

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed Baulkham Hills Local Environmental Plan 2005 (Amendment No.(NO)) -

- Depending on the timing of this planning proposal in relation to the notification of the draft Local Environmental Plan 2010, it is possible that the planning proposal may amend the Local Environmental Plan 2010 instead of the current Baulkham Hills Local Environmental Plan 2005.

ADDRESS OF LAND: This plan applies to Lot 1 DP 541048, No. 177 Wrights Road, Castle Hill under the Baulkham Hills Local Environmental Plan 2005.

MAPS:

- Proposed standard template zoning map – Refer to Attachment A
- Locality map showing the existing zoning of the site and surrounding land – Refer to Attachment B
- Bush Fire Land Map – Refer to Attachment C

PHOTOS AND OTHER VISUAL MATERIAL:

- Aerial photo showing the existing zoning of the site and surrounding land – Refer to Attachment C

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

The purpose of the draft plan is to rezone privately owned land being Lot 1 DP 541048, No. 177 Wrights Road, Castle Hill currently zoned part Rural 1(a) and part Residential 2(b) to R2 Low Density Residential to accommodate residential development of the site.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The proposal involves an amendment to the BHLEP 2005 to allow a rezoning for future residential development. The rezoning will help to facilitate future subdivision for residential purposes in keeping with the development in the surrounding area.

Further, this proposal should also include a minimum allotment size of 450sqm and maximum building height of 9m for the subject site to ensure development on the site is consistent with adjoining development west of the subject site.

NSW Standard Template

Council has received a Section 65 certificate from the Department of Planning (DOP) to exhibit a new draft Shire-Wide LEP. Under the new Draft LEP 2010 it is proposed to zone all properties within the Sewage Treatment Plant (STP) buffer area to R2 – Low Density Residential, with a minimum lot size of 40ha. The 40ha minimum was imposed to retain the existing status of these sites as a buffer and to prevent further subdivision. The decision to maintain the buffer was made at the time the draft LEP 2010 was prepared as investigations into the constraints on development of the site had not been undertaken.

Given the timing of the draft LEP 2010 it is considered appropriate to introduce the R2 – Low Density Residential zone to the BHLEP 2005. Similarly introduction of a minimum allotment size and height map for the site, with a minimum lot size of 450sqm and a maximum building height of 9m will allow for appropriate development outcomes on the site. The final yield and subdivision layout will become certain during the rezoning process but at a minimum the appropriate development standards are:

- minimum residential allotment sizes of 450sqm;
- maximum building height of 9m; and
- subdivision designed with consideration to the provision of Asset Protection Zones (APZs).

It should be noted that under the Draft LEP 2010, the R2 – Low Density Residential zone has been applied to existing low density residential areas in the urban parts of the Shire as well as the residential component of rural villages. Under the Draft LEP 2010 land to both the west and north of the site are proposed to be zoned R2 – Low Density Residential, as well as areas of the Kellyville/Rouse Hill release areas.

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?

This planning proposal is a result of an application from Byrnes PDM seeking to rezone the subject site from part Rural 1(a) and part Residential 2(b). Supporting information provided with the application includes:

- i. A Field Ambient Odour Assessment prepared by The Odour Unit dated 19 August 2009 and a Summer Ambient Odour Survey prepared by The Odour Unit dated 13 January 2011;
- ii. Flora and Fauna Study and Ecological Assessment prepared by UBM Ecological Consultants dated 22 April 2010;
- iii. Bushfire Hazard Assessment Constraints Statement prepared by Building Code and Bushfire Hazard Solutions dated 1 April 2010;
- iv. A Plan of the details and levels on the subject site prepared by Lockley Land Title Solutions dated 29 April 2010; and
- v. A Concept Subdivision Layout prepared by Green Tree Design dated 16 June 2010.

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

The planning proposal to rezone the subject site is considered the most appropriate means of achieving the intended outcome of accommodating residential development on the site. In addition, the planning proposal will enable Council to ensure that future residential development will be consistent with existing low density development in the locality.

