

Your Ref: PP_2018_HAWKE_002_02
Our Ref: LEP005/14



4 March 2021

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Dear Ms Kimbell

Review of Altered Gateway Determination at 2 Inverary Drive, Kurmond

Reference is made to your correspondence received 18 January 2021 seeking Council's comments in relation to a request for the Department of Planning, Industry and Environment to review the Altered Gateway Determination dated 3 December 2020 for Planning Proposal LEP005/14 at 2 Inverary Drive, Kurmond.

Alteration of Gateway Determination

On 3 December 2020, the Department of Planning, Industry and Environment issued an Alteration of Gateway Determination. The Department of Planning, Industry and Environment determined to alter the Gateway Determination dated 28 June 2018 (as altered) for the proposed amendment to the *Hawkesbury Local Environmental Plan 2012* as follows:

1. *Delete:*

"condition no. 6"

And replace with:

A new condition no. 6: "The time frame for completing the LEP is by 30 June 2021"

2. *Insert:*

"condition no. 7"

"an indicative subdivision layout must be submitted to the Department of Planning, Industry and Environment for endorsement following exhibition of the planning proposal and resolution of the issues raised in the Environment, Energy and Science submission.

This submission layout is to demonstrate how the proposal adequately complies with all of the Hawkesbury Council's 2015 Interim Policy – Kurmond Kurrajong Development Principles and demonstrate how the proposal maintains the landscape character of the area as described in the draft 2019 Kurmond Kurrajong Structure Plan.





Consideration should be given to a 1 hectare minimum lot size as exhibited in the 2019 draft Kurmond Kurrajong structure plan to more appropriately address the values of the MRA and to avoid fragmentation of significant vegetation. Consideration should also be given to the retention of 'significant vegetation' in single ownership or a biodiversity stewardship agreement. A maximum residential lot yield is to be identified within the map Restricted Lot Yield".

In providing the altered Gateway Determination, the Department also provided the following comments:

"A review of the exhibited planning proposal material indicates further work is required to address the conditions of the Gateway, specifically in relation to the review of lot sizes and the Metropolitan Rural Area (MRA), particularly in light of the Sydney Western City Planning Panel's comments relating to lot sizes, Council's letter dated October 2019 and Environment, Energy and Science Group's submission dated 18 June 2020.

The proposal has not responded appropriately to the environmental site constraints. In particular, the proposal needs to protect the landscape character of the area and avoid fragmentation of significant vegetation. The Department considers it appropriate for the planning proposal to demonstrate its consistency with Council's 2015 Interim Policy – Development Principles for the Kurmond Kurrajong Investigation Area and Council's draft 2019 structure plan.

The proposal is inconsistent with the strategic planning framework, specifically the values of the MRA. This needs to be resolved and further work required to demonstrate how the proposal protects and enhances the environmental, social and economic values of the rural areas. Given the proposal's inconsistency with the MRA, a compromise has been agreed to with the Greater Sydney Commission to allow this planning proposal to continue subject to additional work being undertaken."

Council Officers support the Department of Planning, Industry and Environment's altered Gateway Determination and considers that the Planning Proposal in its current form does not sufficiently demonstrate how the proposal is consistent with:

- Council's Interim Policy – Development Principles for the Kurmond Kurrajong Investigation Area
- Council's Draft Structure Plan (Note - as detailed later in this correspondence, Council resolved not to adopt the Draft Structure Plan at its Ordinary Meeting on 23 February 2021)
- the values of the Metropolitan Rural Area
- the existing and desired character of the locality.

Review of Gateway Determination

The Applicant's correspondence to the Department of Planning, Industry and Environment dated 6 December 2020 provides details to address the additional matters raised in Point 2 of the Altered Gateway Determination of 3 December 2020. Council Officer comments in relation to each point raised in the Applicants response are provided below. Please note that the matters discussed in response to the Applicants points focuses on the reasons specified by the Department of Planning, Industry and Environment for the alteration of the Gateway Determination.

1. Indicative Subdivision Layout

Applicant's Comment:

An indicative subdivision layout has been prepared which provides for vegetation corridors through the land to link with the riparian corridor.



Further flora and fauna assessment by Australian Wetlands Consulting Pty Ltd was based on that scheme. The further ecological assessment has taken some time to finalise due to the need to investigate species that are prevalent only during certain seasons including migratory fauna species.

In particular, that further report addresses issues of connectivity and fragmentation of habitat.

Officer Comment:

An indicative subdivision layout will be submitted to the Department of Planning, Industry and Environment for endorsement upon resolution of the Review of Altered Gateway Determination.

Comments relating to ecological matters are addressed further in this correspondence at Point 3.

2. Consistency with Council's Interim Policy and draft Kurmond Kurrajong Structure Plan

Applicant's Comment:

The Planning Proposal has been revised to address the draft 2019 Kurmond Kurrajong Structure Plan, in particular the landscape character of the area.

The Planning Proposal also specifically responds to the principles adopted in the 2015 Interim Policy – Kurmond Kurrajong Development Principles.

