



PLANNING PROPOSAL

**LOT 2, DP 600414
No.2 INVERARY DRIVE
KURMOND**

May 2020

**Planning Proposal Authority:
Hawkesbury City Council**



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This Planning Proposal was prepared by Glenn Apps, Principal, Cohesive Planning in accordance with “A guide to preparing planning proposals” published by the NSW Department of Planning and Infrastructure, October 2012.



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Date: May 2020

DOCUMENT TRACKING

Version	Date	Revisions
1432 – 1	December 2014	Submission to HCC
1432 -2	May 2017	Revisions following consultation with Council Planners, including: - Revised and varied minimum lot sizes; - Updated / detailed flora and fauna assessment; - Revised concept plan; and - Acknowledgement of gazettal of Lot Size Map amendments to adjoining land.
1432-3	November 2018	Revisions following Gateway Determination, including: - Address the Greater Sydney Region Plan – A Metropolis of Three Cities; - Assessment against the zone objectives; - Integrate the addendum into the body of the report; and - Reformat the document.
1432-4	July 2019	Revisions following consultation with Council Planners, including: - Include contamination assessment; - Response to the Kurmond and Kurrajong Landscape Character Study.
1432-5	May 2020	Revisions following consultation with Council Planners, including: Response to the Metropolitan Rural Area Planning Priority

Introduction

This Planning Proposal is prepared by Cohesive Planning on behalf of the owner of the land. This Planning Proposal acknowledges and is indebted to the work of Montgomery Planning Solutions who prepared the original Planning Proposal. This document is a revision of the Planning Proposal as a result of the Gateway Determination issued on 28 June 2018.

The land is 10.96 hectares in area and comprises open pasture with scattered trees over gently sloping terrain. The land is zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012.

The land is within 1 kilometre of Kurmond Village and satisfies the rural village development criteria contained within the Hawkesbury Residential Land Strategy, adopted by Hawkesbury City Council on 10 May 2011. The land borders the south-east boundary of the Kurmond Village large lot residential/rural-residential investigation area as determined by Council on 7 February 2013.

Reports have been prepared in relation to flora and fauna, watercourse assessment and bushfire hazard, which confirm that the land has the environmental capacity to sustain up to 36 large rural-residential allotments, as shown on the preliminary concept plan prepared for the purposes of the Planning Proposal. It is noted that the land will be connected to reticulated sewage via a private sewer main along Bells Line of Road, which will be connected to the Sydney Water Sewage Treatment Plant at North Richmond.

The Planning Proposal satisfies all relevant state, regional and local criteria and it is recommended that Council prepare a draft local environmental plan to amend the Hawkesbury LEP 2012 Lot Size Map to permit minimum lot sizes of 2,000m² and 2 hectares as proposed.

Hawkesbury City Council is the planning proposal authority.

Description of the Site

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

Inverary Drive is an access road adjacent to Bells Line of Road and is currently the only public road access to the land.

Figure 1 below shows the subject land bounded in red.



Figure 1: Aerial photo (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 from north west to south west across the centre of the land between approximately 55m – 50m AHD. The land then rises to the north eastern boundary. The northern and north eastern corners of the land are at approximately 72m AHD.

Figure 2 below is a topographical map showing watercourses and contours at 10 metre intervals.

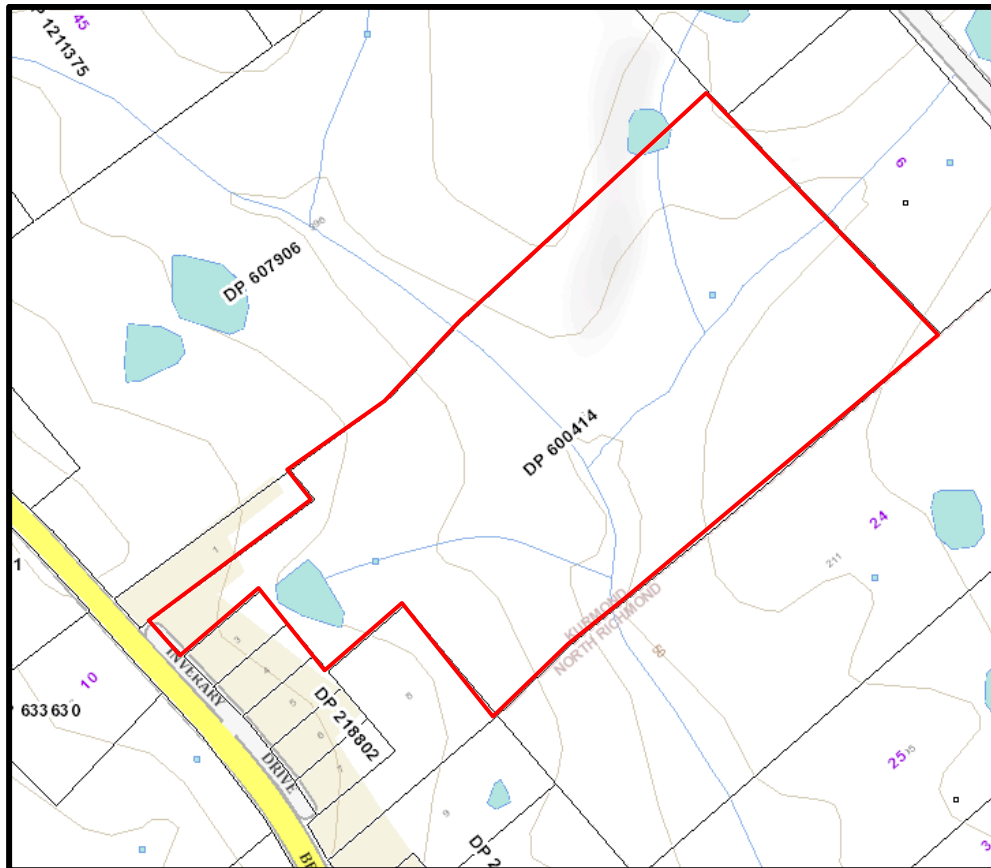


Figure 2: Topographic map (Source LPI SIX Maps)

Figure 3 below shows the watercourse classification in accordance with the Strahler system as adopted by the NSW Office of Water.

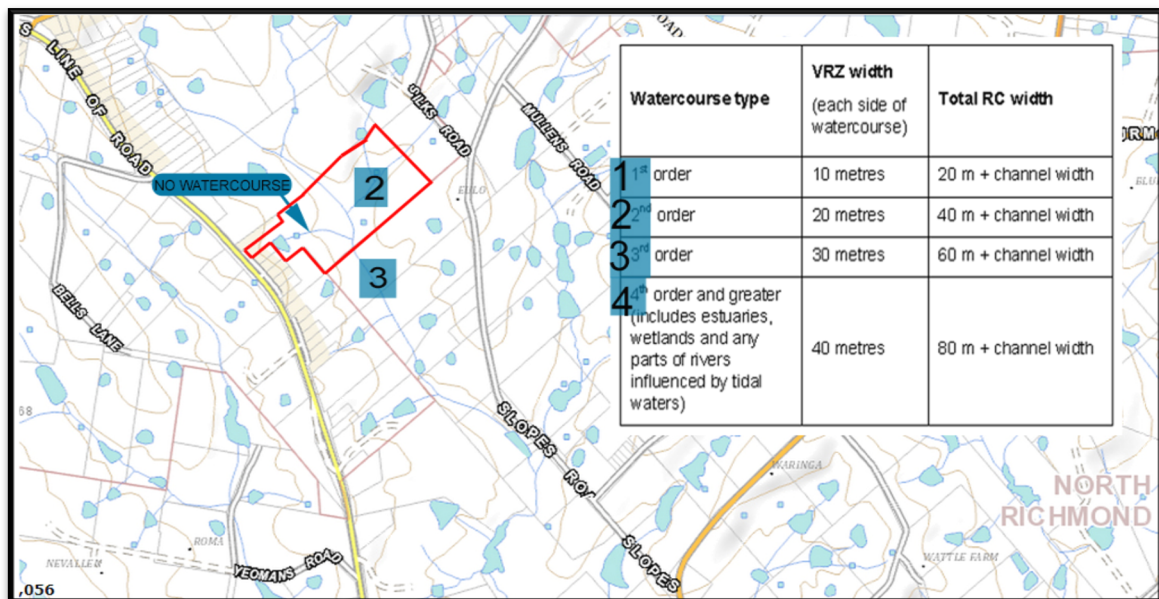


Figure 3: Watercourse Classification

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”.¹

An assessment of potential watercourses on the land was carried out by Envirotech Pty Ltd and formed the basis of their Watercourse Assessment Report dated 24 October 2018. That report identified 3 watercourses as shown below.

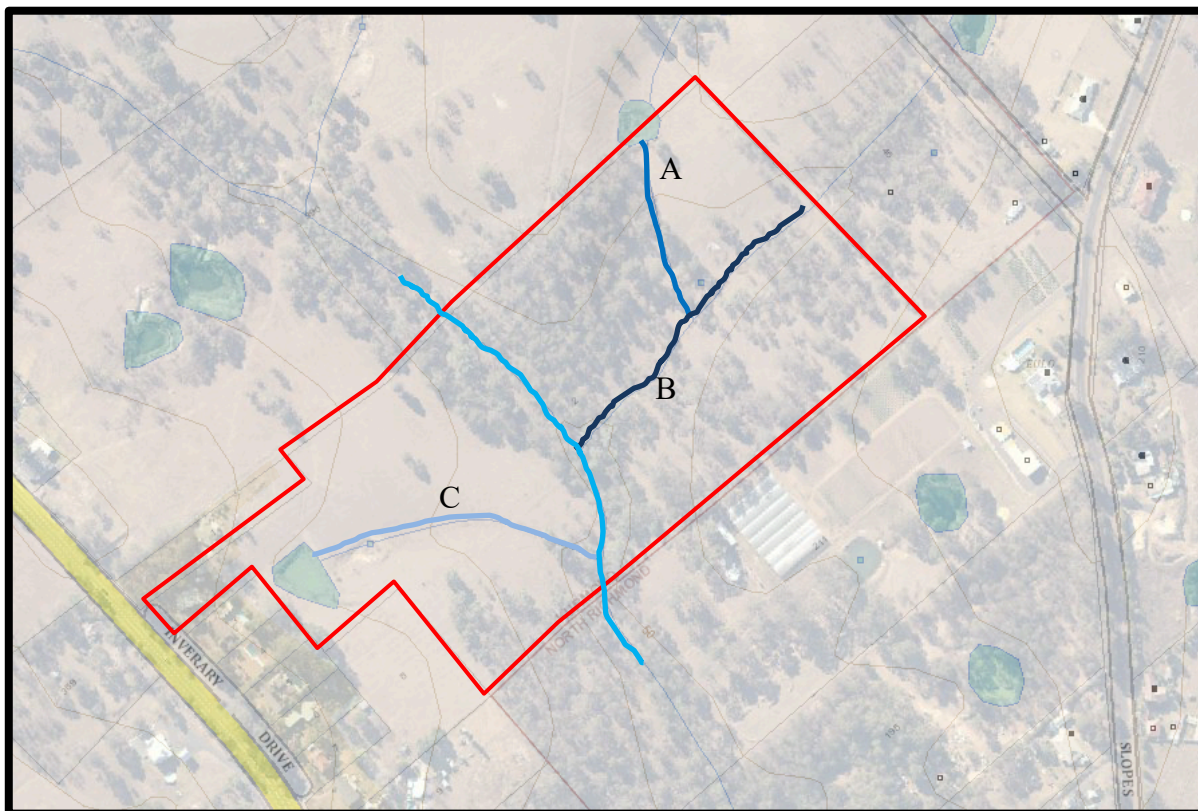


Figure 4: Location of watercourses

The assessment by Envirotech concludes that the watercourses are either ephemeral, not significant or both and states:

