

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF DRAFT LEP: Draft Baulkham Hills Local Environmental Plan 2005 (Amendment No.)

ADDRESS OF LAND: This plan applies to Lot 13, DP 270416, No. 74 Wisemans Ferry Road, Cattai under the Baulkham Hills Local Environmental Plan 2005.

MAPS: (Refer Attachment 1)

- Proposed map showing minimum allotment size of 150m²
- Locality map showing the existing zoning of the site and surrounding land
- Proposed standard template zoning map

PHOTOS AND OTHER VISUAL MATERIAL: Nil

- Aerial photo showing the land affected by the Planning Proposal – Refer Attachment B

1. OBJECTIVE OF PROPOSED LOCAL ENVIRONMENTAL PLAN (LEP):

The purpose of the draft plan is to rezone privately owned land being No. 74 Wisemans Ferry Road, Cattai currently zoned Rural 1(b) to RE2 – Private Recreation to accommodate residential development of the site, E2 – Environmental Conservation to ensure the protection of the identified wetlands on the site, and W2 – Recreational Waterway to permit the proposed marina and associated activities.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The proposal involves an amendment to BHLEP 2005 to permit an upgrade of the existing approved tourist facility. This upgrade will include an expansion of the existing facilities with a concert area, marina, and additional accommodation.

Further, this proposal should also include a minimum allotment size for the subject site of 150m² for the following reasons:

- to facilitate the management of the proposal by defining areas and uses through community-title subdivision and thereby permitting the defining of rights and responsibilities;
- to allow separate titles to be created which will permit sale of individual housing lots; and
- to make the development financially viable by allowing separate sale of units to investors.

NSW Standard Template

Council is currently in discussions with the Department of Planning (DOP) to finalise a new draft Shire-Wide LEP, under the standard template for exhibition. Under the new Draft LEP 2010 it is proposed to zone the land RE2 – Private Recreation and E2 – Environmental Conservation, and W2 Recreational Waterway.

Given the timing of draft LEP 2010 it is considered appropriate to introduce these zonings to BHLEP 2005. Similarly introduction of a minimum lot size map for the subject site with a minimum lot size of 150m² will allow for an appropriate development outcome on the site. The ultimate yield and development patterns will become certain during the rezoning process but at a minimum the appropriate development standards are:

- preservation of existing vegetation,
- a minimum residential lot size of 150m² on each development,
- community title subdivision,
- asset protection zones to all allotments within the proposed subdivision.

In order to facilitate the tourist facility it is proposed to incorporate residential accommodation within the activities permitted with consent under the RE2 Private Recreation Zone. In addition, the minimum lot size for subdivision will be amended to 150m², allowing subdivision of the housing component.

The amendments to residential accommodation into the RE2 Private Recreation zone will impact on 3 other locations in the Shire, being Muirfield, Castle Hill and Wisemans Ferry Golf Courses. Residential accommodation in these locations is not considered appropriate at this time and may be prevented by applying a 10 ha minimum lot size for subdivision specifically to these sites.

Residential golf communities are becoming accepted in Australia with nearly 100 golf courses with residential living in a lifestyle location. Living on a golf course, provides benefits (even for non-golfers) of security, club house amenities, and manicured open green spaces. However, it is essential to maintain the primary purpose as a tourist facility and its context within a rural setting. To ensure that the outcomes proposed in the planning proposal are delivered and the development is not just a housing project masquerading as golf estate specific controls will need to be prepared that link the rollout of the residential development to delivery of facilities such as the golf courses and marina. It is anticipated that any amendment to the planning instrument will include specific clauses to address this matter.

In addition, it is envisaged site specific controls will be prepared to ensure that the overall development maintains the rural character of the locality. Controls would be in the form of performance criteria around such matters as Lot size and orientation; Building siting and design; Open Space; Vehicle Parking; Utilities Provision; Landscaping and Fencing.

3. JUSTIFICATION FOR THE PLANNING PROPOSAL:

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report

No – this planning proposal is a result of an application from Capital Corporation seeking to rezone the subject site from Rural 1(b) to RE2 – Private Recreation, E2 – Environmental Conservation, and W2 – Recreational Waterway.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – The planning proposal to rezone the subject site is considered the most appropriate means of achieving the intended outcomes.

3. Is there a net community benefit?

Yes

The tourist industry plays an important role in the local economy and the generation of local jobs.

B. Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

North West Subregional Strategy

The North West Strategy sets a target for Baulkham Hills Shire to contribute an additional 36,000 dwellings by 2031. Of this target 14,500 dwellings are identified for the North West Growth Centre and 21,500 dwellings are to be provided within the existing urban areas and release areas.

