

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: The Hills Local Environmental Plan 2012 (Amendment No. (P14)) – Castle Hill Country Club Mapping Correction

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

SUPPORTING MATERIAL:

Attachment A LEP Maps (18 Maps)
Attachment B State Environmental Planning Policies
Attachment C Section 117 Ministerial Directions
Attachment D Council Report and Resolution, 9 April 2013

LEP MAPS – PART 4 MAPPING:

The following maps are included in Attachment A and have been prepared in accordance the 'Standard Technical Requirements for LEP Maps':

Map 1	Site Identification Map (Map Sheet 15)
Map 2	Site Identification Map (Map Sheet 16)
Map 3	Current Land Zoning Map (Map Sheet 15)
Map 4	Current Land Zoning Map (Map Sheet 16)
Map 5	Current Lot Size Map (Map Sheet 15)
Map 6	Current Lot Size Map (Map Sheet 16)
Map 7	Current Height of Buildings Map (Map Sheet 15)
Map 8	Current Height of Buildings Map (Map Sheet 16)
Map 9	N/A – Removed
Map 10	Current Heritage Map (Map Sheet 16)
Map 11	Proposed Land Zoning Map (Map Sheet 15)
Map 12	Proposed Land Zoning Map (Map Sheet 16)
Map 13	Proposed Lot Size Map (Map Sheet 15)
Map 14	Proposed Lot Size Map (Map Sheet 16)
Map 15	Proposed Height of Buildings Map (Map Sheet 15)
Map 16	Proposed Height of Buildings Map (Map Sheet 16)
Map 17	N/A - Removed
Map 18	Proposed Heritage Map (Map Sheet 16)

BACKGROUND

This proposal seeks to amend the Land Zoning, Minimum Lot Size, Height of Buildings and Heritage Maps under *The Hills Local Environmental Plan 2012* (LEP 2012) for part of RMB 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 site forms a secondary access handle of the Castle Hill Country Club and is generally located at the intersection of Fairway Drive and Windsor Road. The Castle Hill Country Club is highlighted in red on the following aerial photograph with the subject site highlighted in yellow.



Figure 1

Site location within the Castle Hill Country Club

The subject site includes Lot 1 DP 1160957 and part of Lot 2 DP 1160957. Whilst Lot 1 DP 1160957 is owned by the Castle Hill Country Club it does not form part of the Country Club or Golf Course. The site and the existing cadastral boundaries are identified on the following figures.



Figure 2

Subject site

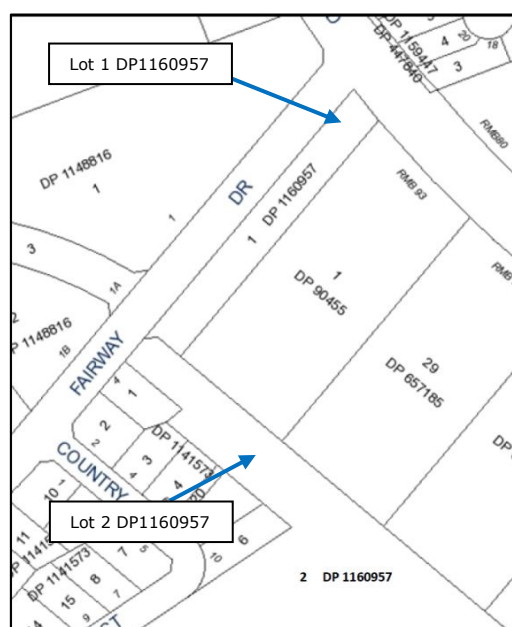


Figure 3

Cadastral Map

As part of the planning for the Balmoral Road Release Area it was determined that the land should be 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.

This rezoning occurred via the gazettal of Baulkham Hills Local Environmental Plan 2005 (Amendment No.5) – Balmoral road Release Area on 13 April 2006.

As can be seen the proposed road along the rear boundaries of the properties fronting Windsor Road will provide direct vehicular access to future development lots. Following the construction of this road the existing temporary access handle will become surplus to requirements of the Golf Club. For this reason it was considered appropriate during the planning of the Balmoral Road Release Area that the subject land be rezoned consistent with adjoining residential areas.