The Planning Proposal finds that the landscape character as described in the Kurmond Kurrajong Structure Plan is maintained.

Officer Comment:

Interim Policy

Council at its Ordinary Meeting on 28 July 2015 resolved to adopt an Interim Policy relating to a suite of development constraint principles to apply when considering planning proposals in the Kurmond Kurrajong Investigation Area. This was an interim approach until structure planning had been completed. Part B of that Policy contained the following development constraint principles:

Part B – Development Constraints

Planning proposals will not be supported by council unless:

1. Essential services under LEP 2012 and fundamental development constraints are resolved.
2. Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.
3. Removal of significant vegetation is avoided.
4. Fragmentation of significant vegetation is minimised.
5. Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are located outside of riparian corridors.
6. Road and other crossings of water courses is minimised.
7. Fragmentation of riparian areas is minimised.
8. Removal of dams containing significant aquatic habitat is avoided.



Areas within the subject site are mapped as 'Significant Vegetation' under the *Hawkesbury Local Environmental Plan 2012*, and as a result the requirements of Clause 6.4 – *Terrestrial biodiversity* will apply to the future development of the land. Figure 1 shows the areas of the subject site which contain 'Significant Vegetation' under the *Hawkesbury Local Environmental Plan 2012*.

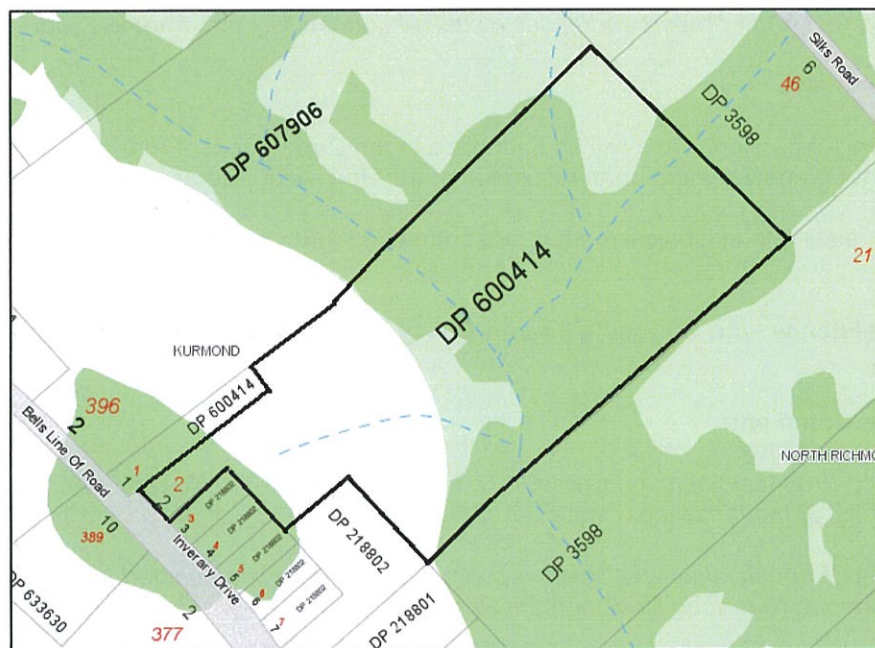


Figure 1: Mapped Significant Vegetation on the Subject Site

In this respect it should be noted that through public agency consultation, NSW Environment, Energy and Science provided a response to Council detailing issues with the Flora and Fauna Assessment Report prepared by Envirotech that had been prepared to support the Planning Proposal. A copy of that response is attached, but highlights NSW Environment, Energy and Science views that the Flora and Fauna Assessment Report is inadequate and invalid and the condition of the vegetation on site has been underestimated.

Further, NSW Environment, Energy and Science highlighted that given the presence of critically endangered ecological communities, that greater effort is warranted to protect this on site from loss and degradation over time.

The response from NSW Environment, Energy and Science highlighted that a lower lot yield is warranted with larger lots where vegetation is currently occurring and with appropriate controls to provide ongoing protection.

The land varies in height from approximately 90m AHD at the Inverary Drive road frontage to approximately 60m AHD at the watercourse which runs north-west to south-east through the centre of the subject site. From this watercourse the land rises to a level of approximately 80m AHD at the rear of the subject site. Based on Council's slope mapping, the subject site contains some land having slopes in excess of 15%, particularly around the watercourses, and at the front of the property. Figure 2 below provides a slope analysis of the subject site.

