circular PS 16-004 issued on 30 August 2016.

Figure 2: Cadastre. Source: HCC 11/09/2014



457 Bells Line of Road

The land is irregular in shape with frontages to Bells Lane and Bells Line of Road. The land slopes down from Bells Line of Road in a generally south direction. The level at Bells Lane is some 20 metres lower than Bells Line of Road. The average overall slope is 11%.

The land comprises cleared pasture, with scattered trees in the south-east portion of the land and a small clump of vegetation in the north-west corner. A small dam is located within the northern portion of the land.

The land contains a dwelling and various outbuildings. Existing vehicular access is direct to Bells Line of Road.

Figure 3: Satellite Image. Source: LPI SIX Maps



79 Bells Lane

The land is rectangular in shape with a frontage to Bells Lane of 120.7 metres. The land contains a plateau immediately joining Bells Lane for a distance of some 40 metres. The land then slopes down in a north-east direction to a minor watercourse which is partially within the subject land. The level at this watercourse is some 20 metres lower than Bells Lane. The average overall slope is 9%.

The land comprises cleared pasture, with trees associated with the dwelling, some scattered trees in the north-east portion of the land and a strip of vegetation associated with the watercourse which partially traverses the land. A small dam is located within the north-eastern portion of the land. It is noted that the watercourse may be described as a Class 2 stream according to the “Guidelines for riparian corridors on waterfront land”.¹

The land contains two dwellings in the form of an attached dual occupancy and various outbuildings.

Figure 4: Satellite Image. Source: LPI SIX Maps



¹ NSW Office of Water, Guidelines for riparian corridors on waterfront land, July 2012, pg 2

95 Bells Lane

The land is generally rectangular in shape with a frontage to Bells Lane of 80.1 metres. The land slopes down from Bells Lane in a north-east direction to a minor watercourse along the rear boundary, which is contained within the subject land. The level at this watercourse is some 30 metres lower than Bells Lane. The average overall slope is 12%.

The land comprises cleared pasture, with trees associated with the dwelling, some scattered trees in the north-east portion of the land and a strip of vegetation associated with the watercourse. It is noted that the watercourse may be described as a Class 2 stream according to the "Guidelines for riparian corridors on waterfront land".²

Two small dams are located within the north-eastern portion of the land.

The land contains some dwelling and various outbuildings.

Figure 5: Satellite Image. Source: LPI SIX Maps



² NSW Office of Water, Guidelines for riparian corridors on waterfront land, July 2012, pg 2

100 Bells Lane

The land is rectangular in shape with a frontage to Bells Lane of 126.7 metres. The land slopes down from Bells Lane in a south-west for the top third of the land. The remainder slopes down to the south to the rear boundary. The level at the rear boundary is some 25 metres lower than Bells Lane. The average overall slope is 6%.

The land comprises cleared pasture, with very few scattered trees. A minor watercourse is located towards the southern boundary. It is noted that the watercourse may be described as a Class 2 stream according to the "Guidelines for riparian corridors on waterfront land".³

Three small dams are located on the land. The land contains a dwelling and various outbuildings.

Figure 6: Satellite Image. Source: LPI SIX Maps



³ NSW Office of Water, Guidelines for riparian corridors on waterfront land, July 2012, pg 2

Surrounding Land Use

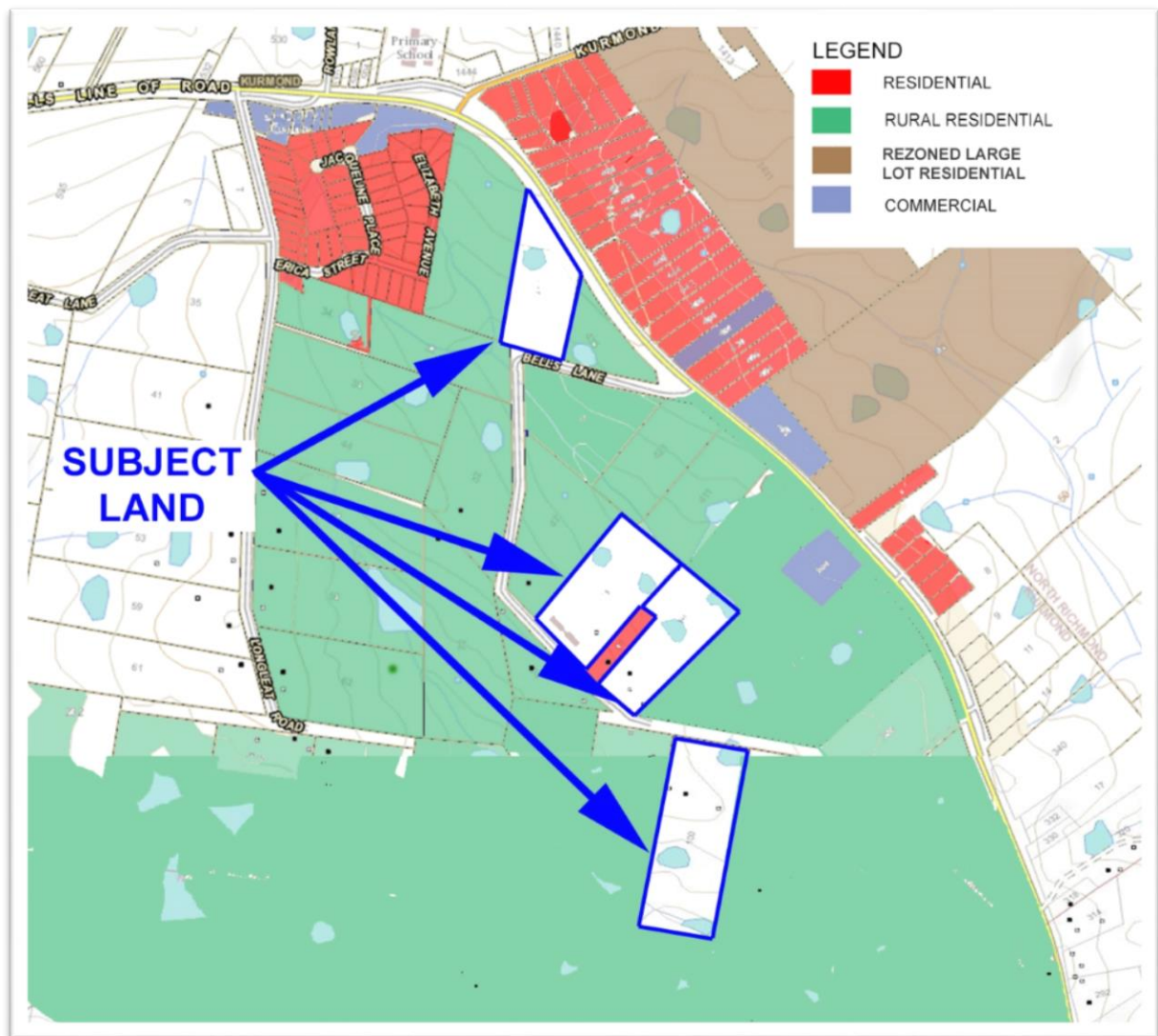
Land immediately adjoining the subject land on the south-west side of Bells Line of Road comprises rural residential allotments of similar size to the subject land. There is no agriculture in the immediate vicinity of the land.

