

Request for Gateway Determination Review

42 Bells Lane Kurmond

Ref: PP 2019 HAWKE 003 00

Executive Summary

The purpose of this document is to accompany a request for Gateway review for the planning proposal to permit subdivision, with a maximum yield of 5 lots with a minimum size of 4,000m² or greater, for the property at 42 Bells Lane, Kurmond.

This landowner proposed planning proposal was prepared in 2016 in accordance with, and is still consistent with, the Council strategic planning documents that were, and still are, in place at the time of lodgement.

The planning proposal was forwarded by Council to the Department of Planning, Industry and Environment on 17 September 2019 requesting a Gateway Determination.

The Gateway Determination, advising that the proposal should not proceed, was issued on 5 May 2020. The Gateway Determination provided six reasons for the decision to not proceed being:

- 1. The proposal contains unresolved inconsistencies with Section 9.1 Directions, 1.2 Rural Zones and 4.4 Planning for Bushfire Protection.*
- 2. The proposal contains unresolved inconsistencies with State Environmental Planning Policy (Koala Habitat Protection) 2019 and State Regional Environmental Plan No 20 – Hawkesbury-Nepean River.*
- 3. The proposal does not give effect to the Western City District Plan, in particular Planning Priority W17 Better managing rural areas.*
- 4. The proposal is not supported by an updated local strategic planning framework, including sufficient references in Hawkesbury Council's draft Local Strategic Planning Statement to support this proposal, an updated Rural Lands strategy and Housing Strategy.*
- 5. The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning.*
- 6. The proposal does not adequately demonstrate strategic or site-specific merit.*

The attachments to this review request have considered the above reasons individually and have provided justification, for each of these reasons, for reviewing the planning proposal to permit the matter to proceed. Additionally, under the detail for reason (4) later in this report, the landowner would also consider an amendment to the lot size minimum and yield should that be a matter of contention.

In summary, it seems that the Gateway Determination report has assessed the planning proposal only against the current State strategic planning framework and has not considered, or given appropriate weight, to the existing and future local strategic planning framework. This is partly due to the age of the original planning proposal (prepared prior to the Western City District Plan commencement), the advice from Council at the time (reinforced in the Council resolution of 10 September 2019) that more detailed studies may be prepared and submitted after obtaining a Gateway Determination and has not adequately considered the planning proposal in the context of, and consistency with, the future strategic planning currently being undertaken by Hawkesbury City Council.

Introduction and Background

This landowner proposed planning proposal was prepared in 2016 in accordance with the Council strategic planning documents that were in place, and are still in place, at the time of lodgement. The planning proposal was assessed by Council and was the subject of reports to Council on:

- 31 January 2017 – Report recommendation to support the proposal and Council resolution to refuse proposal.
- 14 February 2017 – The above resolution was rescinded and additional resolution for Council to undertake additional investigation in the locality and the matter placed on hold by Council.
- 10 September 2019 – Council resolved to support planning proposal and request a Gateway Determination.

The proposal was forwarded by Council to the Department of Planning, Industry and Environment on 17 September 2019 requesting a Gateway Determination.

The Gateway Determination to not proceed was issued on 5 May 2020, quoting six reasons for that decision. The following report has considered, individually, each of the reasons for refusal and has provided justification for the review of this Determination. In summary, this review request:

1. Addresses the perceived inconsistencies with the Section 9.1 Directions and State Environmental Planning Policies through the provision of clarification information and proposing that more detailed studies will be provided following a successful Gateway Determination.
2. Provides additional assessment of the planning proposal against the Western City District Plan as the original planning proposal was prepared prior to this Plan coming into existence. The assessment shows that the planning proposal is consistent with the Plan.
3. Explains that the planning proposal is consistent with the current strategic plans of Hawkesbury City Council and is also not inconsistent with the future strategic planning framework currently being undertaken by Council.
4. Demonstrates that the land does not have potential to accommodate agricultural uses based on potential land use conflicts with the adjoining Kurmond neighbourhood centre and surrounding residential and rural residential uses. This position is also supported by the updated strategic planning work being undertaken by Council.
5. Justifies that the site has strategic merit due to it being consistent with the current and future strategic planning framework of the Hawkesbury City Council and that the site is a logical consolidation extension to the existing Kurmond neighbourhood centre due to the site's proximity to the centre and the ability to retain the existing rural character without adversely impacting view corridors in the locality.