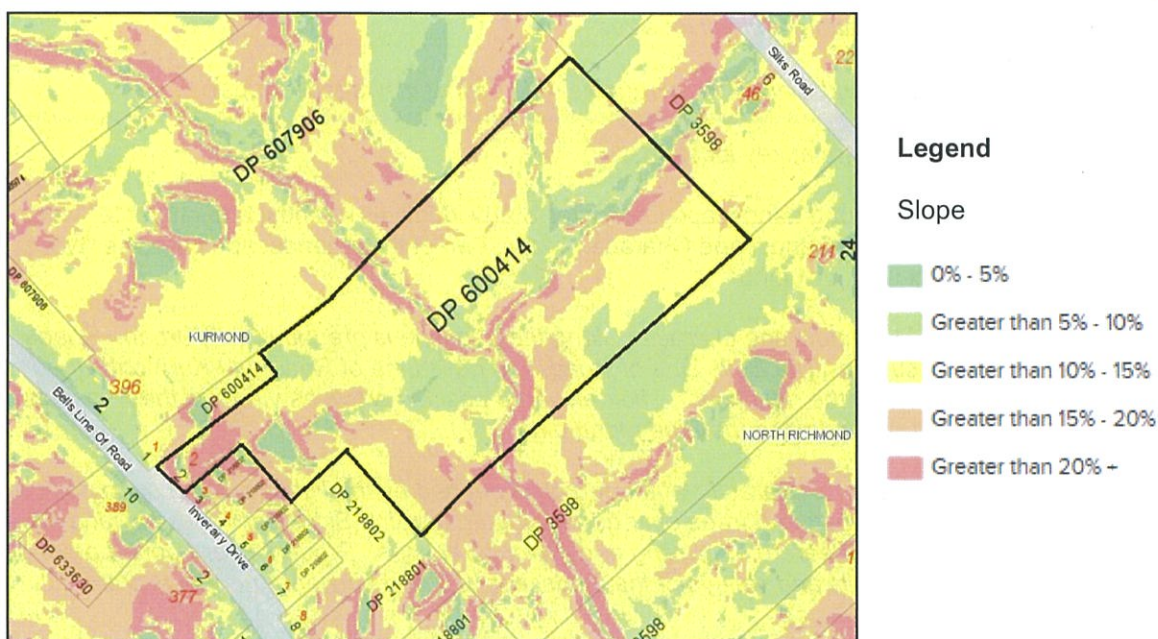


Figure 2: Slope Analysis of the Subject Site

The Planning Proposal has not currently demonstrated that future development will:

- enable all building envelopes, asset protection zones (APZs), driveways and roads to be located on land with a slope of less than 15%;
- avoid the removal of significant vegetation, or minimise the fragmentation of significant vegetation. This matter is discussed in Point 3 below, and the response from NSW Environment, Energy and Science is highlighted above (and attached).

Landscape Character Study

Clouston Associates were commissioned by Council to undertake a Landscape Character Study to inform the structure planning process for the Kurmond-Kurrajong Investigation Area. On 31 July 2018, Council considered a report on the matter and resolved to apply the approach adopted in the Study.

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

- *Prevent development and subdivision from sprawling and create a buffer between residential and active rural land uses.*
- *Ensure rural lot sizes maintain low density, optimise ecological corridors and open views.*
- *Retain, protect and regenerate vegetation corridors identified in mapping.*
- *Do not permit small lot (<0.5ha) development of land identified as high, very high priority (habitat).*
- *Prevent rezoning of critical land parcels that provide significant view corridors.*
- *Permit rezoning and subdivision of land deemed appropriate/lower order in terms of views.*



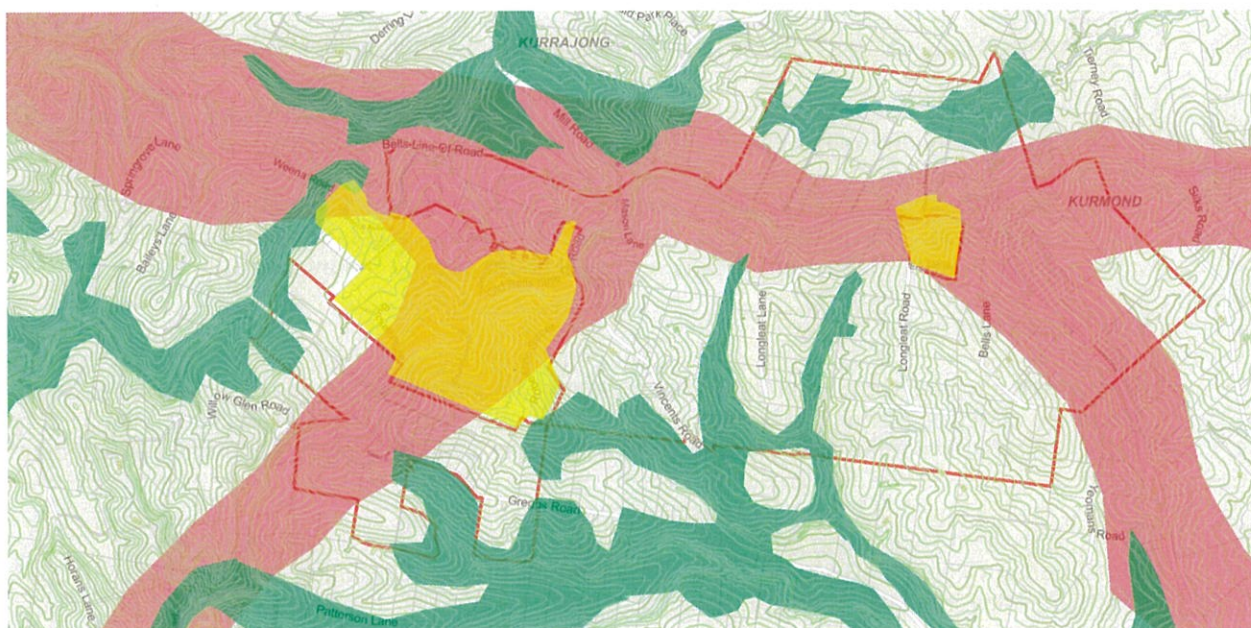
- Prevent creation of small lot sizes.
- Document and maintain key regional and district views (see maps).
- Interpret views at key locations.

