



attachment 4  
to  
item 7

Planning Proposal  
228 Hermitage Road  
Kurrajong Hills

Hawkesbury City Council

date of meeting: 5 February 2013  
location: council chambers  
time: 6:30 p.m.



# Hawkesbury City Council

366 George Street (PO Box 146) Windsor NSW 2756 DX 8601 WINDSOR  
Phone: (02) 4560 4444 Facsimile: (02) 4587 7740 Email: council@hawkesbury.nsw.gov.au



## application to amend hawkesbury local environmental plan

made under the environmental planning and assessment act  
1979

### Office Use Only

Lep No:	LEP003/12
Fees:	\$15,000.00
Date:	14/12/12
Rec No:	238114

### Applications details

Name	MOUNTAIN ISLAND PTY LTD		
Address	PO Box 7226 BAULKHAM HILLS NSW 2153		
Daytime phone	0419 46 4422	Fax	9634 6488
Mobile	0419 46 4422	Signature	

### Description of Proposal

Refer attached letter and planning proposal report.

### Land affected by proposal

<input checked="" type="checkbox"/> City wide LEP	
<input type="checkbox"/> Area/suburb base LEP	Area/suburb description <input type="text"/>
<input type="checkbox"/> Spot LEP	

### Property description

Lot	181	DP/SP	701978	
No	278	Street	"The Islands" Hermitage Rd Suburb	Kurrajong Hills

### Planning Proposal

A Planning Proposal prepared in accordance with the Department of Planning guidelines must be attached to this application form.

### Political donations and gifts disclosure statement

Where relevant, a Political donations and gifts disclosure statement must be attached to this application form.

### Privacy Notice

Council is bound by the provisions of the Privacy and Personal Information Protection Act 1998, in the collection, storage and utilisation of personal information provided in this form. Accordingly, the personal information will only be utilised for the purposes for which it has been obtained and may be available for public access and/or disclosure under various NSW Government legislation.

September 2011



# SCANNED

Our Ref: 20100115

29 November 2012

General Manager  
Hawkesbury City Council  
366 George Street  
Windsor NSW 2756

Dear Sir / Madam,

**Planning Proposal The Islands, Hermitage Road Kurrajong Hills**

On behalf of our client Mountain Island Pty Ltd, please find enclosed:

- Application form to amend Hawkesbury Local Environmental Plan 2012;
- Cheque for \$15,000 to cover assessment fees; and
- 3 copies of the Planning Proposal Report.

The intended outcomes of the Planning Proposal are:

1. Rezone the developable area of 'Middle Island' from E4 Environmental Living to R5 Large Lot Residential to be consistent with the zoning for 'Little Island' under the provisions of the Hawkesbury Local Environmental Plan 2012.
2. Amend the Minimum Lot Size Map Sheet - LSZ\_008A to permit minimum lots of 2,000m<sup>2</sup> on the future R5 Large Lot Residential zoned land.
3. Retain the zoning of residue land on 'Middle and Big Islands' as E3 Environmental Management zone; and E4 Environmental Living zone.

The objective of the proposal is to create an environmentally sustainable master planned community embracing the natural features and resources of this unique property at the base of the Blue Mountains and within easy reach of Sydney.

The master planned development will consist of a 450 lot rural/residential community.

We look forward to Council's positive consideration of the proposal and await your reply.

Yours faithfully,

Ian Stewart  
Barker Ryan Stewart Pty Ltd

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Planning

Engineering

Certification

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If you are required under section 147(4) or (5) of the Environment Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below.

### Section 3 - Disclosure Statement Details\*

Name of person making this disclosure statement:

TONY MERHI

Planning application reference (i.e. DA number, planning application title or reference property address or other description):

Person's interest in the application (please tick relevant option below):

You are the APPLICANT ☐ Yes ☐ No OR

You are the PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION ☐ Yes ☐ No

Reportable political donations or gifts made by person making this declaration or by other relevant persons:

- \* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).
- \* If you are the applicant of a planning application state below any reportable political donation or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR
- \* If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by associate.

Donation or Gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's Residential address or entity's registered address or other official office of the donor; address of person who made the first or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation of gift
DONATION	RAINBOWFORCE PTY LTD	LEVEL ONE, 74 MACQUARIE STREET PARRAMATTA	THE LIBERAL PARTY OF AUSTRALIA	29-7-10	\$5000
DONATION	TONY MERHI			30-7-10	\$5000
DONATION	RAINBOW FORCE PTY LTD			04-05-2012	\$2000
DONATION	STAMFORD HOUSE 88 PTY LTD			04-05/2012	\$2000

Please list all reportable political donations and gifts - additional space is provided overleaf if required.

#### Section 4 - Applicant Declaration

By signing below, I/we hereby declare that all the information contained within this statement is accurate at the time of signing.

Applicant(s) Name and Date\*

TONY MERHI 14-12-2012

Applicant(s) Signature\*



#### Section 5 - Lodgment Information

**You can lodge this completed application by:**

**FAX:** (02) 9843 0409

**MAIL:** The Hills Shire Council  
PO Box 75  
CASTLE HILL NSW 1765

**IN PERSON AT COUNCIL'S CUSTOMER SERVICE CENTRES:**

Council Administration Building, 129 Showground Road, Castle Hill

Castle Hill Library, Cnr Castle and Pennant Streets, Castle Hill

Dural Library, Pellitt Lane, Dural

Vinegar Hill Memorial Library, 29 Main Street, Rouse Hill Town Centre

If you require further information regarding this request, please contact Council on 9843 0555.

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The intended recipients of the personal information are:

- Officers within the Council,
- Data service providers engaged by the Council from time to time;
- Any other agent/contractor of the Council; and
- Other Statutory Authorities.

The supply of the information by you is not voluntary. If you cannot provide or do not wish to provide the information sought, the Council may be limited in dealing with your request etc.

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Council is to be regarded as the agency that holds the information.

If you have any further enquiries concerning this matter contact Council's Public Officer on 9843 0555.

#### Office Use Only

Receiving Officer

Date Received

Assessment No.

Receipt No.

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BarkerRyanStewart



Mountain Island Pty Ltd

Planning Proposal

The Islands Rural/Residential Community

'The Islands'  
Hermitage Road  
Kurrajong Hills

Our Ref:20100115  
November 2012



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Project No.	20100115
Author	IS
Checked	RL
Approved	IS

Rev No.	Status	Date	Comments
1	Draft	6/11/2012	
2	Amended Draft	16/11/2012	
3	Amended Draft	26/11/2012	
4	Final	29/11/2012	

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 Attachment B – DA 448/88  
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 Attachment D – Flooding Plan  
 Attachment E – Local Services Plan

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## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This report has been prepared on behalf of Mountain Island Pty Ltd.

The objective of the proposal is to create an environmentally sustainable master planned community embracing the natural features and resources of this unique property at the base of the Blue Mountains and within easy reach of Sydney.

The master planned development will consist of a 450 lot rural/residential community.

The intended outcomes of the Planning Proposal are:

1. Rezone the developable area of 'Middle Island' from E4 Environmental Living to R5 Large Lot Residential to be consistent with the zoning for 'Little Island' under the provisions of the Hawkesbury Local Environmental Plan 2012.
2. Amend the Minimum Lot Size Map Sheet - LSZ\_008A to permit minimum lots of 2,000m<sup>2</sup> on the future R5 Large Lot Residential zoned land.
3. Retain the zoning of residue land on 'Middle and Big Islands' as E3 Environmental Management zone; and E4 Environmental Living zone.

### Background

The site is known as 'The Islands' and the topography is divided into three areas known as Little Island, Middle Island and Big Island.

The Islands were rezoned under Hawkesbury Local Environmental Plan 1987 to permit an integrated tourist and residential development. The LEP provided for 200 allotments ranging between 2,000m<sup>2</sup> and 5,000m<sup>2</sup> and tourist facilities.

Development consent DA 448/88 was granted on 4 August 1989 by Hawkesbury City Council for:

- 59 rural/residential lots on Little Island;
- 140 rural/residential lots, 200 room hotel (with associated bar, lounge, convention and dining facilities), health management centre, country club, equestrian centre(including stabling and grazing for 20 horses, dressage, show jumping and polo facilities), 9 hole golf course, tennis courts, swimming pool and car parking for 300 vehicles on Middle Island;
- 18 hole golf course and club house on Big Island.

Subsequent to the 1989 consent, approval was granted by Council for subdivision of part of Middle Island into 32 lots under Community Scheme legislation.

The 1989 consent spread the tourists and recreational facilities over both Middle and Big Islands. This proposal seeks to retain Middle Island for rural / residential living and delete previously proposed development on Big island.

The removal of the approved hotel, health management centre, recreational facilities, golf course and equestrian centre provides a more environmentally viable outcome for the site..

The Hawkesbury City Council DA 448/88 approved plan is included in Attachment B.



The client has received legal advice confirming physical commencement of DA 448/88. At this stage the client's preference is to develop the site under a new Planning Proposal rather than DA 448/88.



### **The Concept**

The vision is to create an innovative, environmentally sustainable, self-sufficient master planned community embracing and being sensitive to the natural features and resources of the site and surrounding area.

#### **Master Plan**

The Mountain Island Master Plan is shown at Attachment A.

It is proposed to develop Middle Island for approximately 450 rural / residential lots varying in size between 2,000m<sup>2</sup> and 1.0ha. The lots will be created as Torrens Title under Community Scheme legislation.