- *Watercourse A - This watercourse, due to a lack of defined banks and associated vegetation type, is not significant and is ephemeral depending on the amount of rainfall.*
- *Watercourse B - This watercourse has areas along its length that do not have defined banks and associated vegetation type, and also has some areas that have a form of bank and associated vegetation type. Indicating that the watercourse is not significant along the entire course for the site. Due to the down slope of the site the upslope damming or other works undertaken have also attributed to the changes in this watercourse.*

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

- *Watercourse C - This watercourse due to a lack of defined banks and associated vegetation type is not significant and is ephemeral depending on the amount of rainfall. This watercourse appears to be overflow from the dam.*

The tributaries are not considered to be watercourses for the purposes of the Water Management Act, 2000. Flows in these tributaries are able to be addressed at the development application stage through measures such as lot layout and drainage within the new roads.

The main watercourse that runs north west to south east through the land drains to the east. After being dammed by a number of farm dams, it joins with other watercourses to become Redbank Creek which joins the Hawkesbury River approximately 1.5km north of the North Richmond Bridge. Where this watercourse traverses the land, there is riparian vegetation of varying condition and integrity.

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 some decades.

Figures 5 - 9 provide views over the land and beyond. The images demonstrate that the land is suitable for the proposed development.



Figure 5: View looking north from behind dwellings along Bells Line of Road



Figure 6: Looking north towards Silks Road



Figure 7: Looking downstream along riparian corridor through the middle of the site



Figure 8: View from eastern corner looking north west along boundary



Figure 9: View from eastern corner looking south west along boundary with flower nursery

Site Analysis

Figure 10 below is a site analysis based on the physical constraints of the land.

The following observations are made:

- Surrounding land is a mix of residential and rural-residential activities which is compatible with the proposed future use of the land for large lot residential purposes;

- The land is gently sloping with an average slope of between 6% and 10% as shown in Figure 11;
- The land is currently managed pasture;
- There are large cleared areas;
- Vegetation comprises scattered trees with no understorey as a result of the grazing use of the land;
- There is some dense vegetation along the watercourse in the riparian corridor; and
- The proposed local road links proposed by the subdivision of the adjoining land to the west (No.396 Bells Line of Road) are well placed to service the future subdivision.

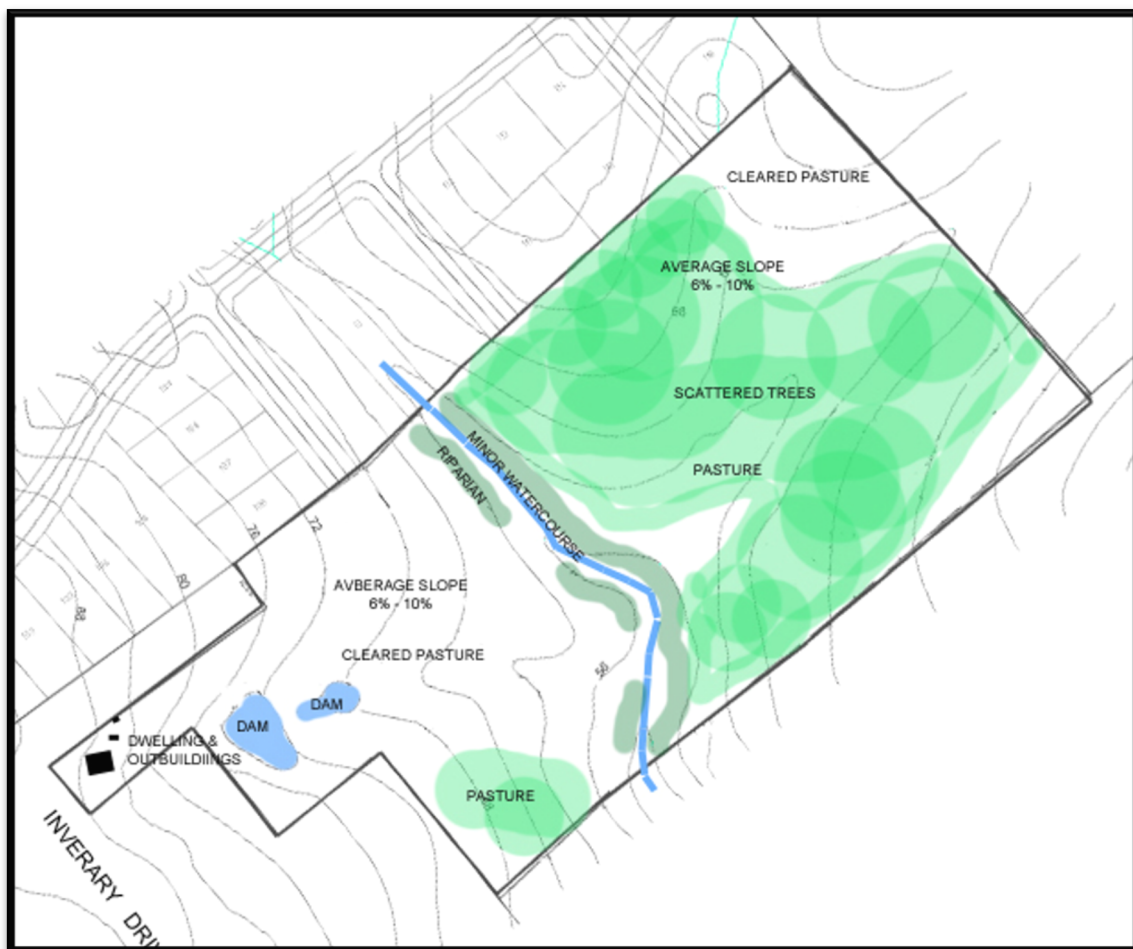


Figure 10: Site Analysis (Base plan: North Western Surveys)

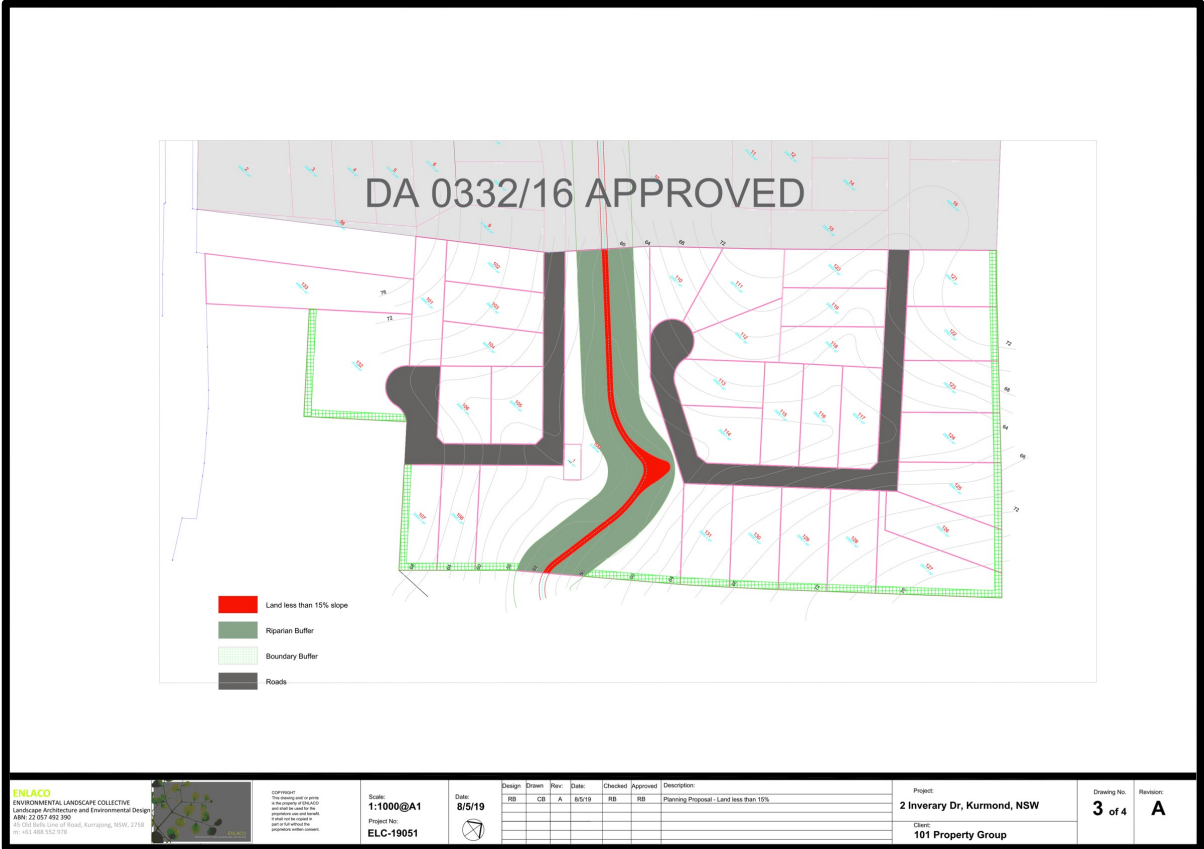


Figure 11: Slope Analysis (ENLACO)

Surrounding Land Uses

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 2,000m², 1ha and 1.5ha on the HLEP Lot Size Map as amended on 27 January 2017. That land has approval for a 33 lot subdivision (DA033/16, dated 29 May, 2018). That subdivision proposes the dedication of new public roads which are able to be extended to serve development of the subject land.

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 clinic 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.

Further along Bells Line of Road to the north and south are a number of residential lots of sizes ranging between 2,000m² and 5,000m² which have frontage to Bells Line of Road.

A number of non-residential activities front Bells of Line of Road, including restaurants, a child care centre and the aforementioned veterinary clinic.

Agricultural activity in the locality is limited to a commercial flower nursery located at 211 Slopes Road, North Richmond which adjoins the land to the south east. Otherwise, agriculture in the area is limited to light animal grazing for hobby purposes as opposed to food production. There is no intensive agriculture carried out in the immediate area.

