

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: The Hills Local Environmental Plan 2012 (Amendment No. P15) – Clause 4.1AA Minimum subdivision lot size for community title schemes (15/2013/PLP)

ADDRESS OF LAND: All land zoned RU6 Transition within The Hills Shire Council

SUPPORTING MATERIAL:

Attachment A Extract from The Hills DCP 2012 – Part B Section 1 – Rural
Attachment B Council Report and Minute – 12 March 2013
Attachment C State Environmental Planning Policies
Attachment D Section 117 Ministerial Directions

BACKGROUND

The Hills Local Environmental Plan 2012 (LEP 2012) was notified on 5 October 2012 and introduced new development opportunities in the rural areas of the Shire including two hectare subdivision in the Maraylya, Box Hill and Nelson precinct which forms part of the RU6 Transition Zone, and the environmentally focused rural cluster subdivision for sites 10 hectares and over within the RU2 - Rural Landscape Zone.

One of the new development concepts for the rural area, known as rural cluster subdivision, involves permitting a lesser subdivision size where development is subdivided through a community title scheme to achieve an environmental outcome. This enables significant vegetation communities to be managed in-perpetuity on a common lot. A local clause was included within LEP 2012 to facilitate for this form of development.

The objectives of rural cluster subdivision are to ensure that land affected by significant biodiversity is developed, managed and conserved in a holistic and sensitive manner. In order to qualify for rural cluster subdivision the following criteria, as specified within Clause 4.1AA (3A) of LEP 2012, must be satisfied:

- The land must be located within the RU2 Rural Landscape Zone;
- The land to be subdivided under the community plan is not less than 10 hectares; and
- The land to be subdivided under the community plan includes land identified as “Biodiversity” on the Terrestrial Biodiversity Map or a suitably qualified professional has assessed the relevant land and certified that the development will provide a better biodiversity outcome; and
- After the subdivision, there will be no more than 1 lot (other than a lot comprising association property within the meaning of the *community Land Development Act 1989*) for each 2 hectares subdivided; and
- The size of any lot resulting from the subdivision (other than a lot comprising association property within the meaning of the *Community Land Development Act 1989*), is not less than 0.4 hectares or greater than 1 hectare.

The density requirement within the clause would ensure that on a 10ha parcel of land a maximum of 5 development lots would be allowed. The clause also provides that development lots must have an area between 0.4 and 1 hectare to ensure an appropriate subdivision pattern. It is noted that compliance with the above requirements does not guarantee the maximum development potential achievable under the clause. For each individual site an assessment of key characteristics such as slope, bush fire and access is

required to determine the extent of actual development potential. An illustration of a hypothetical rural cluster development is included below to demonstrate the intent and principles of this development option.

