



<b>DATE OF DECISION</b>	27 February 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Lindsay Fletcher, Matt Owens and Jeff Organ
<b>APOLOGIES</b>	Nicole Gurran
<b>DECLARATIONS OF INTEREST</b>	Clr Mary Lyons-Buckett withdrew from the Panel due to the possibility of a perceived conflict and advised that Planning proposals in this specific area have been the subject of a series of Council resolutions in which she has been involved. Therefore, she has decided this is the correct path of action to take regarding this specific application.

### REZONING REVIEW

2018SWT002 – LGA – Hawkesbury – PGR\_2017\_HAWKE\_001\_00 – at 2 Inverary Drive, Kurmond to be subdivided into 41 residential lots (AS DESCRIBED IN SCHEDULE 1)

#### Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- should not** be submitted for a Gateway determination because the proposal has
  - not demonstrated strategic merit
  - has demonstrated strategic merit but not site-specific merit

The decision was divided. 3 members (Justin Doyle, Bruce McDonald and Lindsay Fletcher) supported referral of the proposal to the Minister. A minority of 2 Panel members (Matt Owens and Jeff Organ) opposed referral.

### REASONS FOR THE DECISION

#### Relevant policies

Policies of relevance to the assessment of this proposal include:

- Plan for Growing Sydney and the draft Greater Sydney Regional Plan

- The Draft Western District Plan which is the central strategic policy against which the proposal is to be assessed.
- The Kurmond Kurrajong Investigation Area (Structure) Plan and associated Interim Policy adopted by Council adopted 28 July 2015.

### **Strategic Merit**

The Panel unanimously considered that the proposal is fundamentally consistent with the Plan for Growing Sydney, the draft Greater Sydney Regional Plan the Draft Western District Plan and will advance the Liveability Planning Priority W5 by providing further housing supply and Priority W6 by complementing and reinforcing the rural lifestyle qualities and attractions of Kurmond village.

The Panel also unanimously saw that the advantages of providing additional lifestyle rural housing very much in demand in the Hawkesbury area in a locality which is no longer well suited to significant agriculture demonstrates adequate strategic locational merit for the proposal to be advanced.

### **Site Specific Merit**

After considering the likely environmental impacts of the proposal including those arising under the Department's Gateways Sustainability Priorities W12 and W14, the majority of the Panel was satisfied that it is suitable for being referred to the Department for a Gateway determination under s.56 of the Environmental Planning and Assessment Act 1979 (the Act).

While the site presents significant local planning, ecological and bushfire issues, the majority determined that there seemed to be reasonable measures that could be adopted through the planning proposal process, and the subsequent assessment of individual DAs for any future subdivisions if the planning proposal is adopted, for those matters to be managed.

The minority was of the view that the proposed minimum areas proposed for part of the site which would permit lots as small as 1,000m<sup>2</sup> was inappropriate, and would be potentially inconsistent with the Council's incomplete Kurmond and Kurrajong Investigation Area, and that work on that investigation ought to be completed before lots that small could be considered.

Importantly, all the Panel agreed that there was likely to be substantial merit in graduating an increase in lot sizes as distance from the Kurmond town centre increases.

However, the majority determined that as the Council's investigations were continuing there was at least a minor potential for smaller lots somewhere on the site to be appropriate although that may well prove not to be the case. The majority saw the Gateway processes as an appropriate means to consider the appropriate lot sizes to ultimately be included in the exhibition draft.

It may be that ultimately the exhibited proposal will not include 1,000m<sup>2</sup> lots, and indeed may incorporate additional lots greater than 2,000m<sup>2</sup> on the southwestern boundary to allow for a buffer with adjoining large lot rural land.

### **COMMENTS**

The Panel considers that site specific matters warranting attention prior to exhibition of a draft instrument include:

1. Potential to include adjustment to the zoning in any draft instrument given Gateway approval so that the zoning objectives were more consistent with the proposed land use and housing types/ densities.
2. Potential adjustment to the permissible lot sizes to address the situation of this site as the furthest from Kurmond of relevant allotments potentially immediately available for increases in density (because sewer connection may be available). The objective which the Panel saw as desirable is to produce a logical development of the area which arranged the more dense part of the residential part of the future Kurmond village closer to the town centre.
3. Specific attention as to whether 1,000m<sup>2</sup> lots can be appropriately accommodated on this site.
4. Potential to include an environmental zoning for parts of the subject sites congruous with those areas which are identified in the supporting ecological assessments as warranting special protection and management.
5. Potential to ensure the future extension of road and sewer systems to serve the adjoining properties to the north-west of the site as indicated by the Applicant.

In determining that the proposal has sufficient merit to be advanced for further assessment, the Panel has considered the following matters need to be examined which are relevant to the suitability of rural holdings in this part of the Hawkesbury Local Government Area into lots aimed towards lifestyle housing:

- The impact that the subsequent development would have on the health and viability of the creek system and associated riparian corridors (which in turn feeds the broader river catchment system).
- The impact the subsequent development would have on the existing on site native vegetation system including the weight to be given to any losses and the potential for additional development to be conducted on the basis of additional planting to improve the extent and quality of that environmental element being required.
- The capacity to develop the land while maintaining adequate fire protection precautions and management measures.
- Assessment of the resulting development against the objectives of the RU1 Primary Production zone under Hawkesbury LEP 2012 (or any potentially altered zoning), while recognising that agriculture is effectively no longer carried on in this locality.