Figure 4

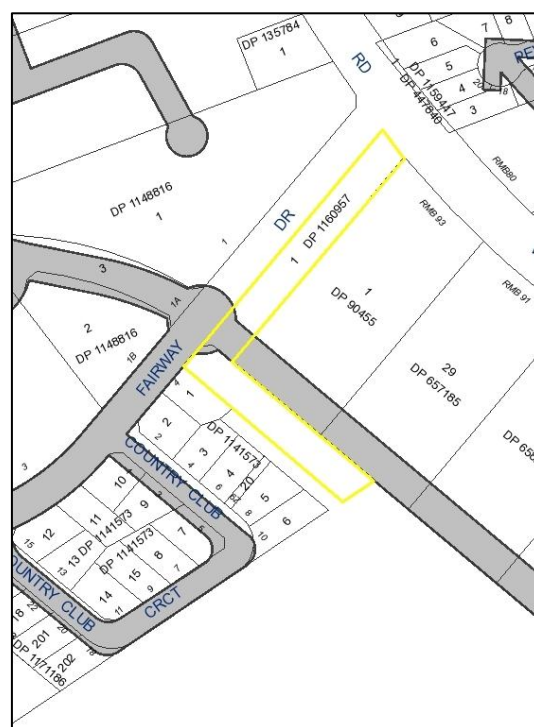


Figure 5

In preparing LEP 2012 land zoned Residential 2(b1) was translated to the R2 Low Density Residential zone and land zoned Residential 2(a2) was translated to the R3 Medium Density Residential zone. However, during this process there was a minor mapping anomaly which 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 the remainder of the Castle Hill Country Club.

The site of the Castle Hill Country Club contains a Heritage Item 'Item No. I25', which applies to an avenue of trees along Spurway Drive leading to the Castle Hill Country Club.

At the time of preparing LEP 2012 the Castle Hill Country Club was located on a single lot (Lot 1002 DP 1129877). This lot has since been subdivided and the access handle no longer forms part of the parent lot to which the heritage item is connected. Accordingly the Heritage Map of LEP 2012 must be amended to remove the Heritage Item from Lot 1 DP 1160957. Schedule 5 Environmental Heritage must also be amended to include the current property description for Heritage Item No. I25 (being Lot 1 DP 563812 and Lot 2 DP 1160957).

PART 1 OBJECTIVES OR INTENDED OUTCOME

The intended outcome of this planning proposal is to correct a mapping anomaly which occurred as part of the preparation of LEP 2012 by reinstating the equivalent zoning and development standards to those which originally applied to the site prior to the commencement of LEP 2012.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by:

- Amending the Land Zoning Map to change the zone of the subject land from the RE2 Private Recreation zone to the R3 Medium Density Residential zone for Part of Lot 1 DP 1160957 and the R2 Low Density Residential zone for part of Lot 2 DP 1160957;
- Amending the Lot Size Map from 10 hectares to 700m² (previous minimum lot size);
- Amending the Height of Buildings Map to apply a building height of 10 metres to the subject site (previous building height);
- Amending the Heritage Map to remove Heritage Item I25 from Lot 1 DP 1160957; and
- Amending 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).

PART 3 JUSTIFICATION

SECTION A: NEED FOR THE PLANNING PROPOSAL

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

The planning proposal is not the result of any strategic study or report. The proposal seeks to correct a mapping anomaly which occurred as part of the preparation of LEP 2012 by reinstating the equivalent zoning and development standards to those which originally applied to the site prior to the commencement of LEP 2012. The proposal will also amend the Heritage Map and Schedule 5 Environmental Heritage of LEP 2012 to correctly identify the properties connected to Heritage Item No. I25.

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 is considered the most appropriate means of achieving the intended outcome as it will correct the mapping anomaly.

SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. 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)?

As the planning proposal seeks to correct a mapping anomaly by reinstating the equivalent zones and development standards to those which were previously adopted for the site, the

proposal is considered to be consistent with the objectives and actions contained within the Metropolitan Plan for Sydney and the draft North West Subregional Strategy.

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

The proposal is considered to be consistent with Council's Local Strategy and Strategic Directions as it seeks to correct a mapping anomaly by reinstating the equivalent zones and development standards to those which were previously adopted for the site.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is considered to be consistent with all applicable State Environmental Planning Policies. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment B.

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

The planning proposal is considered to be consistent with all relevant s.117 Ministerial Directions. An assessment of the planning proposal against applicable s.117 Ministerial Directions is provided in Attachment C.