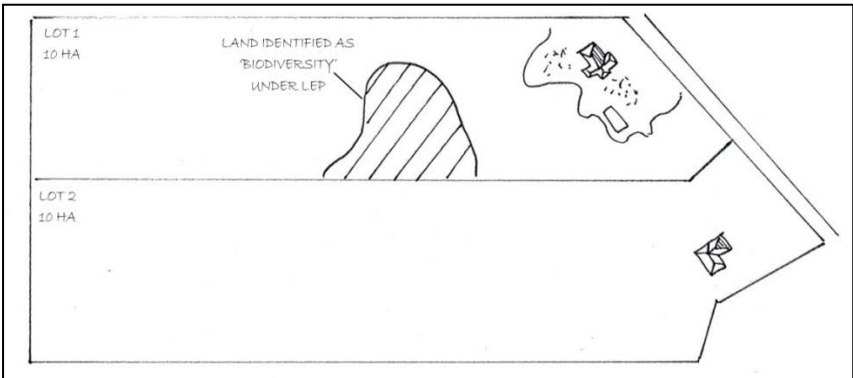


Figure 1a
Conventional
Subdivision

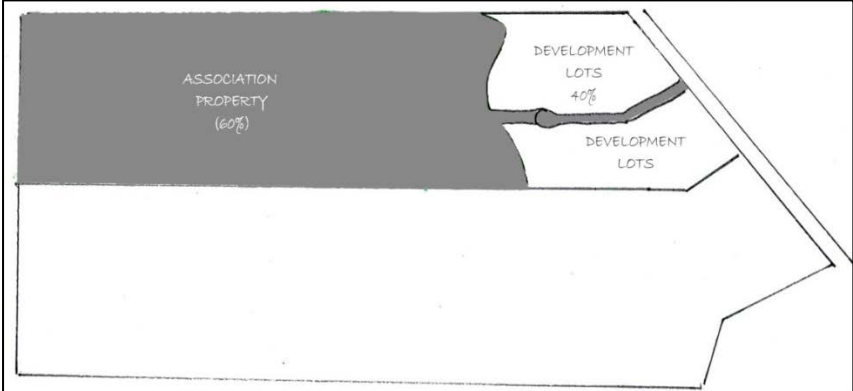


Figure 1b Rural
Cluster
Subdivision –
Concept

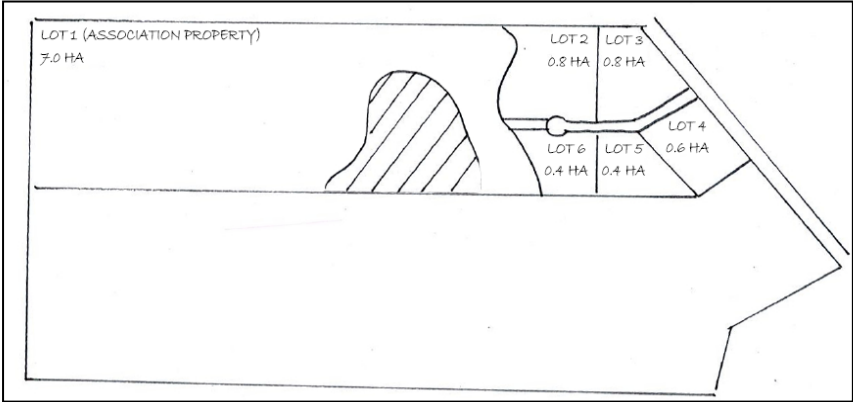


Figure 1d
Rural Cluster
Subdivision – Key
Principles

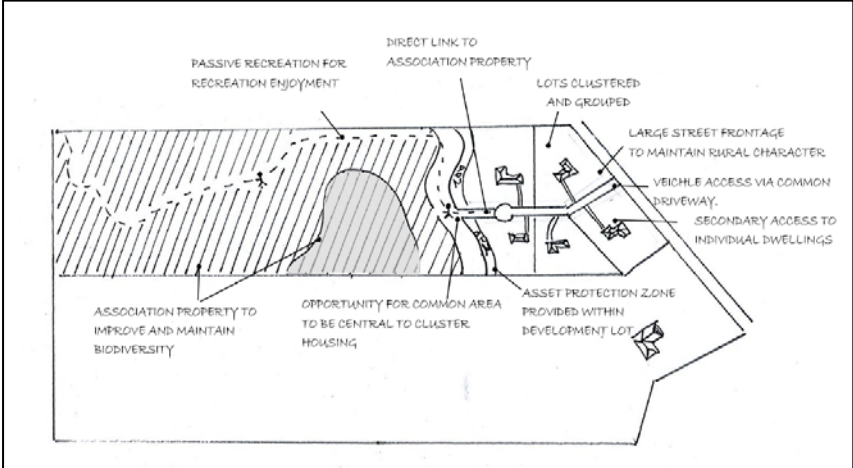


Figure 1c
Rural Cluster
Subdivision –
Lot Arrangement

In order to guide development outcomes for the new rural opportunities introduced through LEP 2012 Council recently adopted amendments to The Hills Development Control Plan (DCP 2012) (Attachment A) which are now in force.

