

Guide to preparing planning proposals

1.3 How much information should be in a planning proposal before a Gateway determination has been issued?

A planning proposal must demonstrate the strategic merit of the proposed LEP amendment.

Assessment Criteria

- a) Does the proposal have strategic merit? Will it:
- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
 - give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
 - responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

b) Does the proposal have site-specific merit, having regard to the following?

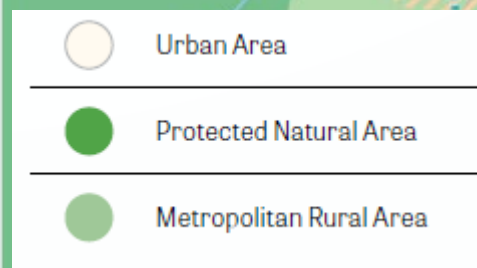
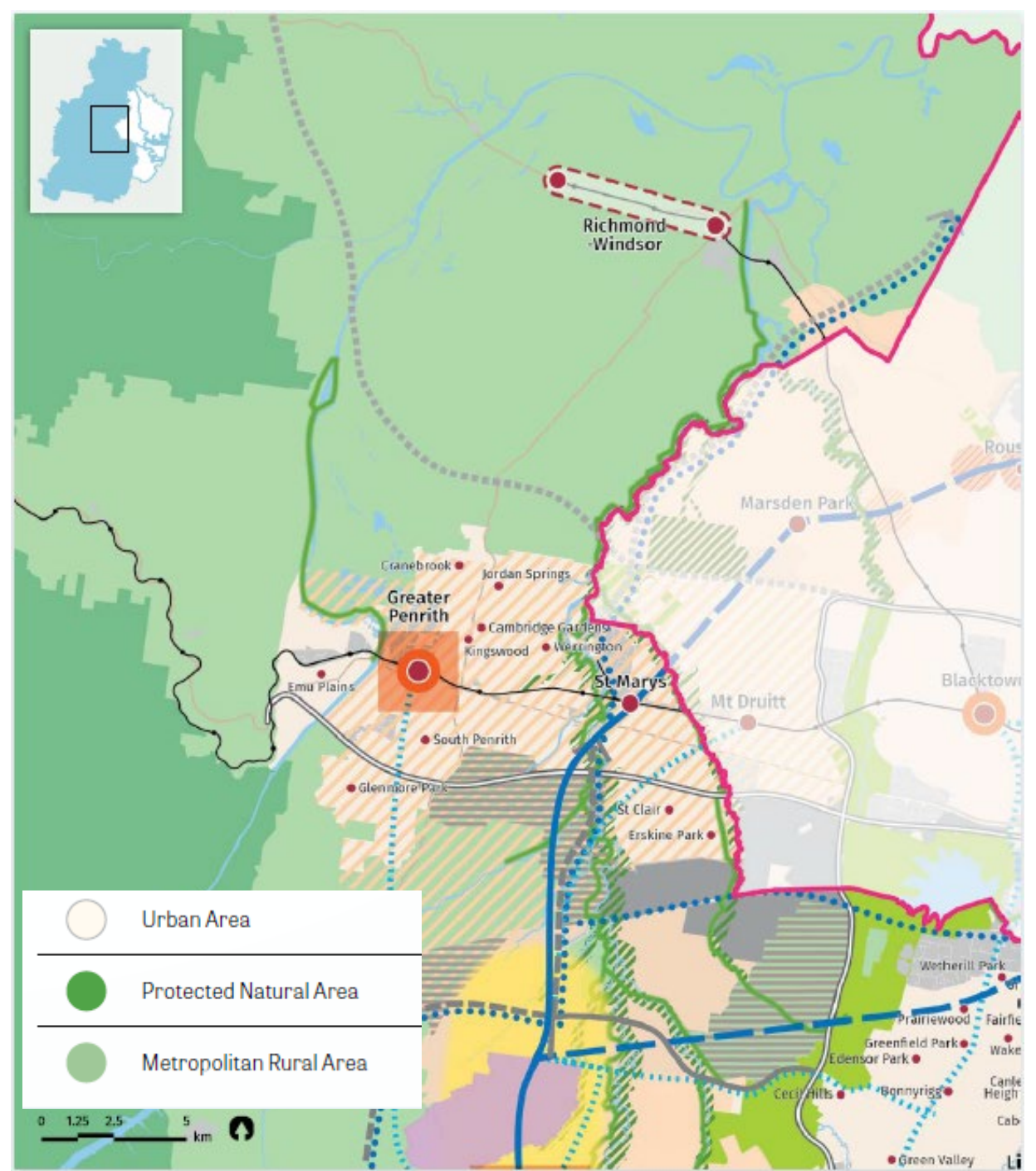
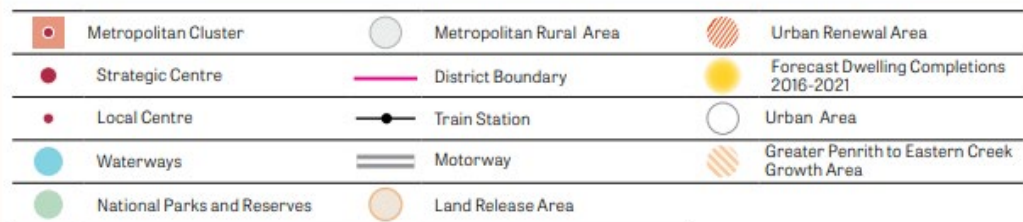
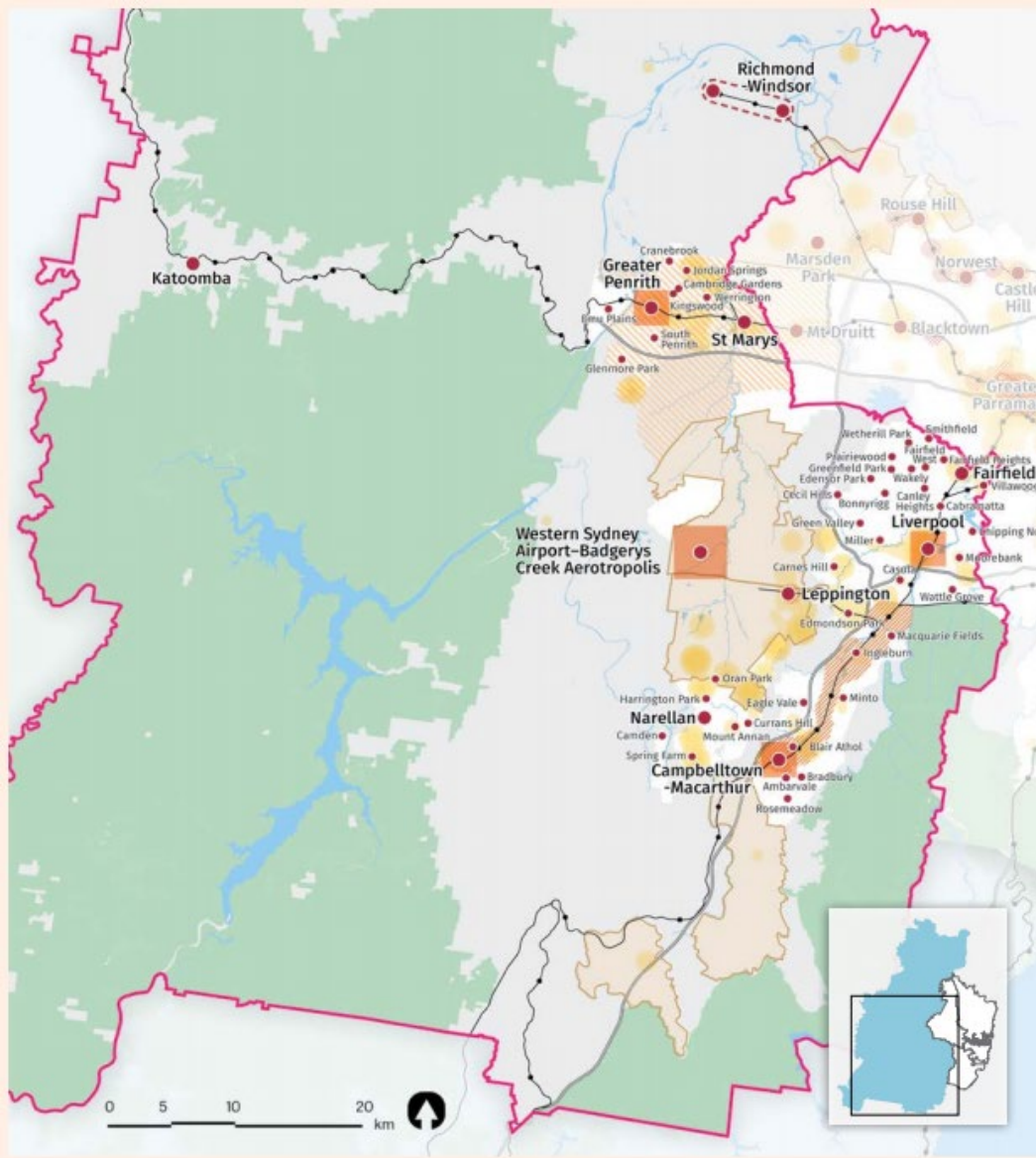
- the natural environment (including known significant environmental values, resources or hazards) and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

