

GLENN FALSON

Urban and Rural Planning Consultant ABN 95292937939

Statutory Planning
Land & Environment Court
Land Rezoning
Flora/fauna Assessment
Subdivision Advice
Liquor Licensing
Environmental Impact Assessment

Development Applications
Development Feasibilities
Valuation
Bushfire assessment
Mediation
Architectural/building Advice
Traffic Surveys

STATEMENT IN SUPPORT OF REZONING (PLANNING PROPOSAL)

RURAL – RESIDENTIAL SUBDIVISION

631 Bells Line of Road Kurrajong



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(Ref: 131146)

Prepared by Glenn Falson
BA; LG(Ord4); DTCP; M.EnvL; MPIA

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PO Box 3127, GROSE VALE NSW 2753
Phone: (02) 4572 2123
Fax: (02) 4572 2173
Email: falson@hotmail.com.au

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Executive Summary

The site at Kurrajong is a 12.55ha site in one allotment title. It is located on the northern fringe of the Kurrajong residential village and located on the south eastern side of the intersection of Bells Line of Road and Old Bells Line of Road/Masons Lane.

The site is adjacent to the Kurrajong St Gregory's Catholic Church, and joins lots of a variety of sizes from residential sized lots through rural/residential lots to the main Kurrajong Village to the south.

Council's Residential Strategy has identified specific areas / localities that are considered by the Council as suitable for further investigation for urban expansion and in a range of lot sizes from traditional small residential lots to larger periphery lots that might form a transition from the denser urban areas to the rural surrounding areas. The site is considered to be within an area identified by broad description within Council's strategy for investigation and consideration for further urban development.

Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into a number of lots that would not be inconsistent with other lands in the vicinity and would form an appropriate component of village expansion at Kurrajong.

The site is capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control can be satisfied.

The conclusion is that the site is appropriate for subdivision as proposed and that the current Lot Size Map should be altered to account for subdivision of the land into lots of minimum size 4,000m² and 1ha to accommodate the proposed subdivision layout.

We understand that the general market for all types of land within the Hawkesbury LGA is strong and consistent with a short supply of lots including rural, rural/residential, and residential.

Water, electricity, telephone and transport services are currently available to the site boundaries. New internal access points would be created and each lot would have appropriate access and frontage to either a public or private road. The internal road would comply with the requirements of Planning for Bushfires 2006.

It has been identified that there is a need for an additional 5-6,000 dwelling sites in the Hawkesbury LGA to 2031. Existing zoned areas are mostly built out hence the need identified within Council's strategy to look for additional sites including those around the perimeter of existing towns and villages. The subject proposal will assist in satisfying, in some way, this identified demand.

Introduction

The Planning Proposal

This Planning Proposal has been prepared on behalf of the landowner and it is submitted to Hawkesbury City Council to request that the current LEP Lot Size Map be altered to provide for lots with a minimum of 4000m² and 1ha.

The proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guidelines prepared by the Department of Planning & Infrastructure entitled "A guide to preparing Planning Proposals", dated October 2012.

This Planning Proposal is in support of a subdivision of land that is on the northern periphery of the Kurrajong village. The premise of the proposal is that it recognizes that the subject land is, prima facie, suitable for large lot residential use and would be an appropriate transitional development between the existing Kurrajong Village and the larger rural and rural/residential holdings as they radiate from the village. It is concluded that subdivision of this land is appropriate in the circumstances of the case and would be consistent with the direction identified in Council's recent Residential Strategy.

Attached to this submission is a draft plan of subdivision for ten (10) rural/residential lots that range from 5600m² to 1.94ha.

An LEP Gateway determination will allow for any further detailed site investigation to occur where necessary although it is believed that there is prima facie evidence that the site can be developed by a subdivision generally as proposed and that no further studies are required in conjunction with this Planning Proposal or its process to Gateway determination and beyond.

Background

The Hawkesbury Residential Land Strategy is the document prepared by Council to guide future residential development within the LGA, with

the aim of accommodating between 5,000 and 6,000 new dwellings by 2031.

The Strategy identifies that existing centres within the Hawkesbury only have the potential to accommodate approximately 600 of the total 5,000 – 6,000 required new dwellings. The remaining 5,400 dwellings need to be provided from greenfield sites and/or development around the periphery of existing towns and villages as recommended in the Strategy as follows:

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such, the Hawkesbury Residential Land Strategy has developed a strategy for large lot residential or rural residential development to focus around existing rural villages.