3. Is there a net community benefit?

The proposed rezoning will result in a net community benefit by providing opportunities for the development of housing which:

- addresses dwelling targets;
- provides for sustainable living and facilitating quality housing outcomes;
- responds to housing needs;
- provision for additional housing options on land close to a major centre; and
- meets the outcomes and strategies to provide for balanced urban growth.

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. Whilst the land is zoned Rural, it is adjacent to existing residential housing and is capable of being serviced for residential development.

- **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 a proposed zoned change from rural to urban is required to meet the sustainability criteria.

In summary this criteria includes the following elements:

- Infrastructure provision – mechanism in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.
- Access – accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.
- Housing diversity – provide a range of housing choices to ensure a broad population can be housed.
- Employment lands – provide regional/local employment opportunities to support Sydney's role in the global economy.
- Avoidance of risk – land use conflicts, and risk to human health and life, avoided.
- Natural resources – natural resource limits not exceeded/environmental footprint minimised.
- Environmental protection – protects and enhances biodiversity, air quality, heritage and waterway health.
- Quality and equity in services – quality health, education, legal, recreational, cultural and community development and other government services are accessible.

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?*

The planning proposal is consistent with Hills 2026 Community Strategic Direction, Council's Draft Local Strategy, and Residential Direction as summarised below: -

- **Hills 2026 Community Strategic Direction**

The Hills 2026 Community Strategic Direction is the first 20 year outlook for the Hills Shire. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal is consistent with the following Hills 2026 Community Outcomes and relevant key Directions:

BUG 2 - there are a range of housing options

In addition to the Community Strategic Direction, Council has adopted a draft Local Strategy together with a number of other Strategic Directions – Residential, Employment Lands, Environment & Leisure, Waterways, Centres, Integrated Transport and Rural Lands. The planning proposal is consistent with the relevant objectives and actions identified in these strategies.

- **Draft Local Strategy**

The Hills Shire Council's Draft Local Strategy was adopted by Council on 10 June 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local need such as employment, housing and transport. The Strategy identifies a demand for 36,000 dwellings to meet the Shire's needs by 2031 to which the site will contribute.

- **Residential Direction**

Council's Residential Direction was adopted by Council on 10th June 2008 and aims to provide an additional 36,000 dwellings by 2031 for the Shire. The Direction also seeks to provide for a diversity of housing choice, well located housing close to services and infrastructure, a built environment that reflects the 'garden shire' image and the development of communities that offer a sense of place and community connection. The ultimate goal is to create housing options that promotes sustainable economic, environmental and social outcomes for the residents of the Shire. The subject planning proposal seeks to rezone land that will provide a small amount of low density residential development. The subject planning proposal is consistent with the following key directions:-

R1 Accommodate population growth

R2 Respond to changing housing needs

R4 Facilitate quality housing outcomes

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

The following SEPP is applicable to the subject planning proposal:-

SEPP19 – Bushland in Urban Areas

When preparing an LEP to which this policy applies the Council shall have regard to the aims of the Policy, and give priority to retaining bushland. The planning proposal is consistent with this policy in that it seeks to protect and enhance existing and remnant bushland including endangered ecological communities on the site through an appropriate and consistent pattern of zoning and ownership.

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

The following Directions are relevant to the subject planning proposal:-

1.2 Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Part 4 of this Direction states that:-

A planning proposal must:-

- a. not rezone land from a rural zone to a residential, business, industrial, village or tourist zone,
- b. not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

It is considered that the proposal is minor due to the fact that there is only a total of thirty-four (34) allotments to be created, and the previous buffer zone for the sewerage treatment plant located adjoining the site is no longer required by Sydney Water.

3.1 Residential Zones

The proposed R2 zone will permit a variety of low density residential development consistent with the surrounding existing development. Existing services and infrastructure will be utilised for future development.

3.3 Home Occupations

Home occupations are proposed to be a permissible use in the R2 Low Density Residential zone.

3.4 Integrating Land Use and Transport

The planning proposal will provide a more suitable zoning pattern on the subject site. The site is located in a developed residential area within a reasonable distance of shops, services and public transport (buses).

4.4 Planning for Bushfire Protection

Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination. The planning proposal has been prepared having regard to Planning for Bushfire Protection 2006 and APZ's that would be required as part of any future development resulting from the proposed rezoning.