The Kurmond and Kurrajong Landscape Character Study identifies 4 landscape character types which are identified on the Landscape Character Map. Two of these 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.*

Pastoral 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.*

Figure 3 below shows the areas on the subject site identified as 'ridgeline streets' and 'pastoral valleys'.







<p>2. Ridgeline streets</p> 	<p>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.</p>	<p>Urban development Main roads Rural roads District and regional views Blue Mountains backdrop</p>
<p>3. Pastoral valleys</p> 	<p>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.</p>	<p>Lightly sloping open pastures Rural land cleared for agriculture Rural properties Rural roads, no kerb & gutter Small dams near watercourses</p>

Figure 3: Portion of subject site within ‘ridgeline street’ and ‘pastoral valley’ character type

The Kurmond and Kurrabung Landscape Character Study identifies that “*the pastoral character contributes to the scenic qualities of the area by virtue of the lack of buildings.*”

The ‘Biodiversity Priority Rank’ vegetation map included as part of the Kurmond and Kurrabung Landscape Character Study provides rankings for the subject site of lower, moderate and very high as shown in Figure 4 below.

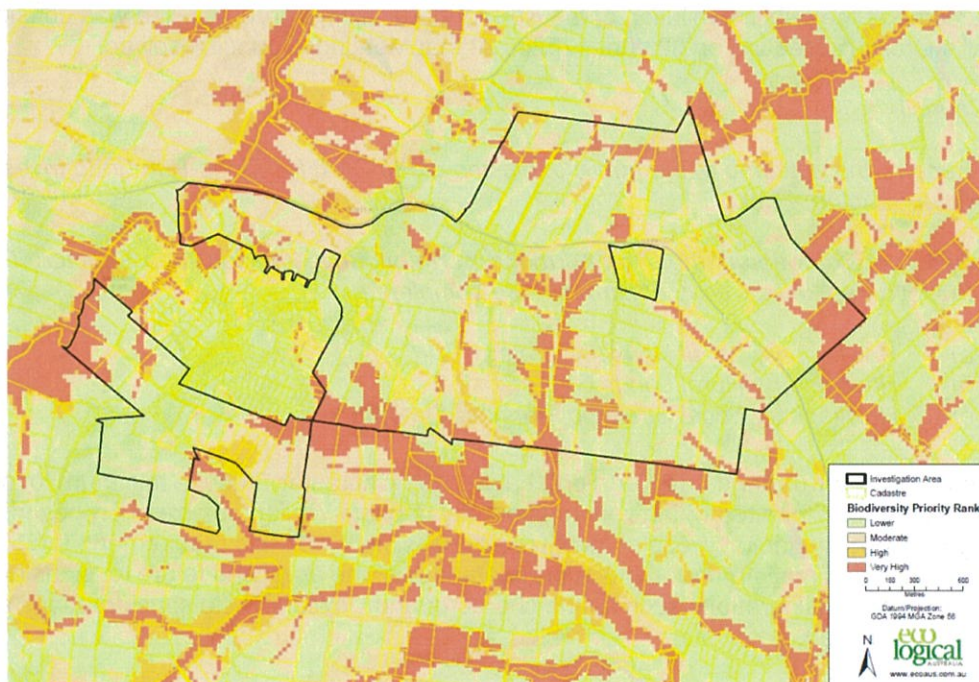


Figure 5. Biodiversity Map

Figure 4: Biodiversity Priority Ranking

The ranking of very high priority habitat, which corresponds to the areas around the existing watercourses, reinforces the significance of the vegetation as identified under the *Hawkesbury Local Environmental Plan 2012*. Reference is also made to the NSW Environment, Energy and Science response and comments on the matter.

As identified in the Kurmond and Kurrabung Landscape Character Study, a minimum lot size of 5,000m² is required for sites within very high priority habitat. The subdivision layout plan shows proposed lots within the very high priority habitat area as having sizes ranging from approximately 2,000m² to 3,000m², which is inconsistent with the Study recommendations.



The subject site is located within identified significant view/vista corridors as shown in Table 1.

Table 1: Significant View/Vista Corridors

Corridor	Description	Significance	Action
F	Rural residential with views to rolling landscape	Medium	Retain and protect view
R	Rural properties in the foreground and views over the Richmond lowlands in the distance	Medium- High	Retain and protect view

The Kurmond and Kurrajong Landscape Character Study requires that district and regional views be maintained.