The future development of rural villages is recommended to:

- _ Be low density and large lot residential dwellings, which focus on proximity to villages and services and facilities; and*
- _ Minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.*

Additionally development within and adjacent to rural villages must:

- _ Be able to have onsite sewerage disposal;*
- _ Cluster around or on the periphery of villages;*
- _ Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- _ Address environmental constraints and with minimal environmental impacts; and*
- _ Only occur within the capacity of the rural village.¹*

The Planning Proposal site's location and its attributes are considered to meet the above criteria.

Description of Land and Surrounding Locality

Location

The site is located approximately 85km north west of the Sydney CBD, and is adjacent to the northern edge of the Kurrajong Village. Kurrajong is situated just to the south of the Bells Line of Road which is the second major road route over the Blue Mountains linking Sydney to Lithgow.

¹ Hawkesbury Residential Land Strategy 2010, exec summary, page viii.

Kurrajong Village is a small town that has a variety of shops, cafes, general store, builder's hardware, newsagent, speciality shops, churches and retirement and nursing homes. There has been a recent approval to enlarge the commercial zone within the village centre.

The site is located approximately 600 metres to the edge of the Kurrajong Village shops.

Site description

The site is comprised of a single allotment, Lot 1 DP 120436. The lot has an area of 12.55ha.

There is an existing dwelling on the land on the north eastern corner of the land adjacent to Bells Line of Road. The site is undulating and has some vegetation and some cleared areas from past grazing activities. The cleared area comprising of open grassland takes up approximately 70% of the area and is generally in the middle of the site. The vegetated areas are generally along the steeper northern edge adjacent to Bells Line of Road and also around a dam adjacent to the eastern boundary.

Locality Description

The site is adjacent to the northern boundary of the Kurrajong Village and is surrounded by an eclectic pattern of lot sizes ranging from residential through rural/residential to rural.

Topography

The land varies in height from approximately 160m AHD along the Bells Line of Road frontage and then slopes to the lowest part of the site at 106m AHD at the low part of the creek line that runs through the middle of the site.

Soils

The acid sulfate soil map contained within Hawkesbury's Local Environmental Plan 2012 indicates that the property is within a class 5 soil classification. Most of the Hawkesbury LGA is covered with this same classification. There is no particular requirement for development within this soil class area unless extensive earthworks are undertaken and when such might be close to waterways etc.

Agricultural Land

The site is within a Class 3 and 4 agricultural land classification in accordance with the Land Classification mapping of the NSW Department of Primary Industries. The Agricultural Land Classification Atlas for the Sydney Basin and Lower Nepean – Hawkesbury Catchment defines Class 3 land as:

Class 3: *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*

Class 4: *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*

The surrounding land uses, the soil and slope profile of the land, proximity of Kurrajong Village and the Catholic Church are all disincentives to any high order agricultural use. As a result, light grazing is identified as the highest agricultural value which can be placed on the land. Whilst the site has been used for hobby farm cattle and horse grazing in the past it is too small for any meaningful agricultural use in terms of cropping or production. Additionally the vegetation would limit any intensive agricultural use.

It is considered that subdivision of the land as proposed would have no distinguishable impact on primary production capacity.

European Heritage

The Hawkesbury LGA has a diverse cultural heritage which includes cultural landscapes, roadways, historic buildings and infrastructure. The Hawkesbury LGA has heritage that dates back to the earliest years of colonial settlement, including four of the five Macquarie Towns.

The site does not contain a heritage listed item although is to St Gregory's Catholic Church which used to be a listed item of environmental heritage in Council's previous local environmental plan but which is not listed in the current LEP. In any case the site and any future development thereon are not in sight of the church and would have no impact on the church and its setting.

Aboriginal Cultural Heritage

Whilst the Hawkesbury LGA has a rich Aboriginal archaeological heritage there are no known sites on the subject land or in its close vicinity. Normal awareness during construction of a dwelling and vehicle access would be appropriate and is what Council requires for any new construction. This is a matter for subsequent development consent assessment and conditions.