The Gateway Determination report states that *“given the absence of an updated strategic planning framework”* the proposal should not proceed. However, this current proposal should be viewed and assessed in the context of when it was made and the existing and direction of local planning Policy. The strategic planning framework at the time of submission was, and still is, the Hawkesbury Residential Land Strategy 2011 which indicated that this land should be considered for rural residential development.

Hawkesbury Council is currently updating the strategic planning for the locality and a draft Structure Plan has been prepared and is currently under consultation with the community. It appears that a Rural Land study is also underway but is not yet publicly available. A synopsis of this study has been reported to Council on 24 September 2019, however, there does not appear to be any further work on this matter publicly available.

Consideration of the planning proposal against the current work by Hawkesbury City Council to update the strategic planning framework for the locality indicates that the current planning proposal is consistent with this updated planning and direction.

The following is an assessment of the reasons given in the Gateway Determination for the matter not proceeding and information, explanation and clarification is provided as justification for the review of the determination.

Assessment of Gateway Determination Reasons

1. The proposal contains unresolved inconsistencies with Section 9.1 Directions, 1.2 Rural Zones and 4.4 Planning for Bushfire Protection.

Review request comments

The original planning proposal application to Council by the landowner, dated January 2016, provided comments on the consistency with Section 9.1 Directions, 1.2 Rural Zones and 4.4 Planning for Bushfire Protection. The following expands on these comments and addresses the concerns raised in the Gateway Determination Report.

1.2 Rural Zones

The subject land is identified as Agricultural Land Classification 3 on the maps by the former NSW Department of Agriculture. This land is described as:

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

Whilst the above classification indicates that such land may have some agricultural production capability, there would be a need for significant cultivation, pasture improvement (fertiliser, etc.) drainage and earthworks for soil conservation for such agricultural activities to be viable.

Land use conflict is a very real problem in the Metropolitan Rural Area (MRA). In the Kurmond area around the subject site there is no current agricultural activities and the surrounding uses are rural residential. Given this and the fact that the subject site is within 200 metres of the Kurmond current urban residential land use properties, it is not reasonable or realistic for the land use to be changed and utilised for viable agricultural activities other than rural residential, domestic scale activities such as horse agistment etc.

The Council’s draft Rural Lands Strategy synopsis includes in the recommendations that Rural Village Zones should be reviewed to *“consolidate these”*. The subject site, within 200 metres of such locations, would be a prime candidate for inclusion into a consolidated rural village.

4.4 Planning for Bushfire Protection

It is correct that the planning proposal did not include a Bushfire Hazard assessment at the time of lodgement. It is understood that such an assessment is required prior to any development. However, at the time of lodgement in 2016 the Council agreed that given the low risk nature of the cleared and maintained condition of the site (See aerial photo Appendix 2 of the planning proposal documents, dated January 2016) and the uncertainty of any subdivision layout, Council advised that the more detailed report may be submitted following a favourable Gateway determination.

(See Council report, dated 10 September 2019, page 51 comment *“This Direction requires consultation with the NSW Rural Fire Service following receipt of a ‘Gateway’ determination”* and the Department of Planning and Environment’s document “A Guide to Preparing Planning Proposals, October 2016 (in force at time of lodgement), which included *“To prevent unnecessary work prior to the Gateway stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal. In such circumstances, it would be sufficient to identify what information may be required to demonstrate the proposal.”*)

Council did not adopt the indicative subdivision lot layout when considering the planning proposal as the assessment of the planning proposal does not, and should not, be required to provide detail to a development application standard due to the uncertainty of the planning proposal process outcomes. In the absence of a certain subdivision layout a bushfire hazard assessment would be an unnecessary expense as that layout would change and hence the assessment report would also be invalid.

Due to the site’s cleared and regularly maintained condition, it is clear the current site can meet the requirements of any bushfire hazard assessment through subdivision design and landscape planting without the need for clearing of existing vegetation or imposing building material restrictions on new dwellings. It has always been the applicant’s intention that should this request for review of the Gateway Determination be successful the necessary reports will be provided as part of the process.