A number of residential lots of approximately 2,000m² in area are located along the northern side of Bells Line of Road and the Kurmond residential village (off Longleat Road) is located within close proximity. Commercial development in the locality includes the Kurmond Village Centre, child care centre, veterinary hospital and restaurant.

Three properties located within the immediate vicinity of the subject land are the subject of current planning proposals for large residential lots, which were recently supported by Council.

Figure 14 below shows the established subdivision pattern in the locality, surrounding land use and land which is the subject of residential planning proposals approved by Council.

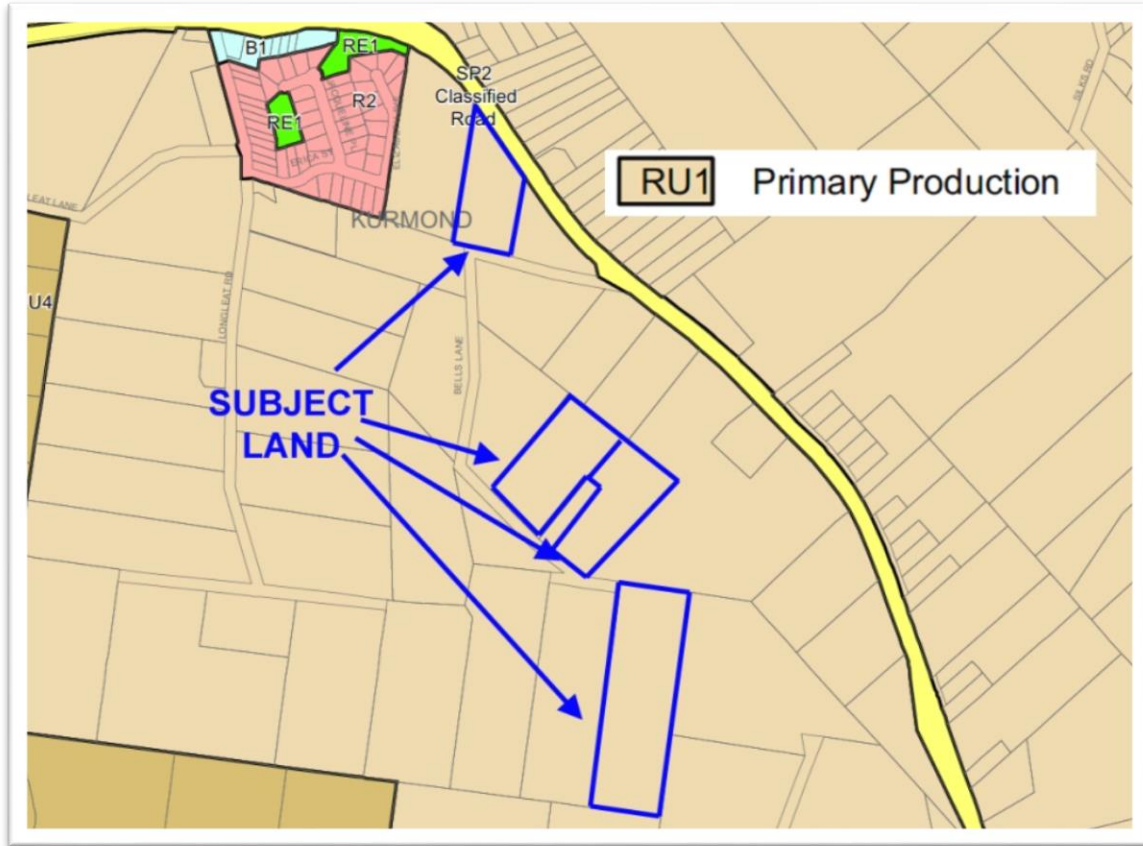
Figure 7: Surrounding land use and subdivision patterns. Base Map: NSW LPI SIX Maps