Dwellings will be constructed on each lot in accordance with the architectural, landscaping and sustainability standards set down in the community scheme.

The main homestead and grounds will be retained and upgraded for a centralised community building, general store, cafe and community parklands.

Big Island will remain vacant, safeguarding the natural features of the land.

#### **Environmental Sustainability**

The Islands is possibly the largest single private landholding in Sydney with a total site area of 783.67ha.

The site has historically been used for logging and cattle grazing, and more recently an Arabian Horse Stud. The site neighbours Wollemi National Park and contains significant environmental qualities. This proposal seeks to improve existing degraded areas and limit the extent of development to the areas previously approved under the 1989 consent and generally within areas disturbed from past agricultural and logging practices.

The possible offset of environmentally significant land will ensure that the area is conserved over the long term and is not diminished through ongoing agricultural pursuits.





Environmentally sustainable features of the development include:

- Development restricted to previously cleared areas and areas previously approved under the 1989 consent.
- Development will be restricted to the plateaus on Middle Island. The steep slopes and riverine corridors will be protected from any future development or cattle grazing.
- Use of existing on site and recycled materials in construction and building where possible.
- Source local labour and materials where possible.
- Internal roads will follow ridgelines and contours to minimise site disturbance.
- Clearing will be limited to selective tree clearing to retain significant vegetation in development areas and to maintain wildlife corridors.
- Total water cycle management of potable water supply; grey water; wastewater; stormwater and natural waterways.
- Water sensitive urban design measures will be incorporated into the design to ensure post development water quality meets or exceeds current levels.
- All works other than infrastructure connections will be set back significantly from top of bank riparian corridors.
- Buildings will be positioned to minimise unnecessary tree removal.
- Existing water courses and natural vegetation will be regenerated and improved.
- Existing dams will be retained and constructed into artificial wetlands.

To ensure the viability and long term sustainability of the project, the following self-sufficiency measures are proposed.

- All sewer will be treated in sewage package treatment plants and grey water reused for irrigation.
- Water supply will be sourced from a combination of options including, rainwater tanks, existing and proposed dams, existing bores and water extraction licences; and grey water.
- Solar panels will be implemented to minimise reliance on external power supply.



## PART 2 – EXPLANATION AND PROVISIONS

### 1.1 Site Overview

The land is identified as Lot 200 DP 1012480 known as part of Little Island; Lot 181 DP 701978 known as Middle Island; and Lot 1 DP 184741 known as Big Island. Collectively the land is known as "The Islands" 278 Hermitage Road Kurrajong Hills.

The Islands is possibly the largest single private landholding in Sydney with a total site area of 783.67ha.

The site is divided into three "islands" by Little Island Creek, Middle Island Creek and Big Island Creek. These creeks run eastward into Little Wheeney Creek which flows north from the property.

Part of Little Island has been previously developed for 32 rural living lots under community scheme legislation. The residue parcel has a site area of 52.73ha.

Middle Island has a site area of 278.8ha;

Big Island has a site area of 452.14ha.

According to previous owners the site was originally used for logging and vegetable production. The site was purchased by CSR in 1957 for logging and cattle agistment. Pine plantations were planted in the mid to late 60's. The farm has recently been used for farming and an Arabian horse stud.





Improvements on the property include a weatherboard homestead, swimming pool, landscaped yard, sheds, internal roads, fenced paddocks, dams, sandstone quarry, irrigation infrastructure, horse stables and associated farm infrastructure.

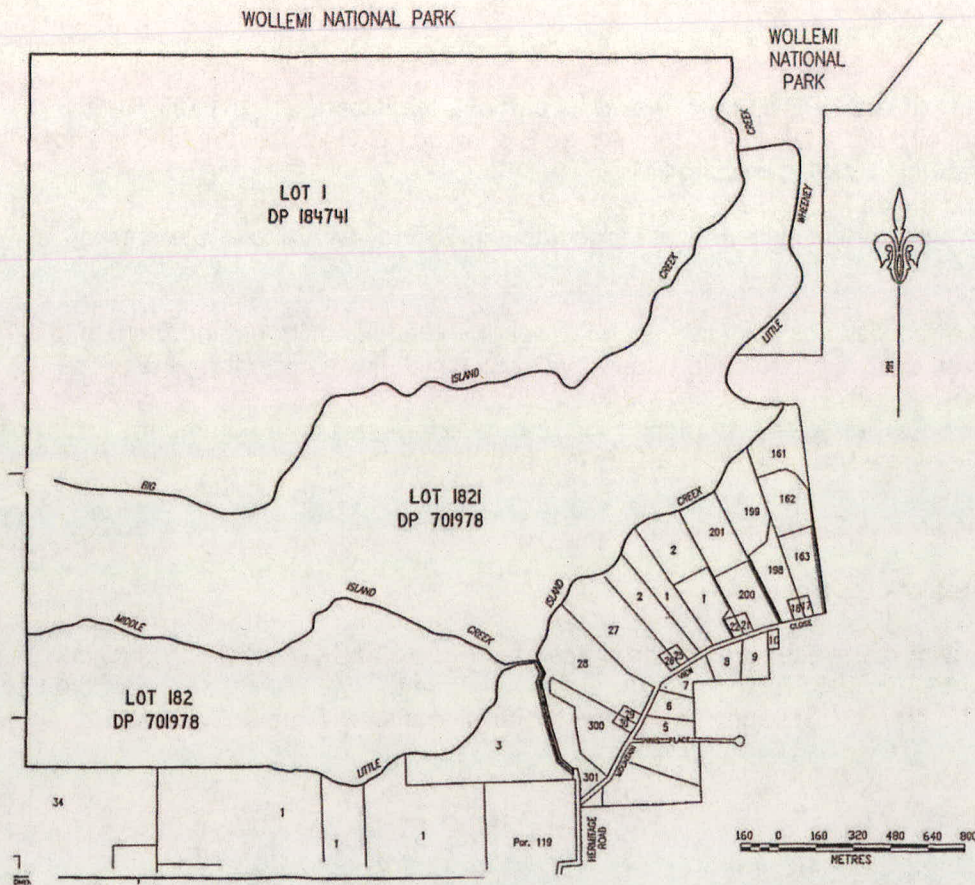


Figure 1: Lot Layout

Note: Lot 182 was subsequently subdivided to create Lots 200 and 201. Lot 201 contains the Little Island Large Lot Residential development. Lot 200 forms part of the land to be offset for conservation purposes under this Planning Proposal.

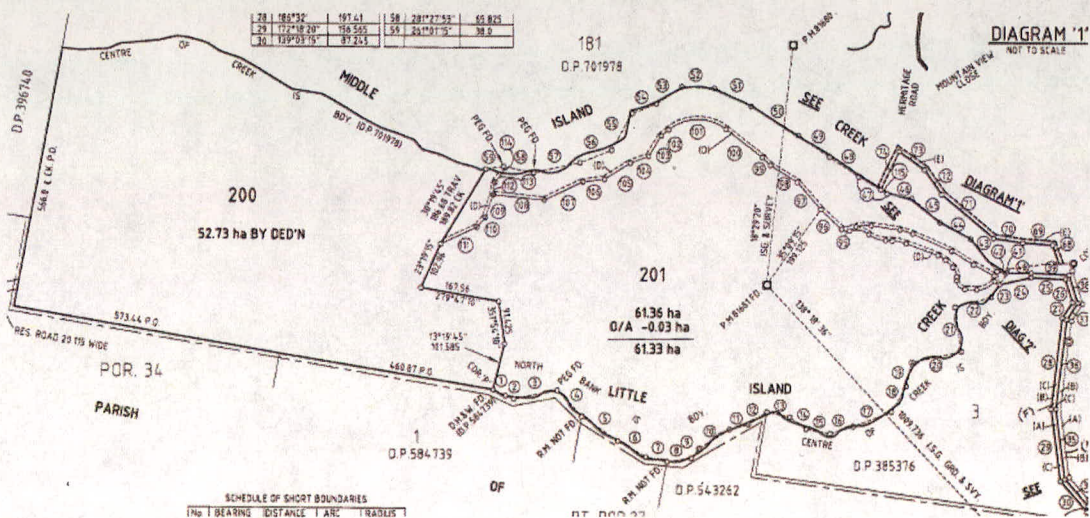




Figure 1.1: Lot Layout (Lots 200 and 201).

## 1.2 Land Use Context

The site is located approximately 2.5km north of Kurrajong Hills and 5km north-west of Kurrajong.

The property extends from the foot slopes of the Blue Mountains to the west to rural living lots to the south and east; and Wollemi National Park to the north.

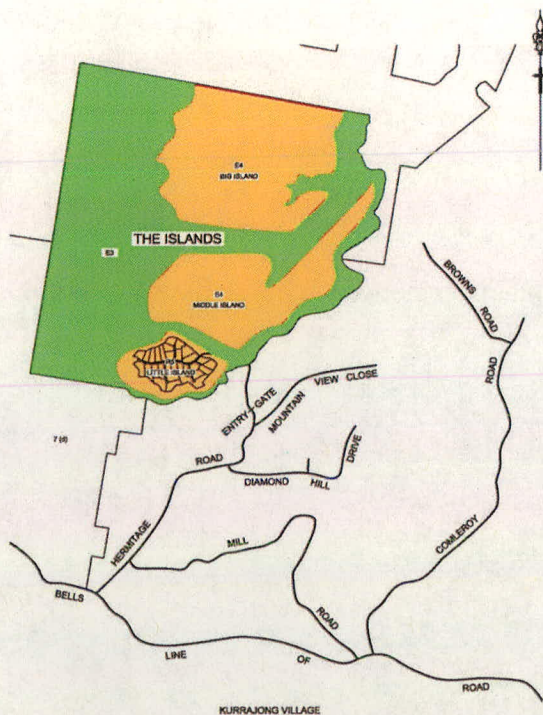
Surrounding land is predominantly used for rural residential living with large homes on acreage.