2. The proposal contains unresolved inconsistencies with State Environmental Planning Policy (Koala Habitat Protection) 2019 and State Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

Review request comments

State Environmental Planning Policy (Koala Habitat Protection) 2019

The Gateway Determination report states *“The site contains areas of significant vegetation as identified under the Hawkesbury LEP 2012 Terrestrial and Biodiversity Map (Sheet_BIO008AA)”*. Whilst it is acknowledged that these maps show the presence of vegetation, those maps have not been verified on ground. The maps indicate that the vegetation location is in the north eastern corner of the site. However, a review of the aerial photo of the site and verified in a site visit, this vegetation is not significant. Should development be permitted on the site there may be an opportunity to enhance this vegetation.

As mentioned above, it has always been the applicant's intention that should this request for review of the Gateway Determination be successful the necessary reports will be provided as part of the process. To require such expensive reports in this case prior to a successful Gateway Determination would be unnecessary, unreasonable and contrary to the intent of the Gateway process and the *Guide to Preparing Planning Proposals* which states; *The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination.*

State Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

The Gateway Determination report states *“As it will be recommended this planning proposal does not proceed, the above actions (Preparation of a flora and fauna report due to the vegetation in the north east corner of the site, and referral to NSW Office of Water) to ensure the planning proposal's compliance with SREP 20 are not required.”*

The above comment is consistent with this review request in that any such detailed reports will be prepared should a successful Gateway Determination be received.

In this regard, it is unreasonable to use this matter as a reason for refusal of the Gateway Determination.

3. The proposal does not give effect to the Western City District Plan, in particular Planning Priority W17 Better managing rural areas.

Review request comments

The current planning proposal for 42 Bells Lane, Kurmond was prepared in 2016 and submitted to Council in that year. For the Gateway Determination report to state that the proposal *“does not give effect to the Western City District Plan”* is incorrect. There should have been a distinction made that there was no assessment made due to the proposal being prepared prior to those plans. As such, the original planning proposal did not address the State Plans as they were not in existence.

The delays by Council in the processing of this planning proposal (See application history in the Council report dated 10 September 2019) have resulted in the need for this update and request for review of the Gateway Determination.

In 2018 the Greater Sydney Commission (GSC) released *A Metropolis of Three Cities (Regional Plan)* as a response to the needs of Greater Sydney and the region's current and future structural changes. This document is based on a vision of three cities and to compliment the implementation of the Regional Plan, District Plans were also released in 2018. The Western City District Plan is the relevant Plan for this planning proposal.

The District Plans are structured around the themes of Infrastructure and Collaboration; Liveability; Productivity and Sustainability with planning priorities set within each of these themed areas. The relevant planning priorities for this planning proposal, i.e., to retain the existing rural residential use of the land with a reduction in minimum allotment size, are:

- W5 – Providing Housing supply, choice and affordability, with access to jobs, services and public transport
- W16 – Protecting and enhancing scenic and cultural landscapes

- W17 – Better managing rural areas

A summary of the way the current planning proposal gives effect to the Western City District Plan is shown in Appendix A.

It is considered that the current proposal for rural residential subdivision of the subject site is consistent with the Western City District Plan, in particular, Planning Priority W17 – Better Managing Rural areas as:

- It is consistent with the current local strategic planning adopted by Council,
- It is consistent with the future strategic planning in the area based on the draft documents available from Council, i.e., draft Structure Plan, draft Rural Land Strategy.
- The current planning proposal is not being justified based on contributing to Regional or District housing targets, but rather contributing to the local housing demand for this style of housing.
- Any development as proposed can enhance the environmental (vegetation enhancement), social (focuses on the local demand for rural residential housing) and economic (Support local businesses as is within 500 metres of the Kurmond neighbourhood centre), thereby enhancing and protecting the rural values of the locality.

4. The proposal is not supported by an updated local strategic planning framework, including sufficient references in Hawkesbury Council’s draft Local Strategic Planning Statement to support this proposal, an updated Rural Lands strategy and Housing Strategy.

Review request comments

Whilst this proposal is not supported by an updated framework, it is consistent with the existing strategic planning framework of Hawkesbury Council which was relevant when the application was made and is still the Council adopted Strategy for the area. It should also be noted that the planning proposal is consistent with the directions and principles in the future planning framework currently being updated by Council. To suggest that all development cease whilst strategic or other planning is updated is unrealistic, unviable and has not generally been the direction taken by State or Local authorities in the past.

The current strategic planning work being undertaken by Council, whilst more up to date, is still fundamentally consistent with the current Strategy and current planning proposal, i.e., that the locality has a low to nil potential for agricultural production and that rural residential development in this locality is reasonable as it may economically assist the Kurmond neighbourhood centre.