Existing Statutory Provisions

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

Figure 8: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008AA

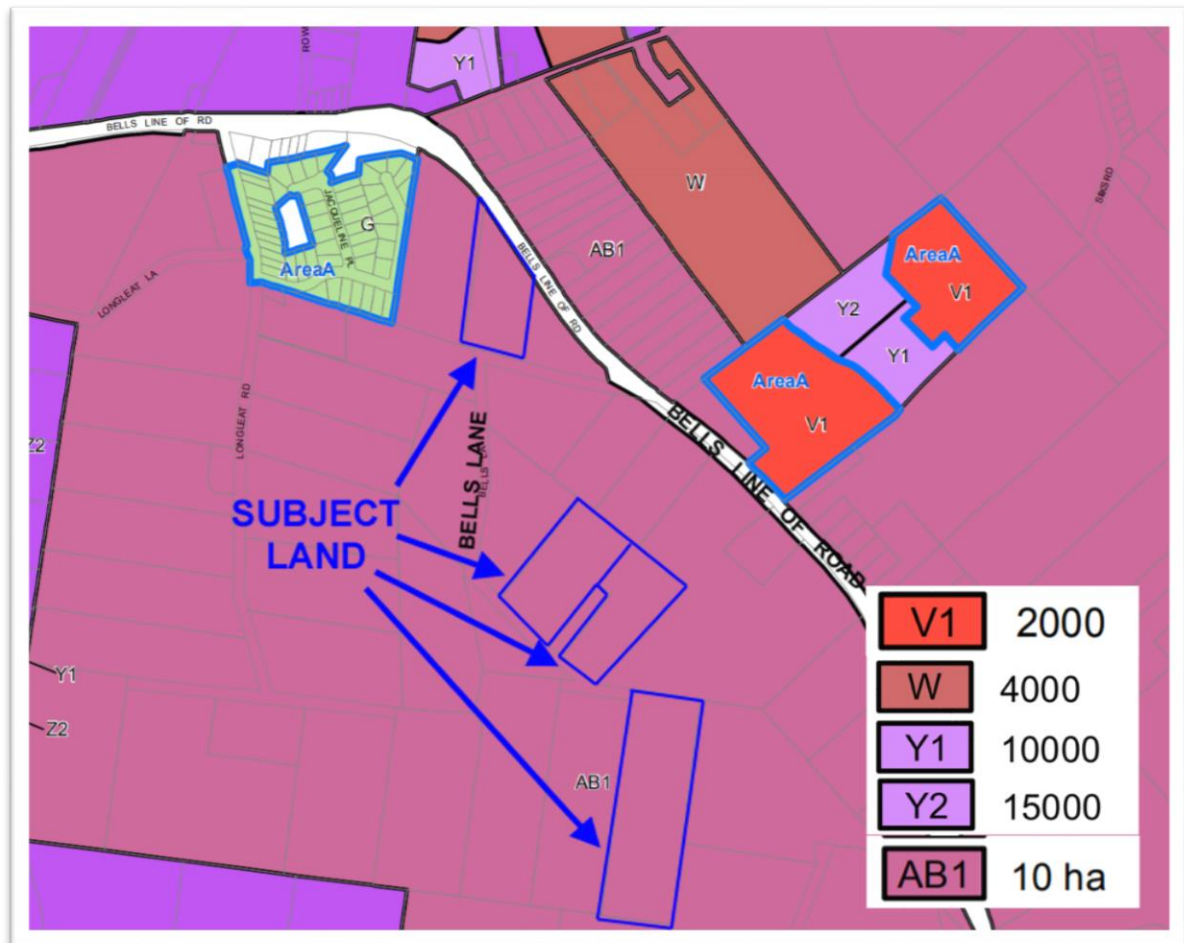


The objectives of the RU1 Primary Production zone are as follows:

- 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.

Figure 9: Extract from HLEP 2012 Lot Size Map Sheet LSZ_008AA



It is considered that the land is unsuitable for intensive agriculture due to the close proximity of residential development and the small lot size in terms of agricultural production. The location of the land satisfies the necessary criteria for rural village expansion (of Kurmond village).⁴

Council has seen many conflicting situations with orchards, market gardens and the like. The vast majority of lots within the RU1 zone are significantly less than the 10ha minimum. The subject land and surrounding lots are not large enough to support viable agriculture or to provide sufficient buffers between agriculture and residential uses.

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.

⁴ Hawkesbury Residential Land Strategy, Adopted 10 May 2011.

Part 1 – Objectives or Intended Outcomes

The objective of this 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 future development applications to subdivide the land into a maximum of 18 lots, with a minimum size of 4,000m². The table below provides a summary of the intended subdivision outcome in terms of lot yield.

Address	Lot / DP	Area	Proposed Lot Yield
457 Bells LOR	31 / 7565	2.378ha	4 lots
79 Bells Lane	38 / 7565	2.757ha	5 lots
95 Bells Lane	12 / 711049	2.448ha	4 lots
100 Bells Lane	50 / 7565	5.175ha	5 lots
Total		12.758ha	18 lots

The figures below illustrate a concept plan for viable subdivision of each property. The concept layout is prepared having regard to the slope of the land, the location of minor watercourses, bushfire asset protection and on-site wastewater disposal requirements.

Figure 10: Concept Subdivision Layout 457 Bells Line of Road



Figure 11: Concept Subdivision Layout 79 Bells Lane

Figure 12: Concept Subdivision Layout 95 Bells Lane



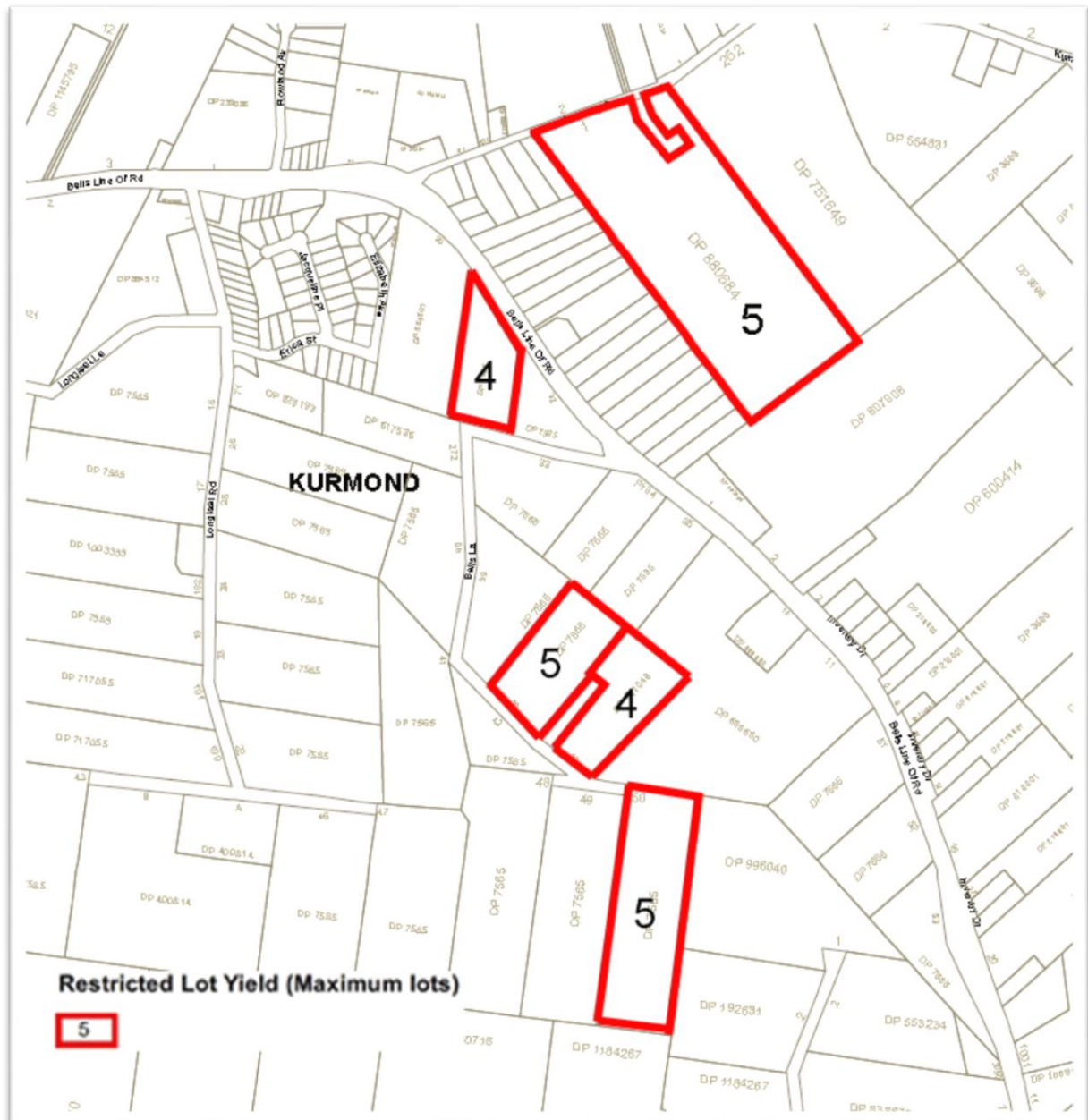
Figure 13: Concept Subdivision Layout 100 Bells Lane