Direction 2.3 Heritage Conservation

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that a planning proposal must contain provisions that facilitate the conservation of environmental heritage.

The site of the Castle Hill Country Club contains a Heritage Item 'Item No. I25', which applies to an avenue of trees along Spurway Drive leading to the Castle Hill Country Club.

At the time of preparing LEP 2012 the Castle Hill Country Club was located on a single lot (Lot 1002 DP 1129877). This lot has since been subdivided and the access handle no longer forms part of the parent lot to which the heritage item is connected. It is proposed that the Heritage Map of LEP 2012 be amended to remove the Heritage Item from Lot 1 DP 1160957 as this parcel is no longer connected to Heritage Item I25. Schedule 5 Environmental Heritage will also be amended to include the current property description for Heritage Item No. I25 (being Lot 1 DP 563812 and Lot 2 DP 1160957).

The proposal is considered to be consistent with this Direction as it seeks to amend LEP 2012 to identify the correct land to which the Heritage Item is connected.

SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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?

The site does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

As the proposal seeks to correct a minor mapping anomaly which occurred during the preparation of LEP 2012 there is considered to be no other environmental effects resulting from this planning proposal.

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

It is considered that there will be no social or economic effects as the proposal seeks to reinstate the equivalent zones and development standards to those which were previously adopted for the site.

SECTION D: STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the proposal seeks to reinstate the previously adopted zones and development standards for the site the proposal will not place any additional demand on public infrastructure.

11. 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?

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. However, as the proposal seeks to correct a mapping anomaly, it is considered that there will be no impact on the interests of any State or Commonwealth Public Authority.

PART 4 MAPPING

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*. A snapshot of each of the proposed mapping amendments has been included below. The following maps, in the format specified by the Standard Technical Requirements for LEP Maps, are included as Attachment A of this proposal.

The land is currently zoned RE2 Private Recreation under LEP 2012.

