

PLANNING PROPOSAL



Lot 2 DP 600414 (No. 2) Inverary Drive Kurmond



May 2017

TABLE OF CONTENTS

Introduction	1
Description of Site	2
Site Analysis	7
Surrounding Land Use	8
Existing Statutory Provisions	10
Part 1 – Objectives or Intended Outcomes	12
Part 2 – Explanation of Provisions	14
Part 3 – Justification.....	15
Section A – Need for the planning proposal	15
Section B – Relationship to strategic planning framework	16
Section C – Environmental, social and economic impact.....	36
Section D – State and Commonwealth Interests.....	38
Part 4 – Mapping	39
Part 5 – Community Consultation.....	39
Part 6 – Project Timeline	39
Conclusion	40

LIST OF FIGURES

Figure 1	Satellite Image
Figure 2	Topographical Map
Figure 3	Watercourse Classification
Figure 4	Images of the Land
Figure 4	Images of the Land
Figure 5	Images of the Land
Figure 6	Images of the Land
Figure 7	Images of the Land
Figure 8	Images of the Land
Figure 9	Images of the Land
Figure 10	Images of the land
Figure 11	Images of the Land
Figure 12	Site Analysis
Figure 13	Surrounding Land Use and Subdivision Patterns
Figure 14	HLEP 2012 Zone Map Extract
Figure 15	HLEP 2012 Lot Size Map Extract
Figure 16	Concept Subdivision
Figure 17	Proposed Amendment to HLEP Lot Size Map
Figure 18	Kurmond Investigation Area
Figure 19	Proximity to Local Services
Figure 20	HLEP 2012 Acid Sulfate Soils Map Extract
Figure 21	HLEP 2012 Terrestrial Biodiversity Map Extract
Figure 22	Extract from Envirotech Report (Figure 6)

Description of Site

The land is described as Lot 2 DP 607906 (No. 2) Inverary Drive, Kurmond. The land is 10.96 hectares in area and is essentially rectangular in shape, with a frontage of approximately 35.4 metres to Bells Line of Road.

Figure 1: Satellite Image. Source: LPI SIX Maps



The land falls gradually from Bells Line of Road, at a level of approximately 88m AHD, to a minor watercourse running north-west to south-east through the centre of the property, at approximately 60m AHD. The land then rises to a level of approximately 72m AHD at the north-east boundary.

Figure 2 below is a topographical map showing watercourses and contours at 10 metre intervals. Figure 3 shows the watercourse classification in accordance with the Strahler system as adopted by the NSW Office of Water¹

Smaller tributaries join the watercourse from the north and south. However, inspection confirms that these watercourses are drainage depressions with no defined bed or banks. It is noted on page 2 of “Guidelines for riparian corridors on waterfront land”, that “where a watercourse does not exhibit the features of a defined channel with bed and banks, the Officer of Water may determine that the watercourse is not waterfront land for the purposes of the WM Act”.² Therefore these are not considered to be watercourses for the purposes of the Water Management Act.

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

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

Figure 2: Cadastre. Source: NSW LPI SIX Maps

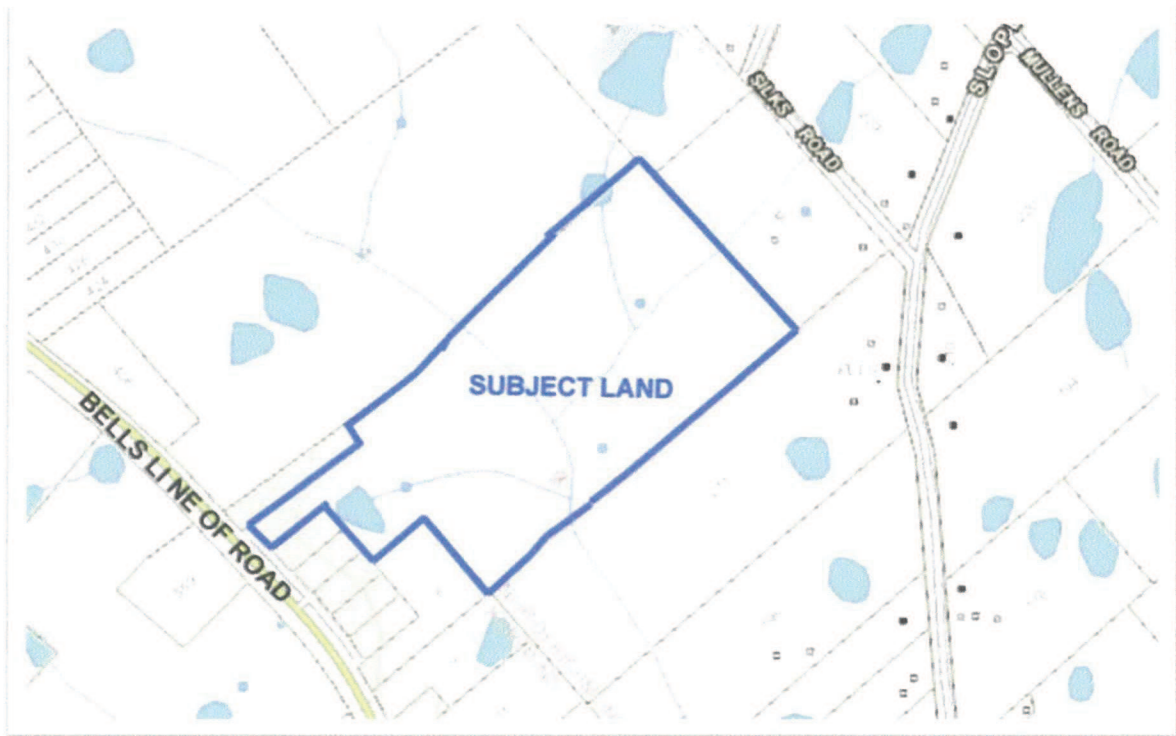
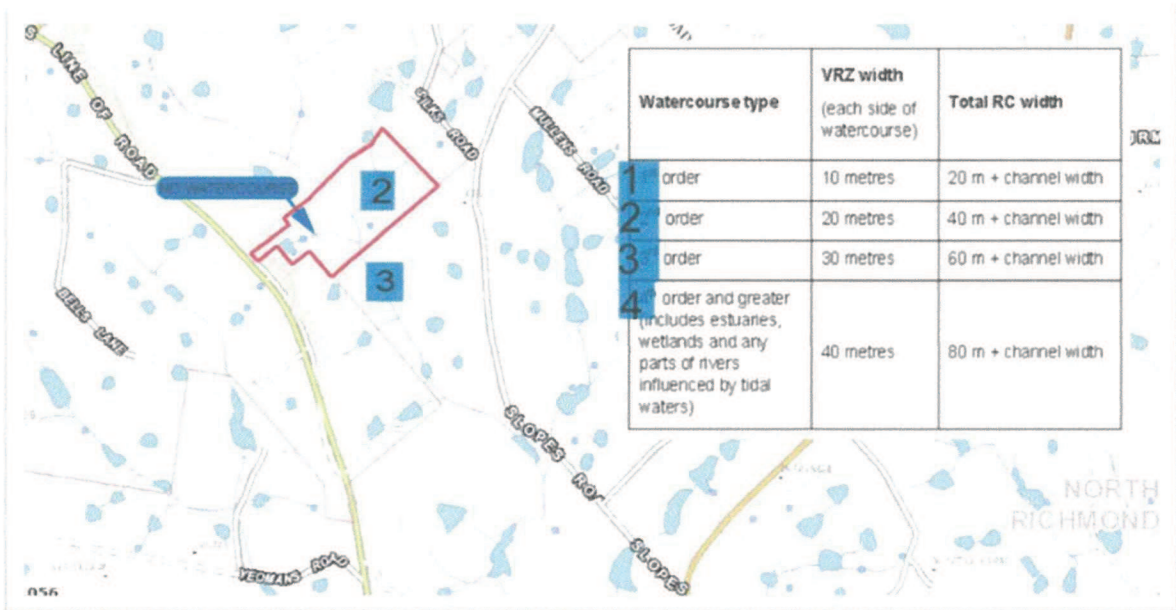