Part 2 – Explanation of Provisions

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

- Amend the Restricted Lot Yield Map Sheet RLY_008AA to place maximum lot yields of 4, 5, 4 and 5 for the subject land as shown on the proposed amended map at Figure 14 below.

Figure 14: Proposed Amended HLEP 2012 Restricted Lot Yield Map Sheet RLY_008AA



Part 3 – Justification

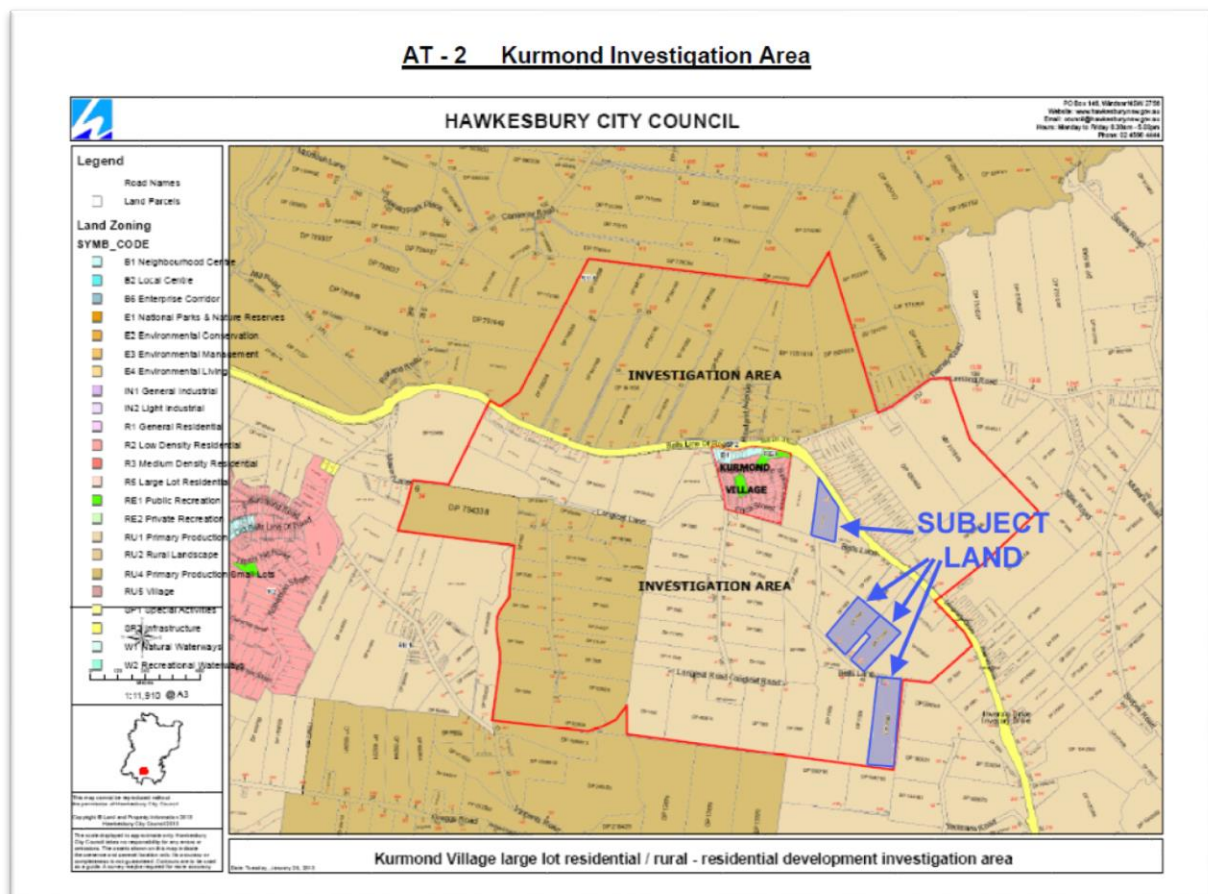
Section A – Need for the planning proposal

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

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

The Council subsequently adopted a “Large Lot Residential / Rural Residential Investigation Area” map for Kurmond Village on 5 February 2013. The map, shown below, approximates a 1 kilometre radius around Kurmond Village to property boundaries.

Figure 15: Kurmond Investigation Area



It is noted that the subject land is contained within the investigation area boundary.

On 24 June 2014, Council considered a review of the Residential Strategy and resolved, inter alia, that:

“The investigation area for Kurmond identified by Council on 5 February 2013 be reviewed and be the first area to have a development/structure plan (as described in the report) prepared.”