The site is accessed via Hermitage Road which connects with Bells Line of Road to the south.



Figure 2: Regional Context





**Figure 3: Local Area Network**

**Hawkesbury Local Environmental Plan 2012**

The intended outcomes of the Planning Proposal are:

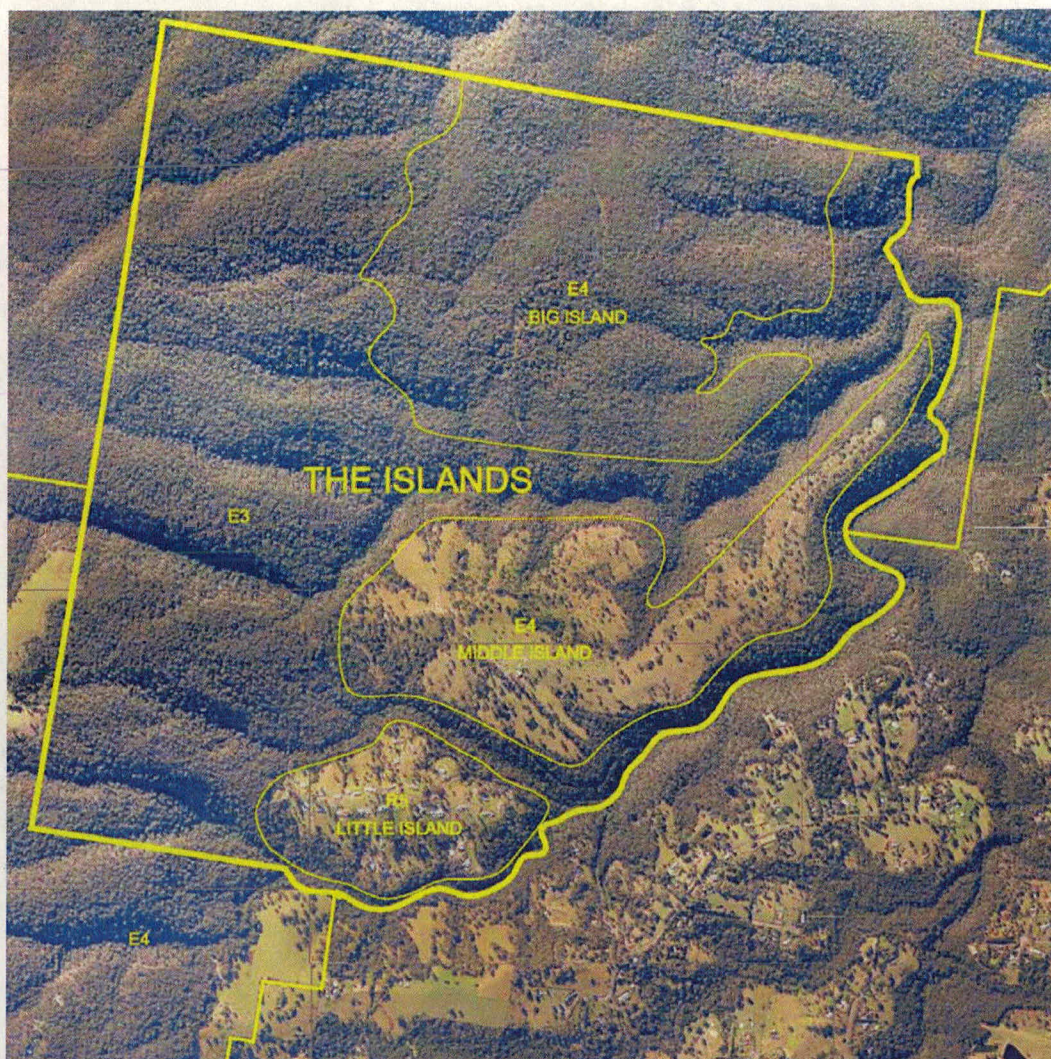
1. Rezone the developable area of 'Middle Island' from E4 Environmental Living to R5 Large Lot Residential to be consistent with the zoning for 'Little Island' under the provisions of the Hawkesbury Local Environmental Plan 2012.
2. Amend the Minimum Lot Size Map Sheet - LSZ\_008A to permit minimum lots of 2,000m<sup>2</sup> on the future R5 Large Lot Residential zoned land.
3. Retain the zoning of residue land on 'Middle and Big Islands' as E3 Environmental Management zone; and E4 Environmental Living zone.





Figure 4: Existing Zoning





**Figure 5 Proposed Zoning & Aerial Photo**

Land Use Table

The Land Use Table for the R5 Large Lot Residential zone is:

**1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide primarily for low density residential housing and associated facilities.

**2 Permitted without consent**

*Bed and breakfast accommodation; Environmental protection works; Home occupations*



**3 Permitted with consent**

*Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home industries; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities*

**4 Prohibited**

*Any development not specified in item 2 or 3.*

## PART 3 – JUSTIFICATION

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### Section A – Need for the Planning Proposal

- ***Is the Planning Proposal a result of any strategic study or report?***

No. The Planning Proposal is a formal request from the land owner.

- ***Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes.

The land owner has the option of acting on the existing 1989 approval that has been substantially commenced. It is however considered that this option will not provide the best outcome for the local environment or result in the optimal use of the land for the proposed uses.

The Planning Proposal is therefore considered the best means of achieving the objectives and intended outcomes.

- ***Is there a net community benefit?***

The proposal will generate a community benefit for the following reasons:

- Provision of additional housing on developable land; and
- Significant capital investment and job creation.

The limited increase in traffic along the local road network will be outweighed by the above stated benefits and it can therefore be concluded that the overall development will have a net benefit to the local community.

***Will the LEP be compatible with agreed State and Regional strategic directions for development in the area?***

The Sydney Metropolitan Strategy aims to add 5,000 additional homes in the Hawkesbury and provide 3,000 additional jobs for the north-west by 2031.

The development will contribute to these housing and employment targets for the north-west subregion.

***Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?***

The area is identified in the North-West Subregion of the Metropolitan Strategy.



***Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?***

No. The proposed zoning will be consistent with the zoning for Little Island and the proposed lot sizes will be compatible with development consent DA 448/88. Further, the land to the east and south of the site has previously been developed for rural residential development, while the land to the north and west is located within the Wollemi National Park. The significant fragmentation of the land to the south and east will limit the opportunity for other landowners to use the proposal as a precedent for further development.

***Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?***

The cumulative impacts have been considered and it is considered that the proposal will not have an overall negative impact on the locality.

The rural residential development adjoining the site is well setback and screened from the proposed development area and will not be impacted significantly by the planning proposal.

There are no comparable landholdings of this size that could be developed in the manner proposed.

***Will the LEP generate permanent employment generating activity or result in a loss of employment lands?***

The proposal will add significantly to the economic activity in the area and will generate a large number of employment opportunities (refer Section C).

***Will the LEP impact on the supply of residential land and therefore housing supply and affordability?***

The Strategic Plan identifies the need for 5,000 dwellings; of which approximately 70% should be in the form of medium density housing and 30% low density / rural residential.

The enclosed land use plan and flooding maps (refer Attachments C and D) confirm that the majority of the LGA is either flood affected; heavily vegetated; prime agricultural land; or fragmented into multiple ownership.

The developable area of Middle Island is mostly cleared and held in single ownership.

The provision of 450 lots on Middle Island represents a limited opportunity to contribute to the future housing supply in the Hawkesbury.

***Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?***

Road and utility upgrades are proposed, refer Section C.

The development will be relatively self-contained and will provide a small convenience store and community centre on Middle Island.

Bus services will be available to connect with larger centres.

***Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?***

The Local Services Plan included as Attachment E indicates that a full range of services are available to suit the future requirements of this development. Nearby services include:

- 4 public schools;
- 1 Christian school;
- Child care;
- Post office;
- Medical practices;
- Pharmacy;
- Retail shops including supermarket;
- Restaurants and Hotel.

In addition, a full range of private, public, health, transport and community services are available in the larger centre of North Richmond (approximately 9km from site).

The required travel distances are considered acceptable for development in a rural residential setting.

Road upgrades are proposed as outlined in Section C.

***Are there significant Government investments in infrastructure, or services in the area whose patronage will be affected by the proposal? If so what is the expected impact?***

No. The proposal will not affect government investments.

***Will the proposal impact on land that the Government has identified as needed to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?***

No. Although the site adjoins the Wollemi National Park, it is not proposed to develop land in close proximity to any of the environmentally sensitive areas.

***Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?***

The proposed development of Middle Island will be self-contained due to the topographical and environmental characteristics of the site. The rural/residential community will be compatible with the amenity of the locality. The adjoining development on Little Island is similar to that contained in the planning proposal, and it is therefore anticipated that the proposal is compatible and complimentary with the surrounding land uses.

Future road upgrades and the conservation of environmentally significant land will contribute to the public domain.

***Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?***

No. The retail development included in the planning proposal will only provide limited services to the local residents. It is anticipated that the larger retail centres in Kurrajong and North Richmond will benefit greatly from the additional population within the respective catchments.