Figure 3: Watercourse Classification



The land comprises cleared pasture with scattered trees and two dams. The minor watercourse supports riparian vegetation of varying quality. A dwelling is positioned close to Bells Line of Road in the south-west corner of the land. The land has been used for animal grazing for many years.

Figures 4 - 11 provide views over the land and beyond. The images clearly demonstrate that the land is suitable for the proposed development.

Figure 4: View from cattle loading race looking south with adjoining dwellings along Bells Line of Road in background



Figure 5: View over cleared area towards rear of land



Figure 6: Scattered trees towards rear of land



Figure 7: Cleared area and scattered trees



Figure 8: Cleared area with surrounding scattered trees (west of watercourse)



Figure 11: Watercourse looking upstream

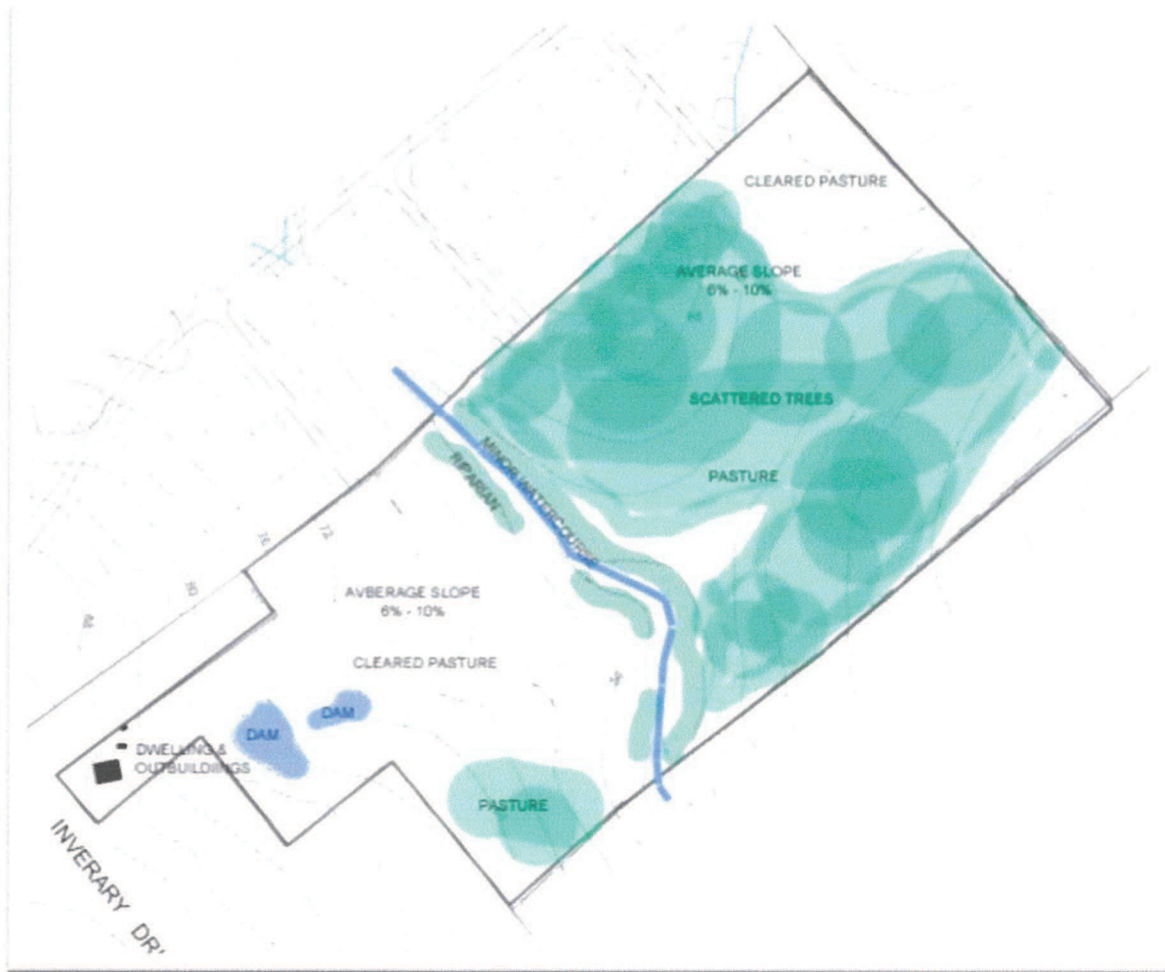
Site Analysis

Figure 12 below is a site analysis based on the physical constraints of the land.

The following observations are made:

- The land is gently sloping with an average slope of between 6% and 10%;
- The land is currently managed pasture;
- There are large cleared areas;
- Vegetation comprises scattered trees which have remained within the pastures;
- There is more dense vegetation along the watercourse;
- The proposed local road links from the adjoining land are well placed to service the future subdivision;

Figure 12: Site Analysis (Base Plan: North Western Surveys)