With respect to 2ha subdivision in Maraylya, Box Hill and Nelson, DCP 2012 includes a constraints layer which identifies environmentally sensitive and constrained land that would be unsuitable for conventional 2ha subdivision introduced under LEP 2012. One aspect of this constraints layer is the identification of a 'high conservation corridor' that is comprised of the following:

- Key endangered and threatened ecological communities
- The retention of corridor vegetation that provides linkages to nearby creek lines;
- Riparian corridors that link vegetation along creek lines; and
- Properties identified as Priority Conservation Lands in the State Government's Cumberland Plain Recovery Plan.

The figure below details the extent of the constrained land layer over the precinct.



Figure 2
DCP 2012 Constrained Land Layer

On 12 March 2013 Council considered a report (Attachment B) on the development controls prepared as part of DCP 2012 to guide the new LEP provisions of 2ha subdivision in Maraylya, Nelson and Box Hill and Rural Cluster subdivision. The report acknowledged that the identification of the high conservation corridor as part of the DCP constrained land layer would for a small number of existing lots (generally exceeding 20ha in size), significantly restrict opportunities for conventional 2ha subdivision, or lead to undesirable outcomes in terms of lot location, arrangement and potential clearing. In addition, such subdivision outcomes would provide no provision for the protection or conservation of environmentally sensitive land.

The identification of these properties warranted further investigation into possible mechanisms for achieving sustainable development outcomes on highly vegetated sites, and particularly the need for an alternative method of subdivision that would promote the ongoing conservation and maintenance of significant biodiversity. During this investigation it was noted that the majority of these properties were affected by Terrestrial Biodiversity mapping under the Hills LEP 2012 and generally had an existing lot size of 10 hectares or greater. Given the physical attributes of the identified sites were consistent with the LEP criteria for rural cluster subdivision the report recommended that Council further investigate an amendment to LEP 2012 to permit, with consent, rural cluster subdivision outcomes within the RU6 – Rural Transition Zone.

The existing LEP clause relating to rural cluster subdivision permits no more than one lot for each 2ha subdivided. As the development yield on sites which meet the 10ha minimum area requirement will be restricted to a residential density of 1 residential lot per 2ha, the overall residential density within the RU6 Transition zone will be maintained. However, the proposal will enable subdivision to occur in a manner which provides an appropriate development outcome which will facilitate the on-going management of significant vegetation.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the Planning Proposal is to introduce the opportunity for rural cluster subdivision outcomes on all land zoned RU6 Transition within in The Hills Shire in order to provide a development opportunity appropriate to the capabilities of environmentally sensitive land.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by:

- Amendment of Clause 4.1AA (3A) Minimum subdivision lot size for community title schemes under *The Hills Local Environmental Plan 2012* to include the RU6 Transition Zone in order to permit rural cluster subdivision in this zone.

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 the result of a culmination of strategic work relating to the rural areas of The Hills Shire including the Rural Lands Study, *The Hills Local Environmental Plan 2012* and The Hills Development Control Plan 2012.

The introduction of the new development opportunities within the Shires rural areas was the result of the recommendations contained within the Rural Lands Strategy 2003. Rural cluster development was pursued within the rural areas as it would enable development to

occur in a manner which ensures the on-going management and viability of significant vegetation communities.

However as mentioned previously, during the exhibition of the draft priority rural controls some concerns were raised by landowners regarding a small number of large lots, (20ha and over) predominately in the locality of Maraylya that would be unsuitable for conventional 2ha subdivision under the draft provisions of the DCP. Given the extent of strategic vegetation, such lots would have limited 2 hectare subdivision potential.

The most desirable option for these areas was to pursue an amendment to Clause 4.1AA (3A) of LEP 2012 to permit rural cluster subdivision in the RU6 Transition zone. This would allow, with consent, sites 10ha and over to be subdivided under a community plan to ensure the long term protection and management of significant bushland. The allowable lot sizes would range from 0.4 to 1 hectare and permit no more than one lot for each 2 hectares subdivided meaning development yield on sites which meet the 10ha minimum would be restricted to an overall 2 hectare minimum density.

With respect to density outcomes in the RU6 Transition zone this approach would ensure the status quo whilst providing landowners of highly constrained sites with a development option appropriate to the environmental capabilities of the land.