Figure 12 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.

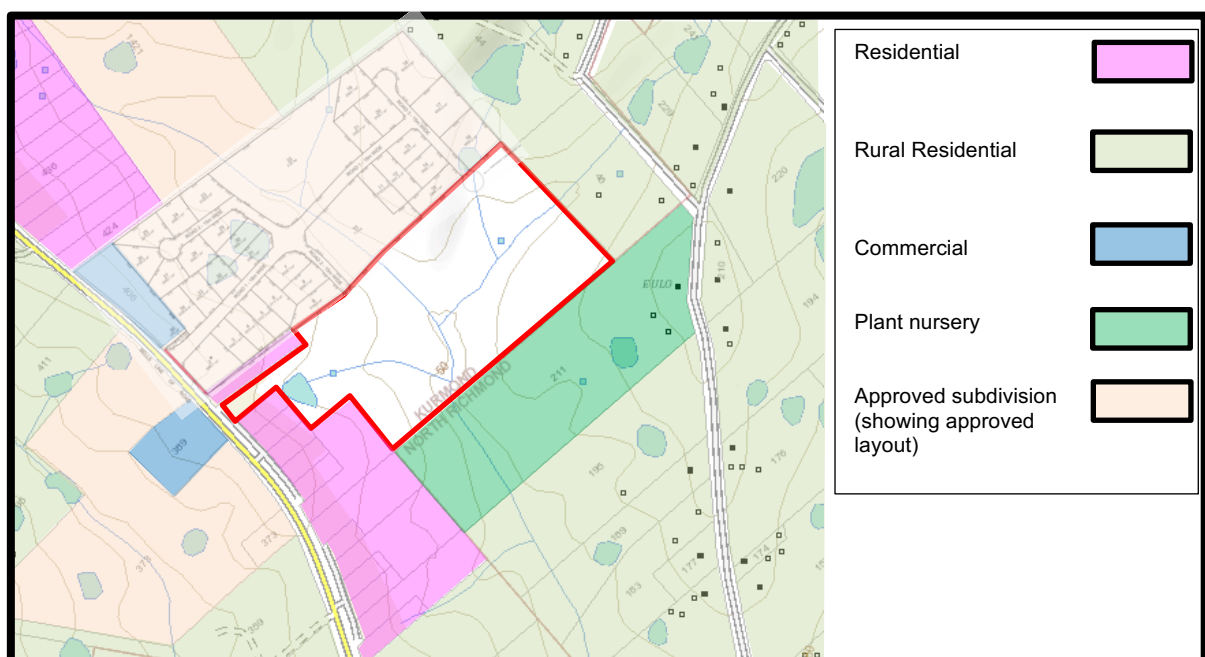


Figure 12: Surrounding land use and subdivision patterns. Source: NSW LPI SIX Maps

Existing Statutory Provisions

The subject land and surrounding land is zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012.

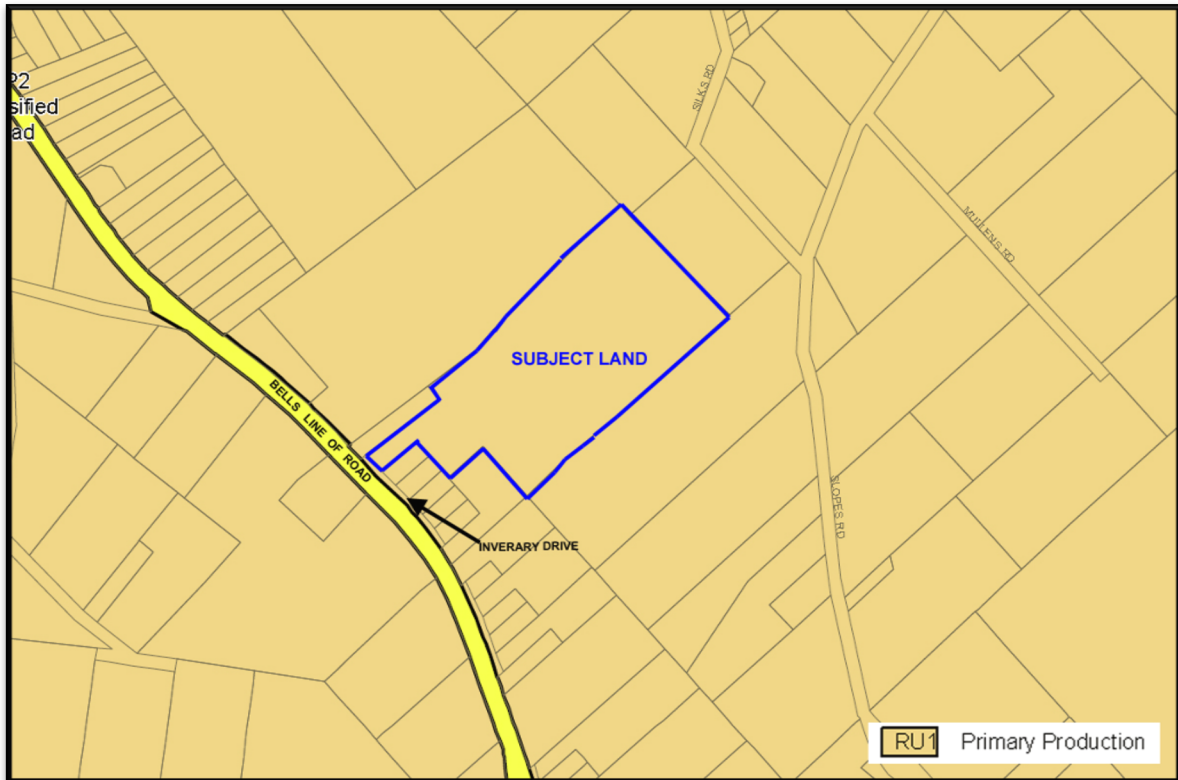


Figure 13: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008AA

The objectives of the RU1 Primary Production zone are listed as follows, with commentary as to how the proposal meets those objectives.

Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The topography of the land is not conducive to cropping. Any grazing would be for hobby farm purposes only and not for the purposes of viable primary production.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	
To minimise the fragmentation and alienation of resource lands.	The proposal does not preclude the carrying out of a diverse range of primary industries on suitable land in the wider area.
	The land in the vicinity of the subject land is used for rural residential lifestyle purposes rather than for primary industry. The proposal will not fragment or alienate land

	that can be considered “resource lands”.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The subject land is not in proximity to a zone boundary.
To encourage agricultural activities that do not rely on highly fertile land.	The proposal does not rely on this objective. Notwithstanding, the proposal is not antipathetic to this objective as it does not preclude the carrying out of a diverse range of primary industries on suitable land in the wider area.
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.	The proposal will not have a significant adverse effect on water catchments, surface and groundwater conditions or aquatic ecosystems.
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.	The proposal conserves and enhances native vegetation through and around the riparian corridor on the land. Development will take place on parts of the land that have been cleared for pasture purposes.
To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.	The proposal is consistent with the landscaping values of the area as discussed separately below.
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.	The proposal will not detract from the existing rural character as discussed below. The proposal will not create unreasonable demands on amenities and services.

Key issues raised by the objectives that are of particular relevance to the proposal are visual impact and the character of the area

There is a variety of lot shapes and sizes in the locality, including lots that are less than 2,000m² and lots that are between 2,000m² and 4,000m²

There are a number of lots that are less than 2,000m², with a row of lots in Silks Road around 700m². There are a number of lots along Inverary Drive that range from 2000m² to approximately 2400m². Those lots present a frontage of approximately 30m to Bells Line of

Road. Further, the adjoining land to the west has development consent for a subdivision into lots that are in the order of 2,000m².

It is incorrect to assume that the character of Kurmond is defined by acreages. Rather, the character is defined by a mix of lot sizes that offer a range of rural-residential or large lot lifestyles.

The proposal seeks minimum lot sizes of 2,000m². This does not mean that any resulting subdivision will see lots of 2,000m². The 2,000m² is a minimum lot size and does not take into consideration practical constraints that will inform the ultimate lot layout and lot sizes.

In particular, it is expected that lots larger than 2,000m² will be provided along the eastern boundaries which will allow for a landscaped buffer to be provided. That landscaped buffer can be protected by covenant to ensure their maintenance and protection.

Ultimately, the lot sizes that will be achieved will be subject to a separate development application where merit issues such as the subdivision layout, provision of a landscaping buffer and final lot sized will be determined.

The planning proposal seeks to establish minimum lot sizes without unnecessarily fragmenting minimum lot sizes across the land or introducing new minimum lot sizes to the Hawkesbury LEP.

The planning proposal does not propose anything that is foreign to the area. Rather, what is sought is in keeping with what has already taken place in the area and cannot be considered to be out of keeping with the character of the area.

The proposed subdivision does not result in any adverse visual impacts when viewed from Bells Line of Road as vantage points from that road are limited by development and vegetation along the road.

Similarly, views from Kurmond Road are limited due to vegetation and development.

Rural and semi-rural views are available for many kilometres along Bells Line of Road and are not unique to this location.

Foreground views will not change significantly as a consequence of the proposal due to existing dwelling development on Bells Line of Road. Likewise, the further district views to the higher ridgeline to the north will not be lost due to the nature of the terrain.

Beyond the riparian corridor, any development resulting from the proposal will not be out of keeping with structures located on the adjoining lots.

In accordance with Clause 4.1 of HLEP 2012 the minimum permissible lot size is 10 hectares.

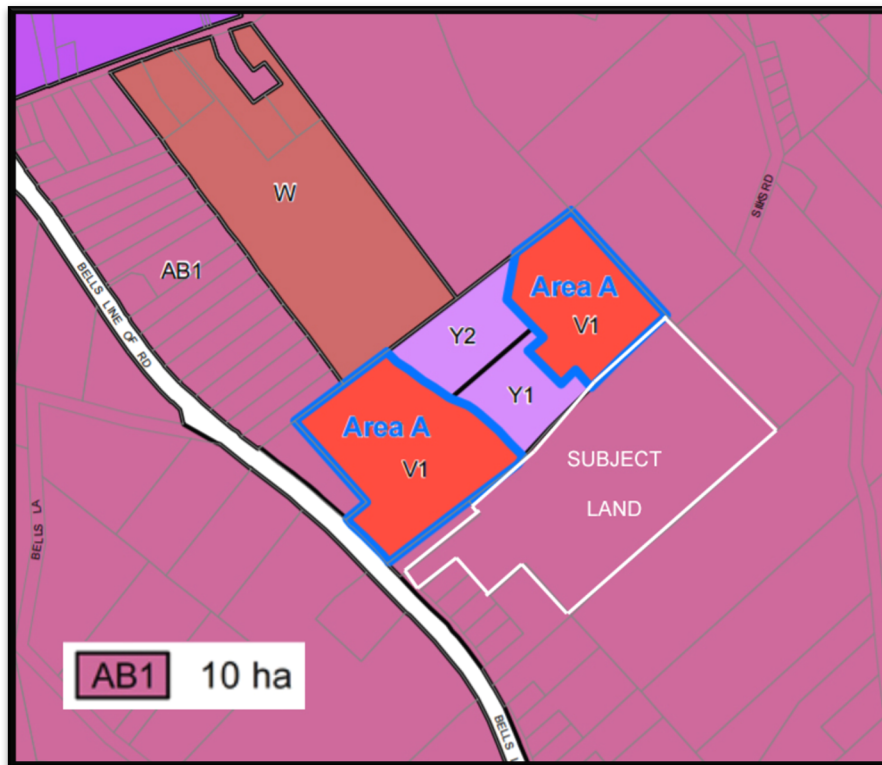


Figure 14: Extract from HLEP 2012 Lot Size Map Sheet LSZ_008AA

Council has seen a number of competing land use interests with primary producers and residential land uses. 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.