It is noted that there has been no review of the investigation area by the Council to date.

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 subdivision of the land. However, it is considered that amending the Restricted Lot Yield Map 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 of 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
<p>Goal 2: A city of housing choice, with homes that met our needs and lifestyles</p> <p>Direction 2.1: Accelerate housing supply across Sydney</p> <p>Action 2.1.1: Accelerate housing supply and local housing choices</p> <p>Action 2.3.1: Require local housing strategies to plan for a range of housing types</p>	<p>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.</p> <p>The proposal is supported by appropriate infrastructure for the rural locality including transport, schools, health facilities, open space and recreation.</p> <p>The Hawkesbury Residential Lands Strategy has identified both the need for additional housing and suitable locations for additional housing.</p> <p>A range of opportunities are identified including urban infill, new urban areas and additional housing around rural villages.</p>
Goal 4: A sustainable and resilient city	This planning proposal is prepared in

<p>that protects the natural environment and has a balanced approach to the use of land and resources.</p> <p>Direction 4.2: Build Sydney's resilience to natural hazards</p> <p>Action 4.2.3: Map natural hazard risks to inform land use planning decisions</p> <p>Direction 4.3: Manage the impacts of development on the environment</p>	<p>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.</p> <p>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.</p> <p>The subject site is free from these constraints and satisfies the Hawkesbury Residential Lands Strategy criteria for rural village expansion.</p> <p>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.</p> <p>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.</p> <p>It is considered that the proposal has taken account of the natural hazards and environmental constraints and features and the development will be designed and managed to ensure that the proposal will have minimal impacts.</p>
<p>Priorities for West Subregion: Accelerate housing supply, choice and affordability and build great places to live</p>	<p>One of the stated priorities is to:</p> <p>"Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along</p>

	<p>key public transport corridors including the Western Line and the Blue Mountains Line.”</p> <p>This planning proposal will assist by creating new housing opportunities in a suitable location as identified by the Hawkesbury Residential Lands Strategy.</p>
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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.
<p>NW Action D2.3.3 State and local government to improve existing interchanges and bus stops.</p> <p>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.</p> <p>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.</p>	<p>Westbus operates along Bells Line of Road between Richmond and Kurrajong via Kurmond. This service operates every 30 minutes during the peak periods with the closest stop being located on Bells Line of Road.</p> <p>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.</p>
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	The relevant public authorities will be consulted during preparation of the draft plan.

of local council areas.	
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. Future subdivision design will incorporate best practice stormwater design.
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.
<p>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.</p> <p>NW Action F2.1.2 Council to consider open space improvement programs with better facilities to encourage use.</p> <p>NW Action F2.1.3 Councils to consider mechanisms to increase the capacity of local sports fields to a district level.</p> <p>NW Action F2.1.4 NSW Government and local councils to develop links between smaller reserves to create diversity and broader user experience.</p> <p>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.</p>	<p>It is considered that the additional population generated by this Planning Proposal is unlikely to trigger a requirement for acquisition of additional open space land.</p> <p>This is especially the case where the minimum lot size will be 4,000m², which provides for large amounts of private open space.</p>

This planning proposal represents minor growth north-west of the Hawkesbury River which is associated with the existing Kurmond village centre. Therefore, the proposal is consistent with A Plan for Growing Sydney and the relevant provisions for the West Subregion and the draft North West Subregional 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 this 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 wastewater assessment and thorough site analysis. 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.⁵

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	Consistency
Be able to have onsite sewerage disposal	An on-site wastewater management report, which included soil sampling, has been prepared by Envirotech Consultancy Services. The report demonstrates that the proposed lots are suitable for on-site sewerage disposal.
Cluster around or on the periphery of villages	Yes. The land is adjacent to

⁵ Hawkesbury Residential Land Strategy, 2011, pg 7/1

	residential allotments which form part of Kurmond Village.
Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius) <i>The 1km radius was later replaced when the Council adopted a "Large Lot Residential / Rural Residential Investigation Area" map for Kurmond Village on 5 February 2013. The map, shown in Figure 15, approximates a 1 kilometre radius around Kurmond Village to property boundaries.</i>	Yes. The land is located between 275m and 1200m of Kurmond Village, which provides a range of services including primary school, post office, medical, neighbourhood shops, take-away and dine-in food and cafes. The land is entirely contained within the Kurmond Village Expansion Investigation Area as adopted by Council.
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 Kurmond Village only.

It is therefore concluded that the proposal meets all relevant criteria within the Hawkesbury Residential Land Strategy.

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

4.3 Structure Planning Report for the Kurmond and Kurrajong Investigation Area

On 28 July 2015, Council resolved that current planning proposals within the Kurmond and Kurrajong Investigation Area only proceed to Gateway if the 'fundamental' development constraints have been addressed. The relevant fundamental constraints and associated recommendations are shown below in Tables 1 and 2. These tables also provide comments regarding the proposal's compliance with the recommendations.

Table 1: Physical Environment

Factor	Degree of Constraint to Development	Recommendation
<i>Terrestrial Biodiversity</i> Impact of development on threatened or endangered flora and fauna	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required Removal of significant vegetation is to be avoided Fragmentation of significant vegetation is to be minimised

Comment: The Terrestrial Biodiversity Map identifies vegetation mainly within the riparian corridors associated with the minor streams which traverse the locality. Review of satellite imagery and site survey confirms this to be the case. In consultation with Council's planning staff these areas have been protected from fragmentation by incorporating the riparian vegetation within larger lots.

If required, this vegetation can be further protected during the subdivision DA process by a requirement for a positive covenant to be registered on the title(s).

<i>Watercourses and Riparian Areas</i>	Fundamental - Major	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors</p> <p>Road crossings of watercourses are to be minimised</p> <p>Fragmentation of riparian areas is to be minimised</p>
Impact of development on watercourses and riparian areas		

Comment: As detailed above, larger lots are now proposed where riparian vegetation occurs. This will allow for building envelopes, APZ's, driveways or roads to be located clear of the riparian corridor with suitable buffers. No road crossings are required over the riparian corridor.

<i>Dams</i>	Fundamental - Minor	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems is to be adhered to</p>
Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems		

Comment: A number of small dams are located within the subject land, most of which are not within riparian corridors. Based on the concept plans, future subdivisions will be designed to ensure that no dams will be disturbed.