***If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?***

No. To minimise reliance on external areas the following on-site facilities are proposed:

- Mini-market for daily grocery items; and
- Community centre for use by the Community Association.

***What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?***

The LEP amendment is in the public interest as it will:

- Contribute to housing supply and therefore housing affordability; and
- Create investment in the locality and significant job creation.

## Section B – Relationship to the Strategic Planning Framework

- ***Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?***

### Draft North-West Subregional Strategy

The North West Subregion is made up of five local government areas: Baulkham Hills, Blacktown; Blue Mountains; Hawkesbury; and Penrith. Covering 5,240 km<sup>2</sup> the North West is the largest of the subregions and supports a population of over 760,000 people (ABS 2006).

Key actions identified in the Strategy and of relevance to this proposal include:

- Provide an additional 140,000 dwellings in the north-west by 2031;
- Provide an additional 5,000 dwellings in the Hawkesbury LGA by 2031
- Provide an additional 130,000 jobs in the north-west by 2031;
- Apply Sustainability Criteria for any new greenfield land release areas;
- Establish a rural resource lands working party to identify a metropolitan wide approach to the ongoing protection and management of rural resource lands;
- Manage the impacts of tourism on the natural environment; and
- Protect and manage regionally significant open space, bushland and foreshore reserves.

In relation to the Hawkesbury LGA the subregional strategy states:

*Hawkesbury local government area has a population of 62,000 within 2,800 km<sup>2</sup> of land (ABS 2006) representing the lowest density within the subregion. The population has decreased slightly in recent years. The Town Centres of Windsor and Richmond are located to the south east of Hawkesbury.*

*The subregion supports valuable rural industries, particularly along the Hawkesbury River and Bells Line of Road. The subregion also has vast areas of bushland, both protected within National Parks and bushland reserves and on private land. Large parts of the local government area are within the Hawkesbury Nepean flood plain and this constraint will influence the level and distribution of future growth. Hawkesbury also has places of heritage significance which date to the earliest years of colonial settlement including four of the five Macquarie towns (Windsor, Richmond, Pitt Town and Wilberforce).*

- ***Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?***

### Hawkesbury Community Strategic Plan

The Hawkesbury Community Strategic Plan sets out the overall vision for the community and will inform a Residential Land Use Strategy and Employment Lands Study.

The core philosophy of the draft residential strategy is to consider sustainable development and communities and seeks to minimise environmental impact, preserve existing character and lifestyle choices, promote social interaction and ensure economic viability. In this regard the centres model builds on the Sydney Metropolitan Strategy to locate 60% to 70% of future housing within or adjoining existing centres. This does not mean that the draft strategy ignores rural residential development. The

draft strategy includes criteria for development around rural villages to minimise the impacts on, and fragmentation of, agricultural land, protect scenic landscape and natural areas, and recognises the limitations and servicing constraints of development in rural localities.

The target for housing provision is 70% in or adjacent to existing centres (towns, villages) and 30% as Greenfield development..

The draft strategy has identified a number of key issues that have implications (constraints and opportunities) for housing in the Hawkesbury as follows:

- Natural environment,
- Centres and employment,
- Transport,
- Open space and recreation,
- Community services and facilities,
- Utilities infrastructure,
- Heritage and character,
- Sustainable development.

The issue of flooding is paramount in the Hawkesbury LGA as the majority of potential residential land is affected by flooding. The provision of 70% of new development adjacent to existing residential areas is therefore not feasible. As a result, alternative locations will need to be sourced to meet required provision of housing. It is considered that the subject land would therefore fit the requirements of the Strategy.

Further, the proposal is consistent with relevant strategies for the following reasons:

- Contribute to the targets of 5,000 additional homes for the Hawkesbury and 140,000 homes for the north-west.
  - Provides housing above the possible maximum flood PMF level.
  - Contribute to the target of 30% of new housing being located in greenfield areas.
  - Contribute to the employment targets of 3,000 additional jobs for the Hawkesbury and 130,000 extra jobs for the north-west by 2031.
  - Will preserve more than 400ha of significant bushland.
- 
- ***Is the Planning Proposal consistent with applicable State Environmental Planning Policies?***

#### SREP 20 Hawkesbury-Nepean River

The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Under clause 11 of SREP 20 certain matters must be considered by the consent authority for different types of development. Full details on protection of riverine corridors and water quality measures will be required to assess the potential impacts on the Hawkesbury-Nepean River system.

SEPP No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process. As stated above, the site has been zoned for club related development for over 35 years.

It is therefore considered that the potential for hazardous contamination would be minimal.

The owner of the land is also unaware of any historical of contaminating activities.

• ***Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?***

This section of the report outlines the compliance of the proposal with the relevant section 117 ministerial directions issued under the Environmental Planning and Assessment Act 1979.

Table 2: Relevant s117 Directions

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
1.2 Rural Zones	
The objective of this direction is to protect the agricultural production value of rural land.	
1.5 Rural Lands	
The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	The site has been zoned for conservation purposes and the Planning Proposal will not result in the loss of agriculturally zoned land.
2.1 Environment Protection Zones	
<u>Objective:</u> The objective of this direction is to protect and conserve environmentally sensitive areas.	Development will be restricted to previously cleared areas and areas previously approved under the 1989 consent.  Development will be restricted to the plateau on Middle Island. The steep slopes and riverine corridors will be protected from any future development or cattle grazing.
2.3 Heritage Conservation	
<u>Objective:</u> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is not identified as being part of, or containing any environmentally heritage and ecologically significant items and areas.

<b>3.4 Integrating Land Use and Transport</b>	
<b>Objective:</b> The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport; and</li> <li>(b) reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul>	The development will be relatively self-contained and will provide a small convenience store and community centre on Middle Island.  Bus services will be available to connect with larger centres.
<b>4.4 Planning for Bushfire Protection</b>	
<b>Objective:</b> The objectives of this direction are: <ul style="list-style-type: none"> <li>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>(b) to encourage sound management of bush fire prone areas.</li> </ul>	The development will be designed to comply with Planning for Bushfire Protection Guidelines 2006.
<b>5.1 Implementation of Regional Strategies</b>	
<b>Objective:</b> The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The development will provide additional housing and employment growth and complement the locality.
<b>6.1 Approval and Referral Requirements</b>	
<b>Objective:</b> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Noted.
<b>7.1 Implementation of the Metropolitan Plan for Sydney 2036</b>	
<b>Objective:</b> The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Noted. The Metropolitan Strategy has been considered as part of this report.

## 4.3 LEP Pro-forma Evaluation Criteria – Category 1 Spot Rezoning

Table 4: Category 1 Spot Rezoning Criteria

	Criteria	Yes/No
1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?  <i>Explain: The development will provide additional housing and employment growth and complement the locality.</i>	Yes
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?  <i>Explain: The proposal is consistent with relevant s.117 directions. Refer section 4.2.</i>	Yes
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?  <i>Explain: The site is located within the North-West Subregion.</i>	Yes
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?  <i>Explain: The LEP will facilitate a large number of permanent jobs.</i>	Yes
5.	Will the LEP be compatible / complementary with surrounding land uses?  <i>Explain: As outlined throughout the report the LEP will be compatible with surrounding land uses.</i>	Yes
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?  <i>Explain: The Islands is potentially the largest single private landholding in the Sydney region and there are no other opportunities to undertake a large scale development in the manner proposed.</i>	No
7.	Will the LEP deal with a deferred matter in an existing LEP?  <i>Explain: N/A.</i>	No
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?  <i>Explain: We are not aware of any similar spot rezonings that would cause cumulative effects on the locality.</i>	Yes



## Section C – Environmental, social and economic impact

- *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

### Flora and Fauna

#### Vegetation Types Present

The dominant vegetation type within the site is Hawkesbury Sandstone Dry Sclerophyll Forest. This community is present on ridge tops, plateau surfaces and side slopes and shows marked variation in species composition and community structure in response to soil and topographical variation within the landscape.

Vegetation on ridge tops and plateau surfaces is generally characterised by an open forest structure with low tree density, whereas on slopes and in gullies a higher tree density open forest variant is prevalent. In deep gullies well developed riparian areas occur which contain Temperate Rainforest vegetation with a closed forest structure.

The vegetation of Middle Island has been significantly simplified by high levels of disturbance associated with previous clearing and pasture improvement undertaken on most of the ridge top and plateau areas. Scattered remnant native tree cover is present and areas containing vegetation on slopes not suitable for rural purposes remain within the site. Vegetated areas adjoining disturbed areas are considered to be impacted from edge effects such as weed invasion and increased nutrient levels associated with pasture improvement works.

#### Threatened Ecological Communities

A number of threatened ecological communities are present within the local government area and may occur on the site. These communities include:

- Blue Mountains Shale Cap Forest in the Sydney Basin Bioregion;
- Shale Sandstone Transition Forest in the Sydney Basin Bioregion; and
- Western Sydney Dry Rainforest in the Sydney Basin Bioregion.

Detailed vegetation surveys will be need to be conducted to determine if any of these communities are present. It is important to note however, that while further investigations are to be undertaken, flora and fauna investigations were satisfactorily addressed for the 1989 Development Consent.

### Potential Fauna Habitats Present

The plateau of Middle Island is dominated by cleared grazing pastures with scattered trees.

The cleared plateau is bordered by steep vegetated gullies. These gullies contain a continuous cover of trees with an understorey of and shrubs, leaf litter and fallen logs. These areas provide foraging and shelter for forest fauna.

