



The Hills Shire Council

5 July 2010

To Whom It May Concern

Planning Proposal – 177 Wrights Road, Castle Hill

Please find attached a planning proposal pursuant to the Gateway Process proposing the rezoning of 177 Wrights Road, Castle Hill from rural to residential.

The applicant is Byrnes PDM Pty Ltd on behalf of the Landowners of 177 Wrights Road, Castle Hill. Attached to this submission is a letter of consent by the land owners for the submission of the rezoning proposal.

All correspondence should be addressed to:

Byrnes PDM Pty Ltd
Attention: Adam Byrnes
PO Box 121
Wahroonga NSW 2076

Other relevant contact details are as follows:

e: adam@bpdm.com.au

p: 0419 288 899

f: 02 9482 5183

Please do not hesitate to contact me to discuss this matter further

Yours faithfully,
Byrnes PDM Pty Limited

Adam Byrnes
Director

The Hills Shire Council	
Customer Service Centre	
Date:	6.7.10
Ref:	
Receipt No:	3546923
Amount:	\$21218-
CSC Officer:	sl

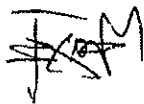
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Chancery Street
Canley Vale NSW 2166

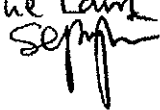
04 July 2010

We, the owner of 177 Wrights Road Castle Hill, give our consent to Byrnes PDM P/L to lodge a Re-zoning Application pursuant to the "Gateway Process" to facilitate the re-zoning of the land.

The following are the signatures of all owners

TREVOR LAM



Sue Lam


Quam

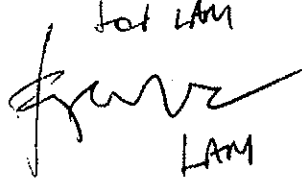
Adam

Kimson Lam



PHUNG T LAM



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LAM

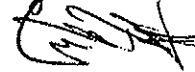
Hawke Lam



Amy T. Lam



Roger KH Lam



Political Donations and Gifts Disclosure Statement to Council



How to complete this form:

1. Ensure all fields are completed correctly.
2. Fields marked with an * are mandatory and must be completed.
3. For assistance in completing this form please contact Council's Public Officer on 9843 0555.
4. Details must be printed in BLOCK LETTERS.
5. Please ensure that you read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below).
6. Once completed, please attach the declaration to your planning application or submission.
7. You can submit this form by mail, fax or in person. Refer to Section 5 for details.

This form may be used to make a political donations disclosure under section 147(4) and (5) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to Council.

Section 1 - Explanatory Information

Making a planning application to Council

Under section 147(4) of the *Environmental Planning and Assessment Act 1979* ('the Act') a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council.
- (b) all gifts made to any local councillor or employee of that council.

Making a public submission to a council

Under section 147(5) of the Act a person who make a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or an associate of the person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council.
- (b) all gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act and Section 147 (10) for gifts.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to Council.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act*

1979 in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Section 2 - Glossary of Terms (under section 147 of the Environmental Planning & Assessment Act 1979)

gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

(1) For the purposes of this Act, a reportable political donation is:

- (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
- (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.

(2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).

(3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.

(4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

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 5 - Disclosure Statement Details

Name of person making this disclosure statement:

BRYAN ADAM P/L (ADAM BRYAN)

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 an 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.

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

FEZOSINS APPLICATION for

177 WILGOTS RD CASTLE HILL

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
<u>Nil</u>	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>

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

Section 3 - Disclosure Statement Details Cont...

[illegible]

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*

ADAM BYRNE 4 JULY 2010

Applicant(s) Signature*



Section 5 - Lodgement 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.

Section 6 - Privacy Notification

The personal information that Council has collected or is collecting from you is personal information for the purposes of the *Privacy and Personal Information Protection Act (PPIPA) 1998*.

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.

Council has collected this personal information from you in order to process your request.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

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.

Rezoning Application

PROPOSED REZONING 177 WRIGHTS ROAD, CASTLE HILL

BYRNES
PDM

plan • design • manage

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Introduction

This report supports the rezoning of a parcel of land known as 177 Wrights Road, Castle Hill identified as Lot 1 DP 541048. It is proposed to rezone the subject site from the existing part Residential 2(b) and part Rural 1(a) to R1 – General Residential. The rezoning will facilitate the future residential development of the site.

The proposed zone reflects and is consistent with the established residential zoning and development of nearby and adjacent properties. The proposal will permit a variety of lot sizes and dwelling types.

The proposal accommodates and integrates with various environmental constraints, balancing an appropriate residential yield on the site whilst retaining and responding to significant environmental features.

A consideration of environmental, economic and social impacts has been undertaken as part of this report and has found the subject site to be suitable for rezoning for this type of residential development.

Subject Site: 177 Wrights Road, Castle Hill (Lot 1 DP 541048)

Existing Zoning: Part Rural 1(a) part Residential 2(b) under Baulkham Hills Local Environmental Plan 2005

Recommended Zoning: R1 – General Residential

Specific Control: Apply a density control to the site, rather than a minimum allotment size.

Site Context

The subject site is located wholly within the boundaries of the Hills Shire Local Government Area and is identified as being within the suburb of Castle Hill. Castle Hill is located approximately 40km north west of the Sydney CBD. The subject site is located within close proximity of the Norwest Business Park, Castle Towers and Castle Hill Industrial area to the south as well as the North Kellyville Release Area to the north. The active and passive recreation area of Fred Caterson Reserve to the east provides a buffer between urbanized areas in the locality. The subject site is also located within close proximity of main roads within the shire including Windsor Road and Old Northern Road as well as regionally significant transport infrastructure of the M2 and M7 Motorways.