In consideration of the significance of the view/vista corridors described in Table 1 above, and the landscape character of the subject site, it is considered that the impacts of future development on that character and the view/vista corridor is unacceptable due to the likely scale and density of future buildings.

Draft Kurmond Kurrajong Structure Plan

The outcome of the public exhibition of the Kurmond Kurrajong Structure Plan was considered at Council's Ordinary Meeting on 30 June, 2020. At that Meeting, Council resolved:

That Council:

1. *Receive the outcome of the public exhibition of the Draft Kurmond-Kurrajong Investigation Area Structure Plan.*
2. *Defer consideration of the Draft Kurmond-Kurrajong Investigation Area Structure Plan until the following key strategy documents are completed:*
 - a) *Hawkesbury Local Housing Strategy*
 - b) *Hawkesbury Rural Lands Strategy*
 - c) *Hawkesbury Local Strategic Planning Statement*

As identified in the Kurmond and Kurrajong Landscape Character Study, a minimum lot size of 5,000m² is required for sites within very high priority habitat. Whilst the size of proposed lots within the very high priority habitat areas of the sites are consistent with this requirement, the 5,000m² lot size is a suggested minimum, and the appropriateness of the proposed future lot sizes are also subject to other considerations such as the character and view and vista considerations as previously discussed.

A series of separate studies have either been undertaken or considered as part of the process of informing the preparation of the Kurmond Kurrajong Structure Plan, including:

- Constraints and Opportunities Analysis
- Kurmond and Kurrajong Landscape Character Study
- Ecological/Biodiversity Mapping
- Commercial/Retail Findings - Kurmond and Kurrajong
- Traffic Study
- Views and View Classification and Design Controls
- Hawkesbury Tourism Destination Management Plan

The Draft Kurmond Kurrajong Structure Plan has been prepared based on consideration of the various studies. The aim of the Structure Plan is to provide the planning framework to enable the



future development of the area whilst maintaining the biodiversity, ecological, scenic, character and amenity values of the locality. One of the main determining factors in achieving this aim is an appropriate minimum lot size for subdivision.

To ensure the protection of the landscape character, biodiversity, and the existing views and vistas within the area, the draft Structure Plan proposed a minimum lot size for subdivision of 1 ha or 4,000m² dependent on locality. It is considered that areas immediately surrounding the town centre villages of Kurmond and Kurrajong should have a minimum lot size of 4,000m², essentially providing for an expansion of the denser existing residential areas, closer to services and amenities, while minimising impacts on the surrounding rural character and views and vistas. For all other properties within the Kurmond Kurrajong Investigation Area, a minimum of 1 ha is proposed to maintain existing views and vistas and/or to protect the pastoral character as identify in the Kurmond and Kurrajong Landscape Character Study.

In relation to the subject site, the Structure Plan nominates a minimum lot size for subdivision of 4,000m² at the front of the subject site, and 1 hectare at the rear of the property to maintain the pastoral character of the locality. Figure 5 below shows the area nominated as a 4,000m² minimum lot size for subdivision coloured green within the Draft Structure Plan.

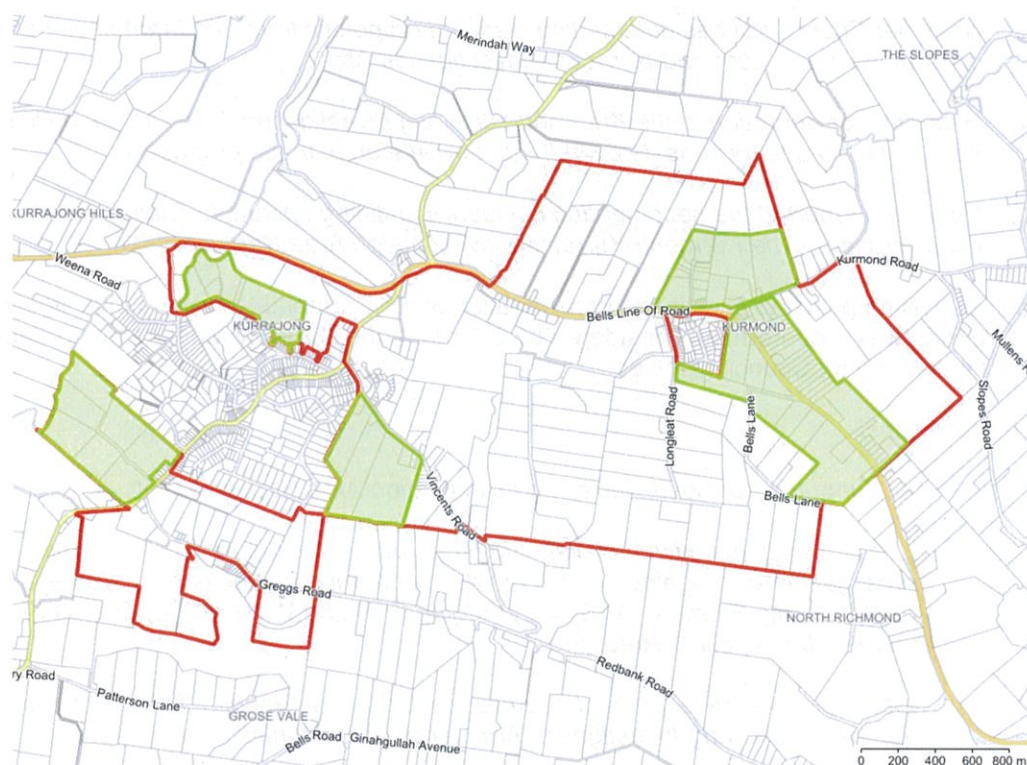


Figure 5: Minimum Lot Sizes for Subdivision under Draft Kurmond Kurrajong Structure Plan (Green – 4,000m²; White – 1 ha)