Most of the lots in this locality are already well below the minimum 10ha lot size. Those lots which do meet the minimum lot size, including the subject land, are not large enough to support viable agriculture or to provide sufficient buffers between agriculture and residential uses. Large lot rural-residential development is an appropriate use of land in the area and is reflective of the demand for larger lot living in the area.

The land is located within 1 kilometre of Kurmond Village, and therefore satisfies the necessary criteria for rural village expansion.²

The provision of additional land for housing in this location, particularly larger lots such as those anticipated by the Planning Proposal, is logical and represents *“the promotion and coordination of the orderly and economic use and development of land”* as stated in the Objects of the Environmental Planning & Assessment Act, 1979.

² Hawkesbury Residential Land Strategy, Adopted 10 May 2011.

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 2,000m² and 2ha; and
2. Identifying part of the land as being included within “Area A” (Subject to Clause 4.1D(1)).

This is indicated in Figure 16 below.

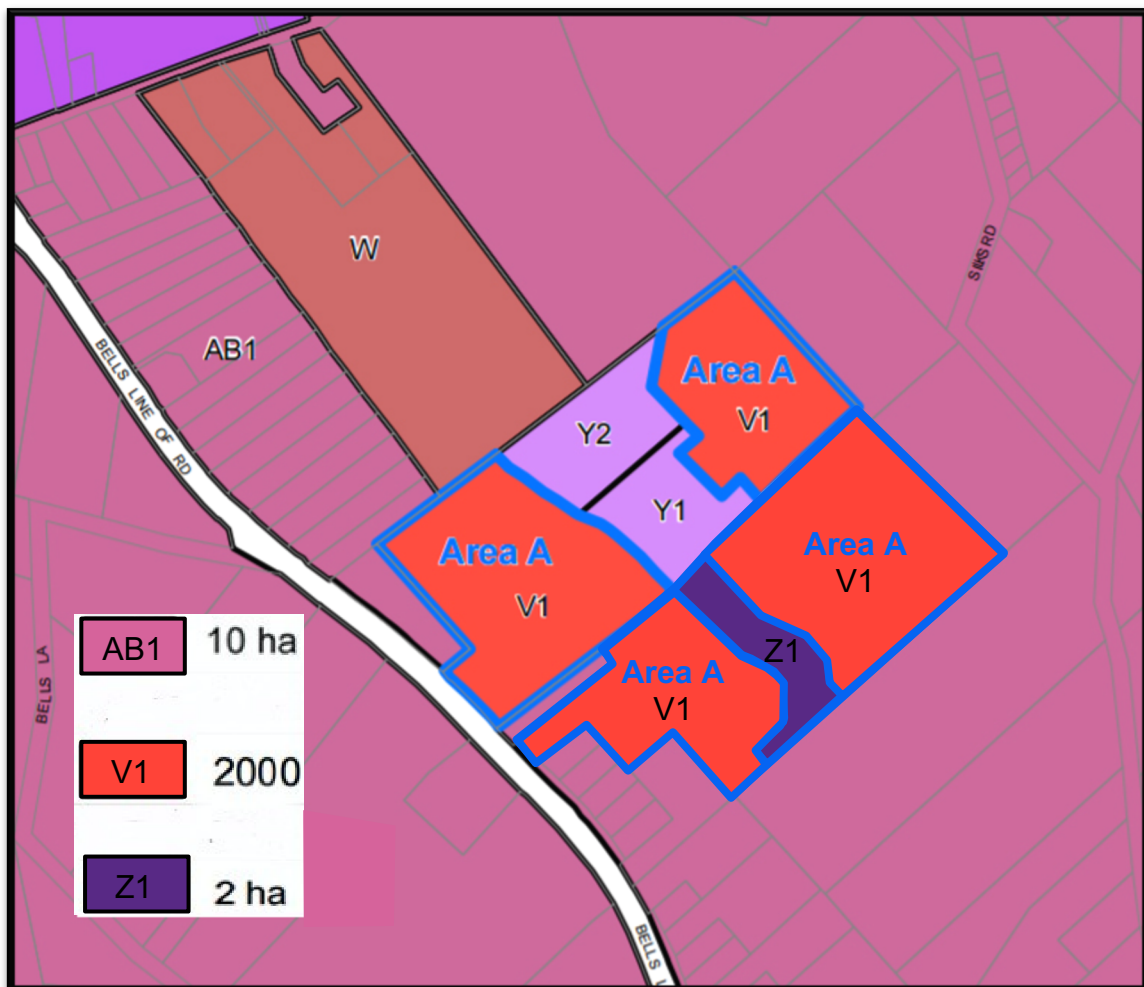


Figure 16: Proposed Amended HLEP 2012 Lot Size Map Sheet LSZ_008AA

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.

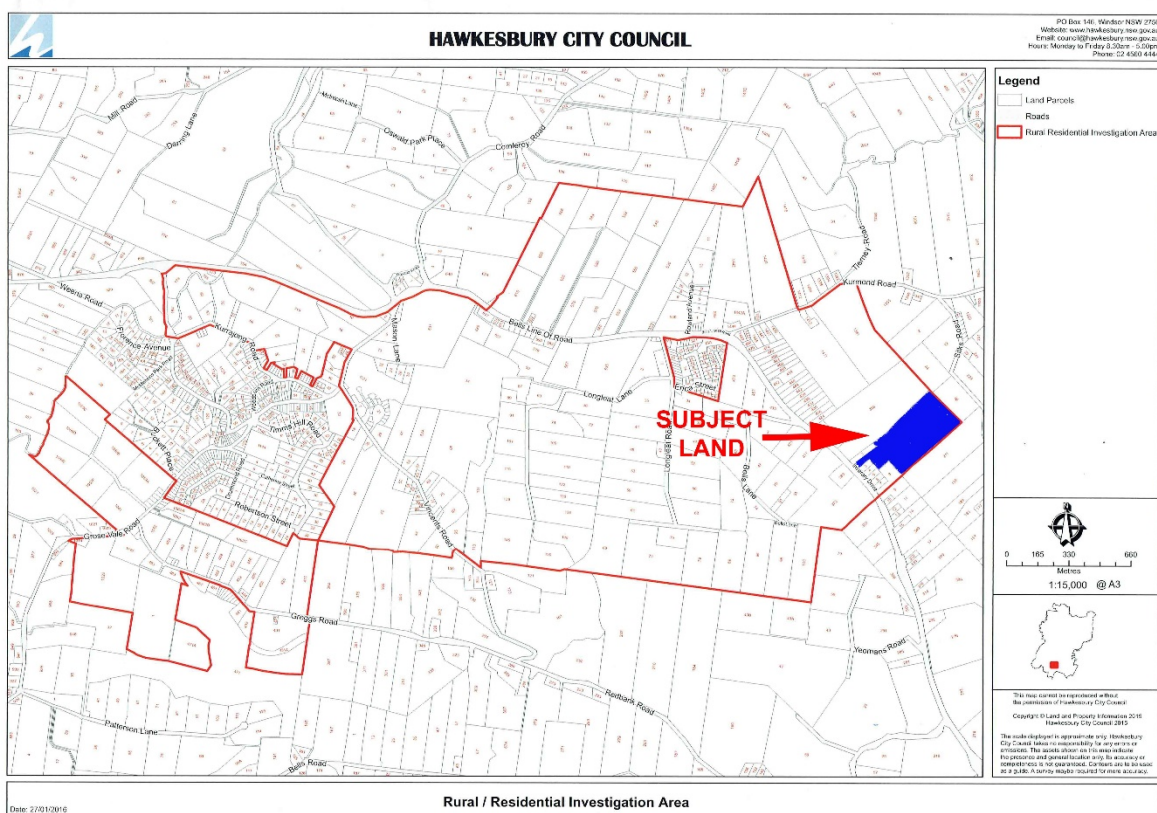


Figure 17: Kurmond Kurrajong Rural Residential Investigation Area – Source: HCC

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

Amending the Lot Size 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.

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, this is not considered to be the most efficient method.

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)?*

3.1 Greater Sydney Region Plan – A Metropolis of Three Cities

Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP) was updated in March 2018 and aims to provide a strategic framework for the growth of Sydney with a focus on accessibility of jobs, services, and quality public spaces in easy reach of where people live.

The “three cities” approach considers Greater Sydney as 3 spatial areas, being:

- The *Eastern Harbour City* which takes in the eastern parts of Sydney roughly bounded by Sutherland, Bankstown, Rhodes, Macquarie Park, Hornsby and Pittwater;
- The *Central River City* which is focussed around Parramatta and takes in Fairfield, Parramatta, Castle Hill, Rouse Hill and Blacktown; and
- The *Western Parkland City* which is focussed on Campbelltown, Liverpool and Penrith.

Although the Hawkesbury area is not within any of these “Three Cities”, it is considered to be well located in terms of road and rails accessibility to the Central River City, particularly Blacktown and Parramatta. The area is also accessible to the Western Parkland City by road, particularly Penrith. This accessibility will improve in the future with the realisation of the planned M9 Motorway corridor.