- ***Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

### Topography & Drainage

The subject site lies on the western edge of the Sydney Basin.

Drainage from the site is via Big Island Creek, Little Island Creek and unnamed tributaries of Little Wheeny Creek which flow through the site from west to east.

Each island is characterized by gently undulating plateaus suitable for development. The islands are separated by narrow and incised valleys.

The development will be generally restricted to the plateaus which have slopes ranging from 1% to 20%. Land to the west of the development area and within the incised valleys is significantly steeper and will be restricted from development.

### Geology and Soils

The site has been identified as containing Lucas Heights and Hawkesbury Soil Landscapes. The soils on ridges are generally sandy loams on the Mittagong Formation. The side slopes and valley floors are composed of Hawkesbury Sandstone which gives rise to shallow sandy clay loams and coarse quartz sands and isolated areas of light clay where shale lenses occur.

An extensive Geotechnical investigation is to be undertaken of the soil types, absorption rates, slope stability, contamination, salinity and acid sulphate soils as part of the detailed Environmental Assessment.

Infrastructure will be appropriately designed for the sites soil and geotechnical characteristics.

### Bushfire

The site will be developed having regard for the requirements of NSW Planning for Bushfire Protection (PBP) 2006.

Due to the size of the subject property the ability to provide adequate internal road infrastructure and complying Asset Protection Zones in accordance with the requirements of the NSW Environmental Planning and Assessment Act 1979, the Rural Fires Act 1997, the Rural Fires Regulations 2008, 'Planning for Bushfire Protection – 2006' for the purposes of bushfire hazard determination and Australian Standard AS3959 – 2009 titled 'Construction of buildings in bushfire-prone areas' as amended for building/structural provisions should be achievable.

Search of historic documents and maps shows that other access and egress opportunities may be available and we will consult with the NSW Rural Fire Service on this matter during the more detailed planning development stage of the proposal.



To achieve compliance with PBP a combination of asset protection zones, compliant fire access and available water for fire fighting purposes.

The implementation of the recommended measures will ensure the proposal meets acceptable bushfire safety standards.

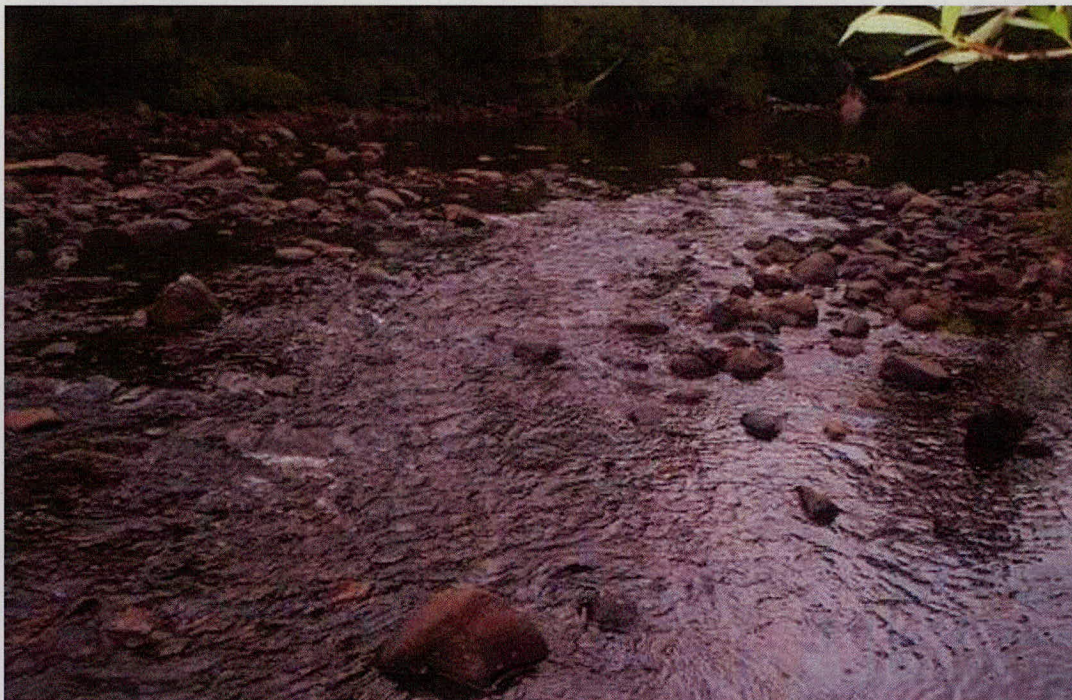
## **Water**

The site is divided into three "islands" by Little Island Creek, Middle Island Creek and Big Island Creek. These creeks run eastward into Little Wheeney Creek which flows north from the property.

An abundant water supply is available from the existing creeks; existing dams and natural springs.

A licence to extract 185.5ML of water per annum from Middle Island Creek applies to the land.

The proponent has also confirmed that a licence for bottling of spring water applies to the land.



## **Flooding**

The site is not affected by flooding.

## **Water Quality**

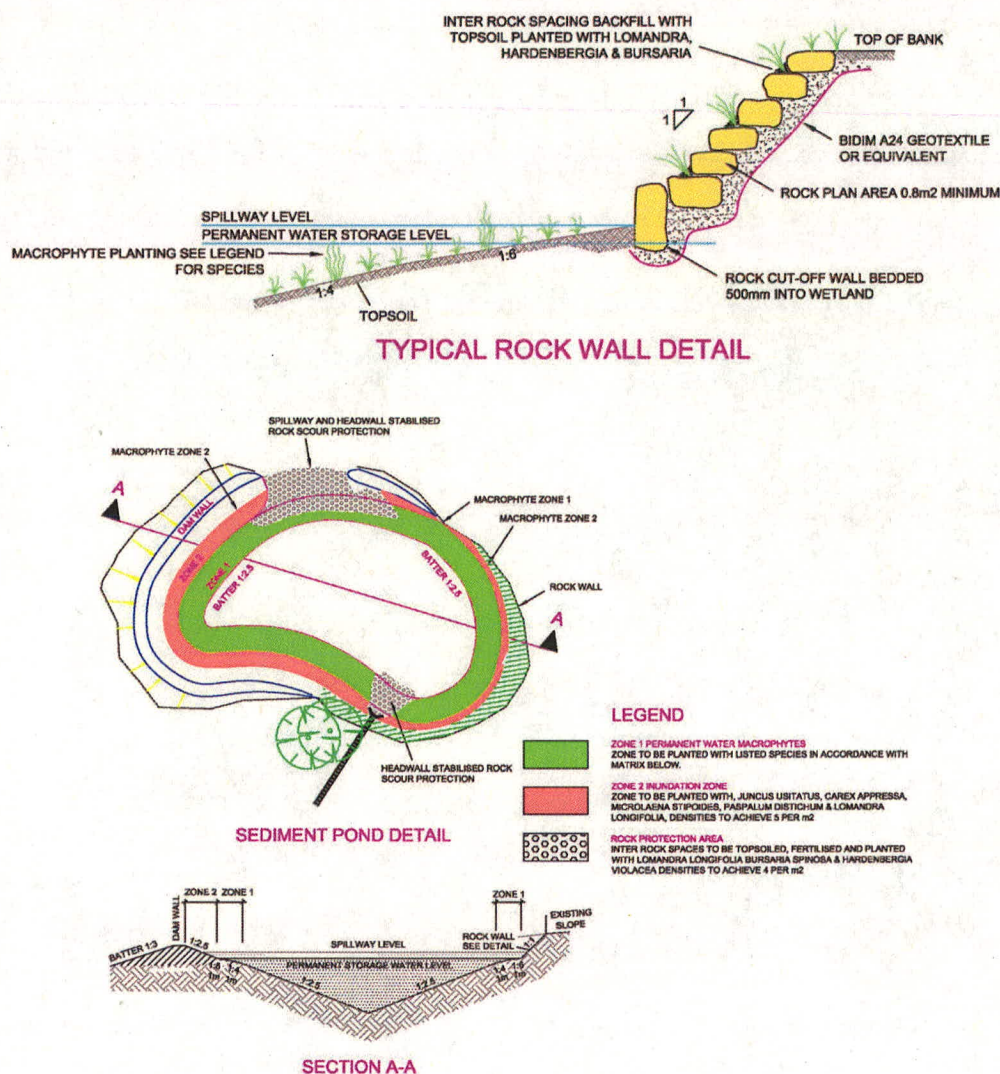
A holistic industry best practice approach to total water cycle management is proposed to be applied to the management of stormwater quantity and quality of the development. This consists of potable water supply (natural spring, rainwater tanks and bores); grey water; wastewater; waste; stormwater and natural waterways.

The water sensitive urban design treatment train will be implemented, including sediment and gross pollutant traps, bio-swale systems adjacent to the road networks, detention basins/wetlands.



Stormwater piped flows are to be kept to a minimum. First flush higher pollutant loads from roads and higher nutrient producing golf course will be collected in nutrient ponds/wetlands/dams prior to discharging to the natural creeks.

Offline stormwater detention systems are to be provided to ensure that water quantity is maintained to pre development levels.



**Figure 5: Water Sensitive Urban Design Principles**

Water quality will be managed through a combination of erosion and sediment control techniques, minimising disturbance to environmentally sensitive areas, installing package waste water treatment plants and incorporation of water sensitive urban design principles into the development.