Surrounding Land Use

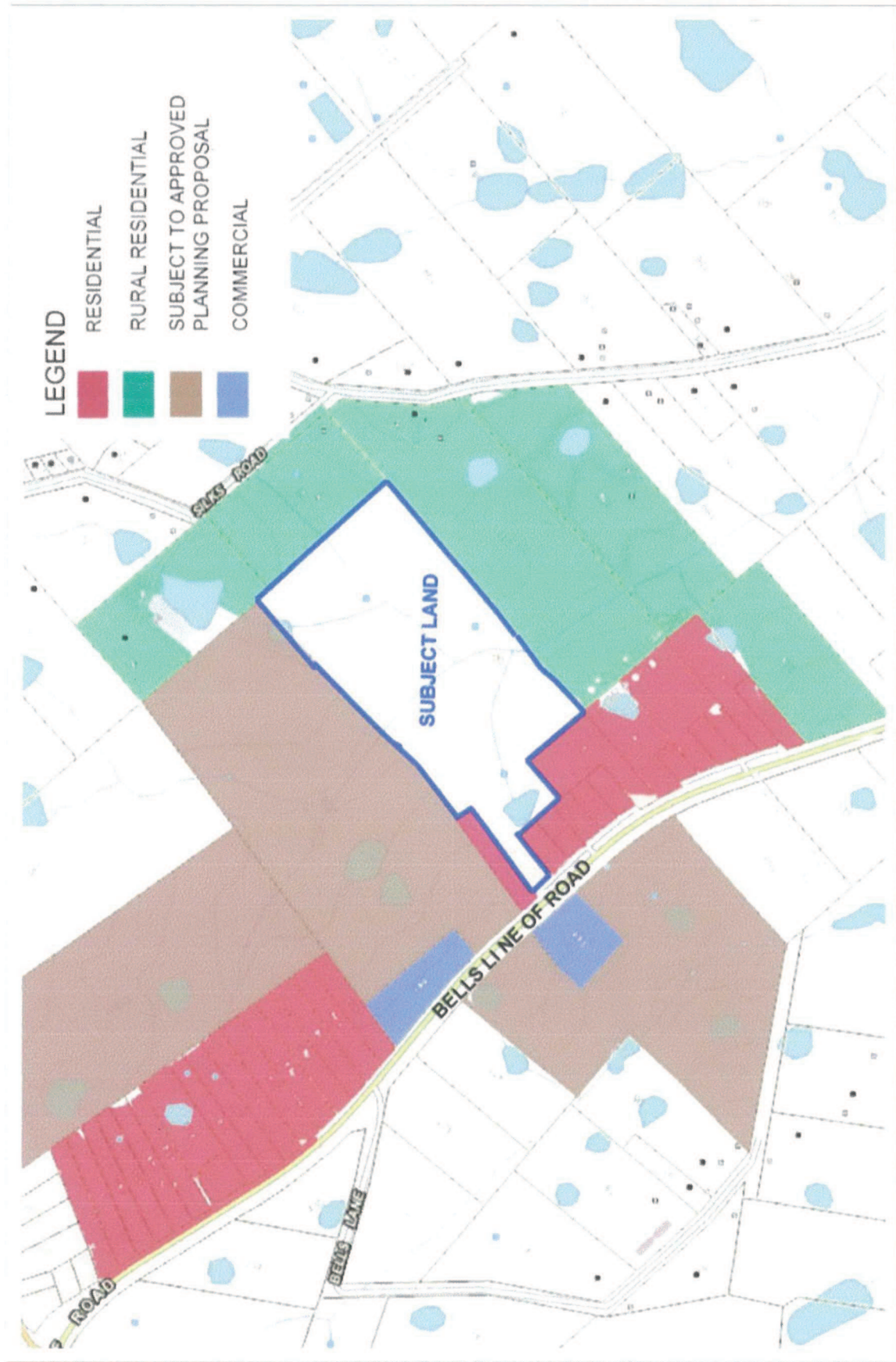
Land adjoining to the north-west along Bells Line of Road comprises one residential lot and a 13 hectare property (396 Bells Line of Road) which has minimum lot sizes of 2000m², 1ha and 1.5ha on the HLEP Lot Size Map as amended on 27 January 2017.

Land adjoining to the south-west along Bells Line of Road comprises a number of residential lots of around 2,000m² in area. The remainder of the land to the south-east and north-east is surrounded by rural-residential lots. Land on the opposite side of Bells Line of Road comprises a veterinary establishment within a lot of approximately 9,000m² and a larger property which is the subject of a current planning proposal for large residential lots, which was recently supported by Council.

It is noted that the only agricultural activity in the locality is light animal grazing. There is no commercial or intensive agriculture.

Figure 13 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 13: Surrounding land use and subdivision patterns. Source: 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 14: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008AA

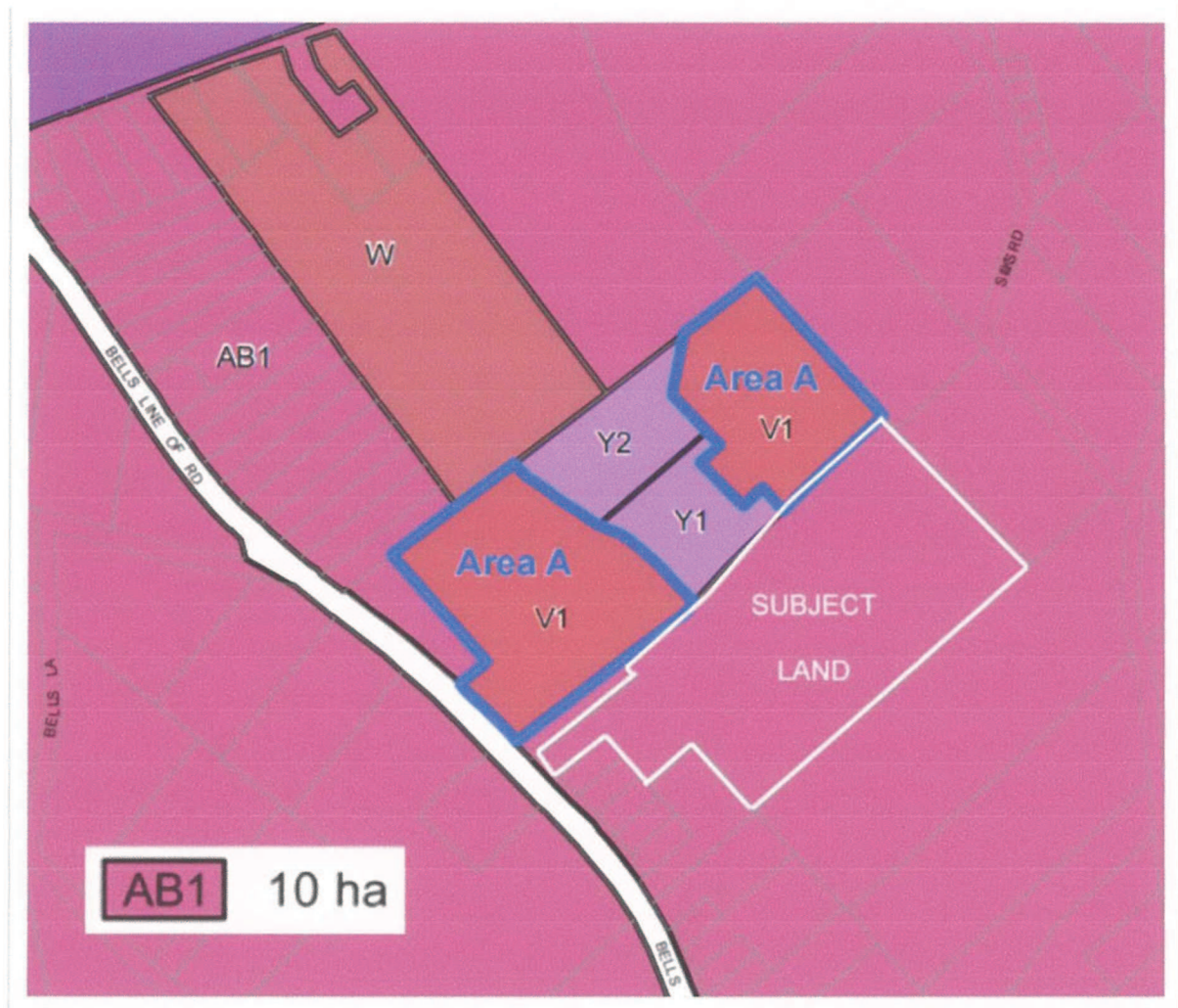


The objectives of the RU1 Primary Production zone are as follows:

- 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 15: 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 existing and proposed residential development along Bells Line of Road and the relatively small lot size in terms of agricultural production. The land is located within 1 kilometre of Kurmond Village, and therefore satisfies the necessary criteria for rural village expansion.³

Council has seen many conflicting situations with orchards, market gardens and the like. Most of the lots in this locality are well below the minimum lot size. The lots which do meet the minimum lot size, and the subject land, 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.

³ Hawkesbury Residential Land Strategy, Adopted 10 May 2011.

Part 1 – Objectives or Intended Outcomes

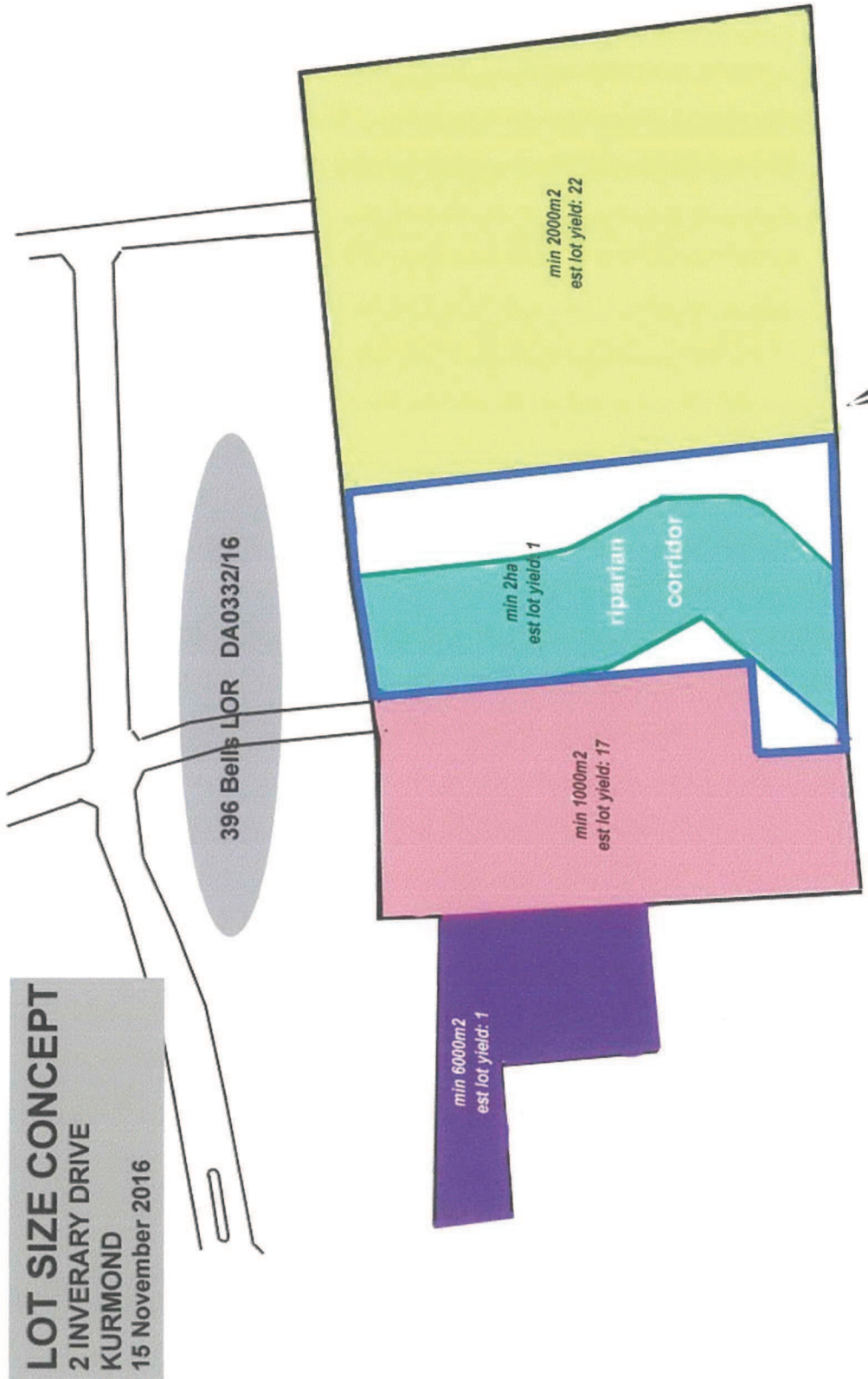
The objective of the planning proposal is to allow the land to be subdivided into large residential lots, which are sufficient in size to support sustainable housing within a rural village setting.

The intended outcome is to facilitate a development application to subdivide the land into an estimated 41 lots, with a minimum size of 1,000m², 2,000m², 6,000m² and 2ha.

Figure 16 below is a concept plan showing proposed minimum lot size locations. The plan makes provision for connecting roads to the adjoining land to the north-west which provides a single access road connecting with Bells Line of Road. The riparian corridor is protected within a large single lot.

The concept layout was prepared in consultation with Hawkesbury Council Planning staff, having regard to the slope of the land, the location of the watercourse and the location of significant vegetation.