The subject land sits outside the Greater Sydney Region identified by the GSRP. Notwithstanding, this proposal is assessed against objectives of the 10 Directions for The Metropolis of Three Cities as follows:

Objective	Comment
1. A City supported by infrastructure	
Objective 1: Infrastructure supports the three cities	This is a higher order objective of the GSRP. In any event, the proposal does not hinder the ability of infrastructure to support coordinated growth of the greater Sydney region.
Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	
Objective 3: Infrastructure adapts to meet future needs	
Objective 4: Infrastructure use is optimised	The proposal utilises existing main road networks and provides its own sewer infrastructure.
2. A collaborative city	
Objective 5: Benefits of growth realised by collaboration of governments, community and business	This is a higher order objective of the GSRP

3. A city for people	
Objective 6: Services and infrastructure meet communities' changing needs	This is a higher order objective of the GSRP.
Objective 7: Communities are healthy, resilient and socially connected	The proposal would bring new population to the Kurmond and Kurrajong communities and strengthen those communities.
Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	
Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	This is a higher order objective of the GSRP.
4. Housing the city	
Objective 10: Greater housing supply	The proposal offers a small number of lots to provide housing choice. The provision of larger lots outside the greater Sydney region helps to free up lots within growth centres for future urban development.
Objective 11: Housing is more diverse and affordable	
5. Designing places for people	
Objective 12: Great places that bring people together	The proposal would bring new population to the Kurmond and Kurrajong communities and strengthen those communities.
Objective 13 : Environmental heritage is identified, conserved and enhanced	The land is not affected by environmental heritage.
6. A well connected city	
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The site is considered well connected to the Central River City, particularly Blacktown and Parramatta. The area is also accessible to the Western Parkland City by road, particularly Penrith.
Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	
Objective 16: Freight and logistics network is competitive and efficient	
Objective 17: Regional connectivity is enhanced	
7. Jobs and skills for the city	
Objective 18: Harbour CBD is stronger and more competitive	Not relevant as the proposal is for residential development.
Objective 19: Greater Parramatta is stronger and better connected	
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	
Objective 21: Internationally competitive health, education, research and innovation precincts	
Objective 22: Investment and business activity in centres	
Objective 23: Industrial and urban services land is planned, retained and managed	
Objective 24: Economic sectors are targeted for success	

8. A city in its landscape	
Objective 25: The coast and waterways are protected and healthier	The proposal ensures the protection of waterways through the site and satisfies the objectives of SREP No. 20 – Hawkesbury - Nepean River.
Objective 26: A cool and green parkland city in the South Creek corridor	Not relevant as the land is not within the South Creek Corridor.
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal aims to protect riparian vegetation on the land.
Objective 28: Scenic and cultural landscapes are protected	The proposal is satisfactory with regard to protecting vistas in the area.
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	The proposal is not contrary to these values.
Objective 30: Urban tree canopy cover is increased	Not relevant as the land is not within an urban area.
Objective 31: Public open space is accessible, protected and enhanced	The proposal offers large lots in a rural setting where access to public space is less important than in an urban setting.
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	The land has access to a pedestrian and cycleway along Bells Line of Road.
9. An efficient city	
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposal does not contribute to emissions within an urban area.
Objective 34: Energy and water flows are captured, used and re-used	
Objective 35: More waste is re-used and recycled to support the development of a circular economy	
10. A Resilient city	
Objective 36: People and places adapt to climate change and future shocks and stresses	This is a higher order objective of the GSRP.
Objective 37: Exposure to natural and urban hazards is reduced	The land is not subject to environmental hazards that cannot be mitigated.
Objective 38: Heatwaves and extreme heat are managed	The proposal provides lots outside of the urban area and as such are not affected by urban microclimates. Lots are of a size that enables landscaping treatments to mitigate on site microclimate.

The Planning Proposal does not hinder the achievement of the objectives of the GSRP or detract from the ability of the plan to be implemented

3.2 A Plan for Growing Sydney 2014

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
Goal 2: A city of housing choice, with homes that met our needs and lifestyles	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.
Direction 2.1: Accelerate housing supply across Sydney	The proposal is supported by appropriate infrastructure for the rural locality including transport, schools, health facilities, open space and recreation.
Action 2.1.1: Accelerate housing supply and local housing choices	The Hawkesbury Residential Lands Strategy has identified both the need for additional housing and suitable locations for additional housing.
Action 2.3.1: Require local housing strategies to plan for a range of housing types	A range of opportunities are identified including urban infill, new urban areas and additional housing around rural villages.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.	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. The Strategy recognises that urban growth in the Hawkesbury is severely limited by environmental constraints such as State and

Direction 4.2: Build Sydney's resilience to natural hazards Action 4.2.3: Map natural hazard risks to inform land use planning decisions Direction 4.3: Manage the impacts of development on the environment	National parks, agricultural land values, flooding issues, and noise constraints. The subject site is free from these constraints and satisfies the Hawkesbury Residential Lands Strategy criteria for rural village expansion. 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. 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. The land will be serviced with reticulated sewer via private main to the Sydney Water sewage treatment plant at North Richmond. 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.
Priorities for West Subregion: Accelerate housing supply, choice and affordability and build great places to live	One of the stated priorities is to: "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." This planning proposal will assist by creating new housing opportunities in a suitable location as identified by the Hawkesbury Residential Lands Strategy.

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.
NW Action D2.3.3 State and local government to improve existing interchanges and bus stops. NW Action D3.1.1 The Roads and Traffic Authority (now Roads and Maritime Service (RMS)), in cooperation with the local government, to continue to upgrade walking and cycling facilities, including cycleway development in Blacktown, Castle Hill and Colo. NW Action D3.1.2 The NSW Government and local government to work together to align local walking and cycling networks with public transport routes to improve accessibility to public transport.	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. 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.
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.	The relevant public authorities will be consulted during preparation of the draft plan.
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 land and surrounding land is not identified as having heritage significance.

the North West Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.	
NW Action F2.1.1 Councils to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and residential growth is being located. NW Action F2.1.2 Council to consider open space improvement programs with better facilities to encourage use. NW Action F2.1.3 Councils to consider mechanisms to increase the capacity of local sports fields to a district level. NW Action F2.1.4 NSW Government and local councils to develop links between smaller reserves to create diversity and broader user experience. NW Action F2.1.5 Local councils to consider modifying underutilised open space for informal activities such as skating, basketball, netball and the establishment of cafes.	It is considered that the additional population generated by this Planning Proposal is unlikely to trigger a requirement for acquisition of additional open space land. This is especially the case where the minimum lot size will be 2,000m², 4,000m² and 2 ha, which provides for large amounts of private open space.

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.

3.3 Draft Western Sydney District Plan

The Western City District comprises the local government areas (LGA) of Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly. Significant urban growth is targeted for Greater Penrith, Badgerys Creek Airport, Liverpool and Campbelltown – Macarthur.

The opportunity for urban growth in particular, new housing and increased densities, is very limited by the constraints imposed by Hawkesbury River flood events and the capacity of the local and regional road system for resident evacuation in times of flood. Indeed, a number of planning proposals for small residential projects around the Richmond - Windsor centre have been recently rejected by the Gateway due to flooding and evacuation constraints.

This major constraint is recognised by the draft *Western City District Plan* in the fact that no significant growth is planned within the Hawkesbury LGA. Previous regional and local strategies have also recognised that minimal residential growth will occur with the LGA.

The subject land is located at Kurmond, some 5 kilometres to the north-west of the Hawkesbury River (North Richmond bridge) off Bells Line of Road. The land is not constrained by flooding or evacuation capacity, and the proposal represents a small increase in the number of dwellings within the rural village of Kurmond.

In 2011 Hawkesbury City Council prepared a Residential Land Strategy, largely in response to dwelling targets suggested by the then Northwest Draft Subregional Strategy. This Strategy, inter alia, provided a number of criteria for rural village expansion, which would allow minor growth while not significantly changing the character of the villages. This Planning Proposal was prepared in response to the Hawkesbury Residential Strategy.

It is fair to say that the Hawkesbury LGA is not a major contributor to the growth in housing and jobs. However, minor planning proposals such as this provide additional choice and variety of housing available locally within the LGA.

The following table lists the Planning Priorities and Actions under the draft Western City District Plan with relevant commentary in relation to the planning proposal.

Planning Priority W1 Planning for a city supported by infrastructure	
Actions	Comment
1. Prioritise infrastructure investments to support the vision of a metropolis of three cities	This planning proposal will provide the opportunity for approximately 32 additional dwellings. This minor growth will assist in better utilising existing infrastructure, in terms of roads, schools and community facilities. It has been demonstrated the land will be serviced with reticulated sewer, by a private main to the North Richmond STP.
2. Sequence growth across the three cities to promote the north-south and east-west connections	
3. Align forecast growth with infrastructure	
4. Sequence infrastructure provision using a place-based approach	This is in conjunction with the property adjoining to the north-west (396 Bells Line of Road), which has recently been rezoned to reduce the minimum lot size and has a development application approved to subdivide the adjoining land into 32 rural residential lots.
5. Consider the adaptability of infrastructure and its potential for shared use	
6. Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralized utilities.	The existing water supply has capacity for additional dwellings and if necessary, can be supplemented by roof water collection as is common on large lot residential properties in the area. There is no negative impact in relation to the provision of infrastructure.

Planning Priority W2 Working through collaboration	
7. Identify, prioritise and deliver Collaboration Areas	This Action is not relevant to the planning proposal.
Planning Priority W3 Providing services and social infrastructure to meet people’s changing needs	
8. Deliver social infrastructure to reflect the needs of the community now and in the future	This planning proposal essentially represents minor infill development. It is considered that existing social infrastructure will become more viable to retain with minor increases across various age groups.
9. Optimise the use of available public land for social infrastructure	
Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities	
10. Deliver inclusive places for people of all ages and abilities that support healthy, resilient and socially connected communities by: a. Providing walkable places with active street life and a human scale b. Co-locating schools, social, health, sporting, cultural and shared facilities.	The planning proposal will facilitate a small number of large lot residential properties located within a rural village setting. Existing facilities will be better utilised by the marginal increase in population.
11. Consider cultural diversity in strategic planning and engagement.	Not applicable to this proposal, as it proposes to facilitate housing in a rural setting to meet local demand
12. Strengthen the economic self- determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Councils to better understand and support their economic aspirations as they relate to land use planning.	This is a matter for Council and government agencies. This proposal will facilitate housing for a specific sector of the community,
13. Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including: a. Creative arts and cultural enterprises and facilities b. Creative interim and temporary uses c. Appropriate development of the night time economy	The proposal is for minor infill development around a rural village only. Notwithstanding, marginal increases in population in proximity to the villages will facilitate this action.
14. Strengthen social connections within and between communities through better	As stated above, the proposal is for minor infill

understanding of the nature of social networks and supporting infrastructure in local places.	development.
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Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs and services	
15. Prepare local or district housing strategies that address the following: a. The delivery of five-year housing supply targets for each local government area b. The delivery of 6-10-year (when agreed) housing supply targets for each local government area c. Capacity to contribute to the longer term 20-year strategic housing target for the District d. housing strategy requirements outlined in objective 10 of the draft Greater Sydney Region Plan that include: i. creating capacity for more housing in the right locations supporting planning and delivery of priority growth areas and precincts as relevant to each local government area supporting investigation of opportunities for alignment with investment in regional and district infrastructure supporting the role of centres	This planning proposal was prepared in response to the Hawkesbury Residential Land Strategy, published in 2011. Part of the Strategy was to facilitate additional large lot residential development around existing rural villages. The Strategy provides a number of detailed sustainability criteria by which planning proposals such as this would be assessed. Pages 22 and 23 of the planning proposal submission provides a table of compliance. This type of minor increase in potential dwellings around the existing villages is sound planning practice and has the following benefits: • providing increased availability and choice of housing within the LGA; • facilitating the entry of younger families to the housing market within the rural villages; • providing clear guidance and criteria for location and performance of new housing; • the rural village character is not substantially changed by large lot residential; • existing infrastructure, which is underutilised due to declining dwelling occupancy rates and an ageing population. Is more fully utilised and becomes more sustainable • existing commercial and medical services located within rural villages are bolstered by the minor increase in dwelling numbers, and are more likely to remain viable. It is considered that this part of the Strategy is essential to the long-term survival of the rural villages and the services they provide.
16. Prepare Affordable Rental Housing Target Schemes	Not applicable to this planning proposal

Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage	
17. Deliver great places by: a. Prioritising a people friendly public realm and open spaces as a central organising design principle b. Recognising and balancing the dual function of streets as places for people and movement c. Providing fine grain urban form, high amenity and walkability d. Integrating social infrastructure to support social connections and provide a community hub e. Encouraging contemporary interpretation of heritage where possible f. Using a place-based and collaborative approach throughout planning, design, development and management.	This planning proposal represents minor infill development on the edge of a rural village. The directions in this Planning Priority are aimed at creating new urban communities, and are therefore not relevant to this proposal.
18. Conserve and enhance environmental heritage by: a. Engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values b. Conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places.	The land does not include any identified items of heritage. The subsequent development application will be required to undertake a higher level of analysis/ review.
19. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.	This direction is clearly aimed at urban development however, there is some relevance for rural villages. This planning proposal supports the role of Kurmond Village in servicing the surrounding rural and rural residential properties. The adopted Hawkesbury Residential Land Strategy advocates the need to bolster the rural villages with additional population. By doing so, the Council is also sending a clear message that development of rural land in inappropriate locations will not be supported.

Planning Priority W7
Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City

20. Integrate land use and transport plans to deliver the 30-minute city.	The subject land is within a rural village setting. Although public transport (bus) operates through Kurmond. The level of service will never match the objective for urban communities. However, a marginal increase in population in this area is likely to assist in keeping existing services viable.
21. Investigate, plan and protect future transport and infrastructure corridors.	
22. Support innovative approaches to the operation of business, educational and institutional establishments to improve performance of the transport network.	
23. Manage the interfaces of industrial areas, trade gateways and intermodal facilities.	
24. Optimise the efficiency and effectiveness of the freight handling and logistics network	
25. Investigate and plan for the land use implications of potential long-term transport connections.	
26. Plan for urban development, new centres and employment uses that are integrated with, and optimise opportunities of, the public value and use of the potential north- south train link	
27. Protect transport corridors as appropriate, including the Western Sydney Freight Line and the outer Sydney Orbital.	
28. Create landscaped boulevards along new and major transport corridor upgrades as appropriate to the existing environment.	
29. Prioritise the planning and delivery of east-west and north-south roads to facilitate access to the strategic centres (including Badgally Road transport corridor to Campbelltown, Spring Farm Parkway and the Horsley Drive) and improve walking and safe cycling connections nearby.	

Planning Priority W8
Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek

Aerotropolis	
Actions 30-36 not detailed here as they are not relevant to the proposal	Not relevant
Planning Priority W9 Growing and strengthening the metropolitan city cluster	
Actions 37-45 not detailed here as they are not relevant to the proposal	Not relevant
Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	
Actions 46 -50 not detailed here as they are not relevant to the proposal	Not relevant
Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres	
Actions 51 -60 not detailed here as they are not relevant to the proposal	These actions are not relevant to this planning proposal. Notwithstanding, the proposal will assist in maintaining the viability of local businesses.
61. Strengthen Richmond-Windsor through approaches that: a. support complementary land uses around the agglomeration of education and defence uses in Richmond b. support master planning processes for Richmond and Windsor that encourage new lifestyle and entertainment uses, employment opportunities, activate streets and places, grow the tourism economy and respect and enhance the significant heritage value and assets c. facilitate the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate,	Incremental increases in population within the LGA will assist in supporting the existing centres.

including smart work hubs.	
62. Strengthen St Marys through approaches that: Not relevant to proposal	Not relevant

Planning Priority W12

Protecting and improving the health and enjoyment of the District's waterways

63. Protect environmentally sensitive waterways	The subject land contains a minor watercourse. The preliminary concept plan contains a central larger rural residential lot (minimum 2 hectares) which contains the watercourse, associated riparian vegetation and a widened vegetation protection corridor. This lot is designed to ensure that future building envelope, bushfire asset protection zone and effluent disposal area will achieve required separation distances and will not create interference with the vegetation corridor. In addition, a vegetation management plan will be implemented for this future lots through a positive covenant ensuring ongoing protection of the waterway and riparian corridor.
64. Enhance sustainability and liveability by improving and managing access to waterways and foreshores for recreation, tourism, cultural events and water-based transport.	
65. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impact of development including coordinated monitoring of outcomes.	
66. Reinstate more natural conditions in highly modified urban waterways	Future vegetation management plans will be implemented through the development application and subdivision processes to enhance and protect the riparian corridor within the land.

Planning Priority W13

Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element

67. Implement the South Creek Corridor Plan and use the design principles for South Creek to deliver a cool and green Western Sydney Parkland	The Planning proposal is not within the South Creek Corridor Plan.
68. Protect and enhance biodiversity by: a. supporting landscape-scale biodiversity conservation and the restoration of bushland	As a consequence of animal grazing over many years, the land is largely cleared pasture, with some minor regrowth in some areas. Bushland remnants remain along the minor watercourses with scattered trees along fence

corridors b. managing urban bushland and remnant vegetation as green infrastructure.	lines. The preliminary concept recognises the constraints of the land by using varying minimum lot sizes as appropriate. locations. In particular, a minimum lot size of 2 hectares is proposed along the expanded central riparian corridor, which will ensure that this area is not fragmented. In addition, a vegetation management plan will be implemented for future lots through positive covenants ensuring ongoing protection of the waterway and riparian corridor. It is noted that this proposal continues the principles established for the recent planning proposal at 396 Bells Line of Road, which adjoins to the north-west.
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Planning Priority W15
Increasing urban tree canopy cover and delivering Green Grid connections

69. Expand the tree canopy in the public realm.	There is no public land proposed as a consequence of this proposal. The land is not identified as a Green Grid opportunity. This Priority is not relevant to the proposal
70. Progressively refine the detailed design and delivery of: a. Greater Sydney Green Grid opportunities b. connections that form the long-term vision of the network	
71. Create Greater Sydney Green Grid connections to the Western Sydney Parklands.	
72. Identify and protect scenic and cultural landscapes, specifically the Scenic Hills and the escarpments of the Blue Mountains.	The land is located on the lower foot slopes to part of the Blue Mountains eastern escarpment. There are numerous minor ridgelines within the locality, including Bells Line of Road and local roads. Future development resulting from these planning proposals will be largely lower than the existing minor ridgelines and will not impact on distant views to the eastern escarpment. The proposal represents minor sustainable development which satisfies all criteria of the Hawkesbury Residential Strategy for rural village expansion.
73. Enhance and protect views of scenic and cultural landscapes from the public realm.	

Planning Priority W17
Better managing rural areas

74. Maintain or enhance the values of the Metropolitan Rural Areas using place-based planning to deliver targeted environmental, social and economic outcomes, including rural residential development.	This planning priority seeks to protect habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. The proposal seeks to protect those areas of the site that are of highest biodiversity value. The subject land, by virtue of its topography, does not lend itself to the growing of crops and is not suitable for a viable grazing function. The subject land is not within an area that contains clay and shale suitable for the manufacture of construction materials. The proposal offers a number of benefits to the local area through increasing the number of rural-residential lots.
75. Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham	Not relevant to the proposal as the proposed development seeks to provide for rural-residential development as anticipated by 74. above.

Planning Priority W18
Delivering high quality open space

76. Refers to existing open space areas. Details not included as not relevant to this proposal.	Not relevant to the proposal.
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Planning Priority W19
Reducing carbon emissions and managing energy. Water and waste efficiency.

77. - 82. Refers to Priority Growth Areas and other identified projects.	Not relevant to the proposal.
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Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change	
83. Support initiatives that respond to the impacts of climate change.	The proposal is for rural residential development within a rural village setting.
84. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	The land is not flood affected and residents in this locality are not reliant on flood prone roads near the Hawkesbury River and surrounding lowlands.
85. Respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in <i>Resilient Valley, Resilient Communities – Hawkesbury Nepean Valley Flood Risk Management Strategy</i> .	

Having reviewed the Priorities and Directions contained within the draft *Western City District Plan*, it is considered that this planning proposal is consistent with the draft Plan and satisfies all relevant requirements.

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.

a. 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

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.

b. Hawkesbury Residential Land Strategy 2011

The Hawkesbury Residential Land Strategy guides the location and type of future residential development within the LGA. The strategy is based on best practice models of sustainable development which seek to guide future residential development within the LGA over the next 30 years and ensure future residential development is sustainable and meets the needs of the Hawkesbury population.

The review of population and dwelling characteristics (Chapter 3.0) identified that future population growth within the LGA is ageing and household sizes are decreasing. This will have significant impact on housing needs, services and facilities within the LGA.

The projections show an estimated demand for an additional 5,932 dwellings which is slightly higher than the dwelling target set in the North Western Subregional Strategy.

The Residential Strategy is designed to be suitably flexible to provide 5,000-6,000 dwellings with the final number of dwellings being shaped by market demand and more detailed environmental capacity analysis. As outlined in Section 3.3.6 [of the Strategy], the majority of additional dwellings (5,400 dwellings) will be located in existing or expanded urban and village areas where they can access such services and facilities. The remainder of future development (600 dwellings) will be located in the remaining localities, subject to compliance with the sustainability matrix for neighbourhood centres.³

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

6.5 Rural Village Criteria	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 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 18 shows the relationship between the land and the available nearby services.