Landscape, Visual and Open Space Values

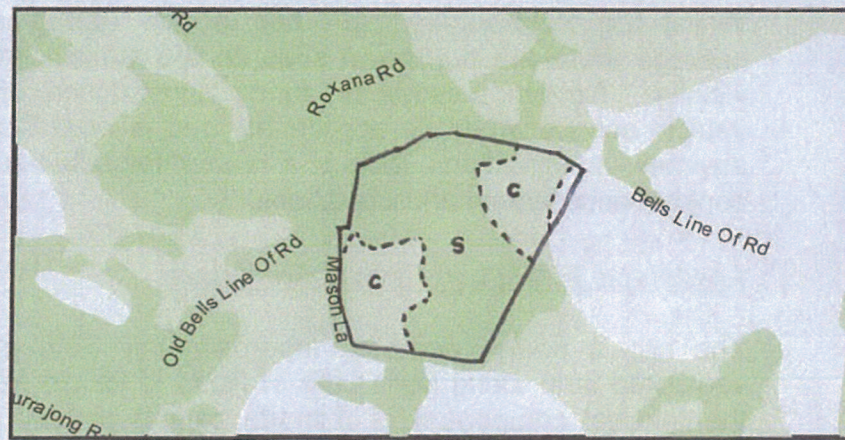
The site is partly vegetated (approximately 30% of the site). The vegetated strip along Bells Line of Road is visible from that Road but the internal component of the site cannot be seen from it. When travelling down Mason Lane some vistas open up through the site and properties that back onto it to the east and south would have some views of the site.

Generally the site has the appearance of gently undulating open grazing land with pockets of vegetation at the intersection of the main Bells Line of Road and the local collector Old Bells Line of Road that goes through the Kurrajong village and then through Grose Vale and back to North Richmond.

It is not believed that there will be any substantive change to the landscape of the site or surroundings if the subdivision were to proceed. Whilst changing the site from rural to semi-urban, future housing development would be consistent with an expansion of the village. The local landscape will eventually alter by the construction of dwellings however this would not be particularly distinguishable in a broader context.

Ecology

The site is indicated on the Terrestrial Biodiversity Map forming part of Hawkesbury LEP 2012 as having both significant vegetation and connectivity between significant vegetation as indicated in the map extract below. Whilst Council's map is a guideline to what might be on the site it is believed that Council's mapping is not sufficiently accurate as it relates to this site and generally to be relied upon. This is as the map covers a large area at a very small scale and that presumably aerial photography and topographic maps would have been used in formulating the biodiversity maps with little (if any) ground survey undertaken. There has been a detailed flora/fauna study done by UBM Ecological Consultants Pty Ltd that forms part of the Planning Proposal application.



Extract of LEP Biodiversity Map. "S" is significant vegetation. "C" is connectivity between significant vegetation. This map doesn't show the largely cleared area and the shape of "S" and "C" land is very different to the aerial photo and actual conditions of the site.

The map indicates that approximately 70% of the site is classed as "significant vegetation" and the remainder as "connectivity between significant vegetation". If the map is compared with the current aerial photo of the site it can be seen that the map is significantly different and doesn't account for the fact that approximately 70% of the land is cleared. The land has been in this current state for over 40 years.

A flora/fauna assessment has been carried out which concludes in relation to flora that no species listed under either the TSC or EPBC Acts were recorded on site.²

In relation to fauna the report indicates that three (3) threatened species were identified however the report concludes that there will be no significant impact on these species under the proposal and that no further studies are required.³

Bushfire

Council's Bushfire Prone Land Map identifies the site as being wholly within a Bushfire Prone Land – Vegetation Category 1 zone.

² UBM report, page 39.

³ Ibid, page 40.

A bushfire assessment has been undertaken by Control Line Consulting that indicates that the concept subdivision layout plan can adequately provide for areas of asset protection zone distances required arising from the application of Planning for Bushfire Protection 2006. The conclusion is that the provisions of bushfire regulatory requirements could be achieved and that the consent authorities would be likely to approve the indicated development.⁴

Access and Transport

Bells Line of Road runs along the site's south northern boundary. This road is a classified arterial road however there will be no direct impact on this road as the existing dwelling already has access to this road and no more accesses are proposed to this road as a result of this subdivision layout.

The main access to the site will be from the existing Mason Lane and a new internal road constructed from this lane. The internal road is proposed to be a private accessway managed under a Community Title subdivision. Each lot will have adequate road frontage to this internal accessway.