6.1 Approval and Referral Requirements

The planning proposal is consistent with this direction.

6.3 Site Specific Provisions

It is proposed that the R2 zone would permit the type of development that is envisaged for the site in the future.

7.1 Implementation of the Metropolitan Strategy

The planning proposal is not inconsistent with the Strategic Directions and Key Policy Settings of the Metropolitan Plan for Sydney 2036.

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?*

A Flora and Fauna study conducted found that the site contains four threatened fauna species present on, or adjacent to the subject site pursuant to the Threatened Species Conservations Act. These species include the Grey-headed Flying Fox, Eastern False Pipistrelle, Powerful Owl and the Cumberland Land Snail. Of these, the Grey-Headed Flying Fox is also listed under the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act).

The Flora and Fauna study found that there were no threatened species of flora on the subject site. However, the study recommended that future development on the site retain mature canopy trees wherever possible to provide habitat and local linkages for native wildlife.

Future development of the site would require preparation of a Species Impact Statement in accordance with Section 5A of the Environmental Planning and Assessment Act (EP&A Act). Referral to the Minister for Environment Protection, Heritage and the Arts would also be required with respect to the Grey-Headed Flying Fox.

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 Vegetation Category 1 and its associated vegetation buffer of 100m. Any development that may occur on the subject site would be subject to the requirements of the NSW Rural Fires Act 1997 and Planning for Bushfire Protection 2006.

A Bushfire Report prepared for the site indicates the site has residential potential, provided that requirements under Planning for Bushfire Protection 2006 are followed. The Report highlights the need for any new residential allotment to show that it can accommodate a building platform outside of the required APZs. The Concept Subdivision Layout submitted with the planning proposal does not achieve this outcome, and will need to be changed before the applicant lodges a Development Application.

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 for additional housing options on land close to a major centre and meet the outcomes and strategies to provide for balanced urban growth.

D. State and Commonwealth interests

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

A traffic study was not submitted as part of the rezoning proposal, however the applicant states that the proposed rezoning, and subsequent development is "*minor in nature and would produce a relatively low yield of dwellings*" thus would not significantly increase traffic in the area. Prior to Gateway determination a traffic study should be completed.

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 amendment in local newspapers. The exhibition material will 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 owners advertising them of the proposed zoning.

The Gateway determination will identify any additional consultation required.

ATTACHMENT D - 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	Consistent
21	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	

INSTRUMENT		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
18	Public Transport Corridors	NO	
19	Rouse Hill Development Area	NO	
20	Hawkesbury – Nepean River	NO	

ATTACHMENT E - 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	INCONSISTENT
	1.3 Mining, Petroleum Production and Extractive Industries	NO	
	1.4 Oyster Aquaculture	NO	
	1.5 Rural Lands	NO	
2.	Environment and Heritage		
	2.1 Environmental Protection Zones	NO	
	2.2 Coastal Protection	NO	
	2.3 Heritage Conservation	NO	
	2.4 Recreation Vehicle Areas	NO	
3.	Housing, Infrastructure and Urban Development		
	3.1 Residential Zones	YES	
	3.2 Caravan Parks and Manufactured Home Estates	NO	
	3.3 Home Occupations	YES	
	3.4 Integrating Land Use and Transport	NO	
	3.5 Development Near Licensed Aerodromes	NO	
	3.6 Shooting Ranges	NO	
4.	Hazard and Risk		
	4.1 Acid Sulfate Soils	NO	
	4.2 Mine Subsidence and Unstable Land	NO	
	4.3 Flood Prone Land	NO	
	4.4 Planning for Bushfire Protection	YES	
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	NO	

<u>S117(2) MINISTERIAL DIRECTIONS</u>		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Coast		
	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	
6.	Local Plan Making		
	6.1 Approval and Referral Requirements	YES	
	6.2 Reserving Land for Public Purpose	NO	
	6.3 Site Specific Provisions	YES	
7.	Metropolitan Planning		
	7.1 Implementation of the Metropolitan Plan for Sydney 2036	YES	