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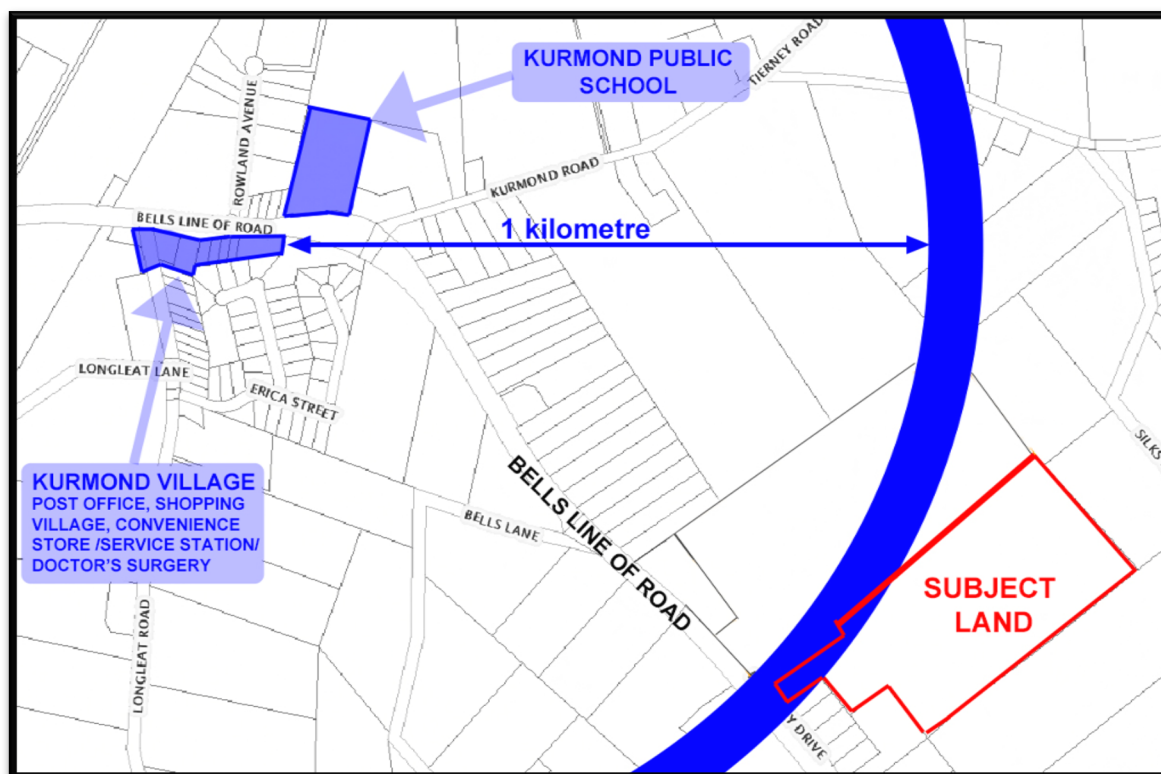


Figure 18: Proximity to local services

c. 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: 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 Report⁴, which is reproduced as Figure 24 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. 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> Impact of development on watercourses and riparian areas	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors Road crossings of watercourses are to be minimised Fragmentation of riparian areas is to be minimised
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.		
<i>Dams</i> Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems	Fundamental - Minor	Legislation applies to threatened and endangered species. OEH concurrence may be required Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems is to be adhered to
Comment: A small turkey nest dam is located in the south-west corner of the land. This dam will be contained within the proposed 4,000m² lot which will contain the existing dwelling. Accordingly, the dam will not be impacted by future subdivision.		
Factor	Degree of Constraint to Development	Recommendation
<i>Bush Fire threat</i> Impact of the location and management of APZs and perimeter roads	Fundamental - Major	RFS concurrence may be required 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
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.		

⁴ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

<i>Aboriginal Heritage</i> Impact of development on Aboriginal heritage items	Fundamental - Moderate	<i>National Parks and Wildlife Act 1974</i> applies Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications
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: 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. A Preliminary Site Investigation was carried out by Geotest Services Pty Ltd in July 2019. Further considered can be given to this at development application stage. Geotest concluded that the site is considered suitable for future residential land-uses from a contamination perspective. ⁵		
<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 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		

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.		

⁵ Geotest Services, Preliminary Site Investigation Report, 2 Inverary Drive, Kurmond, 16 July 2019
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<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 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.		
<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: 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.		

d. Kurmond and Kurrajong Landscape Character Strategy

The Kurmond and Kurrajong Landscape Character Study provides guidelines for future development within the Kurmond Kurrajong Investigation Area, including the following which are relevant to the subject planning proposal:

Guideline	Comment
Prevent development and subdivision from sprawling and create a buffer between residential and active rural land uses.	The subject land is appropriate for subdivision to take place in order to further the aims of the HRLS as they relate to the KKIA. Further, the land to the south east is used as a plant nursey for growing cut flowers. The proposed development allows for the provision of a landscaped buffer along that boundary which is capable of being provided by an appropriate covenant or building envelope over those lots.
Ensure rural lot sizes maintain low density, optimise ecological corridors and open views.	The lot sizes would maintain a low density, being in the order of 5 dwellings per hectare. The Planning Proposal recognises and ensures the protection and maintenance of the riparian corridor across the land. There are no open views across the subject land.
Retain, protect and regenerate vegetation corridors identified in mapping.	The Planning Proposal recognises and ensures the protection and maintenance of the riparian corridor across the land.
Do not permit small lot (<0.5ha) development of land identified as high, very high priority habitat	The land is not identified as being high or very high habitat value.
Prevent rezoning of critical land parcels that provide significant view corridors.	The Planning Proposal does not involve the rezoning of the land. In any event, the land is not a critical parcel of land that provides a view corridor to or from either Bells Line of Road, Kurmond Road or Silks Road.
Permit rezoning and subdivision of land deemed appropriate/lower order in terms of views.	The subject land is considered lower order in terms of views in that the land is not a part of any key views and vistas that are of value in the area.
Prevent creation of small lot sizes.	The proposed lot sizes are consistent with the Gateway Determination and the development adjoining to the west.
Document and maintain key regional and district views (see maps).	The subject land is not within key views or vistas across the district or the region.

Interpret views at key locations.	The subject land is not a key location that offers views that should be interpreted. This guideline is considered relevant to sites and locations that offer views to focal points such as across the Sydney basin, Grose Valley or the like.
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The Kurmond and Kurralong Landscape Character Study identifies 4 landscape character types which are identified on the Landscape Character Map. Council has identified that two landscape character types occur on the subject site, including:

- Ridgeline streets:

The landscape character along the ridgeline is predominantly urban. Roads such as The Bells Line of Road, Old Bells Line of Road and Kurmond Road run along the ridgelines. Their elevated position provides views of the Richmond Lowlands and the Blue Mountains.

- Pastural valleys:

The rural character of the region is defined by the lightly sloping open pastures with scattered trees over gently sloping terrain. Significant areas of land have been cleared for grazing and agricultural uses. Properties are dotted amongst the hills and valleys of the landscape situated between groupings of trees.

As can be seen from the air photo in Figure 1 as well as the 2 photographs below, views of the land are obscured by existing development along Inverary Drive as well as the topography.

It is only the immediate part of the subject land that immediately fronts Bells Line of Road that can be considered to be part of the “ridgeline street” character type. Land along the ridgetop road is taken up by existing development on lots around 2,000m² in size which already forms a barrier to views.



Figure 19: Looking east into the subject land from in front of 396 Bells Line of Road



Figure 20: Looking north into the site from in front of 8 Inverary Drive

With the exception of that part of 2 Inverary Drive that is visible to Bells Line of Road, the subject land has no interface to Bells Line of Road or any other ridgeline road.

The Kurmond and Kurrabung Landscape Character Study identifies that within the “ridgeline street” character type, 2,000m² lot sizes can create a barrier to near and distant views and vistas. The circumstances of the subject land’s shape as well as the existing subdivision and development pattern on the ridge top along Bells Line of Road do not result in the subdivision of the subject land creating a barrier to views.

The site is better described as falling into the character type of “pastoral valleys”.

The subject land sits in a valley that, unlike a number of pastoral valleys in the area and along Bells Line of Road, is screened from views of the surrounding roads by topography.

2,000m² lot sizes over the land would match the low density character of those lots currently fronting Inverary Drive as well as approved for the adjoining land at 396 Bells Line of Road. A subdivision of the land to meet the 2,000m² minimum lot size does not provide a pattern of land use that is not currently evident in the area.

The Landscape Character Strategy calls for a buffer between residential uses and active rural uses. A buffer area can be provided along the edge the lots which is planted with species endemic to the Shale Sandstone Transition Forest and Shale Plains Woodland that is found on the land and surrounding land.

That landscape buffer can be secured through restrictions as to user and building envelopes on title. As the subdivision would be Community Title in keeping with that at 396 Bells Line of Road, a second layer of protection is also provided through the Community Management Scheme to ensure the protection and ongoing management of all vegetation on the land, including the perimeter vegetation buffer.



Figure 21: Landscape Strategy

The Planning Proposal is supported by a Flora and Fauna Assessment carried out by Envirotech Environmental and Engineering Consultancy Services.

That assessment has found that the Shale Sandstone Transition Forest ecological community present on the site is in a degraded to moderate structure.⁶ It is acknowledged that vegetation mapping for the Hawkesbury Local Government Area has been carried out which ranks the rear half of the land as “very high priority habitat”. With respect to the mapping exercise, ground truthing is required to confirm the findings of mapping. That ground truthing has found the habitat to be degraded and moderate at best.

The proposal ensures the protection of the better quality habitat through the riparian corridor which is also mapped as Shale Sandstone Transition Forest thus ensuring that ecological community is preserved on the land and connectivity with adjoining land is likewise preserved.

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)

Relevantly, the Hawkesbury Residential Land Strategy draws an effective 1km radius around the Kurmond Village. The subject land is within that radius.

⁶ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.
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- 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. Bells Line of Road is development with narrow residential lots which screen views into the land. The proposed lots will have frontage and access to new internal roads. The proposed subdivision will not be readily visible from this road and access to that road will be restricted.

As part of the subdivision of the adjoining land, the RMS has approved intersection works at Bells Line of Road and the proposed road which will result in management of traffic movements in and out of the subdivision.

- 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. As the land slopes toward the north east, development would be screened by vegetation both in and beyond the riparian corridor. Lots of 2,000m² will be able to retain vegetation to assist in reducing any visual impacts. Further, any proposed subdivision can be required to implement street tree planting along the proposed internal roads.

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 the 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.⁷

SEPP 55 – Remediation of Land.

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

There has been no demolition of structures on the land and no stockpiling of materials

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.

A Preliminary Site Investigation was carried out by Geotest Services Pty Ltd in July 2019. Geotest concluded that based on the desktop investigation, site inspections, observations collected during the site walkover, the site is considered suitable for future residential land-uses from a contamination perspective.⁸

Geotest have made a number of recommendations which would be appropriately imposed on any future development application for the subdivision of the land, as follows:

- Lawful disposal of any generated debris, rubble and waste to licensed facility and provision of dockets; and
- A waste classification should be prepared for any soil materials being disposed off-site in accordance with NSW EPA 2014 Waste Classification Guidelines Part 1;
- The dam wall bunds should be inspected by a suitably experienced environmental consultant during early-earthworks phase to ensure the suitability of the soils for re-use within the development;
- The site dams should be inspected by an experienced environmental consulting following de-watering and an assessment of the dam sediment carried out for future land-use suitability;

⁷ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

⁸ Geotest Services, Preliminary Site Investigation Report, 2 Inverary Drive, Kurmond, 16 July 2019

- Should imported materials be required for site levelling or grading, only certified Virgin Excavated Natural Materials (VENM) or materials recovered under a relevant and current NSW EPA resource recovery exemption should be used.