The Planning Proposal seeks to create allotments with a minimum size of 2,000m² and is therefore inconsistent with the minimum lot sizes for subdivision proposed by the Draft Kurmond Kurrajong Structure Plan.

In terms of the key strategy documents referred to in Council's resolution of 30 June 2020, the following is provided as a status update:

- a. Hawkesbury Local Housing Strategy



The Hawkesbury Local Housing Strategy was adopted at Council's Ordinary Meeting on 8 December 2020.

b. Hawkesbury Rural Lands Strategy

At Council's Ordinary Meeting on 8 December 2020 Council resolved to publicly exhibit the draft Rural Lands Strategy. Exhibition of the Strategy closed on 15 February 2021, and the matter is scheduled to be reported to Council in March 2021 for consideration of submissions received.

c. Hawkesbury Local Strategic Planning Statement

On 8 February 2021 Council received the Greater Sydney Commission's Assurance. A report was considered by Council at its Ordinary Meeting on 23 February 2021 where Council resolved to adopt the Local Strategic Planning Statement.

In addition, through a Mayoral Minute at Council's Ordinary Meeting on 9 February 2021, it was resolved that Council:

1. *Note that Council still has outstanding planning proposals from 2014 that have not been determined in the Kurmond-Kurrajong Investigation Area.*
2. *Note that consideration of the Kurmond-kurrajong Investigation Area Structure Plan has been deferred and this has delayed the determination of these proposals.*
3. *Receive a report at the next meeting of Council outlining options to finalise the consideration of the Kurmond-Kurrajong Investigation Area Structure Plan.*

A report outlining options to finalise the consideration of the Kurmond-Kurrajong Investigation Area Structure Plan was prepared and considered by Council at the Ordinary Meeting on 23 February 2021. At that meeting, Council resolved:

That Council:

1. *Not adopt the Kurmond-Kurrajong Investigation Area Structure Plan.*
2. *Assess remaining individual planning proposals within the Kurmond-Kurrajong Investigation Area against the interim development constraints principles and the NSW Planning Framework (Sydney Region Plan and Western City District Plan including Metropolitan Rural Area).*
3. *Not encourage the lodgement of additional individual Planning Proposals within the Kurmond- Kurrajong Investigation Area for rural residential development.*

3. Minimum lot size and significant vegetation

Applicant's Comment:

It is considered that the Planning Proposal adequately addresses the values of the MRA and through the work by Australian Wetlands Consulting Pty Ltd has responded to issues of vegetation fragmentation.

A 1 hectare minimum lot size and a maximum residential lot yield is not considered necessary in light of the above and it is this aspect of the amended Gateway Determination to which a review is sought.



Officer Comment:

Ecological Assessment Report

In response to comments provided by NSW Environment, Energy and Science highlighted above (and attached), the Applicant has provided an Ecological Assessment Report prepared by Australian Wetlands Consulting Pty Ltd.

The Ecological Assessment Report identifies two plant community types present on the subject site:

- Shale Sandstone Transition Forest, which is a Critically Endangered Ecological Community under the *Biodiversity Conservation Act 2016*; and
- Coastal Freshwater Wetland.

The Ecological Assessment Report provides recommendations for future development, however does not provide a conclusion that justifies that the Planning Proposal is appropriate. The Ecological Assessment Report fails to recognise how the type and density/scale of future development is likely to impact the biodiversity values of the subject site or whether these impacts are acceptable.

A number of watercourses traverse the subject site. Figure 6 below, extracted from Council's records, shows the location of these watercourses, the Strahler classification of the watercourses and corresponding widths of their riparian corridors.