The following is a summary of the current draft strategic plans that are underway at Council.

Draft Hawkesbury Rural Strategy (Synopsis only as it is not yet public)

“There are more people in the rural land in the secondary school age (12-17) and more parents and homebuilders (35-39), older workers and pre-retirees (50-69) and seniors (70-84) ...”

“There are considerably more couples with children over 15 and couples with no children at home in the rural areas.... The weekly family income is higher in the rural area for all families earning more than \$1,000 per week and higher with considerably more in the \$4,000 per week and higher.”

“There are more managers and technician and trade occupations in the rural areas and also slightly less people with degrees and Certificates. There are 4.1% of the rural workforce who work from home compared to 1.6% in urban areas.”

Recommendations include Review Rural Village Zones to consolidate these.

The above quotations indicate that there is a demand from younger families and homebuilders to live in area. There also appears to be a growing need for pre-retirees and empty nesters to “downsize” from the current larger properties into small rural residential or surrounding urban development areas.

For this transition and change to occur, there is a need for some of the land surrounding the Kurmond and Kurrajong neighbourhood centres to be developed into smaller rural properties to:

- Allow for downsizing without leaving the area,
- Allow for additional families to move into the area,
- Support and consolidate the existing village/neighbourhood centres. This would be economic support for businesses and provide a transition from the urban development of these centres to the surrounding larger rural properties. This newer development would then be unlikely or unviable to redevelop in the medium to long term, thereby essentially constraining the urban growth sprawl of these centres further into the Metropolitan Rural Areas.

Land use conflict is a very real problem in the Metropolitan Rural Area (MRA). In the Kurmond area around the subject site there is no current agricultural activities and the surrounding uses are rural residential. To suggest that agricultural activities be introduced to this area would introduce land use conflicts.

Kurmond and Kurrajong Landscape Character Study

The Kurmond and Kurrajong Landscape Character Study was commissioned by Council from Clouston associates and reported to Council on 10 September 2019. The purpose of this study was *“to undertake a detailed assessment of landscape character of Kurmond and Kurrajong to inform amendments to planning guidelines and controls.”*

The study identified four main landscape character types:

1. Rural Villages
2. Ridgeline Streets
3. Pastoral Valleys
4. Remnant Vegetation

The methodology in the study states that *“The study includes a combination of objective and subjective judgements supported by clear evidence and reasoned arguments.”* In this regard, the study is a background document to the investigation area work, has not been adopted by Council as a Policy document and, as such, should not be considered as a statutory or enforceable document, but rather a guide to assessment.

Accompanying the above is another document prepared by Clouston associates titled *“Kurmond and Kurrajong View Classification and Design Guidelines,”* dated 1 August 2019. This report was

commissioned by Council to *“guide design controls and assist Hawkesbury City Council with evaluation and assessment of development applications and the planning proposal process”*.

The Gateway Determination report has commented that the subject site may be within a significant view corridor. This comment refers to Figure 8 in the Landscape Character Study (Fig 6 in Gateway Determination report) that indicates where the study has considered photographs at locations on the ridgeline roads, road intersections, etc, as part of the character assessment. Photo G is referred to in the Gateway Determination report as indicating that the subject site may impact on this view corridor.

The Landscape and Character study indicates that view G is of low-Medium status. An assessment of the photo location indicates that this was taken in the centre of the intersection of Bells Lane and Bells Line of Road. The elevation at this point is approximately 100m AHD which is similar to the subject land elevation at the existing dwelling in the south western corner of the subject site. The view shown in photo G is orientated further to the south than that indicated in Figure 8 of that report. As a result, that view line does not project over the subject land.

The highest point on the subject land is at the location of the existing dwelling and the land then falls to the north. This fall, in relation to any view line or potential corridor, is towards and lower than the viewpoint. This northern part of the land is also shielded from any viewpoint by vegetation on several properties between the viewpoints and the subject land.

Inspection of the *Kurmond and Kurrajong View Classification and Design Guidelines report*, which is the document that determines the more important view corridors, finds that the viewpoint G is not nominated as an important view corridor. This document, quite correctly, utilises best practice principles and Court principles for the classification and protection of view corridors.

In relation to the viewpoint from photo G, the orientation of the view line, elevation of the viewpoint, the topography of the subject land and the location of vegetation on adjoining properties indicates that any subdivision or development of the subject land would not adversely impact important views and vistas. Should a subdivision of the subject land be supported this matter would need to be considered carefully and any subdivision layout, orientation, lot size and building envelopes and design can be specified to ensure that the development would be low impact and assist in retaining existing rural residential character.