Whilst it is anticipated that the majority of sites that would be suitable for rural cluster subdivision exist in the Maraylya area (given the large lot sizes) it is recognised that the amendment would apply to the whole RU6 Transition zoned area of the Shire including the Annangrove and Glenhaven areas. However, as the cluster clause only allows subdivision up to an equivalent density of 2ha lots, it is unlikely that cluster subdivision will occur in these localities due to the existing subdivision pattern. In this portion of the RU6 Transition zone (east of Cattai Creek) the predominant existing lot size is 2ha, with only 18 lots (0.6% of the total 2,908 lots) that are 10ha or larger and capable of utilising the cluster subdivision provisions. It is also possible however that some property owners, with property sizes between 2ha and 10ha, may amalgamate lots to achieve a cluster subdivision.

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. The planning proposal will amend The Hills LEP 2012 written instrument to extend the rural cluster subdivision opportunity into the RU6 Transition zone. If this option is not pursued the constrained lots would only be able to be developed through the conventional 2 ha subdivision. In most cases, due to the extent of environmental constraints conventional subdivision would not be achievable and would result in undesirable outcomes in terms of lot location, arrangement and potential clearing. In addition to this, such subdivision outcomes would provide no provision for the protection or conservation of environmentally sensitive land.

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)?

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney was released in December 2010 and forms the scheduled five yearly review of the Metropolitan Strategy *City of Cities: A Plan for Sydney's Future 2005*. The Plan establishes the planning framework for the Sydney Region to 2036 and takes into account population forecasts, housing and employment needs, sustainability, affordability, liveability and equity.

The Plan has identified that Sydney's growing population will require the generation of an additional 760,000 jobs by 2036 with 145,000 additional jobs to be located within the North West Subregion. Whilst the planning proposal will assist in the provision of additional residential lots, it will not enable land to be developed at a density which is higher than what could be achieved under its existing development standards. Rather, the proposal will facilitate a more appropriate subdivision pattern which will ensure that significant vegetation communities are appropriately protected. Accordingly, the Planning Proposal will not impact on the Metropolitan Region to achieve its objectives as identified within the Sydney Metropolitan Plan for Sydney 2036.

Draft Metropolitan Strategy for Sydney

In March 2013 the Draft Metropolitan Plan for Sydney was released for Public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney. The draft Strategy establishes a vision and key objectives, policies and actions to guide the growth of Sydney to 2031 and is underpinned by the following key outcomes:

- balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

The draft Strategy has identified that Sydney's growing population will require the generation of an additional 625,000 jobs by 2031 with 142,000 additional jobs to be located within the North West and West Central Subregion (comprising The Hills Shire, Auburn, Blacktown, Holroyd and Parramatta Local Government Areas).

Land within the RU6 Transition zone is located within the Sydney Metropolitan Rural Area. The draft Strategy identifies that this area provides opportunities for agricultural activities that contribute to Sydney's future ability to maintain a reliable and local source of fresh food and produce. A number of priorities are established to ensure that this area is appropriately managed, including the identification and protection of high value conservation lands.

The planning proposal will not impact on the priorities established for the Metropolitan Rural Area as it will ensure that areas of significant vegetation are appropriately identified and protected through form of subdivision which will not increase residential density above what is currently permitted. LEP Provisions are also in place which requires that the consent authority must not grant consent to a rural cluster subdivision unless it is satisfied that productive agricultural land will not be lost.

Draft North West Subregional Strategy

The Draft North West Subregional Strategy (NW Subregional Strategy) was prepared in December 2007 and outlined how the key actions contained within the Metropolitan Strategy 2005 were to be implemented at the subregional level. The key actions applicable to this planning proposal are detailed below.

Action E2.2.1 requires the NSW Government and councils to consider regional biodiversity matters to inform Principal LEPs. The Strategy states that biodiversity values include threatened species, populations and ecological communities and their habitats. During the preparation of LEP 2012 the Model Local Provision – Biodiversity (Terrestrial) together with a Terrestrial Map were used to identify land containing significant bushland within the rural area.