Metropolitan Development Program

The NSW Government has prepared a Metropolitan Development Program (MDP) for Sydney which aims to plan for Sydney's growth until 2031. Outside the growth centres any proposed zone change from rural to urban is required to meet the sustainability criteria. The reports submitted with the application indicate that the planning proposal would comply with the sustainability criteria contained in the Metropolitan Strategy.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes

- **Draft Local Strategy**

The Hills Shire Council's Draft Local Strategy was adopted by Council on 10th June 2008 and identifies a demand for 36,000 dwellings to meet the Shire's needs by 2031. This document will be used as a guide and reflect the five key elements of the Hills 2026 Community Strategic Direction : Looking for the Future namely:

- a. Resilient Local Leadership
- b. Vibrant Communities
- c. Balanced Urban Growth
- d. Protected Environment
- e. Modern Local Economy

- **Employment Direction**

The tourist industry plays an important role in the local economy and the generation of local jobs. The Hills Shire offers a diverse range of attractions for visitors and tourists from water-skiing on the Hawkesbury River to visiting nurseries, or bushwalking, to playing golf. Given its natural surroundings, historical significance and easy access from Sydney, the rural centre of Wisemans Ferry in the Shire's north presents a good opportunity to attract visitors to the region.

- **Hills 2026**

In accordance with the 2008-2012 delivery program working towards meeting the goals of Hills 2026, the rezoning of this site will add to the existing tourist facilities, maintain an open rural character and provide rural support functions, improvements to water quality and protection of wildlife habitats.

The proposal to amend BHLEP 2005 supports the following Hills 2026 objectives:

- a. continue to provide business support for local tourism operators
- b. investigate opportunities to create a tourism precinct at Wiseman Ferry

- c. work with tourism NSW to ensure an integrated approach to planning and communication for tourism

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

Relevant State Environmental Planning policy is Sydney Regional Environmental Plan – No. 20 Hawkesbury – Nepean River as indicated in Attachment A.

Development which is sited within the Hawkesbury-Nepean River Catchment area is subject to consideration under the provisions of Sydney Regional Plan No.20. The plan requires Council to ensure that any development of land protects the unique environment and character of the river valley.

The subject site falls within area No. 5 – Lower Hawkesbury River which is identified as that part of the river that provides the greatest tourist potential. It further identifies that whilst the plan encourages tourist development close to existing villages it is acknowledged that larger scale tourist development may be appropriate to selected sites. These could provide international standard accommodation and include activities such as golf, tennis and boating.

Sydney Regional Plan No.20 also identifies a number of matters of consideration that must be taken into account in the assessment of tourist based developments to ensure certain broad and specific objectives are met relating to the protection and preservation of environmental, recreational, heritage, archaeological, cultural and scenic qualities of the valley.

In summary Sydney Regional Plan No.20 requires that:

- Effluent can be treated and disposed of on-site without adversely affecting the water quality of the river,
- The removal of water from the river does not impact upon water quality and necessary licensing is required,
- In relation to run-off whether appropriate environmental retention systems are employed to improve the quality of run-off, and
- In relation to aquatic habitats the effect of the proposal on colonisation and regrowth of aquatic plants and bank stability and light penetration to the river.

It will be necessary for the relevant authorities to provide comment on the above and or issue any necessary licences as part of the gateway determination.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Relevant Ministerial Directions are;

1. Employment and Resources – Rural Zones and Rural Lands
2. Environment and Heritage – Heritage Conservation

The site is identified as containing heritage items under Local Environmental Plan 2005 and in order to maintain the heritage items cultural significance, define appropriate curtilage, and ensure the future conservation of the site it is considered appropriate that a conservation management plan be prepared for both built structures and to identify any potential archaeological sites. Consultation with the Daruk Aboriginal Land Council will also be necessary.

3. Hazard and Risk – Acid Sulfate Soil, Flood Prone Land, and Planning for Bushfire Protection as outlined in Attachment B.

The site is identified as affected by acid sulphate soils. Details of building design and site works will be provided as part of the preparation of a development application.

The site is affected by flood water and it will necessary for the proponent to provide a flood study to demonstrate the impact of any proposed works or buildings upon the behaviour of floodwaters within the Hawkesbury River Catchment and its floodplain. Evacuation procedures in accordance with the NSW Flood Plain Manual will also be required.

The subject site is identified as Bush Fire Prone and any development that may occur on the subject site would be subject to the requirements of the NSW Rural Fires Act 1997 and the asset protection zones. Final design of asset protection zones would be undertaken as part of the preparation of a development application. As part of the gateway determination consultation is required with public authorities which will enable the suitability of bushfire hazard protection to be reviewed by the NSW Rural Fire Service.