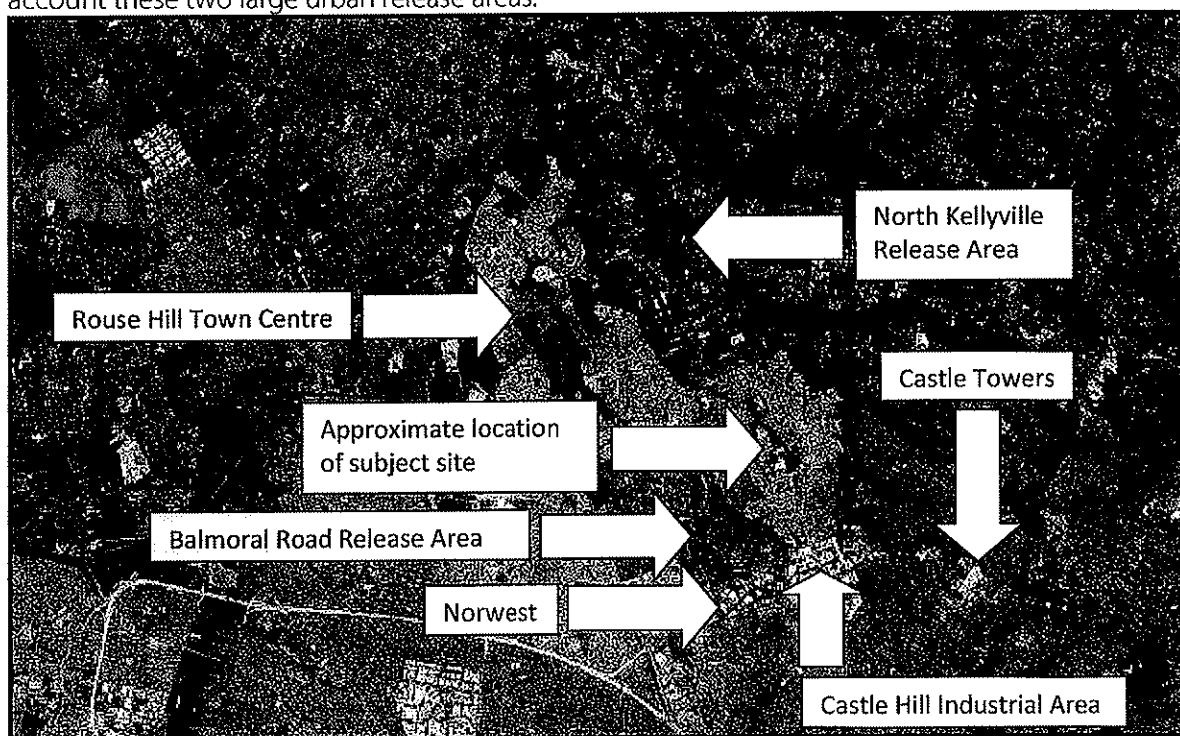
The North West sector has been identified by the NSW Department of Planning as a key residential and employment growth corridor under the Metropolitan Strategy and associated North West Sub-regional Strategy. The North West sector has been identified to contribute 140,000 new housing options by 2031 with 36,000 of these new dwellings to be located within the Hills Shire Council Local Government Area. The subject site is located between the Major Centre of Rouse Hill, the Norwest Business Park Special Use Centre and the Local Business Centre of Castle Hill, identified under the Metropolitan Strategy. The site provides the opportunity to

release and rezone appropriate land that will have minimal environmental impact and will contribute to the Hills Shire Council meeting set population targets identified within the Shire and for the greater North West Sector.

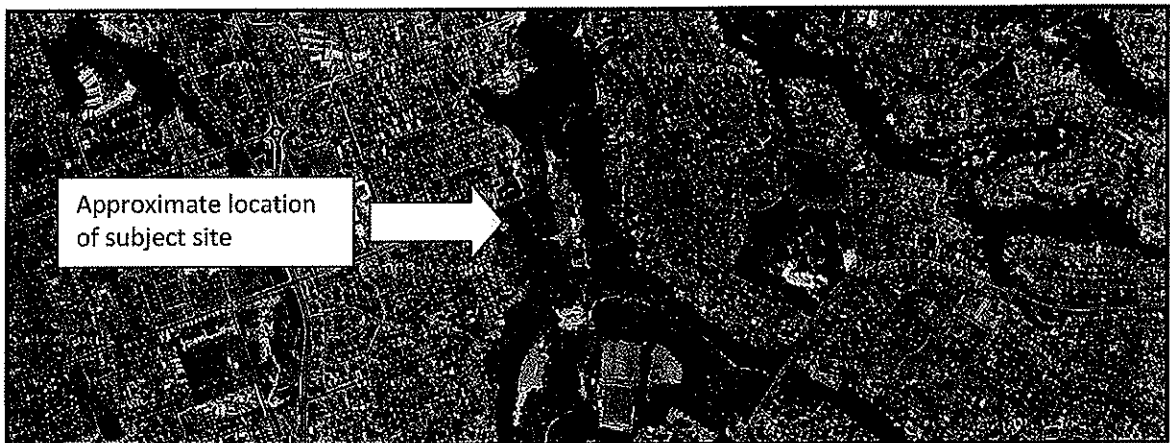
The adjacent and surrounding areas within the suburb of Castle Hill are predominantly zoned Residential 2(b) under Baulkham Hills Local Environmental Plan 2005. The general objectives of the zone promote low density residential development in order to maintain the character of the area and to minimise potential impacts of development on the environment. It is noted that existing zoning of the area will be reviewed as part of the revision of the Local Environmental Plan as per the Standard Template process required to be undertaken by all Councils in NSW. To date no proposed zone under the Standard Instrument has been publicly exhibited by the Hills Shire Council for the area.