Factor	Degree of Constraint to Development	Recommendation
<i>Bush Fire threat</i>	Fundamental - Major	<p>RFS concurrence may be required</p> <p>Building construction and water supply is to comply with NSW Rural Fire Service's <i>Planning for Bushfire Protection 2006</i>, e.g. APZs and roads</p>
Impact of the location and management of APZs and perimeter roads		
<p>Comment: The preliminary bushfire hazard assessment submitted with the proposal demonstrates that this can be satisfactorily dealt with at development application stage by way of referral to the RFS and conditions of consent.</p>		
<i>Aboriginal Heritage</i>	Fundamental - Moderate	<p><i>National Parks and Wildlife Act 1974</i> applies</p> <p>Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications</p>
Impact of development on Aboriginal heritage items		

Comment: No known aboriginal relics are located on the site. Further consideration can be given to this at development application stage		
<i>Land Contamination</i> Suitability of land to be developed given potential for land to be contaminated	Fundamental - Minor	Remediation action plans and validation may be required Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy No 55—Remediation of Land</i> when preparing and considering development applications
Comment: There is no evidence to suggest that any activities have occurred on the land which would give rise to contamination. Further considered can be given to this at development application stage		
<i>Acid Sulfate Soils</i> Impact of disturbance of acid sulfate soils on the environment and development	Fundamental to Minor	Development proposals and land class are to be assessed with respect to Clause 6.1 Acid Sulfate Soils of LEP 2012. Acid sulfate soils management plans required
Comment: The subject sites are within the Acid Sulfate Soils Class 5 categorisation which is the least restrictive of the 5 classifications. Refer to Figure 16. Further consideration, if required, can be given to this at development application stage		

Table 2: Infrastructure and Services

Factor	Degree of Constraint to Development	Recommendation
<i>Road network</i> Capacity and safety of existing road network	Fundamental - Major	RMS concurrence may be required Development contributions are to be levied for road improvements Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i> when preparing and considering development applications
Comment: RMS has not requested a development contribution for road works. Council staff have had detailed discussions with RMS regarding the road network. The proposal satisfies the relevant requirements of the SEPP (Infrastructure) 2007.		
<i>Wastewater</i> Capacity of land to cater for on-site effluent disposal	Fundamental	Sydney Water concurrence may be required Developers are to demonstrate that waste water can be disposed of on site in an environmentally sensitive manner. Alternatively, developers may provide reticulated sewer service to new lots in accordance with relevant licences and/or authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: The detailed site assessments by Envirotech confirm that lots to be created by future subdivisions are suitable for on-site disposal of wastewater.		

<i>Public Transport Services</i> Provision of bus service to cater for the needs of incoming population	Fundamental - Moderate	Transport NSW and RMS concurrence may be required Possible levying of development contributions for bus services Clause 6.7 - Essential Services under LEP 2012 applies
Comment: The draft plan will be referred to the relevant Agencies for comment.		
<i>Stormwater drainage</i> Quantity and quality of stormwater run-off entering watercourses	Fundamental - Moderate	Developers are to demonstrate that stormwater can be captured, treated and released in an environmentally sensitive manner Possible levying of development contributions for stormwater purposes Clause 6.7 - Essential Services under LEP 2012 applies
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of the assessment of drainage designs and conditions of consent.		
<i>Water Supply</i> Provision of reticulated water supply to new lots	Fundamental - Moderate	Sydney Water concurrence may be required. A reticulated water service is to be provided to new lots by developers in accordance with relevant authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: The proposed future subdivisions will be serviced by reticulated water. It is considered this can be satisfactorily dealt with at development application stage by way of condition of consent.		
Factor	Degree of Constraint to Development	Recommendation
<i>Electricity</i> Provision of electricity service to new lots	Fundamental	Electricity provider concurrence may be required Electricity services are to be provided to new lots by developers in accordance with relevant authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of condition of consent.		

4.4 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 an average density of one lot per 7,000m², allowing for an acceptable increase in population, while not fragmenting larger 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 Kurmond 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;*

Bells Lane is a minor local road. One new lot will have access to Bells Line of Road, while the remaining 17 lots will have access to Bells Lane. Screen planting will be incorporated with future dwellings.

d. *No subdivision along ridgelines or escarpments;*

The subject land is below the minor ridgeline which runs along Bells Line of Road. There will be no impact on ridgelines or escarpments.

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 minimum proposed lot size is 4,000m². An on-site wastewater disposal assessment was carried out by Envirotech Consultancy, which confirms that the land is suitable for on-site effluent disposal.

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 minimal impact on tree coverage. The subdivision concept has been designed to retain vegetation associated with the riparian corridor within larger lots. The remainder of the land is cleared grazing pasture.

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. Discussions have been held with Council officers about a possible Section 94 Plan and/or Special Infrastructure Contribution. At this stage no work has commenced on the plan and it is possible that the developer would enter into a voluntary planning agreement with the Council, should the Section 94 plan not be 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.

4.5 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 Planning 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 resolved to investigate the matter of infrastructure and staff are currently examining the relevant issues in the locality. The proposal also satisfies the relevant sustainability criteria contained within the Hawkesbury Residential Land Strategy, as detailed in Section 4.2.

It is submitted that the planning 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 minimal impact on existing vegetation. Due to bushfire and on site effluent disposal constraints, future building envelopes will be located with significant buffers from existing vegetation.

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 require further investigation if warranted.

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 policy is 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 to a minor watercourse which is a tributary of Redbank Creek.

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 mainly associated with the minor water course.

The concept subdivision has been designed to ensure that disturbance to vegetation is minimal.

(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” “EPs” 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.