An unexpected finds protocol should also be implemented should any waste, unsuitable or contaminated fill (not consistent with regional geology) be identified.

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:

- 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.*
- Consider the impact of the development concerned on the catchment.*
- 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 the applicable Ministerial Directions (s.9.1 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 9.1 directions.

Direction	Consistency	Reason
1.2 Rural Zones	Yes	The draft LEP will be consistent with paragraphs 4(a) and 4(b) because: 4(a): The rural zoning of land is not proposed to be changed. 4(b): The proposal will increase the permissible density of land within a rural zone, however the land is effectively within an existing village. Notwithstanding, it is considered that the proposal is justified by the Hawkesbury Residential Land Strategy as it meets the criteria for rural village development.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	There are no existing extraction sites within or near this locality. It is understood that no specific resources have been identified in this locality. Notwithstanding, the current RU1 zone permits extractive industries and open cut mining with the consent of Council. This planning proposal does not change the land use table, therefore these activities remain permissible uses. In reality, however, extractive industries or open cut mines are simply not suitable for this locality due to the existing residential and rural residential nature of the area. Whether the minimum lot size is 10 hectares or 2,000m², the conflict between extracting any resources and the established pattern of development would be far too significant. Should the planning proposal be supported by Council and receive Gateway approval, NSW Trade & Investment will be consulted during draft plan preparation.
3.4 Integrated Land Use and Transport	Yes	The draft LEP will provide housing opportunities in a locality which is adequately serviced by public transport (in rural village terms). The Richmond to Kurrajong bus route takes in this section of Bells Line of Road. The draft LEP is consistent with the relevant guidelines and policy.

4.1 Acid Sulphate Soils	No	Figure 22 below is an extract from the Council's Acid Sulphate Soils Map, which shows that the property is identified as Class 5. Class 5 Acid Sulphate Soils are a low risk classification and the land is not within proximity to Acid Sulphate Soils of a higher classification. The land is also not low lying land, with the lowest RL being approximately 49m AHD. It is considered that the inconsistency with this Direction is justified as the proposal is of minor significance.
4.4 Planning for Bushfire Protection	Yes	The Rural Fire Service will be consulted by the Council during preparation of the draft LEP. A preliminary assessment prepared by Envirotech Pty Ltd concludes that the proposal is able to comply with <i>Planning for Bushfire Protection</i>. Recent ground truthing was carried out by Envirotech ahead of this revision of the planning proposal and confirmed the findings of their 2014 bushfire report.
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 reservations.
6.3 Site Specific Provisions (4)(a) (4)(b) (4)(c)	Yes	The proposal will amend the lot size map as it applies to the land. The proposal does not introduce new standards above those already available in the Hawkesbury LEP, and only seeks to apply those available standards.
7.1 Implementation of the Metropolitan Strategy	Yes	The planning proposal is consistent with the Metropolitan Strategy. This is discussed in Section B of this report.

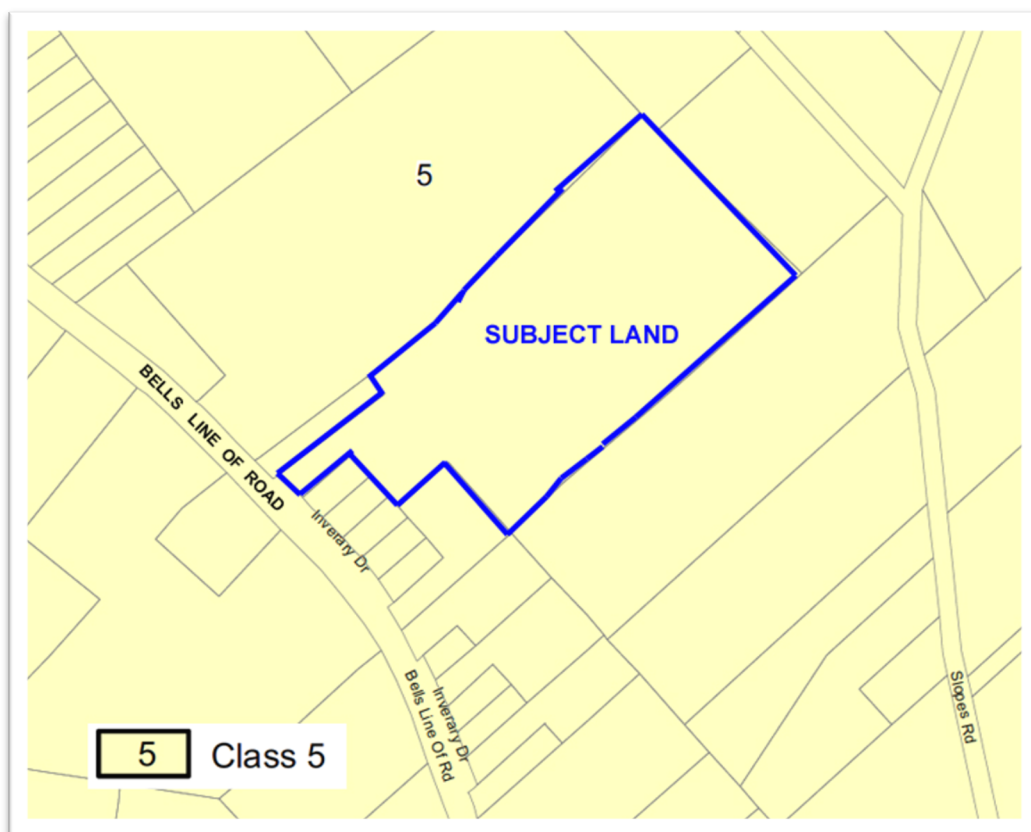


Figure 22: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008AA

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 23 below is an extract from the relevant map.

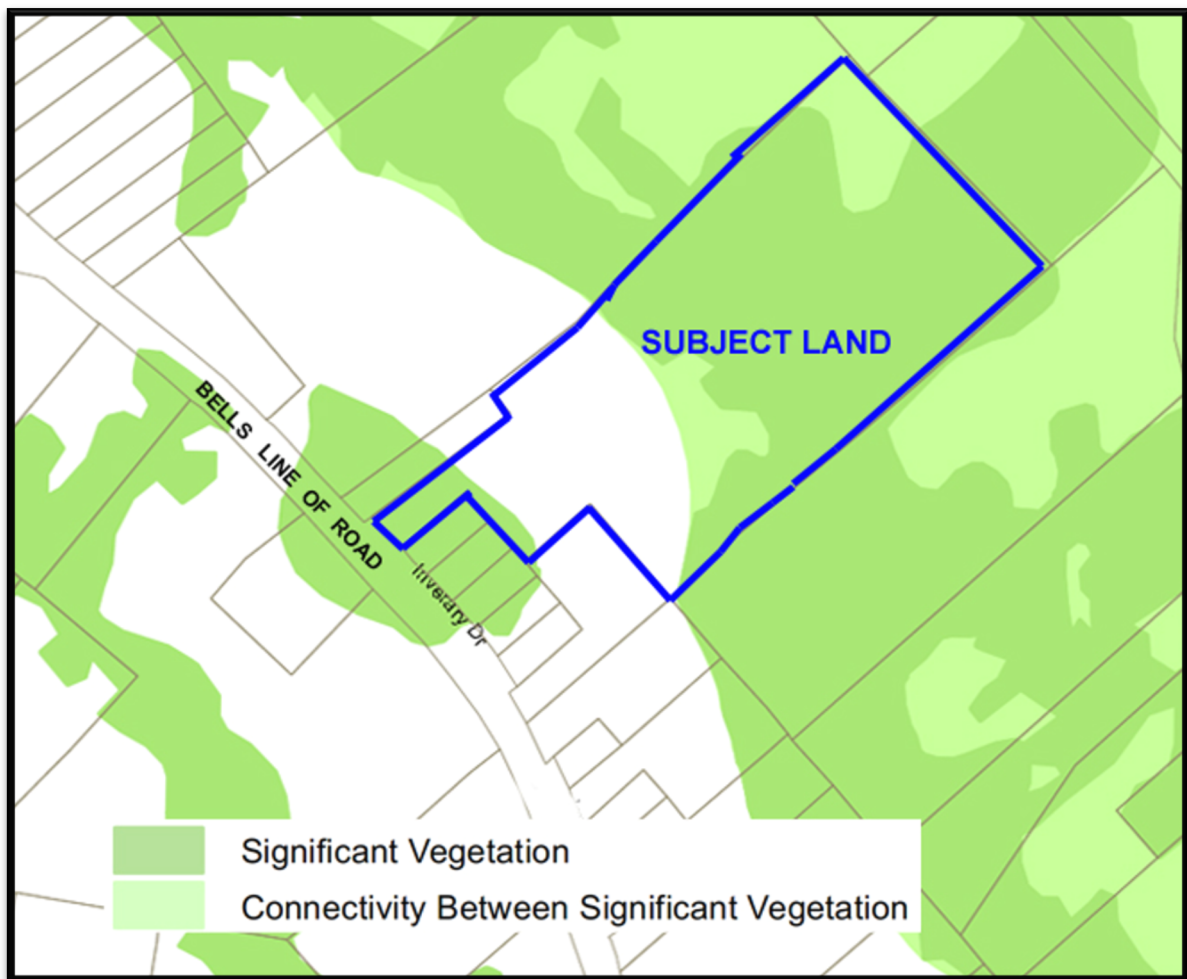


Figure 23: Extract from HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008AA

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 Report⁹, which is reproduced as Figure 24 below.

⁹ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.
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Figure 24: Extract from Envirotech Report (Figure 6)

The proposed 2ha minimum lot size created over the riparian corridor will 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 titles. The Envirotech flora and fauna assessment, including a seven part test for endangered species and ecological communities, concludes that there is unlikely to be any significant impact.

These findings have been based on extensive ground truthing of the land over various dates for a total period exceeding 12 hours as well as studies over adjoining land. It was found that the vegetation, how representative it is of the Shale Sandstone Transition Forest ecological community and its overall condition, was degraded to moderate.¹⁰

Ground truthing of fauna species was also carried out for a period of 14.5 hours, as well as further studies of adjoining land. It was found that the habitat value was limited to avian fauna in the canopies, as well as habitat for small mammals, reptiles and amphibians within the rocky outcrops within the riparian which is sought to be protected.¹¹

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.

¹⁰ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

¹¹ Envirotech Pty Ltd, Flora and Fauna Assessment Report, 2 Inverary Drive Kurmond, 9 June 2016.

9. Has the planning proposal adequately addressed any social and economic effects?

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

The suggested project timeline is as follows:

Project Phase	Indicative Timeline
1. Anticipated commencement date	4 weeks from date of referral to the Department of Planning 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	4 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.