Draft Structure Plan for Kurmond Kurrajong Investigation Area

The draft Kurmond Kurrajong Structure Plan includes the following statements:

- *Created to provide a structure for rural living opportunities that will deliver the demand for housing in the area.*
- *Provide rural living opportunities in close proximity to existing Kurrajong and Kurmond neighbourhood centres that will maintain and protect the significant biodiversity, landscape, scenic and rural character of the area.*
- *The investigation area is comprised of rural land zoned for the purposes of agricultural activities. However, there is no significant agricultural activities being undertaken. The majority of rural properties are used for residential dwellings to provide lifestyle living.*
- *Traffic – The scenario modelling of the proposed 200 dwellings within the Kurmond/Kurrajong investigation area indicates that this development option is not considered to have any notable impact.*

The draft Structure Plan also states:

The investigation area has opportunities to form open space areas around the green grid of the high biodiversity areas as these spaces are worthy of retention and enhancement.

The compact expansion of the Kurmond village, without joining to the Kurrajong village, will open possibilities for walkways between existing streets to link the commercial area with the surrounding rural residential.

The draft Structure Plan has proposed a lot size map surrounding Kurmond. This map indicates that the preferred location for 4,000m² lots is to the north and east of Kurmond, along the Bells Line of Road ridgeline. The draft Structure Plan recommends the remaining area within the investigation area to have a minimum lot size of 1ha. A copy of the Lot size plan from the Draft Structure Plan is attached at Appendix B.

The draft Structure Plan states an aim to consolidate the village areas and prevent sprawling development. However, when viewing the lot size map the area designated for 4,000m² allotments in Kurmond seems to increase residential sprawl to the east along Bells Line of Road, creating a form of ribbon development that is up to 1.4km away from the neighbourhood centre. Similarly, the proposed smaller lots are all located on the eastern side of Kurmond with the area to the north of Kurmond already approved for development and do not pose any additional dwelling sites.

It would seem logical to consolidate the village neighbourhood centres based on landscape character and walkable distance from the centre. The draft Structure Plan does not appear to have considered walkability around the Kurmond centre and has placed too much weight on development along the ridgeline of Bells Line of Road. Interestingly the draft Structure Plan has proposed smaller allotments on all sides of Kurrajong. A similar development pattern should be considered for Kurmond.

It must be noted that the current strategic plan for the Hawkesbury Council is the Residential Land Strategy 2011. This document supports the principle of the current planning proposal. It is clear from the above quotations from the Draft Structure Plan, draft Rural Land Strategy, and the Landscape Character Study that the current and future strategic planning of Council includes provision of rural residential development in the investigation area and there is support for the principles of the current planning proposal.

The Gateway Determination Report has taken a relatively superficial and simplistic view of the matter by stating this reason for the decision to not proceed. A full account and context of the Hawkesbury City Council meeting report, history of the application and the current and future strategic planning directions must also be considered. If all this is considered, then the current planning proposal is consistent with the current and future strategic planning for the investigation area.

Subject Planning Proposal and Subdivision Size

The original planning proposal dated January 2016 proposes subdivision of 42 Bells Lane into 5 allotments with a minimum lot size of 4,000m² and an average lot size of 5,800m². It is acknowledged that too many smaller allotments may adversely impact the landscape character of the area. The subject property has a total area of 2.9ha and a subdivision proposal into 4 lots (average area 7,250m²) would be possible without adversely impacting the landscape or rural character of the locality.

A subdivision into allotments of varying sizes (minimum 4,000m²) would allow the existing dwelling, located at the highest point, to be located on the largest lot of 1ha and as the subdivision progresses down the slope to the north, the lots could decrease in size. This pattern would have the following advantages:

- Lots increasing in size as they move away from the Kurmond neighbourhood centre,
- Smaller allotments are located on the lower elevation land that do not encroach into any view corridors,
- Building envelopes will be determined based on the view corridors and vegetation on the site,
- Vegetation areas could be enhanced as part of the development, further adding to the environmental and landscape character of the area,
- Consideration should be given to adjoining properties to the west of the subject land, located closer to the neighbourhood centre, with a view to achieving a pedestrian pathway linking Bells Lane and Longleat Road providing more convenient, walkable access to the Kurmond neighbourhood centre.