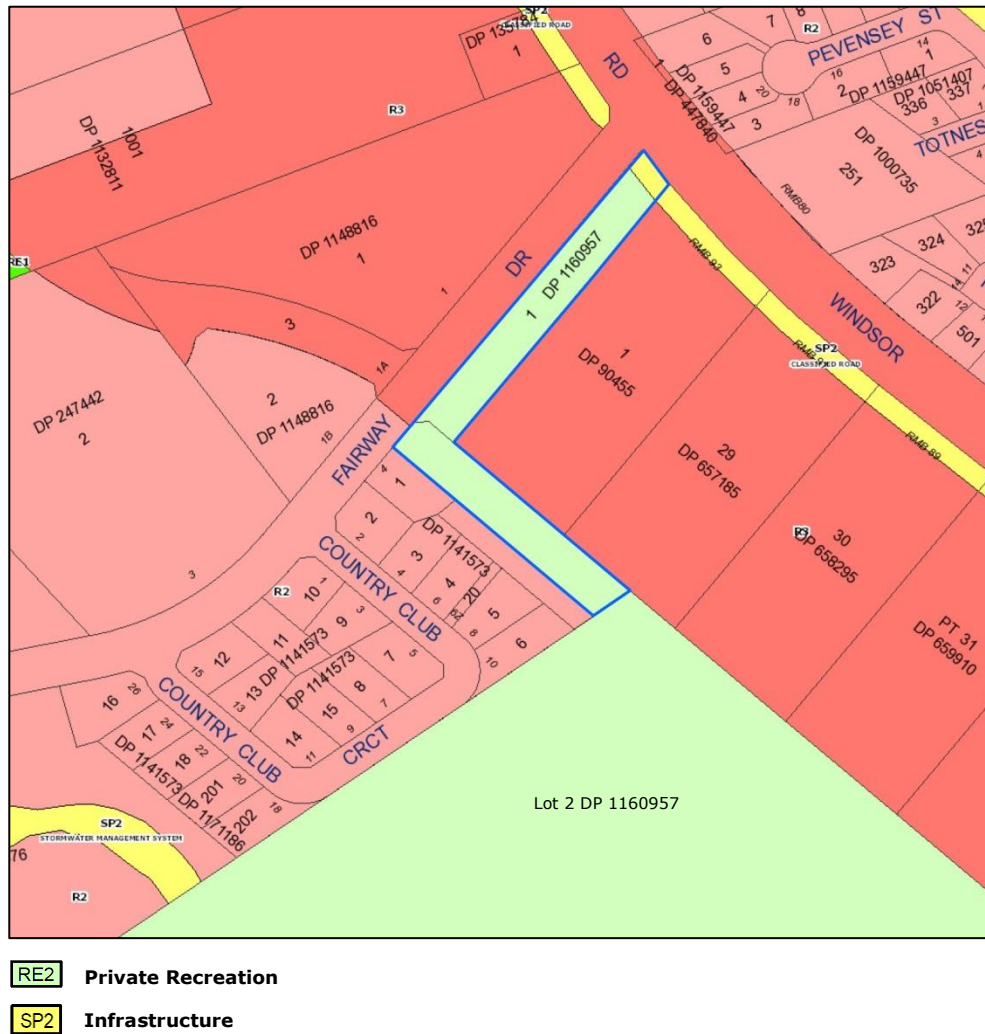


Figure 6
Current Land Use Zoning (LEP 2012)

Proposed Land Use Zone

The planning proposal seeks to amend the Land Zoning Map to change the zone of the subject land from the RE2 Private Recreation zone to the R3 Medium Density Residential zone for Part of Lot 1 DP 1160957 and the R2 Low Density Residential zone for part of Lot 2 DP 1160957.

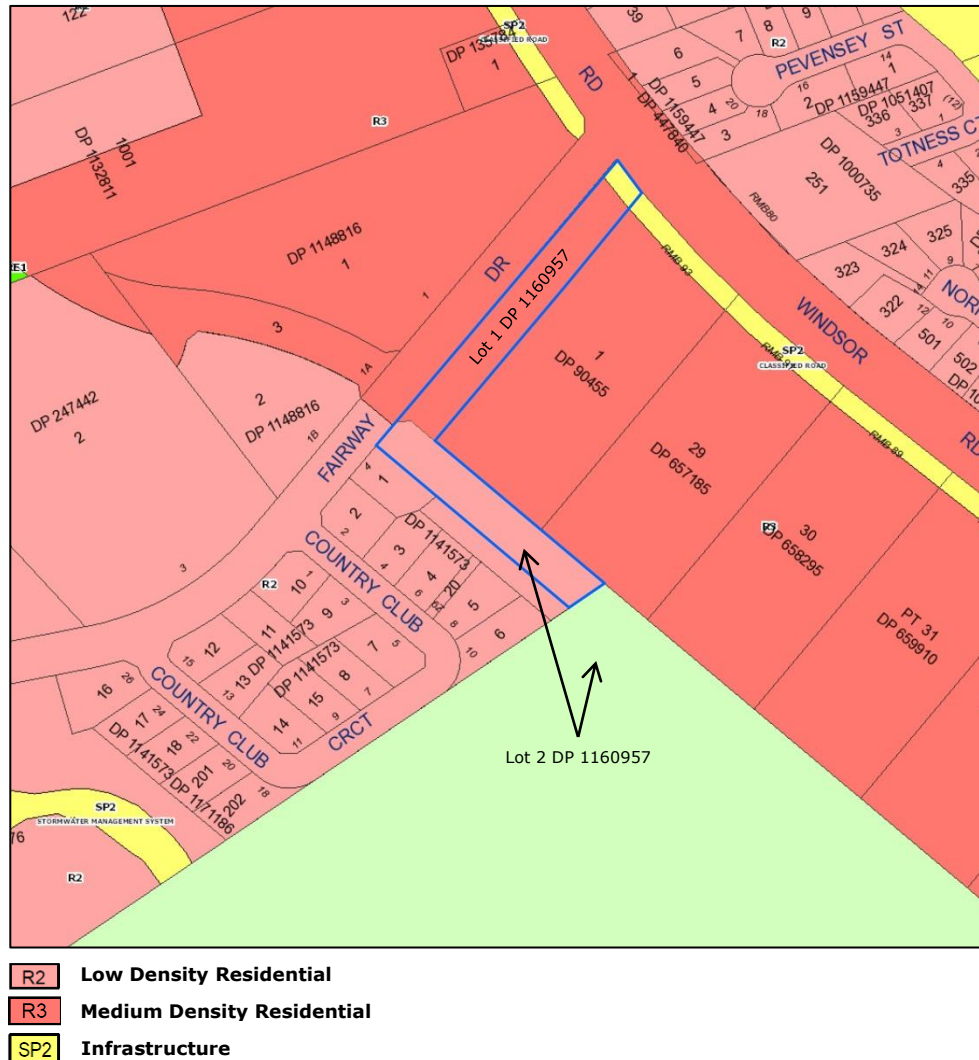
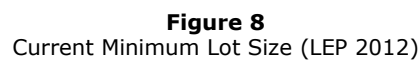


