

The Hills LEP 2012 (Amendment 14) - Castle Hill Country Club

Proposal Title : **The Hills LEP 2012 (Amendment 14) - Castle Hill Country Club**

Proposal Summary : **To rectify mapping anomalies in the Hills LEP 2012 for land at 49 Windsor Road, Baulkham Hills (part of Lot 1 DP 1160957 and part of Castle Hill Country Club, Spurway Drive, Baulkham Hills (Lot 2 DP 1160957).**

PP Number : **PP_2013_THILL_005_00** Dop File No : **13/07618-1**

Proposal Details

Date Planning Proposal Received : **06-May-2013** LGA covered : **The Hills Shire**

Region : **Sydney Region West** RPA : **The Hills Shire Council**

State Electorate : **BAULKHAM HILLS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Lot 1 DP 1160957, Windsor Road, Baulkham Hills and part Lot 2 DP 1160957 Spurway Drive, Baulkham Hills**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**
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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **THE SITE**

Rezoning applies to the site that forms a secondary access handle of the Castle Hill Country Club as shown on the location map. The RMS land fronting Windsor Road is not part of the land subject to the planning proposal. The Heritage Item relates to the Castle Hill Country Club.

CURRENT ZONING

The land was part of the Balmoral Road Release Area. It was rezoned from the Open Space 6(b) Private Recreation zone to the Residential 2(b1) and Residential 2(a2) zones under Baulkham Hills Local Environmental Plan 2005 (Amendment No.5) – Balmoral Road Release Area in April 2006 (refer to zoning extract from Baulkham Hills LEP 2005, attached). It is also identified in the Balmoral Road Release Area DCP as rear access for the properties fronting Windsor Road.

The Hills LEP 2012 generally translated the Residential 2(b1) zone to the R2 Low Density Residential zone and Residential 2(a2) zone to R3 Medium Density Residential zone but inadvertently rezoned the subject land to the RE2 Private Recreation zone. The Minimum Lot Size and Building Height Maps were also inadvertently amended to reflect the development standards applying to Castle Hill Country Club.

HERITAGE ITEM

The Castle Hill Country Club is identified as a Heritage Item 'Item No. 125' in the Hills LEP 2012. It applies to an avenue of trees along Spurway Drive leading to the Castle Hill Country Club. At the time of preparing the LEP the Castle Hill Country Club was located on a single lot (Lot 1002 DP 1129877). The land has since been subdivided and the access land parallel to Fairway Drive no longer forms part of the Castle Hill Country Club.

THE PLANNING PROPOSAL

The planning proposal seeks to reinstate the equivalent zoning and development standards to those which originally applied to the site prior to the commencement of LEP

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2012, and rectify anomalies related to the heritage item.

The Heritage Map of LEP 2012 is proposed to be amended to remove Lot 1 DP 1160957 from the Heritage Item (Lot 2 DP 1160957) as well as the land description in Schedule 5 Environmental Heritage to reflect this position.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The proposal seeks to amend the Land Zoning, Minimum Lot Size, Height of Buildings, Heritage Maps and the Heritage Schedule of The Hills Local Environmental Plan 2012 (LEP 2012).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal applies to part of 49 Windsor Road, Baulkham Hills (Part of Lot 1 DP 1160957) and part of the Castle Hill Country Club, Spurway Drive, Baulkham Hills (Part of Lot 2 DP 1160957).

The planning proposal is:

- to rezone the subject land from the RE2 Private Recreation zone to the R3 Medium Density Residential Zone for Part of Lot 1 DP 1160957 and R2 Low Density Residential Zone for part of Lot 2 DP 1160957;
- to amend the Lot Size Map from 10 hectares to 700m² (previous minimum lot size);
- to amend the Height of Buildings Map to apply a building height of 10 metres to the subject site (previous building height);
- to amend the Heritage Map to remove Heritage Item I25 from Lot 1 DP 1160957; and
- to amend Schedule 5 Environmental Heritage of LEP 2012 to identify the current legal description for Item No. I25 (being Lot 1 DP 563812 and Lot 2 DP 1160957).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA : 2.3 Heritage Conservation

* May need the Director General's agreement

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : S117 DIRECTION 2.3 HERITAGE CONSERVATION

The Direction applies as the proposal relates to reduction of land area to a Local Heritage Item in Schedule 5 Environmental Heritage of the LEP.