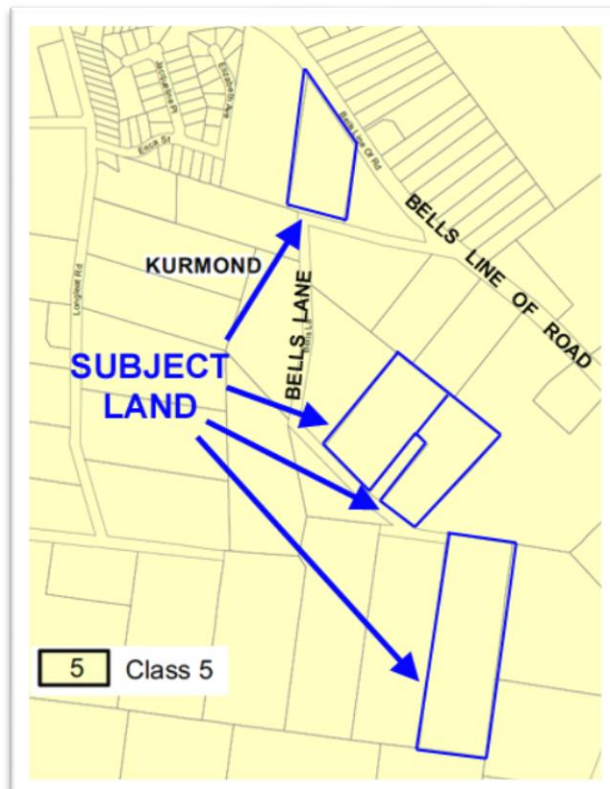
The following section provides an assessment of the planning proposal against applicable Section 117 directions. A full copy of the directions can be viewed at <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

Direction	Consistency	Reason
1.2 Rural Zones	Yes	<p>The draft LEP will be consistent with paragraphs 4(a) and 4(b).</p> <p>4(a): The rural zoning of land is not proposed to be changed.</p> <p>4(b): The proposal will increase the permissible density of land within a rural zone, however the land is effectively within an existing village.</p> <p>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.</p>

1.3 Mining, Petroleum Production and Extractive Industries	Yes	<p>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.</p> <p>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.</p> <p>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.</p> <p>Should the planning proposal be supported by Council and receive Gateway approval, NSW Trade & Investment will be consulted during draft plan preparation.</p>
3.4 Integrated Land Use and Transport	Yes	<p>The draft LEP will provide housing opportunities in a locality which is adequately serviced by public transport (in rural village terms).</p> <p>The draft LEP is consistent with the relevant guidelines and policy.</p>
4.1 Acid Sulfate Soils	No	<p>Figure 16 below is an extract from the Council's Acid Sulfate Soils Map, which shows that the property is identified as Class 5.</p> <p>It is considered that the inconsistency with this Direction is justified as the proposal is of minor significance.</p>

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 Envirotech Consulting concludes that the proposal is able to comply with <i>Planning for Bushfire Protection</i> .
6.2 Reserving Land for Public Purposes	Yes	There are no reservations affecting the subject land. The planning proposal does not propose to create any new reservations.
6.3 Site Specific Provisions		The proposal will apply the Restricted Lot Yield control to the land. The inconsistency is of minor significance and considered to be justified given the characteristics and constraints of the site.
(4)(a)	Yes	
(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 16: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008AA

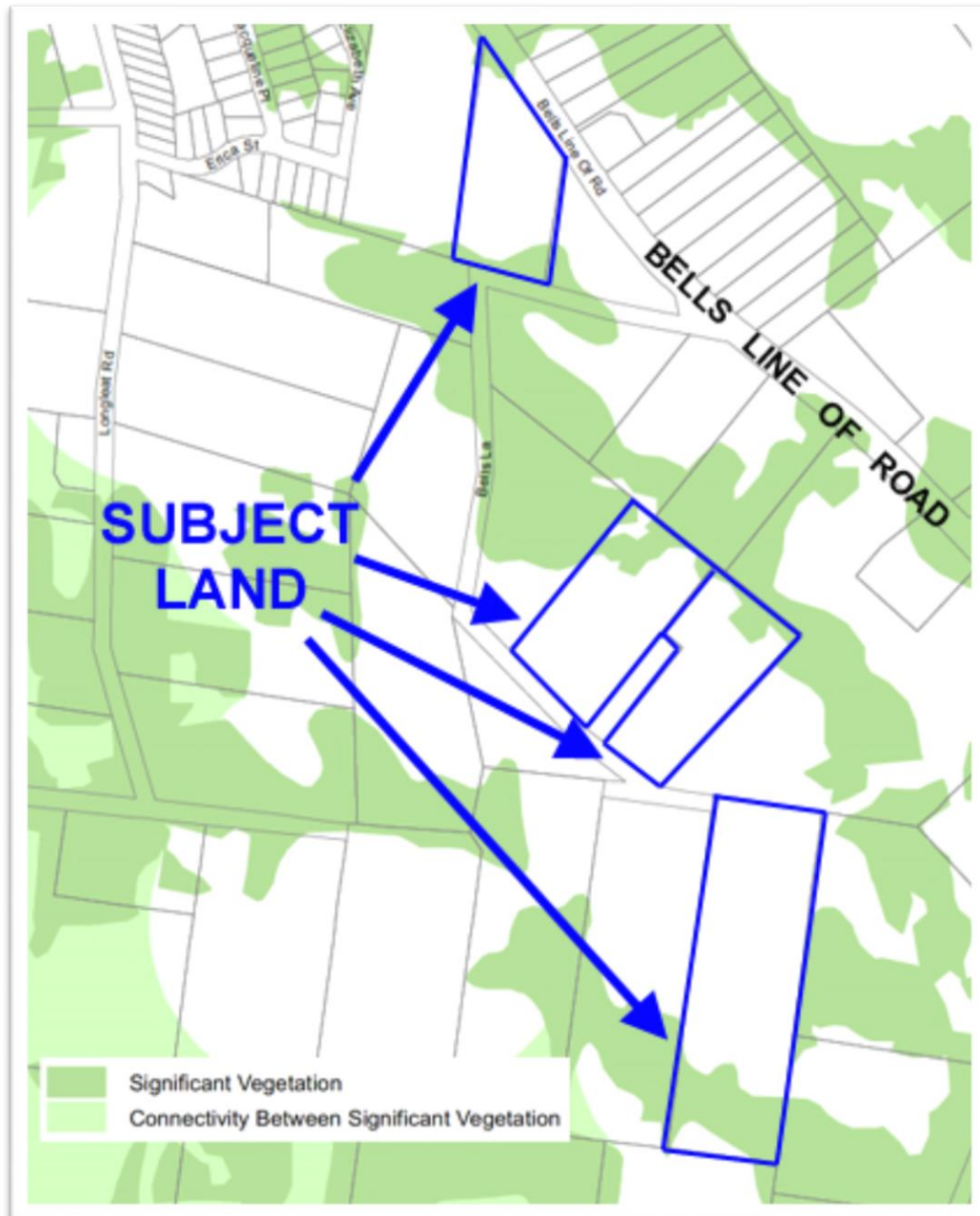


Section C – Environmental, social and economic impact.