Figure 7
Proposed Land Use Zoning

LEP 2012 currently applies a minimum lot size of 10 ha to the subject site and 700m² for the portion of land identified for acquisition by the RMS (currently zoned SP2 Infrastructure).



Proposed Lot Size

The proposal seeks to amend the Lot Size Map by applying a minimum lot size of 700m² (previous minimum lot size) to the subject site.

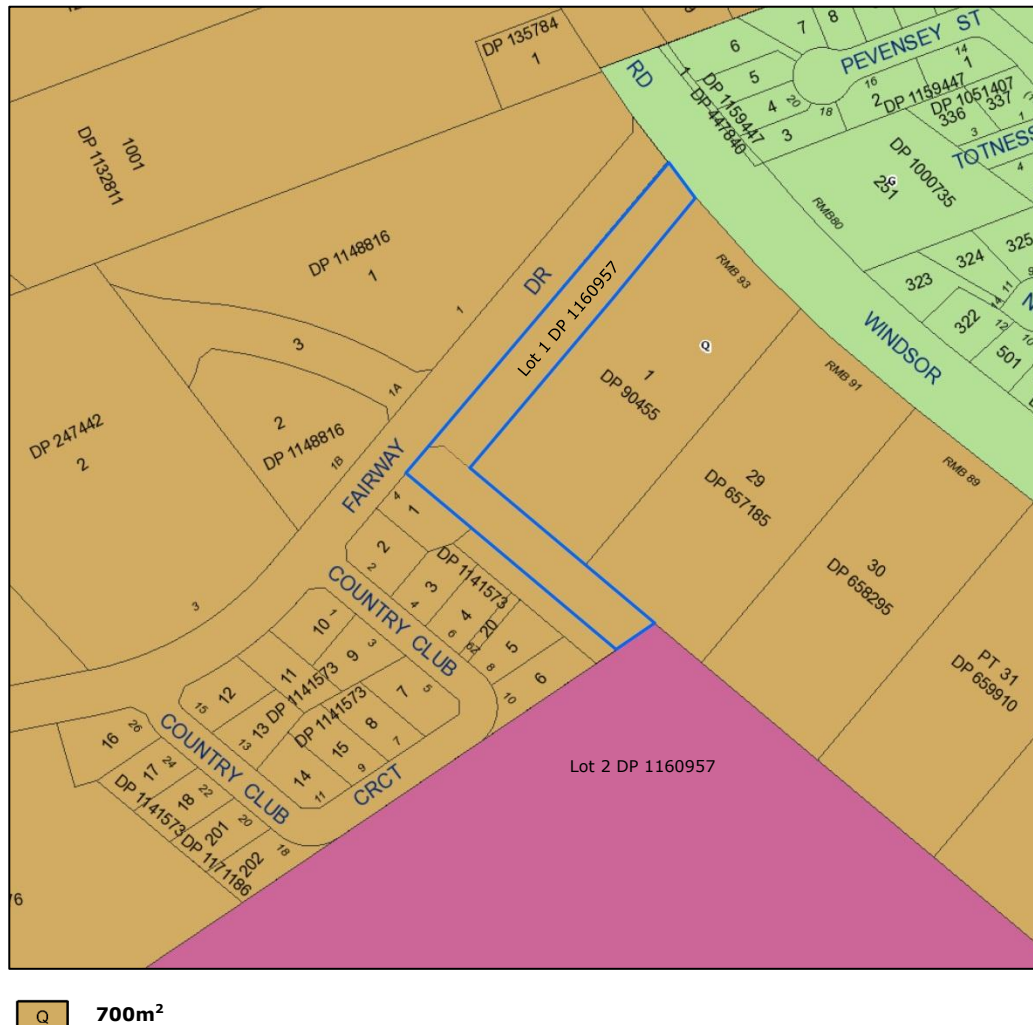


Figure 9
Proposed Minimum Lot Size

Currently no maximum building height applies to the subject site under LEP 2012.