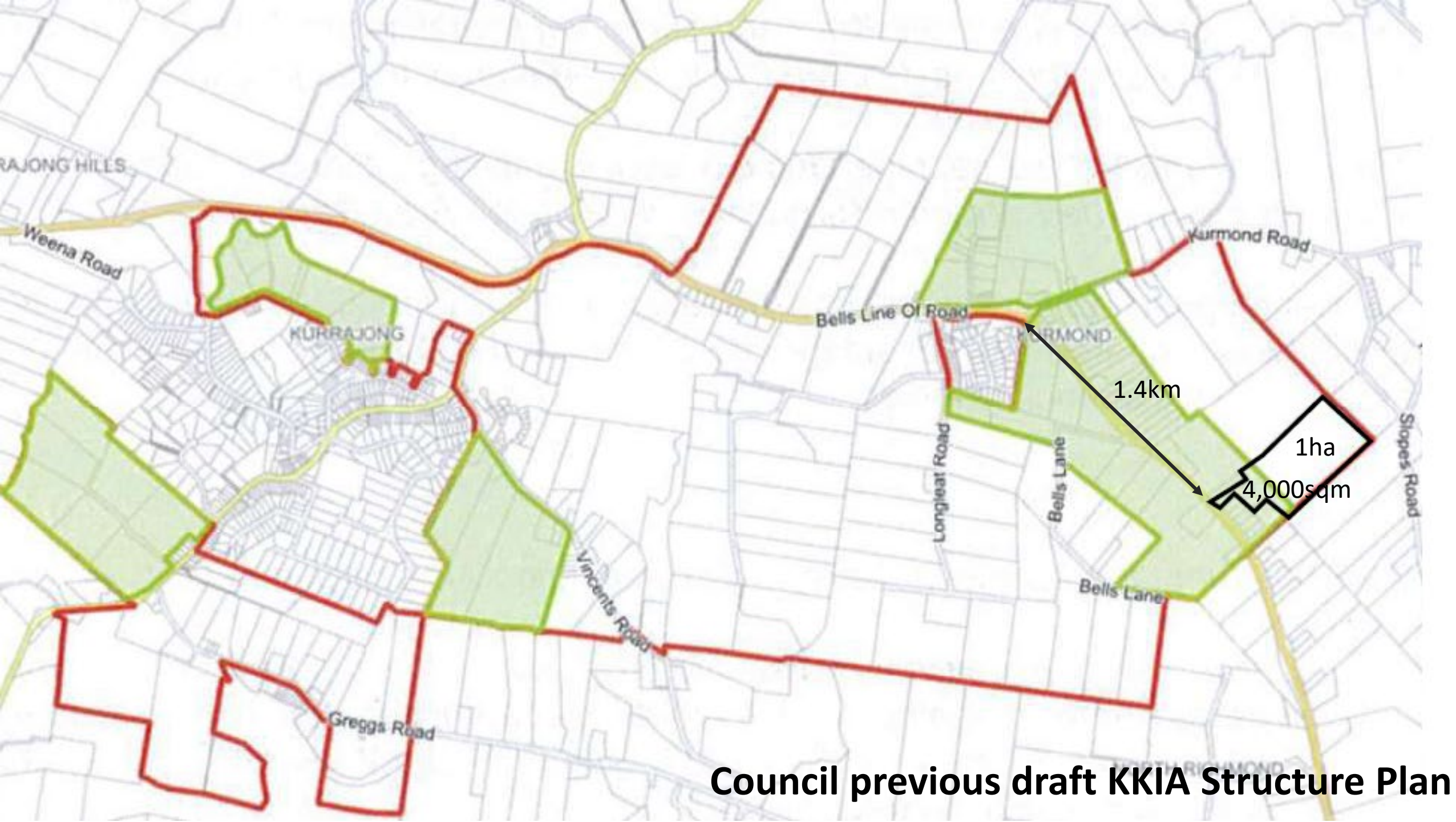
Strategic Merit

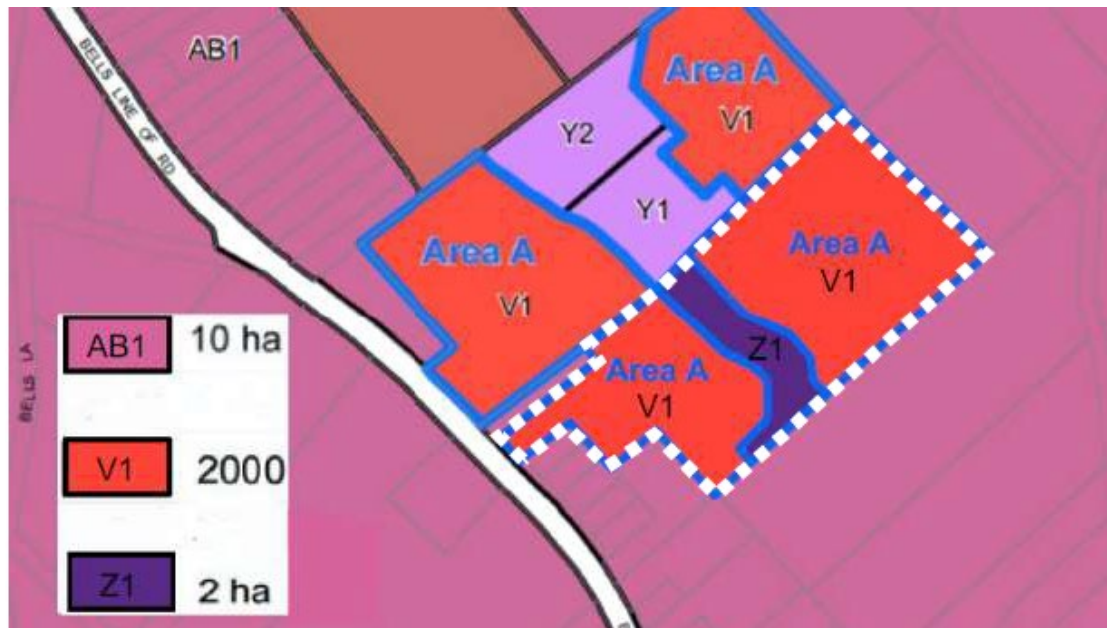
Western City District Plan

- W3 Protecting and enhancing bushland and biodiversity
- W6 Better managing rural areas

Council's Development Principles, Landscape Character Study and previous draft KKIA Structure Plan.