Creek corridors will be preserved and upgraded. Apart from infrastructure connections, all work will be set back significantly from top of bank riparian zones.

Existing water courses will be regenerated and improved and the existing dams will be retained and constructed into artificial wetlands.

Macrophyte planting around the wetlands will filter nutrients and trap sediment to improve downstream water quality.

### Cultural Heritage

As outlined in section 3.1, previous archaeological investigations were completed for the site. Those investigations revealed that the site can be developed without impacting on three identified sites. An updated Aboriginal archaeological assessment will be included at the EA stage.

### Heritage

The site is not listed as containing any heritage items.

Wollemi National Park to the north of the site is listed as a World heritage area declared under the World Heritage Convention.

### Aboriginal Archaeology

Previously completed archaeological studies by Sue McIntyre for the 1989 consent identified only three Aboriginal archaeological sites. The three sites are all located on Big Island and described below.

Site 1: Three axe grinding grooves located on an exposed sandstone slab in a small unnamed stream on Big Island. The site is located in a steep and densely vegetated location and will be isolated from any potential future development.

Site 2: Low density surface scatter of flaked stone artefacts on a dirt track on Big Island. The site has been disturbed by past clearing activities, 4 wheel driving and horse riding. The artefacts are limited to raw materials of red silcrete and grey fine-grained siliceous material. The Statement of Environmental Effects for the 1989 DA stated: *"the site is not considered to be archaeologically significant nor is it of particular interest to the Daruk LALC due to its disturbed state. The archaeological context of the site has been destroyed and indeed the artefacts are likely to have been washed away or moved by vehicular traffic."*

Site 3: Eight axe grinding grooves around a large pond on Big Island Creek. The sites location within the Creek means that it will be protected from future development. The possibility exists, and subject to negotiations with the Local Aboriginal Land Council, for the axe grinding grooves to be appropriately secured and made suitable for public viewing.

### Agricultural Capability

The site is currently used for cattle grazing and has been used in the past for an Arabian Horse Stud, logging and farming. According to previous studies the site has Class 4 Agricultural Land on cleared areas of Middle Island and sections of Big Island. This is land of low production capability best suited for grazing. Adjacent land is Class 6 and 7 has limited agricultural capability.

The use of the land for rural / residential living will therefore not result in the unacceptable loss of viable agricultural land.

## Scenic Quality

Due to the size and topography of the site, not all of the site is visible from one location. Parts of the site are visible from surrounding local roads and Bells Line of Road. The most visible parts of the site are the steep western side slopes viewed from the east; and vegetated areas when looking from Bells Line of Road.

The steep western side slopes, ridgelines and riparian corridors will remain untouched as a result of this development.

The limitation of development to generally within the footprint of the 1989 consent and retention a large section of existing conservation land, should ensure scenic impacts from the development are minimal.

The Islands is potentially the largest single private landholding in the Sydney region with a total site area of approximately 783.67ha.

The proposal will result in the development of land generally in accordance with the 1989 consent.

- ***How has the Planning Proposal adequately addressed any social and economic effects?***

## Social Effects

### Amenity & Relationship to Surrounding Land

The future R5 Large Lot Residential zoning is compatible with neighbouring land and will not cause unacceptable environmental impacts. In particular:

- Proposed lot sizes are compatible with neighbouring land;
- Protect the scenic qualities of the ridgelines; and provide a buffer for Wollemi National Park.

The proposal is considered to be compatible with the amenity of the locality.

### Community Benefit

Community benefits arising from the rezoning include:

- Provide a significant boost to the local economy; and
- increased housing supply to meet regional population targets and improve housing affordability.

## Economic Effects

The project will employ a large number of local building contractors during the construction phase of the development.

The construction industry is a significant component of the economy accounting for 6.8% of Gross Domestic Product (GDP) and employing 9.1% of the Australian workforce, making it Australia's fourth largest industry. The industry has strong linkages with other sectors, so its impacts on the economy go further than the direct contribution of construction. (ABS, 2010)

Multipliers refer to the level of additional economic activity generated by a source industry and can be divided into production and consumption induced growth.

The proposal will increase economic growth in the wider region by utilising goods and services during the construction process. The total expenditure will be filtered through local businesses to create far more wealth than was initially injected.

The overall stimulus to the economy will therefore be significant and will provide local residents with employment opportunities and add to the multiplier effect discussed above.

## Section D – State and Commonwealth interests

- ***Is there adequate public infrastructure for the Planning Proposal?***

### Traffic Infrastructure

Bells Line of Road is a main road under the authority of the Roads and Traffic Authority. It has a sealed carriageway width of 8m. Mills Road and Hermitage Road are local roads under the authority of Hawkesbury City Council. They are sealed with a carriageway width of approximately 5m to 6m wide.

It is proposed to upgrade the existing road infrastructure from Bells Line of Road via the existing signalised intersection with Mills Road, then Hermitage Road (or via Hermitage) to the existing main entrance in accordance with the road authority requirements.

A secondary entry/exit point to Middle Island for fire fighting via Browns Road will be investigated.

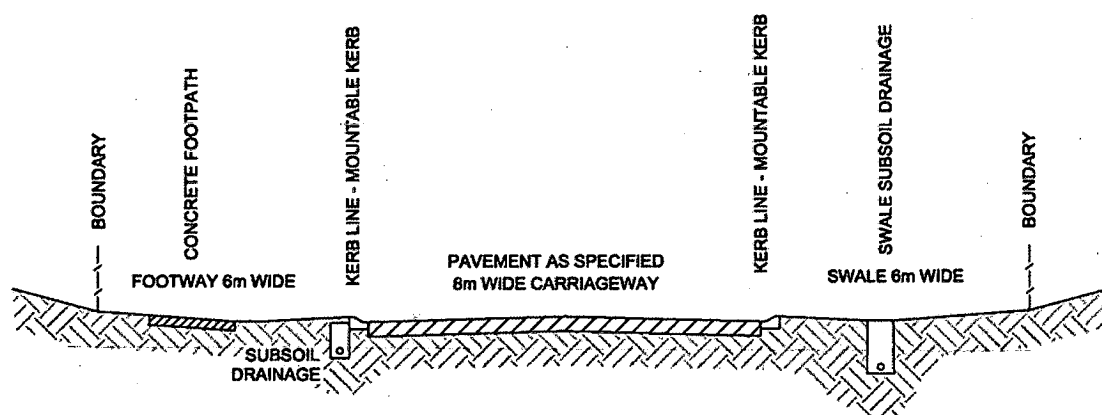
A road hierarchy will be established to guide the road design and to reinforce the rural character of the development site. The road hierarchy is shown on Figure 5 below.

The main lead in road will be a standard 20m wide road reserve and a standard 8m wide carriageway road construction. The internal loop roads within Middle Island will have a road reserve width of 20m and a sealed road carriageway width of 8m. The internal cul-de-sac roads will have a road reserve width of 20m and a sealed carriageway width of 6.1m. The road design will embrace water sensitive urban design elements such as bio- swales and tree planting in the road reserves.

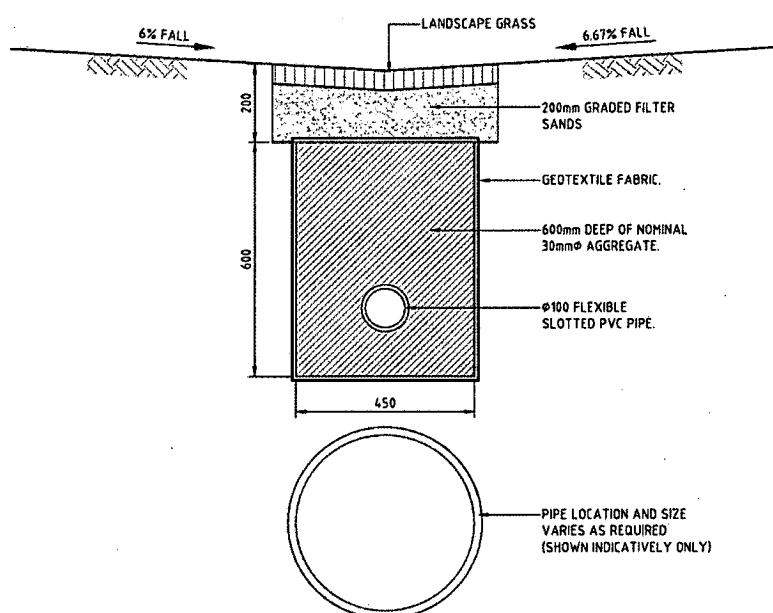
A detailed Traffic Impact Assessment will be undertaken at the Environmental Assessment stage.

An initial preliminary assessment, has been undertaken based on RTA's Guide to Traffic Generating Development.

It is expected that with the appropriate upgrading of road infrastructure the existing road network will be able to cater for the traffic generated by the development.



TYPICAL SECTION



BIORETENTION SWALE DETAIL

### Infrastructure

#### **Wastewater**

All wastewater will be reticulated and treated using a packaged sewage treatment plant. Treated wastewater will be reused for irrigation. The appropriate reuse of treated wastewater will ensure that the site is adequately serviced by a combination of water sources.

Appropriate management techniques, bio-swales and vegetation buffers will be implemented to maintain downstream water quality.

#### **Water Supply**



Detailed investigations of water use requirements will be undertaken at the Environmental Assessment stage. Options for water supply include a combination of pumping from Middle Island Creek under licence, bore water, rainwater tanks, communal dams, grey water reuse, pumping from Middle Island Creek and reliance on existing spring water supplies.