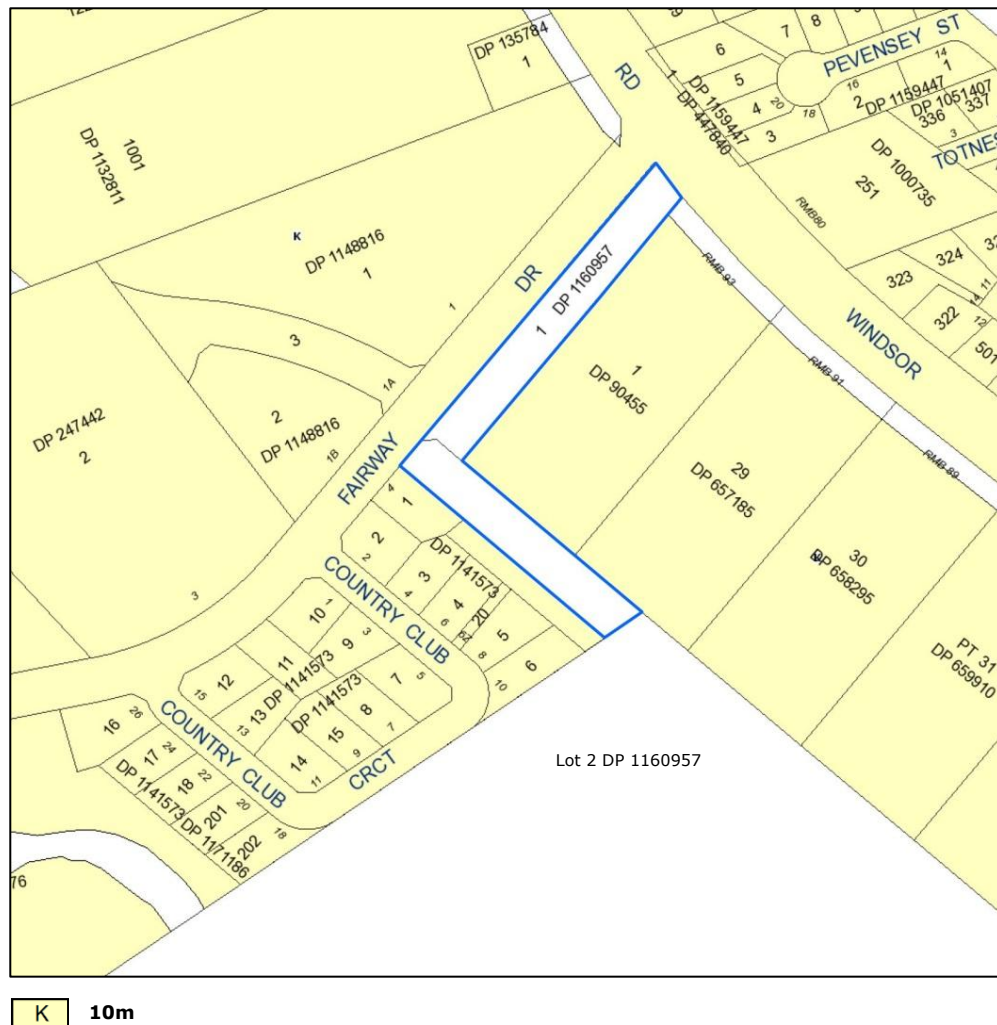
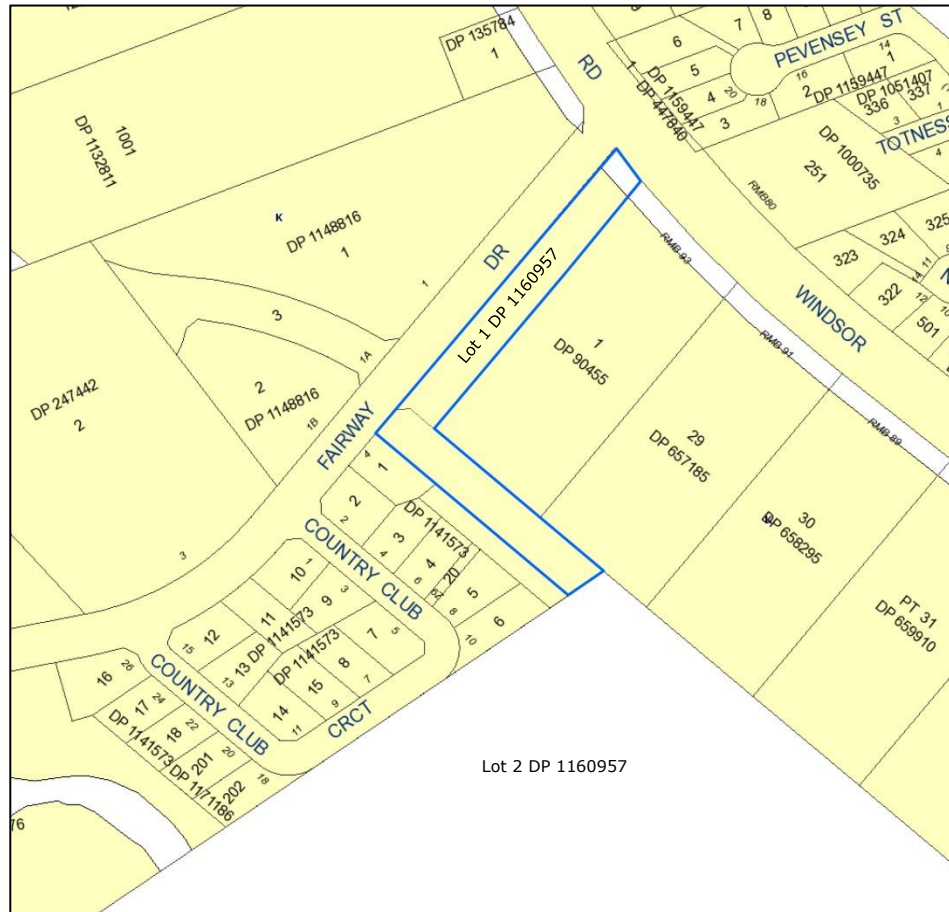