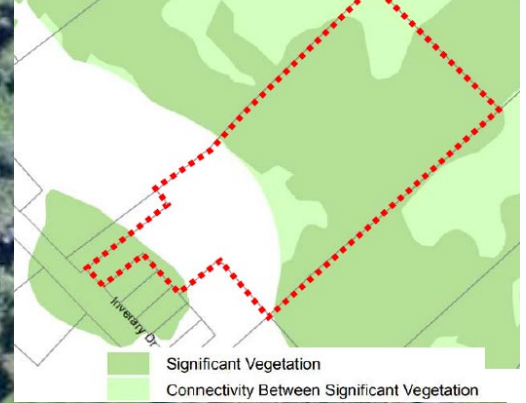


January 2021 PP



May 2017 PP





Images from Planning Proposal dated December 2020:



Figure 1: View facing south west including flower nursery (Source: Planning Proposal, December 2020).



Figure 2: Central riparian corridor (Source: Planning Proposal, December 2020).

Even though the drought stricken barren images were more than 5 years out of date -
The proponent continued to include these images in the revised planning proposal submitted in December 2020.

Images from Ecological Assessment Report dated December 2020:



Figure 4: Woodland in south eastern corner of the site (Source: Ecological Assessment Report, December 2020).



Figure 5: Riparian vegetation from centre facing west (Source: Ecological Assessment Report, December 2020).



Figure 7: Wetland community facing east, woodland in background (Source: Ecological Assessment Report, December 2020).



EES Key comments April 2021

EES is of the view that the proposed subdivision layout in the planning proposal has not been designed to avoid biodiversity values within the site. In areas of biodiversity value, including the remnant patch of Shale/Sandstone Transition Forest and threatened species habitat, it is proposed to permit subdivision into smaller 2,000m² lots, with the riparian area subject to 2ha minimum lot size. Outside of the riparian zone, there is no difference in minimum lot size between the cleared land and land containing SSTF and threatened species habitat.

In order to afford the highest of protection under a planning instruments, the conservation areas should be zoned E2 Environmental Conservation with the permitted uses limited to those that are consistent with the conservation objectives of the zone.