A licence to extract 185.5ML of water per annum from Middle Island Creek applies to the land. Water supply is available from the existing creeks; existing dams and natural springs to service the potable, irrigation and fire fighting needs of the development.

According to data from the Bureau of Meteorology the two (2) closest rainfall stations at Katoomba and Richmond RAAF base receive a mean annual rainfall of 1402mm and 809mm. From an initial investigation in combination with the spring water and bore water, the annual rainfall with appropriate designed and operated rainwater collection and reticulation systems will be sufficient to service the development.

- ***What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Mountain Island representatives have advised that initial discussions with both Hawkesbury City Council (HCC) and the Department of Planning and Infrastructure (DoPI) have commenced.

Additional consultations will be undertaken with State and Commonwealth agencies once the gateway determination has been issued.

## **PART 4 – COMMUNITY CONSULTATION**

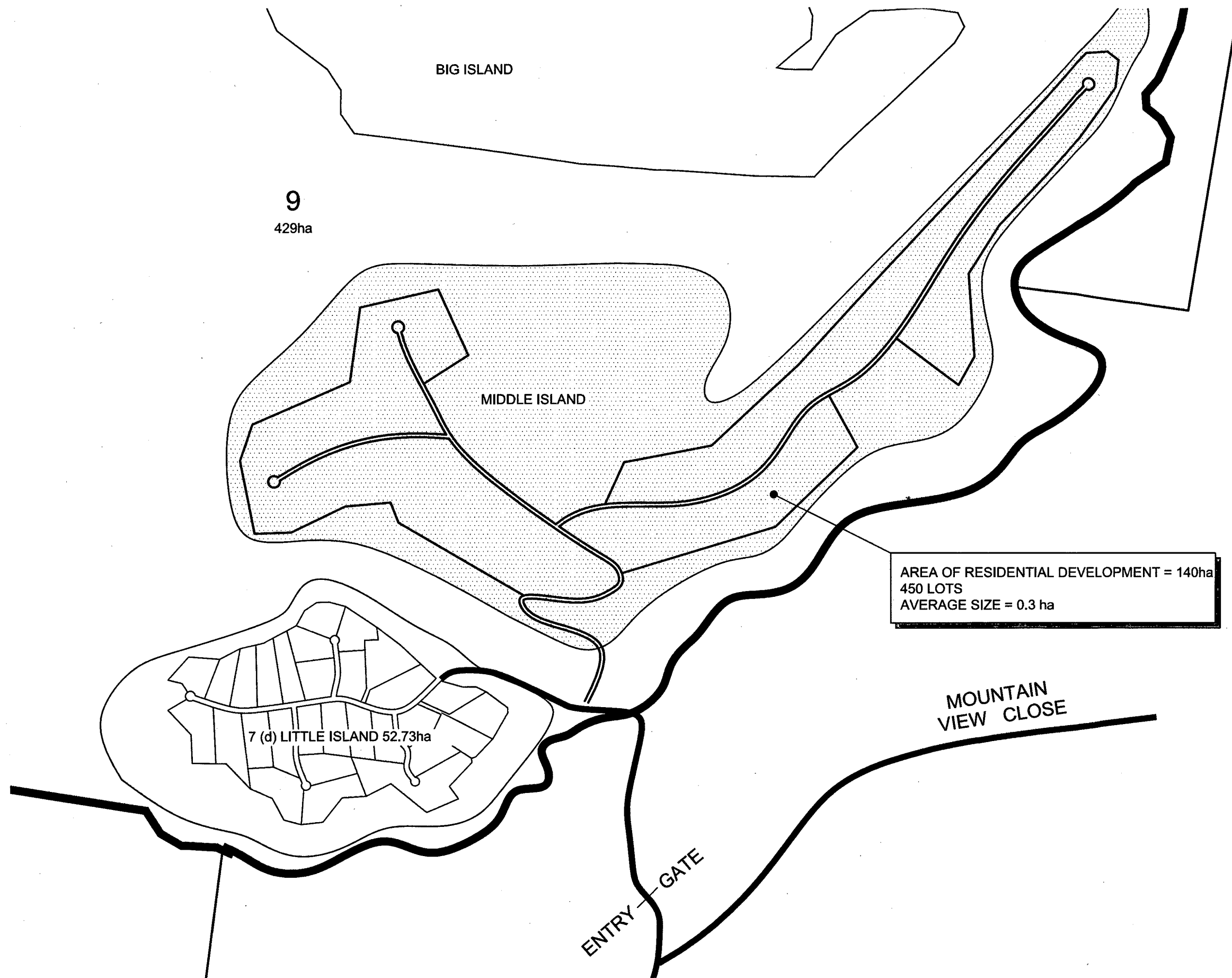
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There has not been any community consultation to date for the Planning Proposal.

Once the gateway determination is complete, the proposal will be publicly exhibited.

## **ATTACHMENT A**

### **Master Plan**



No.	DATE	AMENDMENT
A	13/08/12	FIRST ISSUE

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Designed: RL	Drawn: JB	Checked: RL
Approved: _____		

Scales: Plan 1:10,000 Horiz. Vert. X-Section	Datum: A.H.D.
---	---------------

Client: MR TONY MERHI	LGA: HAWKESBURY
Council Ref: _____	

THE ISLANDS
ROAD LAYOUT MASTER PLAN

Plan No.	REV.
10115E7.02	A
File Ref.	
10115E701.dwg	
SHEET 1 OF 1 SHEETS	

**ATTACHMENT B**

**DA 448/88**



IN ORDER TO AVOID THE CONSTRUCTION OF THE RESORT TO BE AVOIDED THE SITE



2000m 1500m 1000m 500m 0m

1/4 denotes SOIL CONSERVATION AREAS

TO BE DEMOLISHED  
 @ Central water tank  
 @ Caravan's lot

CONTOUR INTERVAL 10m  
 DATUM = A.H.D.

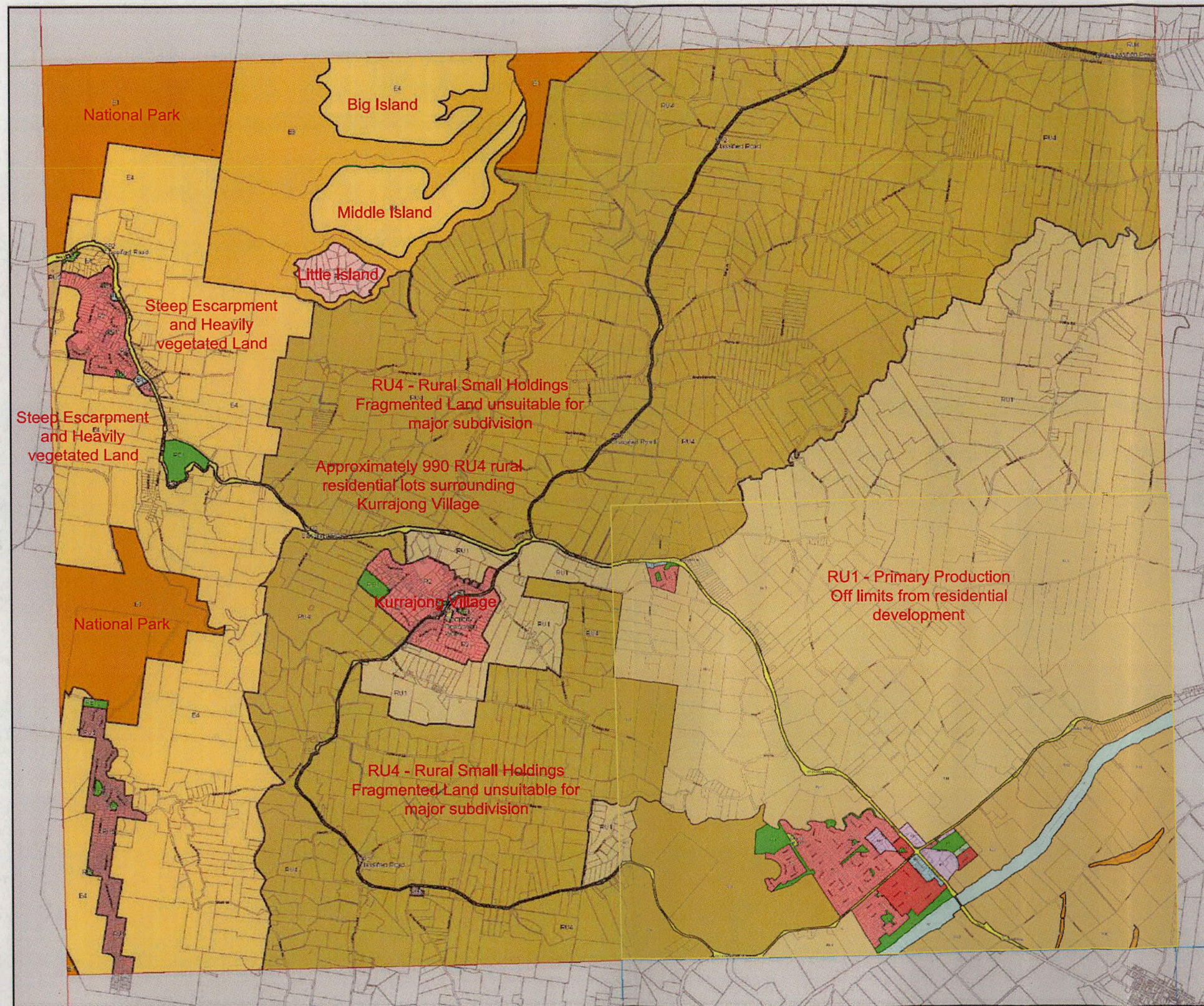
2.