Figure 10
Current Height of Buildings Map (LEP 2012)

Proposed Height of Buildings

The Height of Buildings Map will be amended to apply a maximum building height of 10 metres to the subject site (excluding the land identified for acquisition by the RMS). The land identified for acquisition by the RMS will not be allocated within a Height of Buildings Standard.



K 10m

Figure 11
Proposed Height of Buildings Map

Current Heritage Map

The Heritage Map currently identified Heritage Item I25 as applying to Lot 1 DP 1160957.



Figure 12
Current Heritage Map (LEP 2012)

The Heritage Map will be amended to remove Heritage Item I25 from Lot 1 DP 1160957.

[illegible]

Figure 13
Proposed Heritage Map

PART 5 COMMUNITY CONSULTATION

Section 73A (1) of The Environmental Planning and Assessment Act 1979 (EP&A Act) includes a number of circumstances in which the Minister (or delegate) may dispense with all or part of the plan-making process, including community consultation, under Part 3 Division 4 of the EP&A Act. These circumstances include the following:

- (a) correct an obvious error in the principal instrument consisting of a mis-description, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error;*
- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature; or*
- (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.*

The subject land was formally rezoned for residential development through the gazettal of Baulkham Hills Local Environmental Plan 2005 (Amendment No.5) – Balmoral Road Release Area on 13 April 2006. However, as mentioned previously this land was inadvertently rezoned back to the Private Recreation zone during the preparation of LEP 2012. As this proposal seeks to correct this anomaly by reinstating the equivalent zoning and development standards that applied to the land prior to the commencement of LEP 2012, it is considered that the proposal will not have any significant adverse impact on the environment or adjoining land.

As the proposal is considered to satisfactorily address the requirements under Section 73A (1)(c) of the EP&A Act it is requested that the Minister (or delegate) expedite this amendment by dispensing with the community consultation requirements under Section 57 of the EP&A Act. It is also requested that the Minister (or delegate) dispense with 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.

PART 6 PROJECT TIMELINE

STAGE	ESTIMATED DATE
Commencement Date (Gateway Determination)	June 2013
Legal Drafting of the Instrument	July/ August 2013
Date Council will make the plan (if delegated)	August/ September 2013
Date Council will forward to Department for notification (if not delegated)	August/ September 2013