

Your Ref:
Our Ref: LEP005/14

3 October 2019

Mr Glenn Apps
Cohesive Planning
P.O. Box 298
BLAXLAND NSW 2774

Dear Sir

Planning Proposal LEP005/14 - 2 Inverary Drive, Kurmond

I refer to your amended Planning Proposal submitted on 29 July 2019 in respect to 2 Inverary Drive, Kurmond. I also refer to Council's previous correspondence of 18 December 2018 and 15 April 2019 which discussed matters relating to the Rezoning Review, the Gateway Determination, the Kurmond Kurrajong Landscape Study, and Council's Development Constraints Principles.

As you are aware, the Department of Planning, Industry and Environment issued a Gateway Determination for the Planning Proposal on 28 June 2018. One requirement of the Gateway Determination was to address the planning priorities of the Sydney Region Plan and Western City District Plan.

It is acknowledged that the amended 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 has concluded that this Priority is "*not relevant to the proposal*". It is advised that other than the Vineyard Precinct in the North West Growth Area, the whole of the Hawkesbury Local Government Area is located within the Metropolitan Rural Area. As such, Planning Priority W17 applies and needs to be considered.

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."





As such, you are requested 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 that is more urban than rural, and is distinctly different to that elsewhere in the Kurmond Kurrajong Investigation Area.

Council's experience to date has highlighted that the Department of Planning, Industry and Environment and the Greater Sydney Commission consider the Metropolitan Rural Area to be a significant component of the Sydney Region Plan and Western City District Plan. As such, it is strongly recommended that contact is made with the Greater Sydney Commission to gain an understanding of the implications of the Metropolitan Rural Area on the Planning Proposal.

As you are also aware, the Planning Proposal was subject to a Rezoning Review by the Sydney Western City Planning Panel. 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 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 includes:

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 along 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. As such it is considered the amended Planning Proposal satisfies this consideration provided by the Sydney Western City Planning Panel.

4. Impact of subsequent development on existing native vegetation.

The Flora and Fauna Report prepared by Envirotech (dated 9 June 2016) and provided in support of the Planning Proposal has not been amended as requested in Council's correspondence of 18 December 2018. Therefore it is unclear as to how much of the



existing native vegetation is required to be removed for future roads, infrastructure, buildings and other improvements, asset protection zones, and the likely impacts that this will have.

Whilst the Flora and Fauna Report concludes that the impact of future residential subdivision and use may have no significant impact on threatened or endangered communities, species or populations, 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 amended 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 a lack 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.

The Gateway Determination issued by the Department of Planning, Industry and Environment on 28 June 2018 required a number of matters to be addressed prior to the exhibition of the Planning Proposal. One of these matters required Council to review allotment sizes.

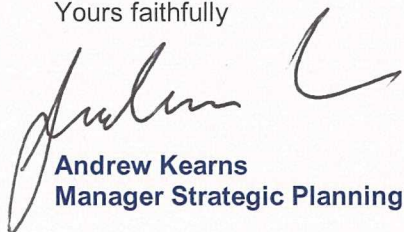
Council Officers consider that the proposed lot sizes of 2,000m² are unsuitable in the locality based on the considerations of:

- the Metropolitan Rural Area as outlined in NSW Government policy documents (Sydney Region Plan and Western City District Plan)
- various studies undertaken by Council
- the constraints of the subject site and Council's adopted Development Constraints Principles
- meeting the Sydney Western City Planning Panel's requirements to graduate lot sizes away from centres, to provide larger lots along boundaries to provide buffers to adjoining rural/agricultural land and demonstrate the impact of subsequent development on native vegetation.

Prior to the matter proceeding to exhibition, you are requested to provide additional information and an amended Planning Proposal that addresses the above matters in order to meet the requirements of the Sydney Region Plan, the Western City District Plan (Metropolitan Rural Area), the Rezoning Review, the Gateway Determination and Council Development Constraints Principles.

Should you have any questions in regard to this matter, please contact Colleen Haron, Senior Town Planner on (02) 4560 4564.

Yours faithfully



Andrew Kearns
Manager Strategic Planning