The site of the Castle Hill Country Club is identified as a Local Heritage Item 'Item No. I25' in the Hills LEP 2012, which applies to an "Avenue of trees leading to the Castle Hill Country Club".

As discussed in the Planning Proposal section, the proposal is to reflect the recent subdivision of part of the proposed access road from the Castle Hill Country Club. This land does not contain any heritage listed avenue of trees and no longer forms part of

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the local heritage item. The Heritage Map and Schedule 5 Environmental Heritage are to be amended in response to these changes.

The removal of the part of land from the Heritage Item is of a minor significance and the Director General's approval is required.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal seeks to amend Land Use Zone Map, Lot Size Map, Height of Buildings Map and Heritage Map of The Hills Local Environmental Plan 2012 (relevant maps attached).

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **COMMUNITY AND AGENCY CONSULTATION**

As discussed in the explanation section of the report this planning proposal is mainly to correct anomalies by reinstating the equivalent zoning and development standards that applied to the land prior to the commencement of LEP 2012.

Council has argued that the proposal satisfactorily address the requirements under Section 73A (1)(c) of the EP&A Act and has requested that the Minister (or delegate) expedite this amendment by dispensing with the community consultation requirements under Section 57 of the EP&A Act and the requirement for consultation with State and Commonwealth public authorities (under Section 56 of the EP&A Act) as no public authority will, or may, be adversely affected by the proposed instrument.

TIMEFRAME

Council has advised as follows:

Commencement Date (Gateway Determination): June 2013

Legal Drafting of the Instrument: July/ August 2013

Making of the plan (if delegated) or Submission to the Dept.: August/ September 2013

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills LEP 2012 is an SI LEP and was made in 2012.

Assessment Criteria

Need for planning proposal :	The proposal seeks to correct mapping anomalies which occurred as part of the preparation of LEP 2012 and amend the Heritage Map and Schedule 5 Environmental Heritage of LEP 2012 to correctly identify a local Heritage Item.
	The planning proposal is the most appropriate means of achieving the intended outcome.
Consistency with strategic planning framework :	The planning proposal is not the result of any strategic study or report.
Environmental social economic impacts :	As previously discussed, the proposal is to amend the Heritage Map and Schedule 5 Environmental Heritage of LEP 2012 to correctly identify a local Heritage Item. It will not considered to have impact on the Heritage item.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	6 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : Council has requested that the proposal be processed under Section 73A (1)(c) of the EP&A Act as it satisfactorily meets the requirements of the provision and has asked that the Minister (or delegate) dispenses with the community consultation requirements and agency consultation to expedite the planning process.

It is agreed that the planning proposal is mainly to correct obvious errors in the principal instrument and will not have any significant adverse impact on the environment or adjoining land. However, the amendment to the Heritage Map and the Heritage Schedule do not fall into the categories/circumstances as identified in Section 73A (1)(a) and (b) for planning proposals which can be processed under this Section of the Act.

Under the circumstances, it is considered appropriate that the the planning proposal proceed with Sections 54 - 59 plan making process under the EP&A Act. Because of the minor nature of the planning proposal and its nil potential impact on the environment or adjoining land it is considered the community consultation requirements and agency consultation are dispensed as requested by Council to expedite the planning process.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council_Report_and_Minute_-_9_April_2013.pdf	Proposal	Yes
PP_Covering_letter.pdf	Proposal Covering Letter	Yes
Location_Map.pdf	Map	Yes
PLanning_Proposal_-_Castle_Hill_Country_Club.pdf	Proposal	Yes
Current_and_Proposed_LEP_maps.pdf	Map	Yes
The_Hills_LEP_2012_Schedule_5_Environmental_Heritage.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**

Additional Information : **It is recommended that the proposal proceed without the need for community and agency consultation subject to the following conditions:**

(1) The Director General's delegate agrees that any inconsistencies with section 117 Direction S117 2.3 Heritage Conservation are of minor significance;

(2) The timeframe for completing the local environmental plan is to be 6 months from the week following the date of the Gateway Determination.

Supporting Reasons : **The planning proposal is of a minor nature and is mainly to rectify mapping anomalies in the Hills LEP 2012.**

Signature:



Printed Name:

DERRYN JOHN

Date:

10 MAY 2013