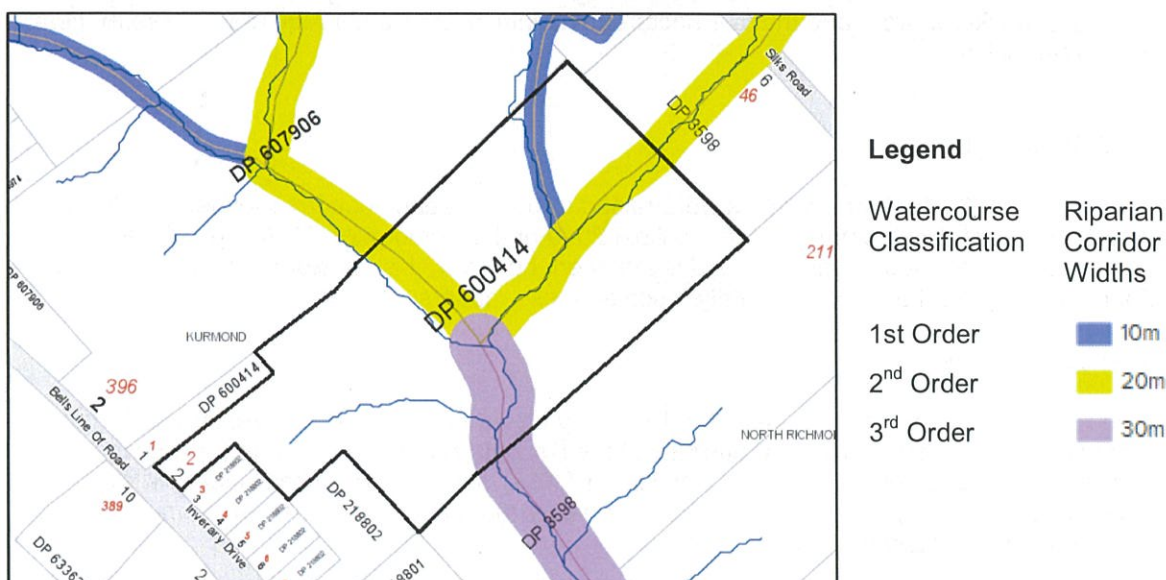


Figure 6: Watercourse Locations and Riparian Corridor Width

The Ecological Assessment Report also identifies that the subject site supports a number of watercourses and describe these as follows:

- *Unnamed Creek 1 – second order stream run through the centre of the site from west to east.*
- *Unnamed Creek 2 – this first order turn second order stream runs through the centre of the site from north to south.*
- *The two creeks intersect in the centre of the site forming a third order stream for the last section flowing across the eastern boundary.*

The Ecological Assessment Report, in Section 8.2.5, further states that riparian corridors should be maintained for watercourses on site that constitute 2nd and 3rd order streams. Therefore the 2nd



order watercourse connecting from the rear of the site to the main watercourse dissecting the property should be allocated a riparian corridor of 20m on each side of the watercourse. In addition, this watercourse and its riparian corridor should be contained within one lot, to better protect, conserve and rehabilitate the riparian areas and the biodiversity it supports. The Planning Proposal does not recognise this watercourse and riparian area, and as such it is located to the rear of a number of lots. Buffer planting is proposed in this location, however such landscaping is considered unsatisfactory as it does not provide for the required riparian corridor, in size, or adequate habitat.

The Applicant states that the Ecological Assessment Report has addressed the matter of the fragmentation of significant vegetation. At Section 6.1.5, the Report concludes that *“development of the site would be unlikely to have any significant impact on most local wildlife movements, and restoration areas through the centres of the site provide additional consolidated habitat over time to facilitate the movement of more mobile fauna species. Less mobile species would be able to continue to utilise small areas of habitat”*. This is on the basis that the riparian areas around the two main watercourses on the subject site are being retained for the purposes of fauna movement corridors.

However, the Ecological Assessment Report fails to acknowledge that the vegetation on the site is an Endangered Ecological Community and the impacts on this Community within the region if it is further degraded or removed. It would appear that the Planning Proposal relies on offsetting the removal of vegetation rather than designing a proposal that would minimise the need for the removal of vegetation or for offsetting.

In addition the Applicant states that the Planning Proposal adequately addresses the values of the Metropolitan Rural Area, and that a 1 hectare minimum lot size is not required. These matters are discussed below.

Additional Matters

It is noted that the following matters were raised through a series of correspondence from Council to the Applicant (18 December 2018, 15 April 2019 and 3 October 2019). A copy of the correspondence dated 3 October 2019 is attached, however, it is considered that the current Planning Proposal has not adequately resolved these matters.

Rezoning Review

The Planning Proposal was subject to a Rezoning Review by the Sydney Western City Planning Panel on 27 February 2018. The purpose of the Rezoning Review was to determine whether the proposal had sufficient merit to be advanced for further assessment. The Panel saw *“the Gateway processes (sic) as an appropriate means to consider the appropriate lot sizes to ultimately be included in the exhibition draft”*.

In determining the Rezoning Review, the Panel identified a number of matters that they considered required further attention as part of the ongoing processing of the Planning Proposal. An assessment of the amended Planning Proposal against these considerations is discussed below:

1. Merit in graduating an increase in lot sizes as distance from the Kurmond town centre increases.

It is considered that the amended Planning Proposal has not met this recommendation.

It is acknowledged that the Planning Proposal seeks to justify 2,000m² lots based on the size of existing lots as low as 700m² in Silks Road, and a number of lots fronting Inverary Drive ranging from 2,000m² to 2,400m²; and further that the character of the area is defined by a mix of lot sizes.



However, the presence of smaller lots in the locality and a mix of lot sizes alone is not sufficient justification. It is one small component of all the matters that have to be considered in determining an appropriate lot size for the subject site. Other matters to be considered include the likely impact on the character, watercourses and riparian corridors, existing vegetation and biodiversity, vistas and slope constraints.