Development generally reflects the low density zoning in the area and is typically in the form of one or two storey residential dwellings on small to medium sized lots. However it is important to highlight the North Kellyville release area located to the north of the subject area as well as the Balmoral Road release area to the west, both within close proximity of the site. Dwelling densities within the precincts vary with a target of 4,500 new dwellings in North Kellyville and 6,000 new dwellings within the Balmoral Road Release Area by 2024 (The Hills Shire Residential Direction).

The release of land for residential and other purposes within the Hills Shire in order to meet set housing targets forms the context for the site and surrounding area, particularly taking into account these two large urban release areas.



Site Context



Site Context

Site Description

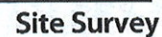
The subject site is identified as 177 Wrights Road, Castle Hill Lot1 DP 541048 and is currently zoned part Residential 2(b) and part Rural 1(a) under Baulkham Hills Local Environmental Plan 2005. The subject site is generally rectangular in shape and has an area of 20,238m² with lot dimensions of 92.445m to the northern and southern boundaries, 218.865m to the eastern boundary and 218.985m to the western boundary. The site currently contains a residential dwelling as well as a number of ancillary structures.

A slope, of varying grade, exists over the site which runs west to east towards the STP site and represents a difference in level over the site of up to 14m. Sheet 6 of the Hills Shire Vegetation Cover Map identifies the site as containing Sydney Sandstone Gully Forest as well as areas of New Unclassified 2005 Vegetation (During site inspections for the Flora and Fauna Report prepared by UBM Ecological Consultants, vegetation on site was identified as Sydney Hinterland Transition Woodland). It is noted that both Sydney Sandstone Gully Forest and Sydney Hinterland Transition Woodland are not identified as a threatened species under the Threatened Species Conservation Act 1995. Vegetation on site is discussed further below and it is noted that a Flora and Fauna Report has been prepared in support of the application.

The subject site is located adjacent to Fred Caterson Reserve (a Council reserve contributing to a larger area of connected vegetative and recreational areas within the Shire) and as mentioned above contains vegetation identified as Sydney Sandstone Gully Forest. As such the subject site is identified as being Bush Fire Prone Land under the Hills Shire Council Bush Fire Prone Land Map containing both Category 1 Vegetation as well as an area of Vegetation Buffer. Bush fire risk is discussed further below and it is noted that a Bush Fire Report has been prepared in support of the application.

The site has historically been restrictively zoned due to the location of the Castle Hill Sewage Treatment Plant to the east of the site in order to maintain an appropriate buffer and negate any potential adverse impacts from the operation of the STP site, with the main concern being odour

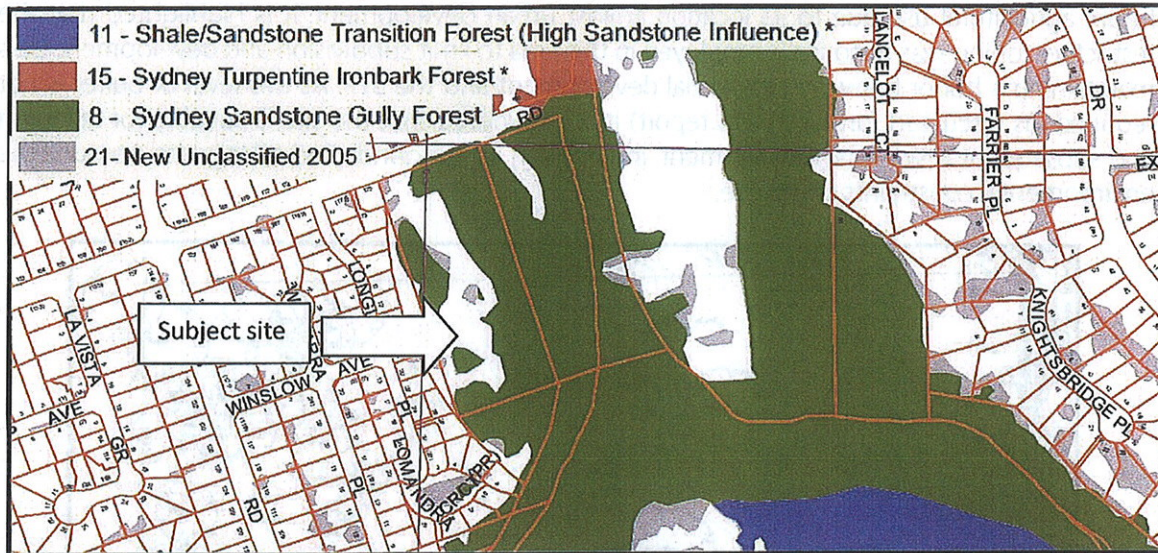
Appropriate assessment and reports including an Odour Survey prepared by The Odour Unit, a Flora and Fauna Report prepared by UBM Ecological Consultants Pty Ltd and a Bushfire Report prepared by Building Code and Bushfire Hazard Solutions have all been undertaken for the site and are submitted in support of this rezoning application.