There is an existing local bus service that runs past Bells Line of Road and Old Bells Line of Road past its intersection with Masons Lane. This service links Bowen Mountain, Grose Vale, Kurrajong, Kurmond, North Richmond and then to Richmond and Penrith. There is a Sydney metropolitan train station at Richmond.

It is acknowledged that North Richmond and the Bridge on Bells Line of Road currently experiences traffic capacity problems during peak periods. Should this planning proposal proceed then the impact of this proposal would be insignificant in terms of the road and bridge's function. It is noteworthy that there are other Planning Proposals afoot that, if supported, would be of a size where substantial upgrading of the North Richmond Bridge or some alternative traffic management would take place. Additionally it is understood that Council is currently drafting a S94 Plan that would account for some traffic infrastructure and that alternatively a Voluntary Planning Agreement could be put into place to account for traffic improvements consistent with the demand generated by this proposal.

⁴ Bushfire report, page 17.

Utilities and Services Infrastructure

The site has reticulated water but no reticulated sewer service. It is noted that the existing Kurrajong Village also does not have a reticulated sewer service.

As happens in rural lands in the Hawkesbury effluent is either disposed of on site or is collected and pumped out via an approved contractor for transportation to an approved waste outlet. The subject site is large enough for each lot to have on-site disposal. The existing dwelling on the land has such a facility and the size of the proposed new lots are more than adequate in size and topography to also have on-site waste disposal.

An effluent disposal report has been undertaken by Barker Ryan Stewart engineers that conclude that each lot is considered suitable to the effective dispose of effluent using an aerated wastewater treatment system with surface irrigation serving a maximum number of 10 persons, without having detrimental impact on the environment subject to conditions that are recommended.⁵

Electricity and telephone are available to the site.

Garbage and recycling services are provided to the site and would be available to the additional lots created.

Community Facilities and Human Services

The following facilities are available within the Kurrajong Village:

- Primary school.
- Shops including mini-market, chemist, bakery, newsagent and a variety of specialty shops.
- Cafes and restaurants.
- Churches.
- Bushfire brigade
- Nursing homes.

Alternative Land Uses

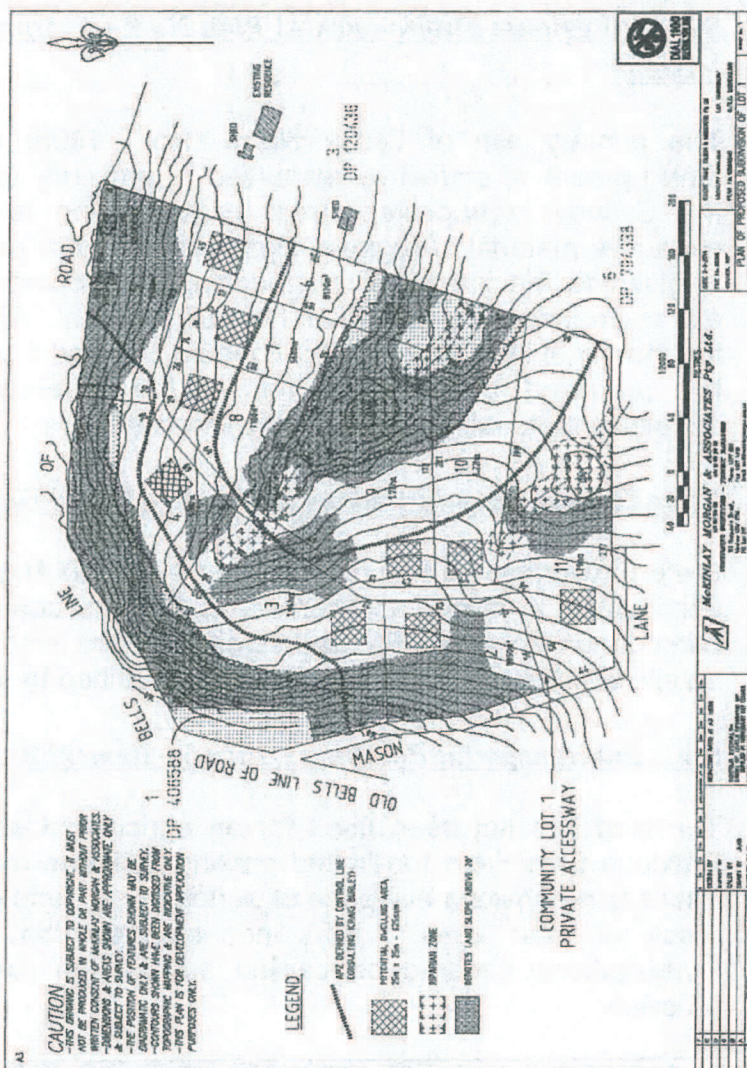
Council's LEP 2012 does allow a range of uses in the current RU1 zoned land however the only reasonable alternative use for the site would be the current use of low-key grazing opportunities and for a single dwelling to continue. As mentioned the site is adjacent to the St