"THE ISLANDS"  
 TOURIST RECREATIONAL RESORT  
 KURRAJONG HEIGHTS

**Attachment C**

**Land Use Plan**





No.	DATE	AMENDMENT
A	26/08/10	FIRST ISSUE



**Barker Ryan Stewart**  
Planning • Sustainability • Infrastructure • Development • Certification

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Drawn: JB  
Checked: IS  
Approved: \_\_\_\_\_

Scales: Plan  
Horiz.  
Vert.  
X-Sect.

Datum: A.H.D.

Client: MR TONY MERHI

LGA: HAWKESBURY  
Council Ref:

**THE ISLANDS**  
**LAND USE PLAN**

Plan No.	REV.
10115E8	A
File Ref.	
10115E6.dwg	
SHEET 3 OF 3 SHEETS	



## **Attachment D**

### **Flooding Plan**



# Natural Environment

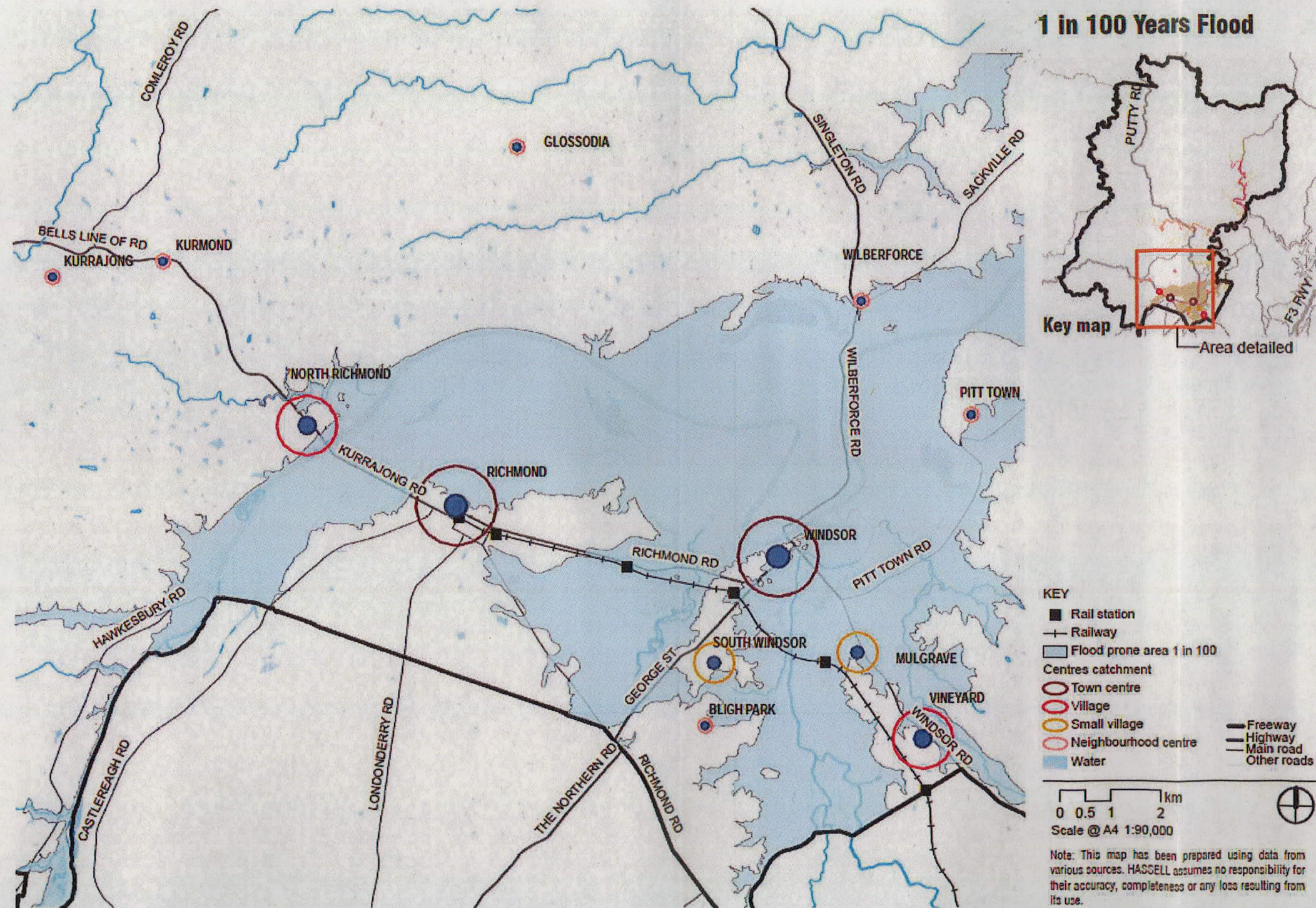


Figure 4.5: Hawkesbury Residential Strategy 1 in 100 Year Flood

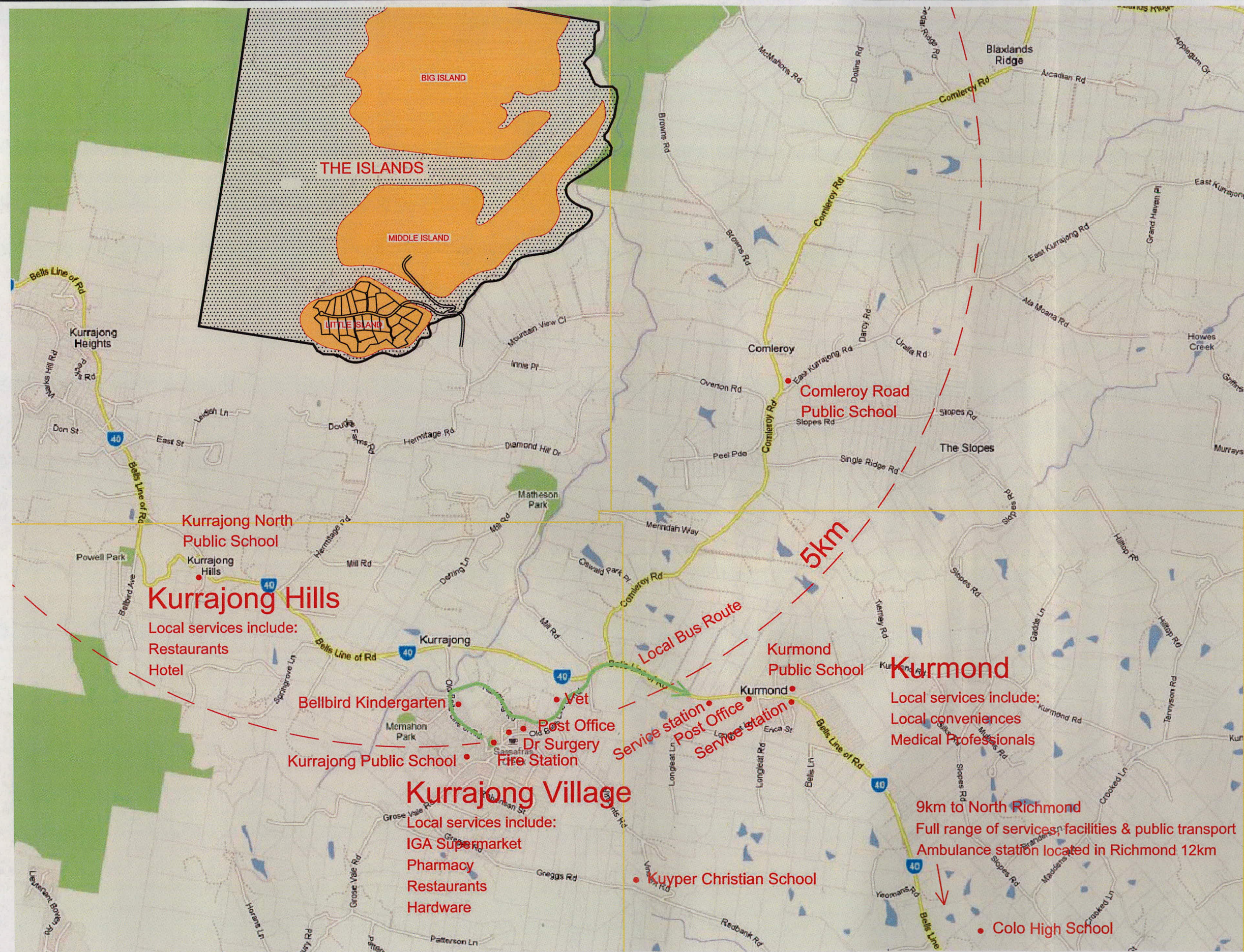
(Source: Hawkesbury City Council GIS, October 2009)



## **Attachment E**

### **Local Services Plan**





No.	DATE	AMENDMENT
A	26/08/10	FIRST ISSUE

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Checked:	IS
Approved:	
Datum:	A.H.D.

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LGA:	HAWKESBURY
Council Ref:	

<b>THE ISLANDS</b>
<b>LOCAL SERVICES AND AMENITIES</b>

Plan No.	REV.
10115E6	A
File Ref.	
10115E6	
SHEET 1 OF 3 SHEETS	