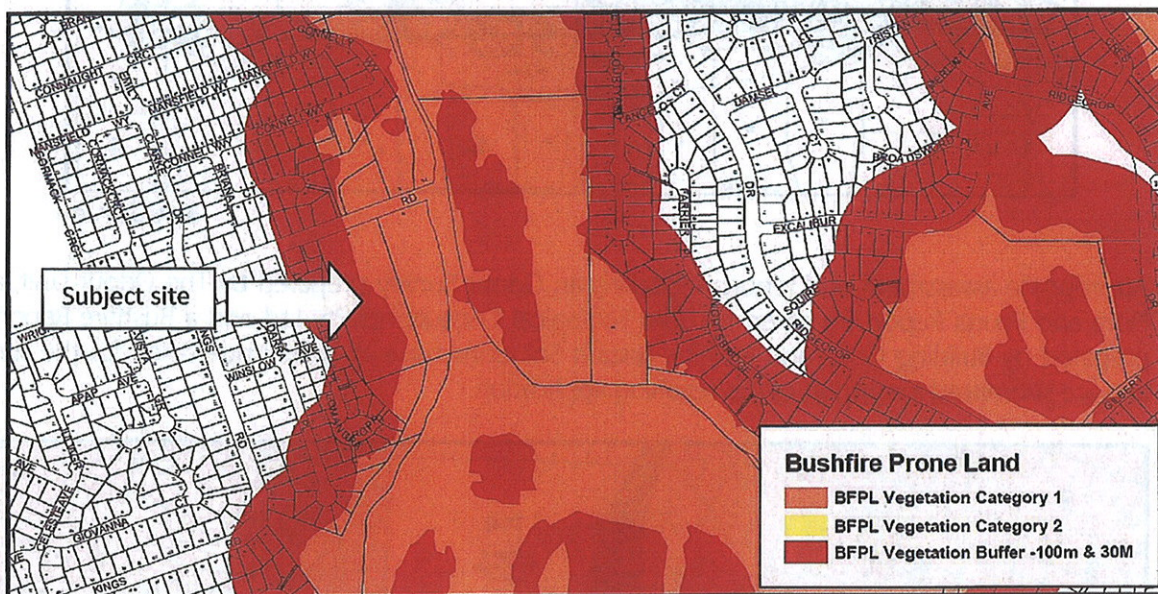
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Baulkham Hills Local Environmental Plan 2005 Zoning Map



The Hills Shire Council Vegetative Cover Map



The Hills Shire Council Bush Fire Prone Land Map

History

The site has historically been used for rural and residential purposes and currently contains a residential dwelling as well as a number of ancillary structures. There have been no known uses which would contribute or have the potential for soil contamination. Historically the site has been zoned Residential 2(b) and Rural 1(a) in order to restrict subdivision and residential development

of the site. The restrictive zone has historically provided a barrier between residential development and the STP in order to negate potential adverse impacts as a result of the operation of the STP. Site contamination and other soil tests would be undertaken at the development application stage to ensure that no potential for contamination exists.

Objectives

This report supports the proposal for the rezoning of a parcel of land known as Lot 1 DP 541048, located at 177 Wrights Road, Castle Hill. It is proposed to rezone the subject site from the existing Residential 2(b) and Rural 1(a) to R1 – General Residential to allow for future residential subdivision and development of the site. It is envisaged that the site would be developed in accordance with surrounding residential development, consistent with the nature and character of Castle Hill and the Hills Shire as well as having respect to environmental constraints of the site.

The proposal is consistent with the existing use of the land, being for residential purposes, however will result in an intensification of residential development. It is considered that the rezoning of the subject site will have no adverse impact on the local area and will result in an appropriate residential development that will contribute to meeting housing targets within the North West Sector.

Discussion

The relevant environmental, social and economic factors have been examined and, where appropriate, specialist consultants engaged to address specific factors and/or potential impacts.

Environmental

Flora and Fauna

A Flora and Fauna Assessment has been undertaken for the site prepared by UBM Ecological Consultants Pty Ltd. The report was prepared after a survey of the Study Area on 8 April 2010 as well as supplementary investigations undertaken on several occasions in early April 2010. The report identified a small group of native trees and some understorey vegetation on site, located along the western boundary as well as a strip of degraded bushland to the east of the site adjoining the Sewage Treatment Plant. The central part of the site has been cleared, possibly for past agricultural purposes, with stands of native trees occurring along the western and eastern boundaries.

The vegetation community on the eastern side of the site was identified as Sydney Hinterland Transition Woodland which is not listed as 'endangered' under environmental legislation. It is highlighted that the bushland on the eastern slopes adjoining the Castle Hill STP is badly degraded. The Report highlights that vegetation to the eastern side of the site currently supports dense stands of noxious weeds and the conservation value of this bushland is considered to be low. No significant species listed under the NSW *TSC Act* or Commonwealth *EPBC Act* were located on site, however it is noted that vegetation adjacent to the Study Area (within the STP) provides

potential habitat for a number of threatened species. A permanent watercourse, Cattai Creek flows through the STP, providing a vegetated wildlife corridor through a predominantly suburban landscape. The Creek is located approximately 60 metres from the eastern property boundary of the subject site.