The provisions of this planning proposal will further build on the above action as it will expand the application of a mechanism to enable the areas of high biodiversity significance

to be protected in perpetuity. Lots which would be eligible for rural cluster subdivision will generally be inappropriate for conventional subdivision due to the extent of environmental constraints. By expanding the application of the rural cluster subdivision clause to include the RU6 Transition zone, this will enable subdivision to occur within this area in a manner which provides an appropriate development outcome which will facilitate the on-going management of significant vegetation.

4. 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, Draft Local Strategy and Rural Lands Strategy as detailed below:

Hills 2026 Community Strategic Direction

Council's Community Strategic Direction Hills 2026 identifies the community's vision for the Shire and outlines how Council will align its delivery of services and facilities to support this vision. Council's vision is for *'proactive leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy'*.

The critical outcome which will be achieved through this proposal is 'I can feel close to nature' (PE2). The consistency of the proposal with the outcome is detailed below:

- Enhance and protect the Shire's biodiversity.
- Encourage and facilitate community contribution to environmental protection.
- Manage the rehabilitation of local bushland and protect local flora and fauna.
- Ensure environmentally sustainable development practices are implemented.

The extension of rural cluster subdivision opportunities will enable development within these areas to occur in a manner ensures the on-going management and viability of significant vegetation communities. This sustainable form of development will protect and enhance the biodiversity value of these areas.

Draft Local Strategy

To build on the Hills 2026 Community Strategic Direction, a Local Strategy and supporting Directions have been prepared in response to the growth and development that will occur within the Shire. It provides an informed framework for land use planning and decision making with a focus on employment lands, residential development, centres, environment and leisure, and integrated transport.

In June 2008 Council adopted its Draft Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Rural Lands section is the relevant component of the Strategy to be considered when assessing the proposal.

Direction RL7 of the Strategy is to ensure that the ecological integrity of the rural lands are enhanced and maintained. The Strategy highlights that the need to recognise and understand the biodiversity values of the rural parts of the Shire is a key part of ensuring the ecological integrity of the rural area. The preservation of the existing biodiversity habitat on private lands is another strategy to meeting this key direction. This proposal will assist in achieving this direction as it will enable subdivision to occur in a manner which ensures the on-going management of significant vegetation communities.

Rural Lands Strategy

Rural Lands Strategy was completed in April 2003 and provides an analysis of issues and strategies, including actions to direct the drafting *The Hills Local Environmental Plan 2012*. A key action was for the introduction of rural cluster subdivision development within the

rural areas of the Shire (Land Use Planning Action 4.4). In accordance with this action LEP 2012 introduced this form of subdivision within the RU2 Rural Landscape zone.

The Strategy identifies that this form of subdivision will enable dwelling lots to be grouped together thereby retaining the open landscape character of the specific area by having a large residue lot with environmental attributes such as native vegetation cover and creek lines. It highlights that the main objective of this type of subdivision is to allow some further dwellings to be constructed whilst retaining the landscape and biodiversity quality of the area.

With respect to the areas where rural cluster subdivision should be applied, the Strategy recommended that this form of subdivision would be most appropriate in the Box Hill, Nelson and Maraylya areas where the lots are larger and continues by noting that it may be appropriate for biodiversity conservation in the rest of the rural landscape designation but only where the land is covered by a biodiversity protection overlay. During the preparation of LEP 2012 this form of subdivision was introduced into the RU2 Rural Landscape zone which is generally restricted to the north of the Shire and does not include these areas. This proposal will expand the application of the rural cluster clause to include the entire RU6 Transition zone which includes the Box Hill, Nelson and Maraylya areas.

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

An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment C. A detailed discussion on the consistency of the proposal with the relevant Policies is provided below.

State Environmental Planning Policy No 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by:

- (a) specifying when consent is required, and when it is not required, for a remediation work;
- (b) specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
- (c) requiring that remediation work meet certain standards and notification requirements.

The Policy requires a planning authority to consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

It is likely that a number of properties within the RU6 Transition zone would have previously been used for agricultural activities. Whilst agricultural activities are identified within Table 1 of the Contaminated Land Planning Guidelines as a 'possible activity that may cause contamination', given the low intensity of these uses and the constrained nature of the sites which will be eligible for rural cluster subdivision, the risk of contamination is considered to be low. Accordingly, a contamination assessment is not considered to be necessary at this stage of the plan preparation process. It would however be considered appropriate that contamination be addressed on a site by site basis as part of the assessment of individual subdivision applications.