If there was concern that the proposal in this application for 5 allotments with a minimum size of 4,000m² or greater, the landowner would consider an alternate to the number of allotments proposed. Whilst the preference is for the original 5 lot yield, a yield of 4 lots would be considered.

5. The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning.

Review request comments

The original planning proposal report by Glenn Falson, dated January 2016, at section 2.2.4 Agricultural Land, states that the site is within a Class 4 agricultural land classification in accordance with mapping from the former NSW Department of Agriculture. However, the Council report and the Gateway Determination report indicate that the site is Class 3 Agricultural Land, but no comments have been made in relation to this discrepancy. A check of the mapping indicates that the land is Class 3.

Another investigation undertook a check of the Estimated Inherent Soil Fertility of NSW mapping at www.geo.seed.nsw.gov.au. This indicates that the land in Kurmond ranges from Moderately Low to Moderate fertility. These classes would indicate that agricultural potential and production would not be economically viable, particularly due to the current property sizes. This combined with the fact that the subject site is within 200 metres of the urban properties in Kurmond and all the surrounding properties are also residential uses, means that agricultural production would not be feasible at 42 Bells Lane, Kurmond due to the introduction of land use conflicts.

Draft Structure Plan for Kurmond Kurrajong Investigation Area

The draft Hawkesbury Council Structure Plan for Kurmond Kurrajong states the following:

“The investigation area is comprised of rural land zoned for the purposes of agricultural activities. However, there is no significant agricultural activities being undertaken. The majority of rural properties are used for residential dwellings to provide lifestyle living.”

The above quotation supports the premise that agricultural production is not current or viable for the site.

6. The proposal does not adequately demonstrate strategic or site-specific merit.

The comments provided in the previous sections of this request for review have demonstrated that the current planning proposal is consistent with the current strategic plans for the Hawkesbury LGA and is also consistent with the future strategic planning currently being undertaken by Council, but not yet finalised. In summary this current planning proposal is:

- Consistent with the Planning Priorities of the Western City District Plan, particularly W17 – Better Managing Rural Areas.
- Consistent with the current local strategic planning adopted by Council, including the Hawkesbury Residential Land Strategy 2011.
- Consistent with the future strategic planning in the area based on the draft documents available from Council, i.e., draft Structure Plan, draft Rural Land Strategy, Kurmond and Kurrajong Landscape Character Study and Kurmond and Kurrajong View Classification and Design Guidelines report.
- The current planning proposal is not being justified based on contributing to Regional or District housing targets, but rather contributing to the local housing demand for this style of housing and potential long-term economic benefits to the Kurmond Neighbourhood Centre.

Considering the above information, it is considered that the proposal does have strategic and site-specific merit for consideration of the planning proposal.

A development as proposed on the subject site can enhance the environmental (vegetation enhancement), social (focuses on the local demand for rural residential housing) and economic (Support local businesses as is within 500 metres of the Kurmond neighbourhood centre), thereby enhancing and protecting the rural values of the locality. The minor expansion of the Kurmond village, without joining to Kurrajong, will assist with the logical consolidation of the centre.

Summary

The above review request report has:

1. Provided additional assessment of the planning proposal against the Western City District Plan due to the original application being prepared prior to the release of that Plan.
2. Provided individual responses to the reasons given in the Gateway Determination for the proposal to not proceed.
3. Demonstrated that the planning proposal is consistent with the existing and future strategic planning directions and principles for the Kurmond Kurrajong Investigation Area.
4. Demonstrated that the proposal has strategic merit and that any future development is capable of being undertaken without adversely impacting rural and landscape character for the area.

Given the above, it is requested that the Gateway Determination issued 5 May 2020 for the planning proposal to permit a 5 lot subdivision with minimum allotment area of 4,000m² at 42 Bells Lane, Kurmond, be reviewed to permit the matter to proceed.