Four (4) threatened fauna species were recorded utilising the resources of the site during the site investigations being the: Grey-headed Flying-fox, Eastern False Pipistrelle, Powerful Owl and Cumberland Land Snail. Assessments of Significance for each of these fauna species have been carried out. Only the Assessment for the Cumberland Land Snail was considered to be significant should development be proposed on this site in the future; thus requiring further consideration through the preparation of a Species Impact Statement. It is noted that the proposal to rezone the site does not trigger a Species Impact Statement, however the Flora and Fauna Report recommends the preparation of such a document prior to any future development of the site.

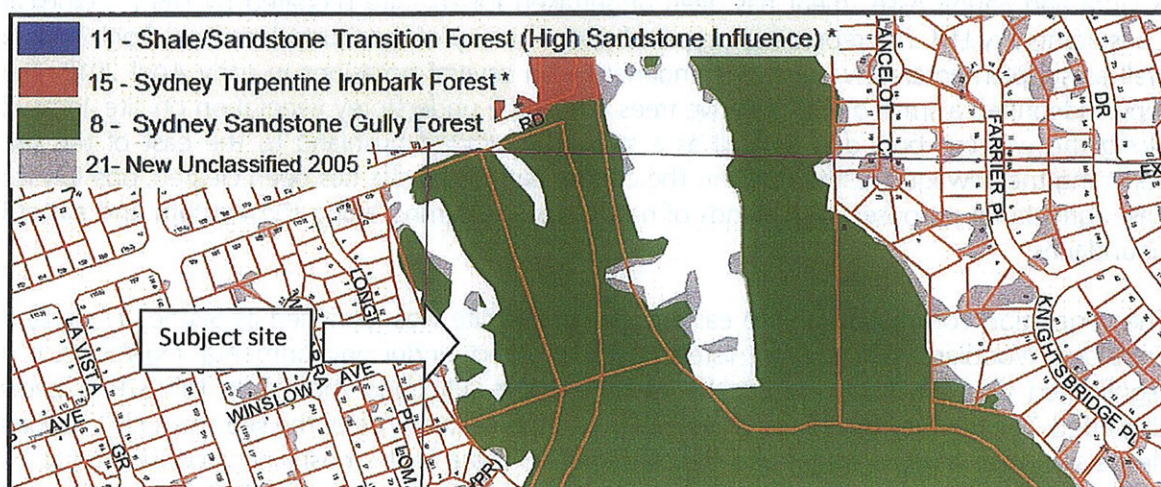
Threatened Species Conservation Act 1995

- No endangered ecological communities were identified on site.
- No threatened flora species or populations were identified on site.
- Four (4) threatened fauna species were detected in the area.

Environment Protection and Biodiversity Conservation Act 1999

- No endangered ecological communities were identified on site.
- No threatened flora species or populations were identified on site.
- One (1) threatened fauna species, the Grey-Headed Flying-Fox was detected in the area.

It is considered that there are no flora and fauna constraints that would prohibit the rezoning of the subject site. It is recommended that a Species Impact Statement addressing the significance of the Cumberland Land Snail be undertaken at the development stage of the proposal. The attached Flora and Fauna Report contains further discussion of the environmental constraints of the site.



Odour

Due to the presence of the Castle Hill Sewage Treatment Plant to the east of the site an Odour Survey was undertaken by the Odour Unit to determine the sites suitability for residential development and to assess potential impacts. Field odour surveys commenced in early August, 2009 and were carried out by a trained assessor at individual locations around the STP and surrounding residential areas. The method and findings of the surveys are discussed further in the attached report. The report concluded that additional housing created by the rezoning would be unlikely to be adversely impacted by odour from the sewage treatment plant. Thus the site is considered appropriate for rezoning and subsequent residential development.

Following the preparation of the Odour Analysis a meeting was held on 14 December 2009 with Sydney Water to discuss the outcomes of the report. The following outcomes from the meeting are noted -

- The buffer adjacent the STP was the result of an agreement with Australand in 1989. Australand at the time of development in the late 80's and early 90's had contributed to odour control measures at the STP, resulting in improvements to the STP operations and odour emissions.
- The STP has no major odour problem.
- In relation to the current proposal for residential development Sydney Water would not have adequate grounds to object to the proposal. This is due to there being no major odour problem and there being no odour complaints received on the west side of the STP and a very limited number of complaints on the east side of the STP.
- The STP is anticipated to be in use for 20 years. It is a low volume STP for 25,000EP.
- The small numbers of dwellings anticipated to result from the rezoning is negligible and would be easily serviced by the STP.

In addition, Mr Terry Shulz of The Odour Unit, representing the landowners, advised during the meeting that -

- The Odour analysis undertaken by the Odour Unit indicates that there is very little odour problems and residential development of the site would be appropriate in this instance.

The meeting with Sydney Water in December 2009 concluded with the general agreement that -

- The owners had investigations to make in regard to environmental constraints of the site; and
- Sydney Water would not have adequate reason to object to the rezoning of the site on the basis of odour impacts.

Noise

The proposed rezoning is for the future residential development of the site. It is considered that the proposed rezoning and subsequent residential development would have minimal impact on noise and amenity already experienced in the area. The proposal seeks to rezone Rural land that due to the nature, size and location is incompatible with Rural development. The rezoning presents the opportunity to release appropriate land for residential development and remove the potential for land use conflict between existing residents and currently permissible agricultural use of the site. The proposed rezoning is considered to be an appropriate outcome, bringing the site into context with its residential surroundings whilst having minimal impact on surrounding residents.

Flooding

The site is not flood prone.