The planning proposal is not seeking to rezone any land. The proposal is only seeking to expand the application of Clause 4.1AA (3A) of LEP 2012 to apply to the RU6 Transition zone. Accordingly, the proposal will not expand the permissibility of land uses within the

zone. Rather the proposal will introduce a new type of subdivision pattern which is already available within the RU2 Rural Landscape zone.

For the reasons outlined above the proposal is considered to satisfactorily address the requirements of SEPP 55 Remediation of Land for the current phase of the proposal's assessment.

SREP No 20 Hawkesbury-Nepean River

The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy.

The planning proposal seeks to enable a lesser subdivision size where development is subdivided through a community title scheme to achieve an environmental outcome whereby the significant vegetation on the site is managed in perpetuity. As the development yield on sites which meet the 10ha minimum area requirement will be restricted to a residential density of 1 residential lot per 2ha, the overall residential density within the RU6 Transition zone will be maintained. Additionally, appropriate controls are in place to ensure that future development does not adversely impact the riverine environment. For the reasons outlined above it is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 – 1997).

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

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment D. A discussion on the consistency of the proposal with each relevant Direction is provided below.

Direction 1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. The Direction requires that a draft LEP shall not:

- (a) Rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- (b) Contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The introduction of rural cluster development was identified as an action in the Rural Lands Strategy 2003 to provide development options and suitable incentives to manage bushland on private property. Land which meets the requirements of the clause would generally be significantly constrained and unsuitable for agriculture due to its slope or extent of significant vegetation communities. This opportunity has already been introduced through the commencement of LEP 2012. This proposal will seek to broaden the application of the LEP 2012 clause to apply to the RU6 Transition zone in addition to the R2 Rural Landscape zone.

Council has adopted development controls for rural cluster subdivision within DCP 2012 which are included as Attachment A. These controls were prepared to provide guidance for these applications and to ensure that future subdivisions occur in an efficient and orderly manner.

The proposal will not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible

density of land within a rural zone. With respect to the preservation of agricultural land, Council's Rural Lands Strategy 2003 identifies that The Hills Shire does not have a great deal of high class agricultural land. However the Strategy does recognise that the Shire contains some significant pockets consisting primarily of intensive plant growing activities. The Strategy considers it appropriate that areas of agricultural land be maintained for agricultural uses. The planning proposal will not result in any loss of agricultural land as Clause 4.1AA(3B) requires the following:

'The consent authority must not grant consent to the development on land that has been subdivided under subclause (3A) unless it is satisfied that:

- a) Appropriate management measures will be in place that will ensure the protection of the landscape, biodiversity and rural setting of the land; and*
- b) productive agricultural land will not be lost.'*

For these reasons the planning proposal is considered to be consistent with this direction.

Direction 2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas and applies to all councils preparing a planning proposal. The Direction requires that a planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and that land within an environment protection zone shall not reduce the environmental protection standards that apply to the land.

Whilst this planning proposal does not seek to rezone any land to an environmental conservation zone, it will facilitate an additional form of development where a site contains significant vegetation community. A Community Management Statement will be required in support of any application for a rural cluster subdivision. This Statement will include items to guide the environmental management of the association property. Notwithstanding this requirement, any subdivision application will still be subject to the assessment framework identified in the *Environmental Planning and Assessment Act 1979*, the *Threatened Species Conservation Act 1997* and the *Environment Protection and Biodiversity conservation Act 1999*.

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 proposal is considered to be consistent with this Direction as it will not impact on the existing heritage conservation provisions within LEP 2012.

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. LEP 2012 contains the model local clause for Acid Sulfate Soils and includes an Acid Sulfate Soils map. As there is no specific intensification of land where the Acid Sulfate Soils map applies the proposal is considered to be consistent with 117 Direction 4.1 Acid Sulfate Soils.