Figure 16: Concept Subdivision Layout



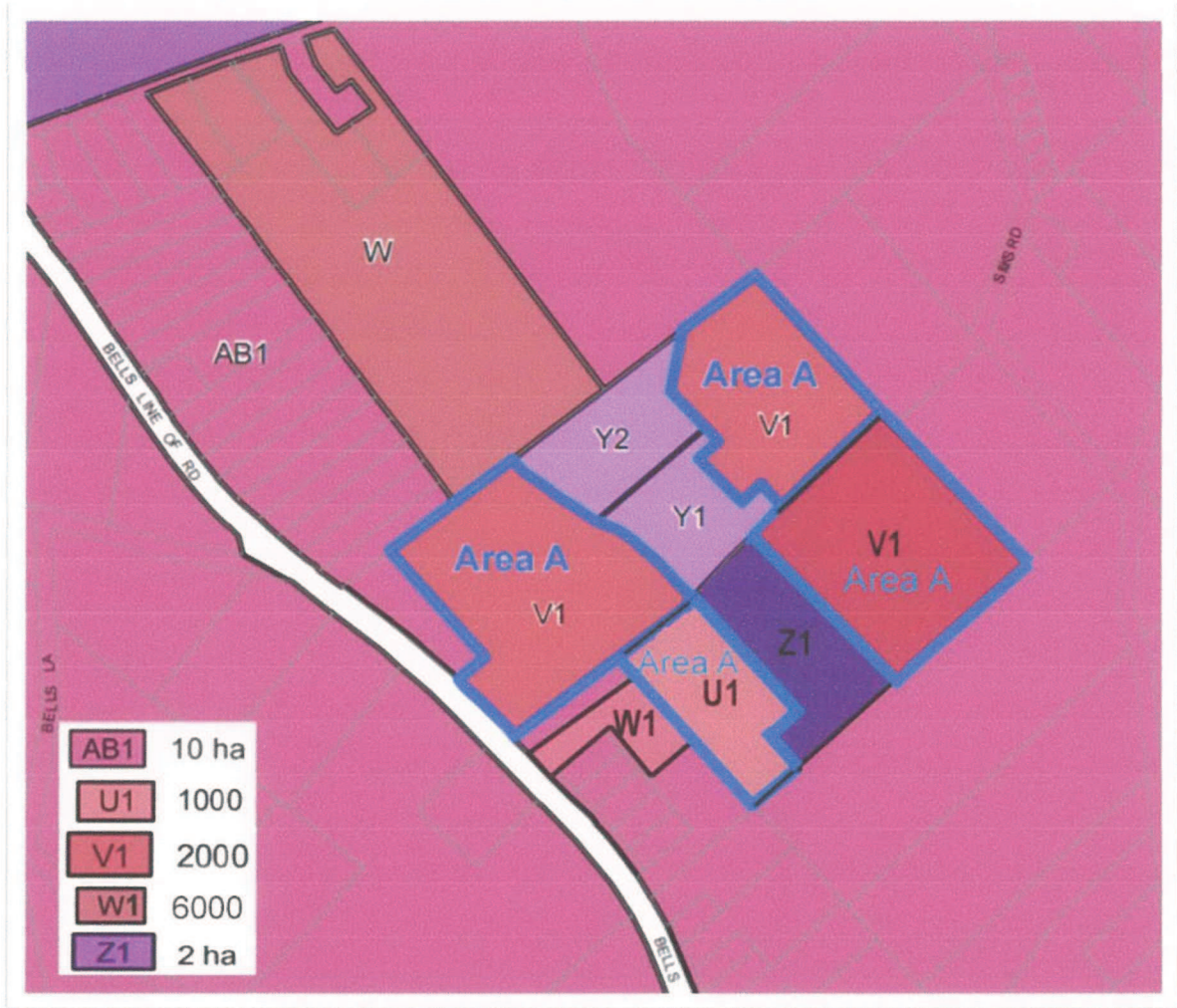
Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Hawkesbury Local Environmental Plan 2012 Lot Size Map Sheet LSZ_008AA in the following ways:

1. Changing the minimum lot size to 1,000m², 2,000m², 6000m² and 2ha; and
2. Identifying part of the land as being included within "Area A" (Subject to Clause 4.1D(1)),

as indicated in Figure 17 below.

Figure 17: Proposed Amended HLEP 2012 Lot Size Map Sheet LSZ_008AA



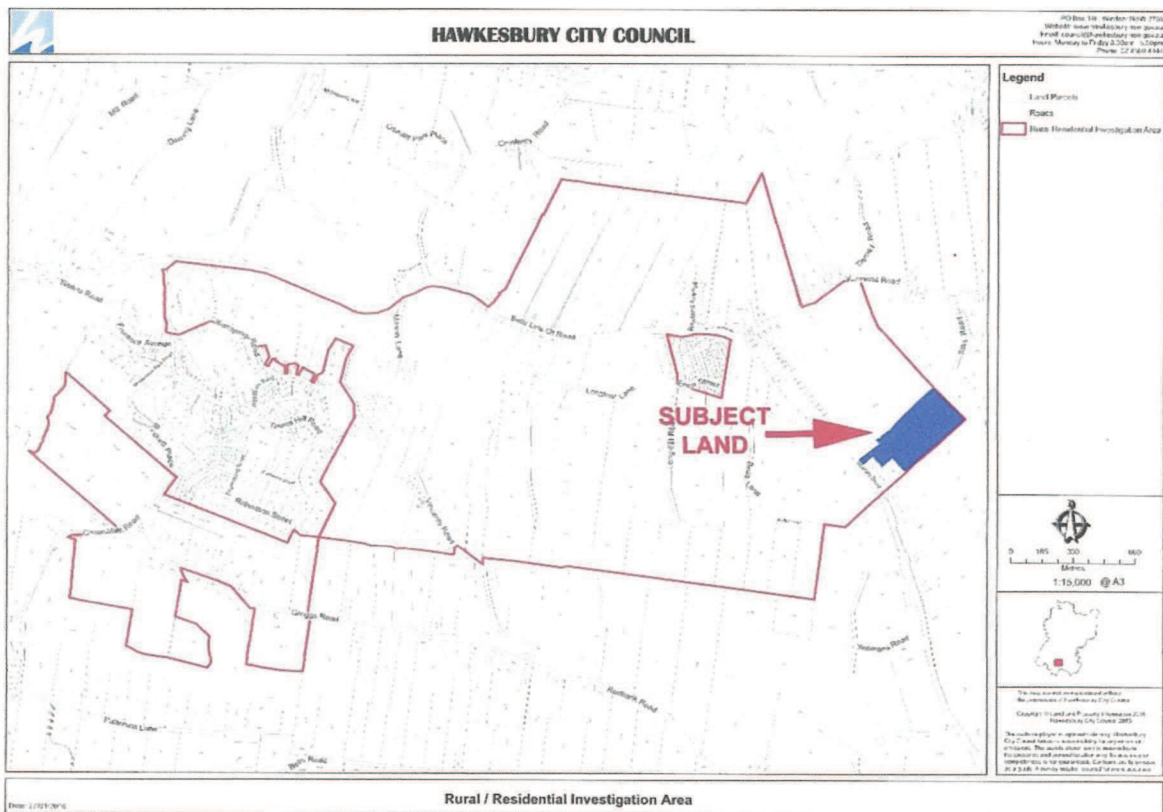
Part 3 – Justification

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 the Hawkesbury Residential Land Strategy (HRLS). The proposal satisfies the criteria for rural village expansion as contained within the Strategy. The subject land is located within the Kurmond Kurrajong Rural / Residential Investigation Area, which was identified by Council in accordance with, and subsequent to, the HRLS.