APPENDIX A

Assessment of Planning Proposal Against the Relevant Planning Priorities and Objectives of The Western City District Plan

| Liveability Direction: Housing the City | | | |
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| Planning Priority | Objectives | Relevance | Consistency of proposal |
| W5 – Providing Housing supply, choice and affordability, with access to jobs, services and public transport | 10: Greater Housing Supply 11: Housing is more diverse and affordable | This proposal and the expansion of the Kurmond Kurrajong investigation area does not contribute significantly to the overall dwelling numbers but does contribute to local housing, demand, diversity, and affordability for rural residential living. | The proposal does not make a significant contribution to overall dwelling numbers. However, the proposal does contribute to more diverse and affordable rural residential living availability in a location that is less than 3 Km from services and facilities located in North Richmond and 200 to 300 metres from the Kurmond neighbourhood centre. The original proposal is for a subdivision of allotments of 4,000m ² which would provide a more affordable option, compared to the current larger allotments or 1ha lots, for families that wish to locate to this style of living and options for those on larger rural lots to downsize in the same locality. The Greater Sydney Region Plan and Western City District Plans focus is for additional housing in urban areas. However, there is a substantial demand for rural residential living that, whilst not the focus of housing supply, should still be available for consideration as lifestyle housing. |
| Sustainability Direction: A City in its Landscape | | | |
| Planning Priority | Objectives | Relevance | Consistency of proposal |
| W16: Protecting and Enhancing Scenic and Cultural Landscapes | 28: Scenic and cultural landscapes are protected | The Kurmond Kurrajong investigation area contains some important scenic and landscape values that should be considered in future development. | The subject site is approximately 3ha in size with the existing dwelling located on the high part of the site adjacent to the southern boundary. The property falls evenly to the north from the house site (102m AHD) to the north east corner (82m AHD). Important scenic and landscape views are from the ridgelines on Bells Line of Road and other locations identified in the draft Structure Plan for the area. The subdivision and development of residential uses on those lots on the subject site would be consistent with the surrounding landscape values of the area, i.e., rural residential and low scale grazing, and would not interrupt the identified scenic values identified in the Council's draft Structure Plan. |

| Sustainability Direction: A City in its Landscape | | | |
|---|---|--|--|
| Planning Priority | Objectives | Relevance | Consistency of proposal |
| <p>W17: Better Managing Rural Areas</p> | <p>29. Environmental, social and economic values in rural areas are protected and enhanced.</p> | <p>The Kurmond Kurrajong investigation area is in the Metropolitan Rural Area identified in the Western City District Plan. The District Plan requires planning to: <i>“respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities”</i></p> <p><i>The District Plan also states that:</i></p> <p><i>“further rural-residential development is generally not supported. Limited growth of rural-residential development could be considered”</i></p> | <p>The Metropolitan Rural Area (MRA) includes floodplains, heritage, hills and ridgelines, agricultural production, and extractive industries. In relation to the Kurmond Kurrajong investigation area the predominant use is rural residential, and the landscape features are the most relevant matter.</p> <p>The District Plan states that urban development should only be as identified in the Metropolis of three cities. Rural towns and villages are important for character and access to services and facilities. Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth.</p> <p>As mentioned above (Planning Priority W5) the Kurmond Kurrajong area and this subject proposal are not significant dwelling numbers and are not justifying the proposal on the grounds of adding to the regional or district housing supply targets. However, the locality and the subject proposal, can cater for a strong local demand for lifestyle housing supply in the Kurmond community.</p> <p>The District Plan states that <i>“rural-residential development is generally not supported”</i>. This was also quoted in the Gateway Determination report. However, the District Plan does state that:</p> <p><i>“Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries and protection of scenic landscapes.”</i></p> <p>The current Hawkesbury City Council strategic planning for this area is governed by the Residential Land Strategy 2011. Whilst this Strategy needs review, and Council is</p> |

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| | | | <p>undertaking that work now, it is the current Council Strategy and should be given strong weight is the assessment of planning proposals.</p> <p>Notably, the current strategic planning review by Council is design-led, place-based planning that also recommends rural residential subdivision and development in the locality. This indicates that the investigation area has strategic merit and is consistent with the District Plan, and Council’s existing strategic planning and the likely future direction of Council’s strategic planning for the locality.</p> <p>Future development of the subject site would open opportunities for enhancement of the existing, scant vegetation in the north-east of the property and other design enhancements to the locality.</p> <p>It is considered that the current proposal for rural residential subdivision of the subject site is consistent with Planning Priority W17 – Better Managing Rural areas as:</p> <ul style="list-style-type: none"> • It is consistent with the current local strategic planning. • It is consistent with the future strategic planning in the area based on the draft documents available from Council, i.e., draft Structure Plan, draft Rural Land Strategy, etc. • It is not basing justification on contributing to Regional or District housing targets, but rather contributing to the local housing demand for this style of housing and living. • Any development as proposed can enhance the environmental (vegetation enhancement), social (focuses on the local demand for rural residential housing) and economic (Support local businesses as is within 500 metres of the Kurmond neighbourhood centre), attributes of the locality whilst protecting the rural values of the locality. |
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APPENDIX B