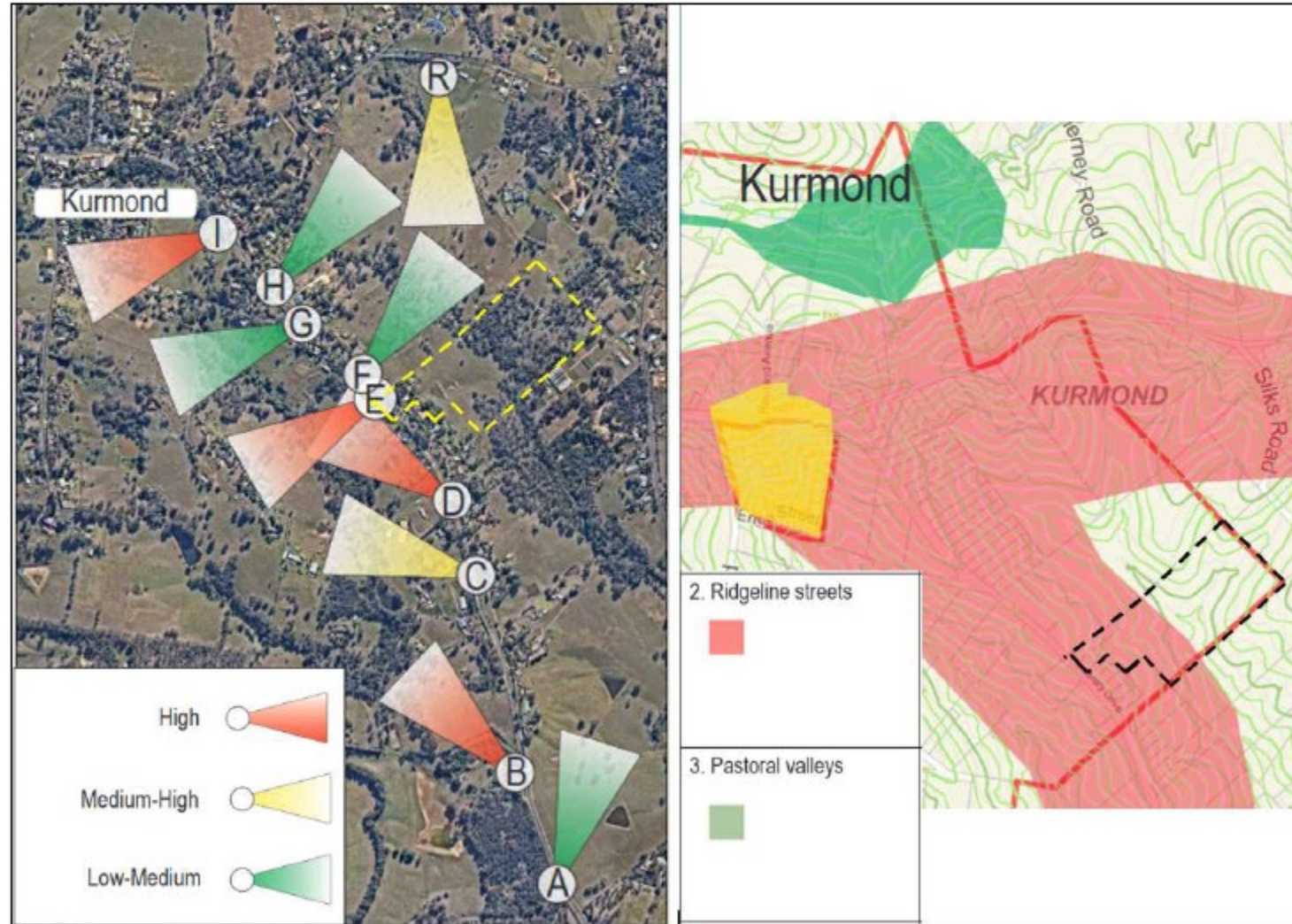
In terms of ownership, the biodiversity areas to be retained and conserved should be in single ownership. It is considered that the proposed community title arrangement provides an opportunity to conserve areas of biodiversity value with a community lot. Regarding long term management and funding arrangements, it may be possible to establish a biodiversity stewardship agreement which is an in-perpetuity agreement that provides an income stream for the management of the land.

EES notes that Table 5.4 of the report states that further surveys for Green and Golden Bell Frog will be conducted as the timing of the surveys was unsuitable. Table 5.4 also recommends that more surveys should be undertaken for the Cumberland Land Snail.

Table 5.4 argues that for several threatened bat species, the vegetation along the riparian zone is to be retained so the impacts will be negligible. However, the north-south riparian corridor will not be retained by the proposed lot layout, and the west/east corridor is very narrow and is to be severed by roads. As such, EES considers the impacts on these species have been underestimated.

Table 5.4 argues that koalas are unlikely to be resident on site but given the number of records in the local area, EES considers they may still move through site.