Figure 18: Kurmond Kurrajong Rural Residential Investigation Area – Source: HCC



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The alternative is to amend Hawkesbury LEP 2012 by including an additional permitted use of the land within Schedule 1 to allow the proposed subdivision of the land. However, it is considered that amending the Lot Size Map and inclusion of a lot yield clause as proposed is consistent with the ethos of the Standard Instrument LEP and is the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions 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>
<p>Goal 4: A sustainable and resilient city 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</p>	<p>This planning proposal is prepared in 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>development on the environment</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>The land will be serviced with reticulated sewer via private main to the Sydney Water sewage treatment plant at North Richmond.</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 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</p>

	<p>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
<p>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.</p>	<p>The Planning Proposal is a minor expansion of an existing rural village.</p>
<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>
<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 of local council areas.</p>	<p>The relevant public authorities will be consulted during preparation of the draft plan.</p>
<p>NW Action E2.1.5 North West councils to continue to promote water sensitive urban design.</p>	<p>The Planning Proposal is a minor expansion of an existing rural village. Future subdivision design will incorporate best practice stormwater</p>

	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 1,000m², 2,000m², 6,000m² and 2 ha, 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 the draft North West Subregional Strategy and A Plan For Growing Sydney.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The relevant strategic plans are the Hawkesbury Community Strategic Plan 2013-2032 and the Hawkesbury Residential Land Strategy, 2011.

4.1 Hawkesbury Community Strategic Plan 2013-2032

This plan was adopted by Hawkesbury City Council in May 2013. The provisions of the Community Strategic Plan which are of most relevance to the planning proposal are:

Looking after people and place

Directions

1. Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
3. Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
4. Have development on both sides of the river supported by appropriate physical and community infrastructure
5. Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure
6. Have friendly neighbourhoods, connected communities, and supported household and families
7. Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategies

1. Revitalise and enhance town centres and villages
2. Encourage affordable, diverse and quality housing solutions in serviced areas
3. Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character
4. Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use
5. Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations
6. Provide for a safer community through planning, mitigation and response

Goals

1. Towns and villages to be vibrant places that people choose to live in and visit
2. Appropriate and affordable range of infrastructure and services available to meet contemporary needs
3. Viable tourism economy
4. Funded viable and sustainable events
5. Housing is available and affordable for the population whilst retaining agricultural and heritage values
6. Managed population growth that contributes to and sustains the local economy and services and respects agricultural and heritage values of the area

7. Maintain and foster the rural and heritage character within the Hawkesbury
8. Viable and sustainable agriculture industries retained and developed
9. Natural and built heritage valued socially and economically
10. Ongoing review and implementation of community disaster and safety plans
11. Continue to support agencies and volunteers who assist in maintaining a safe and socially valuable community

Caring for Our Environment

Directions

1. Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape
3. Take active steps to encourage lifestyle choices that minimise our ecological footprint
4. Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

Strategies

1. Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships
2. Reduce our environmental footprint through resource and waste management
3. Manage growth with ecologically sustainable principles
4. Engage with the community and work together to care for our environment

Goals

1. Clean, healthy, usable rivers and waterways
2. Balance the needs of our ecology, recreational and commercial activities
3. Maximise sustainable use of potable and recycled water
4. Reduced greenhouse gas emissions
5. Our community is living more sustainably
6. Waste management facility operating on a commercial basis
7. Reduced waste to landfill
8. Environmental impact of growth is minimised
9. Healthy and functioning catchments and riparian corridors
10. Improved community awareness of the importance and value of healthy catchments, natural waterways, vegetated riparian corridors, surface water and groundwater resources.

Sustainability Principles

The following are considered relevant to the Planning Proposal.

- Principle 4: Use of energy and other resources must be just and efficient, both across the globe and between generations
- Principle 5: Even if there is doubt about the environmental impact that an action will have, one should err on the side of caution to protect the environment

It is submitted that the planning proposal is consistent with the Hawkesbury Community Strategic Plan. The planning proposal will assist in the achievement of some of the above Goals, particularly in terms of providing housing choice and creating a sustainable local economy. The proposal satisfies the environmental goals, by minimising the impact of growth and providing sustainable, managed housing opportunities in an area of high amenity.

The environmental impacts have been carefully considered through bushfire, flora and fauna and traffic assessment. 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.⁴

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

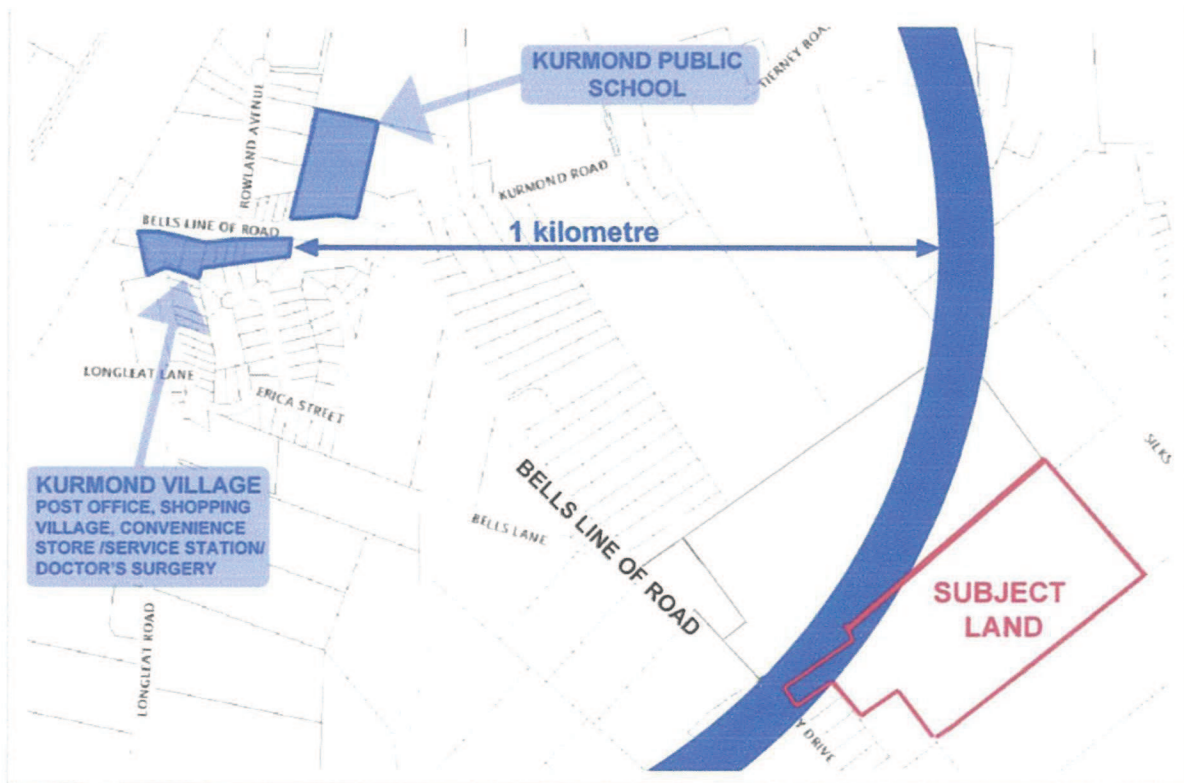
6.5 Rural Village Criteria	Consistency
Be able to have onsite sewerage disposal	Arrangements have been made for reticulated sewage to each lot which will be piped to the Sydney Water North Richmond STP. This provides a better environmental outcome than on-site disposal.
Cluster around or on the periphery of villages	Yes. The land adjoins residential allotments which form part of Kurmond

⁴ Hawkesbury Residential Land Strategy, 2011, pg 7/1

	Village.
Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)	Yes. The land is located within 1000m 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.
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. Figure 19 shows the relationship between the land and the available nearby services.