2. Potential for larger lots along the south-western boundary as a buffer.

Larger lots along the south-western boundary have not been provided by the amended Planning Proposal. It is acknowledged that buffer planting is proposed along property boundaries, however the Planning Proposal does not justify how this will provide a better outcome in reducing potential land use conflicts compared to larger lot sizes or a combination of both.

3. Impact of subsequent development on watercourses and riparian corridors.

A larger lot containing the main watercourse and riparian area has been provided. However, the Ecological Assessment Report submitted as part of the planning proposal identifies that the other 2nd order watercourse on the subject site requires retention and protection of its riparian area.

4. Impact of subsequent development on existing native vegetation.

The Ecological Assessment Report prepared by Australian Wetlands Consulting Pty Ltd (dated December 2020) was submitted in support of the Planning Proposal.

Whilst the Report discusses the retention of riparian vegetation, it does not adequately address the likely impacts of future development on the existing Critically Endangered Ecological Community Shale Sandstone Transition Forest.

In addition, it is important to note that native vegetation provides value within the landscape in terms of providing habitat corridors, visual amenity and character and stabilising ground surfaces.

The Planning Proposal with lot sizes of 2,000m² is likely to result in the removal of existing vegetation due to building, subdivision and construction works. This loss of vegetation will result in loss of vegetation/habitat connectivity in an area identified as high priority habitat and having Biodiversity Value under the *Biodiversity Conservation Act 2016*. This is also contrary to Council's adopted Development Constraints Principle to avoid the removal, and minimise the fragmentation, of significant vegetation.

In addition, the components that contribute to the pastoral character of the area include stands of remnant vegetation within open areas, and an absence of buildings. A landscape plan has been submitted in support of the amended Planning Proposal that provides street plantings and a vegetation buffer along the boundaries with adjoining properties. The removal of existing vegetation will have an impact on this pastoral character, and the formality of the landscaping proposed is considered to add to an urbanised character.

Metropolitan Rural Area

As identified in the Western City District Plan, other than the Vineyard Precinct in the North West Growth Area, National Parks and protected areas, the Hawkesbury Local Government Area is located within the Metropolitan Rural Area. As previously raised with the Applicant in correspondence dated 3 October 2019, Planning Priority W17 applies and needs to be considered.

The current Planning Proposal has included an assessment against the requirements of the Sydney Region Plan and Western City District Plan. However, in regard to Planning Priority W17 – *Better managing rural areas* of the Western City District Plan, the assessment is considered to be unsatisfactory.



In particular, Planning Priority W17 states:

“Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities (of which it should be noted that none are located within the Hawkesbury Local Government Area).

Maintaining and enhancing the distinctive character of each rural and bushland town and village is a high priority. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities. Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth.

The western City District’s rural areas contain large areas that serve as locations for people to live in a rural or bushland setting. Rural-residential development is not an economic value of the District’s rural areas and further rural – residential development is generally not supported. Limited growth of rural – residential development could be considered where there are not 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.”

The Planning Proposal fails to demonstrate how the amended Planning Proposal meets Planning Priority W17 of the Western City District Plan, especially in regard to the maintenance or enhancement of the distinctive character of the area, and the likely impacts on the amenity of the locality. This is particularly relevant given that it is considered that the proposal will result in a character and density that is more urban than rural, and is distinctly different to that elsewhere in the Kurmond Kurrajong Investigation Area.

In this regard, it is considered that the proposed lot sizes of 2,000m² will not maintain or enhance the rural character of Kurmond, as described by the Kurmond and Kurrajong Landscape Character Study and as discussed previously in this correspondence. As such, the proposal will have an adverse impact on the amenity of the locality.

The loss and fragmentation of significant vegetation and the lack of management of all the watercourses/drainage lines present on the subject site will result in a reduction of the environmental, social and economic values of the Metropolitan Rural Area.

Public Submissions

Following public exhibition of the Planning Proposal, six submissions from five respondents were received. The matters raised in these submissions included:

- Traffic problems from Richmond to North Richmond and the new Hawkesbury River Crossing need to be resolved/finalised prior to approval of the proposal;
- Inadequate infrastructure, including lack of public transport and road congestion, which also interferes with emergency services;
- Over development and loss of ‘peaceful, green haven’;
- Watercourse B riparian area is significant and home to many frogs and reptiles and proposal will remove connectivity;
- Significantly changes the density and character of the locality;
- Buffer planting considered out of character with existing landscape, however considered necessary to screen the suburban character of the proposed development.

Council Consideration

It should be noted that the Planning Proposal has not been formally considered by Council, given the matter proceeded to Gateway via the Rezoning Review process. As a result Council has not formally had an opportunity to determine whether the Planning Proposal should be supported or not based on its merits. If the matter had proceeded, this consideration would have occurred following receipt and assessment of further reports from the applicant with respect to biodiversity.



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

Yours faithfully



Andrew Kearns
Manager Strategic Planning