Site Contamination

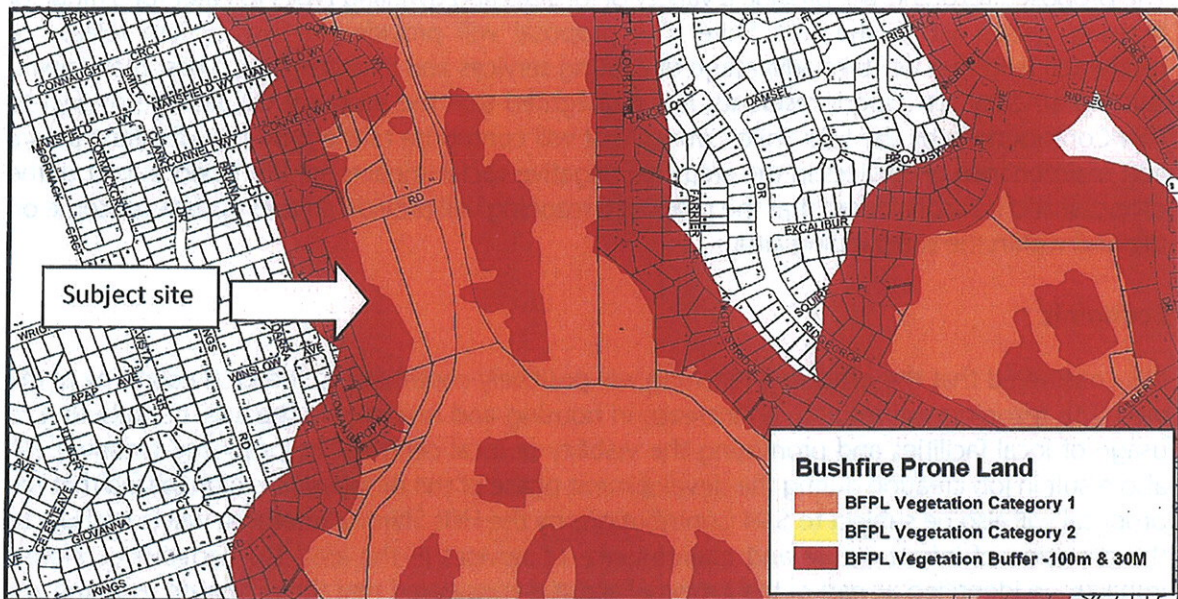
It is highlighted that a Site Audit for contamination has not been conducted. Due to the nature of the use being primarily rural residential the potential for site contamination is minimal and would not impact on a rezoning proposal. It is considered that site contamination (if any were discovered) would be addressed appropriately at the Development Application stage.

Bushfire

The site is identified as being Bushfire Prone under The Hills Shire Council's Bushfire Prone Land Map as seen in the image below. The subject site is depicted as containing Category 1 Vegetation and its associated 100 meter buffer zone. As part of the rezoning application a Bushfire Report has been prepared by Building Code & Bushfire Hazard Solutions. The Report highlights that under Planning for Bushfire Protection 2006 any proposed residential development would require an Asset Protection Zone (APZ) from the vegetation within the Sydney Water Sewage Treatment Plant property to the east and vegetation within and neighbouring vacant allotments and Fred Caterson Reserve to the south. The Report identifies appropriate APZ buffers in the case of the proposed rezoning. It is noted that the buffer areas are still suitable for residential zoning as these can be provided as Asset Protection Zones within private property. The future subdivision design will need to respond to the fire constraints and provide appropriate APZ buffers, which are likely to result in a reduction in the extent to which the site is impacted. In particular, a road along the eastern boundary of the site will provide a fuel free zone that will have a relationship with the relevant APZ requirement.

Building Code & Bushfire Hazard Solutions conclude that the property has the capacity to be zoned residential, providing the application of an APZ buffer as well as other appropriate conditions during the subdivision and subsequent development stages of the proposal. It is therefore considered that the proposed rezoning will not contribute to bush fire risk in the area, with Bushfire minimization and prevention techniques implemented during the subdivision and

development phase of the proposal. Further discussion of Bushfire Hazard and proposed APZ zones are contained in the attached Bushfire Report.



Privacy

It is considered that the proposed rezoning will reflect the existing residential character of the Kellyville area and will have minimal impact on existing, surrounding development. Streets and lots are to be provided as per the concept plan and will maintain appropriate setbacks, in accordance with all DCP controls. The proposal will result in residential development that maintains the nature and character of the area whilst maintaining privacy for existing and future residents of the area.

Traffic

Due to the minor nature and relatively low yield of dwellings proposed, it is considered that the proposal will not significantly increase traffic in the area. Furthermore the site is ideally located to take advantage of existing road infrastructure and public transport options, being located on Wrights Road. Wrights Road has a high capacity as it acts as a link to Victoria Road and Green Road connecting Castle Hill, the Balmoral Road Release Area and the North Kellyville Release Area. The proposed rezoning allows for the release of appropriate residential land that will contribute towards The Hills Shire Council meeting population targets without significantly impacting on the surrounding area or placing strain on existing infrastructure provision. The proposed rezoning provides an appropriate outcome for the site and surrounding area by extending residential development in an area that can easily accommodate an increased capacity. Due to the minor nature of the proposal and the minimal impact it will have on traffic movements in the area a Traffic Study has not been prepared as part of the application.

Social

The proposed rezoning will provide a variety of lot sizes and dwelling types to cater for a range of housing needs within the Hills Shire. The proposal will provide the appropriate release of residential land that will take advantage of existing services and infrastructure, whilst maintaining existing amenity for current residents. It is highlighted that the proposal will also be subject to S.94 Contributions by the Hills Shire Council that will contribute to the provision of infrastructure and maintenance of services in the area. No negative social impacts are identified as part of the proposal and it is considered that the proposed rezoning will provide an appropriate outcome on site and within the surrounding area.