Figure 19: Proximity to Local Services



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
<p><i>Terrestrial Biodiversity</i></p> <p>Impact of development on threatened or endangered flora and fauna</p>	<p>Fundamental - Major</p>	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Removal of significant vegetation is to be avoided</p> <p>Fragmentation of significant vegetation is to be minimised</p>
<p>Comment: Detailed ground survey by Envirotech Pty Ltd demonstrates that the majority of significant vegetation is located within the riparian corridor, which runs through the centre of the subject land. This is shown in Figure 6 of the Envirotech Report⁵, which is reproduced as Figure 22 below. The proposed 2ha minimum lot size in this area creates an over-width riparian corridor to minimise vegetation removal and avoid fragmentation. There has been considerable discussion and consultation with Council's planning staff and ecologist, who agree with this approach.</p> <p>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).</p>		
<p><i>Watercourses and Riparian Areas</i></p> <p>Impact of development on watercourses and riparian areas</p>	<p>Fundamental - Major</p>	<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>
<p>Comment: As detailed above, a 2 hectare minimum lot size will be placed over the property, which includes the riparian corridor. Accordingly, no building envelopes, APZ's, driveways or roads will be located within the riparian corridor. The future subdivision will be accessed through the road network created on the adjoining land to the north (396 Bells Line of Road). Therefore, no road crossing is required over the riparian corridor.</p>		
<p><i>Dams</i></p> <p>Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems</p>	<p>Fundamental - Minor</p>	<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>

⁵ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

<p>Comment: A small turkey nest dam is located in the north-west corner of the land. This dam will be contained within the proposed 6,000m² lot which will contain the existing dwelling. Accordingly, the dam will not be impacted by future subdivision.</p>		
Factor	Degree of Constraint to Development	Recommendation
<p><i>Bush Fire threat</i></p> <p>Impact of the location and management of APZs and perimeter roads</p>	<p>Fundamental - Major</p>	<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>
<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>		
<p><i>Aboriginal Heritage</i></p> <p>Impact of development on Aboriginal heritage items</p>	<p>Fundamental - Moderate</p>	<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>
<p>Comment: No known aboriginal relics are located on the site. Further consideration can be given to this at development application stage</p>		
<p><i>Land Contamination</i></p> <p>Suitability of land to be developed given potential for land to be contaminated</p>	<p>Fundamental - Minor</p>	<p>Remediation action plans and validation may be required</p> <p>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</p>
<p>Comment: The applicant advises the land has been used for agriculture in the form of animal grazing for many years and that 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</p>		
<p><i>Acid Sulfate Soils</i></p> <p>Impact of disturbance of acid sulfate soils on the environment and development</p>	<p>Fundamental to Minor</p>	<p>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</p>
<p>Comment: The subject site is within the Acid Sulfate Soils Class 5 categorisation which is the least restrictive of the 5 classifications. Further consideration, if required, can be given to this at development application stage</p>		

Table 2: Infrastructure and Services

Factor	Degree of Constraint to Development	Recommendation
<p><i>Road network</i></p> <p>Capacity and safety of existing road network</p>	<p>Fundamental - Major</p>	<p>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</p>
<p>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.</p>		
<p><i>Wastewater</i></p> <p>Capacity of land to cater for on-site effluent disposal</p>	<p>Fundamental</p>	<p>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</p>
<p>Comment: The proposed future subdivision will be serviced by reticulated sewer, with a private main shared by the subject land and the adjoining No. 396 Bells Line of Road draining to the Sydney Water North Richmond sewage treatment plant.</p>		
<p><i>Public Transport Services</i></p> <p>Provision of bus service to cater for the needs of incoming population</p>	<p>Fundamental - Moderate</p>	<p>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</p>
<p>Comment: The draft plan will be referred to the relevant Agencies for comment.</p>		
<p><i>Stormwater drainage</i></p> <p>Quantity and quality of stormwater run-off entering watercourses</p>	<p>Fundamental - Moderate</p>	<p>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</p>
<p>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.</p>		
<p><i>Water Supply</i></p> <p>Provision of reticulated water supply to new lots</p>	<p>Fundamental - Moderate</p>	<p>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</p>

Comment: 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 3,130m², 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 Line of Road is a main road. The proposal intends to utilise the proposed single access to Bells Line of Road on the adjoining property, 396 Bells Line of Road. This new intersection is supported by Council and the NSW Roads and Maritime Services.

The land falls away from Bells Line of Road, and proposed lots will have frontage and access to new internal roads. The proposed subdivision will not be readily visible from this road.

d. No subdivision along ridgelines or escarpments;

Bells Line of Road follows a minor ridgeline. The land which is proposed to be subdivided falls away from the road to the north, which reduces visual impact of the proposal. It has been demonstrated that the proposal satisfies all relevant criteria of the Hawkesbury Residential Land Strategy and the Council supports the proposal.

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

Sydney Water Corporation has advised that there is capacity within the North Richmond STP to accept sewage from the proposal. The owner is committed to providing a private main from the site to the existing Sydney Water main in Bells Line of Road at North Richmond.

It is submitted that reticulated sewer will provide a better environmental outcome and the Planning Proposal is therefore 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 riparian vegetation within individual lots. It is not intended to clear trees other than for proposed road works. Additional plantings as part of subdivision works will enhance the overall tree coverage of the land.

g. Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.

It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal in accordance with Department of Planning Local Plan Making Guidelines. Discussions have been held with Council officers about a possible Section 94 Plan and/or Special Infrastructure Contribution. At this stage, the plan has not progressed sufficiently and it is agreed 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. However, the preliminary subdivision concept provides that all lots will have access to a public road.

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

An assessment was carried out by Envirotech Pty Ltd in accordance with the provisions of the SEPP. The assessment found no evidence for koala habitation and concluded that a Species Impact Statement is unlikely to be required.

SEPP 55 – Remediation of Land.

The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation 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.

Envirotech Pty Ltd was engaged to carry out a flora and fauna assessment of the land, including seven part tests in relation to threatened species. The assessment concludes that there is unlikely to be any significant impact.

(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.

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.