It will be appropriate as the proposal advances through the Gateway and exhibition process to engage the relevant agencies in a review of these matters to advance this investigation to the point of finalising the definition of land on which additional housing/lot creation would be permitted under the provisions of Hawkesbury LEP 2012.

A further issue for this Investigation Area planning raises in considering this planning proposal is the ordered provision and improvement of infrastructure that may be needed to support the intensification of development within the investigation area when its extent of future development is determined. At present there is no Section 94 Plan although a VPA is offered.

Importantly, it ought to be brought to Sydney Water's attention that there are potentially two additional large rural lots for which the LEP might be amended to permit increased densities, which may be relevant to the specification of installed sewerage infrastructure.

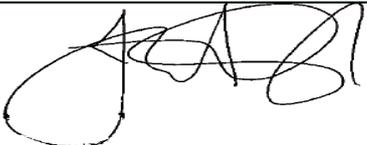
The Council resolved at its meeting of 14 February 2017 to defer planning proposals in the Kurmond Area "pending completion of studies which will determine the total lot yield in Kurmond-Kurrajong Investigation Area and a report explaining the impact of that yield on relevant infrastructure be considered by Council and the adoption of a long-term policy for development in the locality."

However, the majority of the Panel noted that there is no indication in the material reported to the Panel to indicate that the process forecast by that resolution has significantly advanced in the year that has passed since, and Council has taken no step to reject the proposal. However, Council staff have indicated a preference for delaying any rezoning of this site until its relevant investigations are complete.

The majority concluded that referral of this proposal to Gateway will facilitate a timely final consideration of the detailed merits of this proposal. While the minority of the Panel preferred rejection of the proposal because of the 1,000m<sup>2</sup> lot sizes, all agreed that

- The inclusion of lots of minimum size s of 1,000m<sup>2</sup> is likely to be inappropriate while the lot to the immediate north-west permitted 2,000m<sup>2</sup> lots only. Unless a new area strategy is adopted, lots of at least 2,000m<sup>2</sup> were likely to be appropriate because lot sizes should increase with distance from the town centre. Potentially some larger lots might be situated along the south-western boundary as a buffer. Such a gradation offers potential to make the future subdivision more compatible with adjoining large lot rural residential development and therefore make new residential development more consistent with the broader rural landscape in which the site is placed.
- Lots as small as 1000m<sup>2</sup> in the location proposed would present a form of development reflecting a density more akin to suburban development, and risks inconsistency with the character of a fringe rural village /large lot residential housing environment.
- The Applicant has not demonstrated that allotments of the size proposed could acceptably accommodate dwellings and attendant buildings without causing unacceptable impacts or limitations on the orderly and appropriate development of the immediate precinct.

The minority of the Panel were of the view that the proposal should not progress until it can be informed by and can be shown to be compatible with a precinct or structure plan that addresses broader land use planning.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald

 Lindsay Fletcher	 Matt Owens
 Jeff Organ	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	2018SWT002 – LGA – Hawkesbury – PGR_2017_HAWKE_001_00 – at 2 Inverary Drive, Kurmond to be subdivided into 41 residential lots
2	<b>LEP TO BE AMENDED</b>	Hawkesbury Local Environmental Plan 2012
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to amend Hawkesbury Local Environmental Plan 2012, by altering the minimum lot size to part 1000sqm, part 2000sqm, part 6000sqm and part 2 hectares to allow land at 2 Inverary Drive, Kurmond, to be subdivided into 41 residential lots.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning and Environment</li> </ul>
5	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> 27 February 2018 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Lindsay Fletcher, Matt Owens and Jeff Organ</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: Terry Doran and Alicia Hall</li> </ul> </li> <li>• <b>Briefing meeting with Proponent &amp; Council:</b> 27 February 2018, from 11.50 am to 1.15pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Lindsay Fletcher, Matt Owens and Jeff Organ</li> <li>○ DPE staff in attendance: Terry Doran and Alicia Hall</li> <li>○ Proponent representatives in attendance: Robert Montgomery, Mike Carris and Ken Hardaker</li> <li>○ Council representatives in attendance: Colleen Haron and Andrew Kearns</li> <li>○ DPE staff in attendance: Terry Doran and Alicia Hall</li> </ul> </li> <li>• <b>Briefing meeting with Department of Planning and Environment (DPE):</b> 27 February 2018, from 1.20pm to 2.40pm</li> </ul>

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|  |  | <ul style="list-style-type: none"><li>○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Lindsay Fletcher, Matt Owens and Jeff Organ</li><li>○ DPE staff in attendance: Terry Doran and Alicia Hall</li></ul> |
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