Draft Kurmond Kurrajong Structure Plan – Proposed Lot size Map

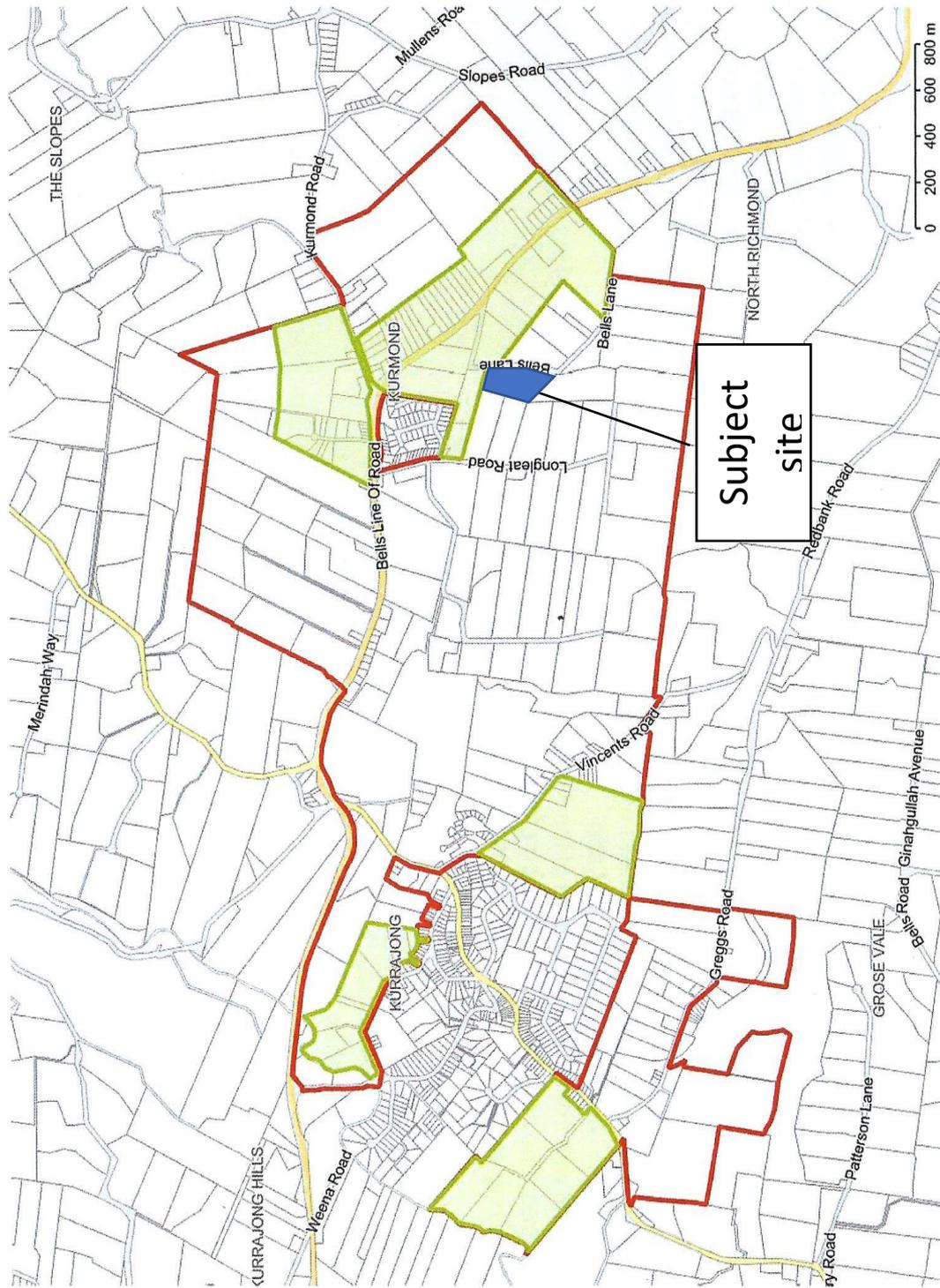


Figure 22 – Recommended location of 4,000m² minimum lot size