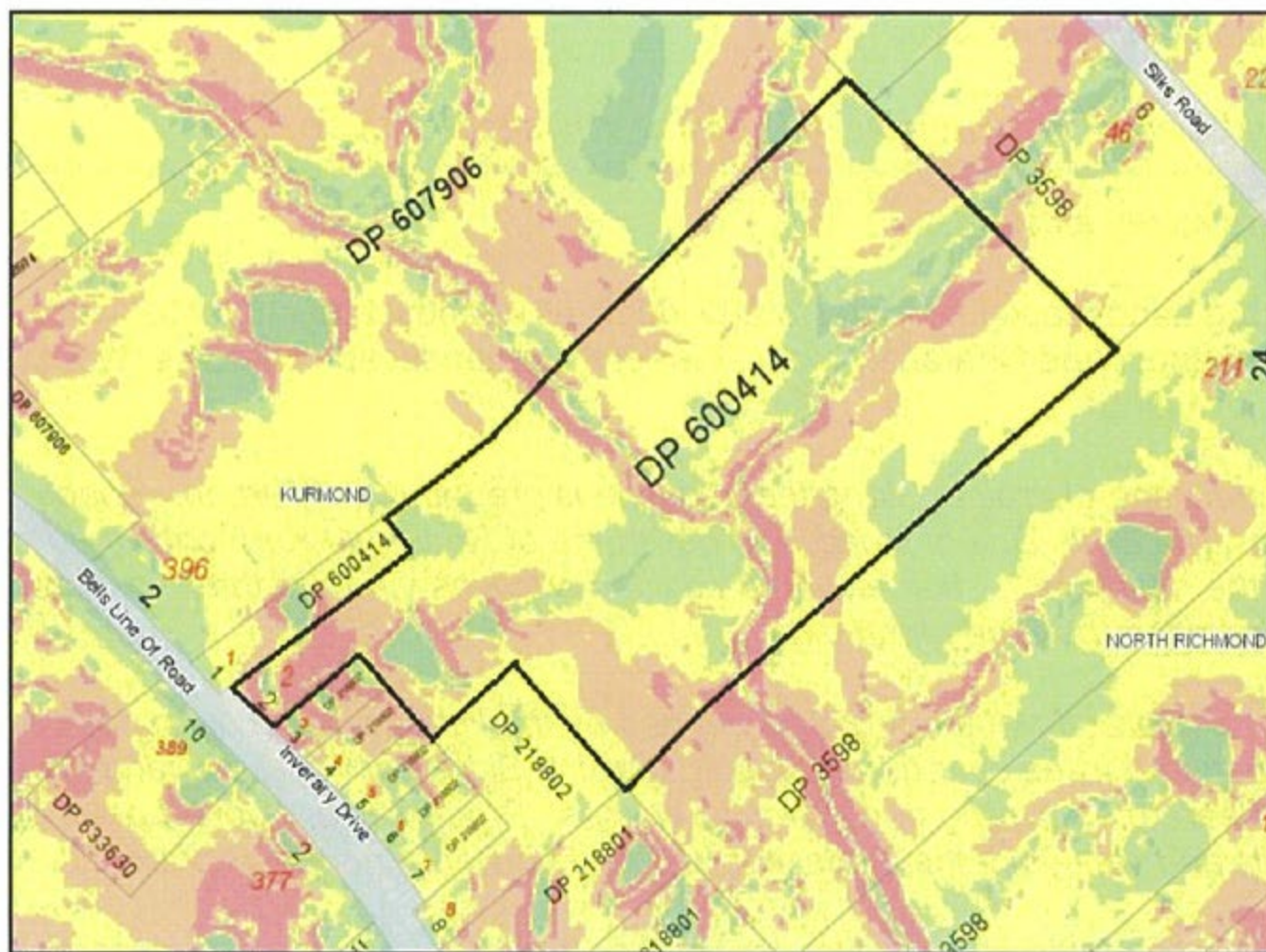
Corridor	Description	Significance	Action
F	Rural residential with views to rolling landscape	Medium	Retain and protect view
R	Rural properties in the foreground and views over the Richmond lowlands in the distance	Medium-High	Retain and protect view



Council July 2015 KKIA Development Principles

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 watercourse) 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.



Legend

Slope

- 0% - 5%
- Greater than 5% - 10%
- Greater than 10% - 15%
- Greater than 15% - 20%
- Greater than 20% -

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