Economic

It is considered that the proposed rezoning will positively contribute to the local economy of the area. The rezoning will result in an increase in housing and residents in the area contributing to usage of local facilities and promoting the viability of local centres. The proposed rezoning will also result in job creation during the development phase of the proposal. It is highlighted that the proposal will also be subject to S.94 Contributions by the Hills Shire Council that will contribute to the provision of infrastructure and maintenance of services in the area. No negative economic impacts are identified as part of the proposal and it is considered that the proposed rezoning will provide an appropriate outcome on site and within the surrounding area.

Local Planning Context

The Hills Shire Council Residential Direction

The Hills Shire Council Residential Direction develops a clear strategy for the future planning and management of residential development and growth within the Hills Shire to 2031 (Source: THSC, 2008). The direction identifies a number of key directions and objectives including:

- Accommodation of future population growth
- Responding to changing housing needs
- Provision of a sustainable living environment
- Facilitation of quality housing outcomes

It is considered that the proposal meets these overarching objectives of the Residential Direction, providing appropriate and sympathetic housing in the context of the Hills Shire and contributing to meeting required dwelling targets set by the NSW Government. The proposal will also seek to provide a variety of lot sizes and dwelling types during the future subdivision stage.

Baulkham Hills Local Environmental Plan 2005

The subject site is currently zoned part Residential 2(b) and part Rural 1(a) under Baulkham Hills Local Environmental Plan 2005. A small portion of the site is zoned Residential 2(b) with the general objective of the zone to provide low density residential development. The majority of the site is zoned Rural 1(a). The Rural 1(a) zone is considered to be a highly restrictive zone that seeks to maintain the rural character of land to which it applies. The overarching objective of the zone is

to ensure that suitable agricultural land is appropriately developed and development does not reduce the potential for future agricultural use of significant agricultural lands.

The site has historically been restrictively zoned due to the location of the Castle Hill Sewage Treatment Plant to the east of the site in order to maintain an appropriate buffer and negate any potential adverse impacts from the operation of the STP site, with the concern being odour generated from the operation of the plant. The land subject to the Rural 1(a) zoning is currently used for a private residential dwelling and has no potential (and would be inappropriate) for future agricultural use due to its location amidst urban development. It is highlighted that the restrictive zoning was employed in this area to limit subdivision and development thus maintaining a buffer between residential development and the STP. As this level of buffer is not required, having regard to STP infrastructure improvements and the odour analysis, it is considered that the site is suitable for rezoning and subsequent residential development.

The subject site is located within the established residential suburb of Castle Hill and within close proximity of both the Balmoral Road Release Area and the North Kellyville Release Area. It is considered that the subject site has appropriate access to both public and private transport infrastructure as well as vital services such as electricity, water and sewer. The rezoning would not contribute significantly to an overconsumption of resources and would be appropriate considering the nature and character of the area.

The Hills Shire Council LEP 2010 – Standard Template

Consideration has been given to the translation of the proposed Residential Zone under the current Baulkham Hills Local Environmental plan 2005 to a new zone under the standard template document. Taking into account the nature of the site, proposed yield, lot types under the Concept Plan and various site constraints it is recommended to zone the site R1 – General Residential. The general objectives of this zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

It is considered that this zone best fits the proposed rezoning and subsequent residential development and will result in an appropriate outcome on site and within the Castle Hill / Kellyville area.

State Planning Context

Section 117 Directions

1.2 Rural Zones

Inconsistent - Justified

This application is for the rezoning of a parcel of land known as Lot 1 DP 541048 currently zoned part Residential 2(b) part Rural 1(a) to R1 General Residential. Direction 1.2 applies to the application as the proposal seeks to rezone rural land identified under Baulkham Hills Local Environmental Plan 2005. The objective of this direction is to protect the agricultural production value of rural land. The site has historically been restrictively zoned due to the location of the Castle Hill Sewage Treatment Plant to the east of the site in order to maintain an appropriate buffer and negate any potential adverse impacts from the operation of the STP site, with the main concern being odour generated from the operation of the plant. As a result the rural zoning of the land has not been retained in order to protect agricultural production, rather the express purpose of the rural zone has been to provide a buffer between the STP and residential lands.

The land subject to the Rural 1(a) zoning is currently used for a private residential dwelling and has no potential (and would be inappropriate) for future agricultural use due to its location amidst urban development. It is highlighted that the land does not hold any potential or future agricultural value and this kind of use would be in conflict with surrounding residential development. The Rural 1(a) zoning was effectively employed in this area to limit subdivision and development thus maintaining a buffer between residential development and the STP. As this buffer is no longer required it is considered that the site is suitable for rezoning and subsequent residential development, in line with its surrounds and taking into account environmental constraints of the site. No significant or valuable agricultural land will be lost as part of the application and it is considered that the proposal seeks a justifiable exclusion to the provisions of this direction.