C. Environmental, social and economic impact

1. *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?*

Appropriate studies will have to be undertaken to ensure that critical habitat or threatened species, populations or ecological communities, or their habitats will not be adversely affected as a result of the proposal.

2. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The subject site is identified as Bush Fire Prone Land and any development that may occur on the subject site would be subject to the requirements of the NSW Rural Fires Act 1997 and the implementation of appropriate asset protection zones.

3. *How has the planning proposal adequately addressed any social and economic effects?*

The proposed amendments to the BHLEP 2005 are consistent with recent policy decisions of Council and will assist with the provision

D. State and Commonwealth interests

1. *Is there adequate public infrastructure for the planning proposal?*

Investigations into servicing of the site will have to demonstrate that existing infrastructure has sufficient capacity to accommodate the demands of the development.

2. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and*

Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

Following the Gateway determination, relevant agencies will be consulted. Any proposed variations to the planning proposal would be addressed in the submission following the consultation period.

4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN:

It is intended to advertise the proposed amendments in local newspapers. The exhibition material will be on display at Council's Administration Building located at 129 Showground Road, Castle Hill between the hours of 8.30am to 4.30pm Monday to Friday. The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the proposed rezoning.

The Gateway determination will identify any additional consultation required.

ATTACHMENT A
STATE ENVIRONMENTAL PLANNING POLICIES

INSTRUMENT		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<u>S.E.P.P.</u>			
1	Development Standards	NO	
4	Development without Consent and Miscellaneous Exempt & Complying Development	NO	
6	Number of Storeys in a Building	NO	
10	Retention of Low-Cost Rental Accommodation	NO	
19	Bushland in Urban Areas	YES	RELEVANT
	Caravan Parks	NO	
22	Shops and Commercial Premises	NO	
30	Intensive Agriculture	NO	
32	Urban Consolidation	NO	
33	Hazardous and Offensive Development	NO	
50	Canal Estate Development	NO	
55	Remediation of Land	NO	
62	Sustainable Aquaculture	NO	
64	Advertising and Signage	NO	
65	Design Quality of Residential Flat Development	NO	
70	Affordable Housing (Revised Schemes)	NO	
	Housing for Seniors or People Living with a Disability (2004)	NO	
	Building Sustainability Index: BASIX 2004	NO	
	Major Projects 2005	NO	
	Sydney Region Growth Centres 2006	NO	
	Mining, Petroleum Production and Extractive Industries 2007	NO	
	Temporary Structures and Places of Public Entertainment (2007)	NO	
	Infrastructure (2007)	NO	
<u>SYDNEY REP</u>			
9	Extractive Industry	NO	
18	Public Transport Corridors	NO	
19	Rouse Hill Development Area	NO	
20	Hawkesbury – Nepean River	YES	RELEVANT

ATTACHMENT B
SECTION 117 DIRECTIONS

<u>S117(2) MINISTERIAL DIRECTIONS</u>		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources			
1.1 Business and Industrial Zones	No		
1.2 Rural Zones	YES		RELEVANT
1.3 Mining, Petroleum Production and Extractive Industries	NO		
1.4 Oyster Aquaculture	NO		
1.5 Rural Lands	YES		RELEVANT
2. Environment and Heritage			
2.1 Environmental Protection Zones	NO		
2.2 Coastal Protection	NO		
2.3 Heritage Conservation	YES		RELEVANT
2.4 Recreation Vehicle Areas	NO		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	NO		
3.2 Caravan Parks and Manufactured Home Estates	NO		
3.3 Home Occupations	NO		
3.4 Integrating Land Use and Transport	NO		
3.5 Development Near Licensed Aerodromes	NO		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	YES		RELEVANT
4.2 Mine Subsidence and Unstable Land	NO		
4.3 Flood Prone Land	YES		RELEVANT
4.4 Planning for Bushfire Protection	YES		RELEVANT
5. Regional Planning			
5.1 Implementation of Regional Strategies	NO		
5.2 Sydney Drinking Water Catchments	NO		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NO		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NO		
5.6 Sydney to Canberra Corridor	NO		
5.7 Central Coast	NO		
5.8 Second Sydney Airport: Badgerys Creek	NO		

<u>S117(2) MINISTERIAL DIRECTIONS</u>	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
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6. Local Plan Making

6.1 Approval and Referral Requirements	NO
6.2 Reserving Land for Public Purpose	NO
6.3 Site Specific Provisions	NO