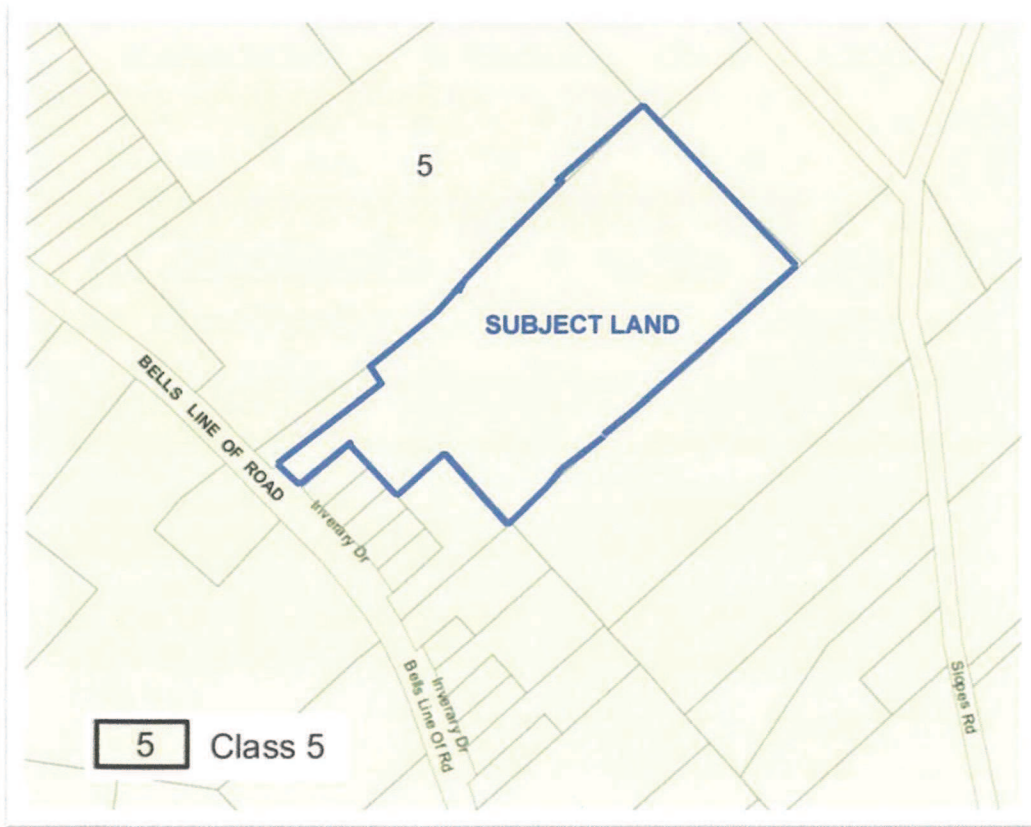
The following section provides an assessment of the planning proposal against applicable Section 117 directions. A full copy of the directions can be viewed at <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

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>

<p>1.3 Mining, Petroleum Production and Extractive Industries</p>	<p>Yes</p>	<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 2000m², 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>
<p>3.4 Integrated Land Use and Transport</p>	<p>Yes</p>	<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 20 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	<p>The Rural Fire Service will be consulted by the Council during preparation of the draft LEP. A preliminary assessment prepared by Envirotech Pty Ltd concludes that the proposal is able to comply with <i>Planning for Bushfire Protection</i>.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>There are no reservations affecting the subject land. The planning proposal does not propose to create any reservations.</p>
<p>6.3 Site Specific Provisions</p> <p>(4)(a)</p> <p>(4)(b)</p> <p>(4)(c)</p>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposal will amend the lot size map as it applies to the land.</p> <p>The inconsistency is of minor significance and considered to be justified given the characteristics and constraints of the site.</p>
7.1 Implementation of the Metropolitan Strategy	Yes	<p>The planning proposal is consistent with the Metropolitan Strategy. This is discussed in question 4 under Section B of this report.</p>

Figure 20: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008AA

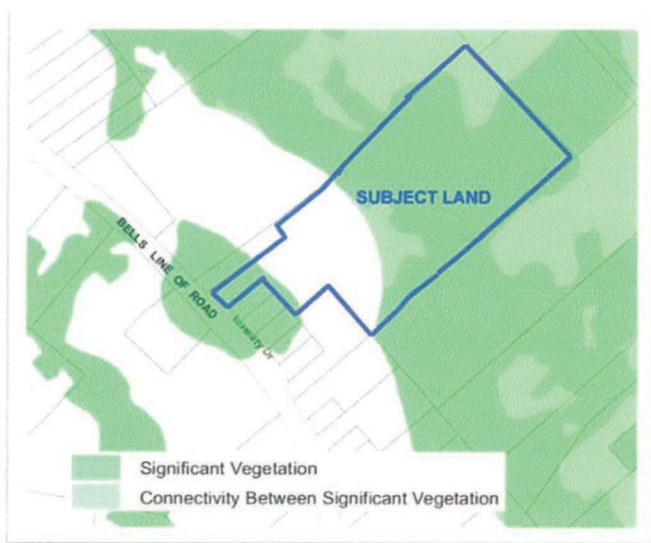


Section C – Environmental, social and economic impact.

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 some significant vegetation within the riparian corridor, and extending to the north and north-west. Figure 21 below is an extract from the relevant map.

Figure 21: Extract from HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008AA



Detailed ground survey by Envirotech Pty Ltd demonstrates that the majority of significant vegetation is located within the riparian corridor, which runs through the centre of the subject land. This is shown in Figure 6 of the Envirotech Report⁶, which is reproduced as Figure 22 below.

Figure 22: Extract from Envirotech Report (Figure 6)



⁶ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

The proposed 2ha minimum lot size creates an over-width riparian corridor to minimise vegetation removal and avoid fragmentation. There has been considerable discussion and consultation with Council's planning staff and ecologist, who agree with this approach.

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). The Envirotech flora and fauna assessment, including seven part tests for endangered species and ecological communities, concludes that there is unlikely to be any significant impact.

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.

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 which will be established on the land. The proposal will provide additional housing opportunities in a suitable area as identified by the Hawkesbury Residential Land Strategy.

It is noted that the land has not been identified as containing any items of European or aboriginal cultural heritage.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The land is serviced by electricity, telephone and communications and reticulated water. The likely demand for services created by the subdivision would be met by the usual contribution process with the relevant authorities.

Future dwellings resulting from future subdivision will be connected to the Sydney Water Sewage Treatment Plant at North Richmond. Sydney Water has confirmed that there is sufficient capacity.

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
Transport for NSW-Roads and Maritime Services	Access to Bells Line of Road via adjacent approved intersection.
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
Endeavour Energy	Electricity Supply

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 is suggested that it would be reasonable for the LEP to be completed within 9 months from the week after the Gateway Determination is issued. The suggested project timeline is as follows:

Project Phase	Indicative Timeline
1. Anticipated commencement date	4 weeks from date of referral to P&E of revised planning proposal
2. Completion of technical information prior to government agency consultation	Nil
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining / affected property owners, public notice in a local newspaper, and exhibition material	2 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions, assessment report and decision to proceed to final LEP	6 weeks
7. Request to PC to prepare a draft LEP under Section 59(1) of the Act	2 weeks
8. Finalisation of the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the draft plan	6 weeks
9. Request for online notification of the LEP	2 weeks

Conclusion

It is considered that this planning proposal satisfies all requirements for a Gateway Determination by the LEP Review Panel. The fundamental development constraints identified in the "Structure Planning for the Kurmond and Kurrajong Investigation Area" have been addressed by this planning proposal.

In summary, the proposal is justified for the following reasons:

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

It is therefore recommended that Council support the planning proposal and resolve to prepare an amendment to Hawkesbury Local Environmental Plan 2012 as proposed.