3.1 Residential Zones

Consistent

This application is for the rezoning of a parcel of land known as Lot 1 DP 541048 currently zoned part Residential 2(b) part Rural 1(a) to R1 General Residential. Direction 3.1 applies to the application as the proposal seeks to rezone the subject parcel for residential purposes. The proposed rezoning will result in the release of residential land within an established residential area. The subject site is located within the established residential suburb of Castle Hill and within close proximity of both the Balmoral Road Release Area and the North Kellyville Release Area. It is considered that the subject site has appropriate access to both public and private transport infrastructure as well as vital services such as electricity, water and sewer. The rezoning would not contribute significantly to an overconsumption of resources and would be appropriate considering the nature and character of the area. The proposed rezoning will contribute to meeting housing targets within the Hills Shire and will take advantage of existing infrastructure in

the area. The proposed rezoning and Concept Plan provides for a range and variety of housing types and will result in a developed outcome that is appropriate on site and within the Castle Hill area. It is considered that the proposal will have minimal environmental impact and will not significantly affect the existing amenity enjoyed by current residents. The application contains appropriate Flora and Fauna, Bushfire and Odour Reports which address environmental and amenity concerns in support of the application. It is considered that the proposed rezoning is consistent with the objectives of this direction and will result in an appropriate outcome within the Hills Shire Council area.

4.4 Planning for Bushfire Protection

Consistent

This application is for the rezoning of a parcel of land known as Lot 1 DP 541048 currently zoned part Residential 2(b) part Rural 1(a) to R1 General Residential. Direction 4.4 applies to the application as the proposal seeks to rezone land identified as being Bushfire Prone under The Hills Shire Council's Bushfire Prone Land Map. The subject site is depicted as containing Category 1 Vegetation and its associated 100 metre buffer zone. As part of the rezoning application a Bushfire Report has been prepared by Building Code & Bushfire Hazard Solutions taking into account the requirements of Planning for Bushfire Protection 2006. The Report highlights that under Planning for Bushfire Protection 2006 any proposed residential development would require an Asset Protection Zone (APZ) from the vegetation within the Sydney Water Sewage Treatment Plant property to the east and vegetation within and neighbouring vacant allotments and Fred Caterson Reserve to the south. The attached Report identifies APZ buffers in the case of the proposed rezoning. It is noted that these APZs may be amended through appropriate and subsequent subdivision design incorporating fuel free zones and similar measures.

In concluding the report, Building Code & Bushfire Hazard Solutions identify that the property has the capacity to be zoned residential, providing the application of an APZ buffer as well as other appropriate conditions during the subdivision and subsequent development stages of the proposal. It is therefore considered that the proposed rezoning will not contribute to bush fire risk in the area, with Bushfire minimization and prevention techniques implemented during the subdivision and development phase of the proposal. It is further considered that the proposed rezoning is consistent with the objectives of this direction and will result in an appropriate outcome, minimizing Bushfire Risk in the area.

Metropolitan Strategy – North West Subregion – Draft Subregional Strategy

The North West Draft Subregional Strategy identifies the North West sector to accommodate a further 140,000 new dwellings by 2031. Individually the Hills Shire is to contribute 21,500 additional dwellings. The strategy also identifies a hierarchy of centres within the area with Castle Hill identified as a Major Centre, Rouse Hill as a Planned Major Centre and Norwest as a Specialised Centre. It is also important to note that the strategy identifies Wrights Road as a Town Centre. The main objective of the strategy is to provide increased, sustainable housing in order to cater for population expansion in NSW. It is considered that the proposed rezoning appropriately responds to the strategy and provides the potential for the release of appropriate land for residential

development in an area in close proximity to a nominated Town centre. The proposed rezoning and Concept Plan identifies a variety of lot sizes and dwelling types to accommodate for future demand and provide an appropriate housing mix. Furthermore the proposed rezoning is to have minimal impact on the environment or on the amenity of existing residents. It is considered that the proposal is appropriate in the area and will contribute towards meeting housing targets in the North West Sector in an appropriate manner that will have minimal negative impacts.

Yield and Density Proposal

The proposal seeks to rezone the land known as 177 Wrights Road, Castle Hill (Lot 1 DP 541048). It is proposed to rezone the subject site from the existing part Residential 2(b) part Rural 1(a) to R1 – General Residential for the purposes of residential subdivision and future residential development. The proposed rezoning aims to reflect the residential zoning and development of adjacent properties, particularly existing development to the west of the site, as well as providing a variety of lot sizes, density and dwelling types. The proposal seeks to accommodate various environmental constraints and maximise potential yield on site whilst retaining the existing rural nature and character of the Castle Hill area.

The rezoning of the site for residential purposes is not appropriate on its own. Consideration should be given by Council as to the appropriate density provisions for the site. As the future development of the site will be required to respond to bushfire constraints, it is recommended that a specific density provision be applied to the site, as opposed to a minimum allotment size statutory control.

The site is of such area (2 hectares) and configuration (generous proportions in a rectangular shape) that a density of 15 – 17.5 dwellings per Hectare can be accommodated on the site, should there be flexibility in allotment sizes built into the statutory controls for the site.

The proposal seeks to maintain a density and yield typical of the area proposing a range of lot sizes of between 300m² - 650 m² which will result in a yield of approximately 30 – 35 dwellings on site. An indicative subdivision layout of the site has been prepared and accompanies this application. The layout indicates allotments ranging from 360m² – 640.5m². The layout provides for fuel free zones in the form of a road along the eastern and southern boundary and larger allotments in the area where some bushfire setback controls will be necessary.

The strict application of a minimum allotment size to the site would be unnecessarily restrictive to the potential of the site and would limit the potential of the site to provide a dwelling types that are diverse and in turn reduce the housing choice for future residents of the area.

Conclusion

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and submission to the Department of Planning pursuant to the rezoning "Gateway" process.