⁵ Effluent disposal report, page 12.

Gregory's Church and is not conducive to any significant agricultural use.

Subdivision Design

The plan of subdivision shows ten (10) rural/residential lots of varying sizes depending on topography, vegetation etc plus an eleventh lot which is to be the private community title accessway. The plan has been assessed and found satisfactory in terms of effluent disposal, bushfire and flora/fauna matters.



Statutory Planning Policies and Controls

Land Use Zoning

The site is currently zoned RU1 – Primary Production under Hawkesbury LEP 2012.

The lot size map within the LEP provides for a minimum lot size of 10ha within the RU1 zone in this locality.

State Planning Controls and Policies

Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995)

The primary aim of SREP No 9 (No 2-1995) is 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 land that is identified.

State Environmental Planning Policy 44 – Koala Habitat

State Environmental Planning Policy 44 – Koala Habitat Assessment is applicable. A formal assessment of the site against this Policy has been done within the UBM assessment. There is no evidence of koalas on site and the site is not core habitat as defined by SEPP44.

State Environmental Planning Policy 5 – Remediation of Land

The land has not been used for an agricultural use for many years. Previous uses were for limited grazing activities of cattle and horses. There is no obvious evidence of surface or groundwater pollution as a result of past uses. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed.

It is noted that the land is within class 5 Acid Sulfate soil as identified in the Acid Sulfate Soil Map forming part of LEP 2012. There is no particular requirement arising as a result of this classification.

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No 20 (No 2) – Hawkesbury Nepean River is applicable. [From 1st July 2009 existing Regional Environmental Plans become a “deemed” SEPP under new Division 2, Part 3 of the EP&A Act].

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 SREP20 provides general planning considerations and recommended strategies. The following specific policies are relevant:

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 proposals on the catchment.*

The proposal is a minor spot rezoning that would have little impact on the river or its catchment. This type of development is envisaged by Council's Residential Land Strategy. Any cumulative impact would be recognised as suitable in the context of expanding towns and villages as promoted by Council's strategy.

The subdivision as such will have no impact on water quality although future dwellings on the site would need to be designed in an appropriate manner such that water quality is not adversely impacted. Appropriate mechanisms exist to ensure appropriate water quality can be put into place within the subdivision design and layout of access and building envelopes.

An effluent disposal report has been carried out and recommends that each lot is capable of containing on-site effluent subject to conditions.

6. Flora and Fauna

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

There has been a flora/fauna assessment undertaken that recommends the subdivision can proceed. The land is mostly cleared pasture where houses would be contained and the proposal is consistent with impact envisaged by Council's Residential Land Strategy.

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).

As mentioned the land is class 3 and 4 agricultural land of low value and limited potential. The site is within that generally identified by Council as having some urban potential and thus development is anticipated. Effluent, bushfire, and flora/fauna studies carried out suggest that the environmental impacts will be satisfactory.

Regional Planning Controls and Policies

Sydney Metropolitan Strategy

The Metropolitan Plan for Sydney 2036 is applicable. The Metropolitan Plan 2036 (the Plan) is the strategic plan that guides Sydney's growth to 2036. The Plan is an integrated, long-term planning framework that will significantly manage Sydney's growth and economic development to 2036.

The Plan sets capacity targets for each subregion to facilitate housing and economic growth through providing more jobs closer to home. The Plan anticipates the North West to provide an additional 169,000 dwellings by 2036.

The Hawkesbury Residential Land Strategy is Council's response to implementing the Metro Strategy as far as it applies to the Hawkesbury LGA. The proposal arises out of Council's Strategy identifying a need for further urban development on the periphery of existing towns and villages subject to relevant criteria.