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 that some significant vegetation may occur in limited areas associated with the riparian corridors near some land boundaries. Figure 17 below is an extract from the relevant map.

Figure 17: Extract form HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008AA



The vegetation has been taken into consideration when reviewing the land for bushfire compliance, wastewater management and in preparing the concepts for subdivision. It is submitted that the proposal will have no impact on critical habitat, threatened species or endangered ecological communities.

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.

A bushfire hazard assessment report has been prepared by Envirotech Consultancy Services, which concludes:

“The requirements in relation to fire fighter access, water supply, APZ requirements and maximum BAL of 29 are capable of being satisfied within the boundary of the proposed development. It is the opinion of Envirotech that the overall principles and requirements outlined in both Planning for Bushfire Protection (2006 and Section 100B of the Rural Fires Act 1997 can be adhered.”

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 Kurmond. The land is within close proximity to existing schools, services and shops, all of which will benefit from the additional households to 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. The likely demand for services created by the subdivision would be met by the usual contribution process with the relevant authorities.

Roofwater from each proposed future dwelling will be harvested and stored for potable supply. Wastewater from future dwellings on the proposed lots will be treated and disposed on-site. Therefore, there will be no additional demand for reticulated water or 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 following table.

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

Following consultation with Council, it is considered that an exhibition period of 14 days is sufficient community consultation for this planning proposal.

Part 6 – Project Timeline

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 proposal is consistent with all relevant State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.
2. The land has the appropriate physical characteristics to support large lot residential development as proposed.
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 proposed rezoning will make use of existing infrastructure, therefore no additional infrastructure is required.
5. The proposal represents a suitable expansion of the existing Kurmond Village.
6. The proposal will add to the variety and availability of housing stock within the Hawkesbury LGA.

It is therefore recommended that the planning proposal is supported and referred for Gateway Determination.

Hawkesbury City Council

Your Ref:

Our Ref: LEP002/15

4 April 2017

366 George Street
(PO Box 146)
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4587 7740
DX: 8601 Windsor

Mr Robert Montgomery
Montgomery Planning Solutions
P.O. Box 49
KURMOND NSW 2757

Dear Sir

Planning Proposal: LEP002/15 – Lot 12 DP 711049, Lot 38 DP 7565, Lot 50 DP 7565, and Lot 31 DP 7565, No's 79, 95 & 100 Bells Lane and 457 Bells Line of Road, Kurmond

I refer to your planning proposal seeking an amendment to Hawkesbury Local Environmental Plan 2012 to permit subdivision of the abovementioned lands.

Recently, two planning proposals for land within the Kurmond area were reported to Council to determine whether or not the proposed amendments to Hawkesbury Local Environmental Plan 2012 would be supported. Council, at its Meeting of 14 February 2017, resolved to defer these matters *"pending completion of studies which will determine the total lot yield in Kurmond-Kurrajong Investigation Area and a report explaining the impact of that yield on relevant infrastructure be considered by Council and the adoption of a long term policy for development in the locality."*

However, it should be noted that the most recent decision of Council with respect to the Kurmond Kurrajong Investigation Area (KKIA) in terms of the overall Structure Planning process was at Council's Ordinary Meeting dated 29 November 2016, where Council resolved:

That:

1. Council receive the results of the Kurmond and Kurrajong Investigation Area Survey.
2. Council Staff identify a number of specific areas (based upon Constraints Mapping, survey results and the preferred approach as outlined in this report) for possible, but not certain, development of additional large lot residential/rural-residential development throughout the Investigation Area and some residential development up to, but not within, the existing villages of Kurmond and Kurrajong.
3. The identified areas be further consulted with the community regarding future development.
4. The results of that further consultation be reported to Council.
5. 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.

Where people make the difference.

All communications to be addressed to the General Manager
P.O. Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
E-mail: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm

6. *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.*

To date there has been no change to this resolution of Council, and as such ordinarily Council Officers would have continued to process all matters that had been lodged with Council by the 29 November 2016. However, it is considered that the Council resolutions of 14 February 2017 for the two separate matters have implications for the processing of other applications within the KKIA, particularly those that have yet to receive Council's approval to proceed to a Gateway determination. It is considered that if those matters are presented to Council for consideration the likely resolution based on the decisions made on 14 February 2017 would be to defer those matters or potentially refuse the application.

As a result, Council Officers are writing to applicants of planning proposal applications to provide advice to assist in making a decision as to how they wish their matters to proceed.

In this regard, there are a number of options available for consideration, including:

1. Providing written advice to Council agreeing to the deferral of the planning proposal until such time as the studies referred to in Council's resolution of 14 February 2017 are completed and a long term policy for development within the KKIA has been adopted;
2. The withdrawal of the planning proposal;
3. Requesting Council Officers to report the planning proposal to Council; or
4. Making application to the Greater Sydney Commission for a Rezoning Review.

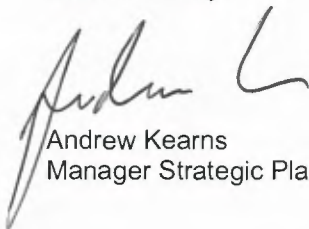
However, in respect of planning proposal LEP002/15 specifically, your attention is drawn to Council's previous correspondence, which advised that the planning proposal, in its current form, was not supported. However, it was considered that the site could support an alternative form of subdivision, and you were given an opportunity to amend the proposal. It is acknowledged that an amended proposal was received on 6 February 2017 for consideration. The amendment is currently being reviewed.

It is therefore recommended that you request Council to defer this planning proposal as per Option 1 above, whilst continuing to liaise with Council Officers in respect of an amended application in the meantime.

Your advice in this respect would be appreciated prior to Council Officers further processing this matter.

Should you have any questions regarding this matter, please contact Colleen Haron, Senior Town Planner on (02) 4560 4564.

Yours faithfully



Andrew Kearns
Manager Strategic Planning