Direction 4.3 Flood Prone Land

This Direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land and requires the planning proposal to include provisions that give effect to, and be consistent with, the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*). The Direction requires that planning proposals must not permit development that will result in significant flood impacts to other properties, permit significant increases in the development of that land or result in a

substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

The flood planning provisions of LEP 2012 and applicable flood related development controls will apply through The Hills Development Control Plan 2012. These provisions have been prepared in accordance with the NSW Government's Flood Prone Land Policy.

For the reasons outlined above, it is considered that the planning proposal is consistent with this Ministerial Direction.

Direction 4.4 Planning for Bushfire Protection

Much of the land within the RU6 Transition zone is identified as bushfire prone, containing Vegetation Category 1 and buffer.

Any planning proposal for land which is identified as being bushfire prone on a Bushfire Prone Land Map must be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection. The Direction requires that planning proposals:

- (a) have regard to Planning for Bushfire Protection Guideline 2006;
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

The Direction requires that Council undertake consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. Council will need to take into consideration any comments received as part of this consultation.

Clause 5.11 of LEP 2012 requires that bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent. This provision ensures that bush fire hazard reduction work is not prohibited within Asset Protection Zones.

Direction 6.1 Approval and Referral Requirements

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is considered to be consistent with this Direction as it does not include any concurrence, consultation or referral provisions and does not identify any development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The proposal is consistent with this Direction as it provide an additional development opportunity within the RU6 Transition zone which will enable subdivision to occur whilst managing the significant vegetation on site.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the Strategic Directions and Key Policy Settings of the Metropolitan Plan for Sydney 2036. An overarching theme within the Plan is to ensure the protection of productive agricultural land and the management of areas of high biodiversity and conservation significance which will be achieved through the implementation of the provisions of this proposal.

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?*

Rural cluster subdivisions will involve permitting a lesser subdivision size where development is subdivided through a community title scheme to achieve an environmental outcome. Accordingly, any site which will be eligible for such a subdivision must contain significant vegetation community or bushland.

Clause 4.1AA (3B) of LEP 2012 requires that with any application for a rural cluster subdivision, appropriate management measures must be in place to ensure the protection of the landscape, biodiversity and rural setting of the land. This will occur through the preparation of a Community Management Statement which will be tied to any approval for a rural cluster subdivision. Specific detail regarding what is to be included within a Community Management Statement is included within The Hills DCP 2012 – Part B Section 1 – Rural (Attachment B).

In addition the provisions of LEP 2012 and the controls under and The Hills Development control Plan 2012 which have been established to facilitate rural cluster subdivisions, the existing legislative framework applying to threatened species, populations and ecological communities will continue to apply. Under this framework, the assessment of the potential impact of development on significant vegetation communities is addressed under Section 5A of the *Environmental Planning and Assessment Act 1979*, the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.

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

There are no likely environmental effects which could result from the provision of this proposal other than the environmental effects discussed within section B of this proposal.

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

Social Effects

Given the type and scale of development it is considered that the proposal will not place any significant additional demand on social infrastructure within the vicinity of the site such as educational establishments, schools or open space facilities (either local or regional). As only a small number of lots will be eligible for this development option and as the maximum density which would be achievable is one residential lot per two hectares subdivided, it is considered that there will be no significant increase in the demand for local or regional facilities

Economic Effects

There are no foreseeable economic impacts which could arise as a result of the provisions of this proposal.

SECTION D: STATE AND COMMONWEALTH INTERESTS

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

No significant augmentations will be required to the existing infrastructure to ensure that future development lots are appropriately serviced. However it will be appropriate for consultation to occur with the following service providers:

- Water & Sewerage Services

Consultation with Sydney Water Corporation will be required following receipt of the Gateway Determination.

- Electricity Services

Consultation with TransGrid and Endeavour Energy will be required following receipt of the Gateway Determination.

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. An initial list of public authorities to be consulted includes, but is not limited to, the following:

- NSW Roads and Maritime Service;
- NSW Rural Fire Service;
- Sydney Water Corporation;
- Endeavour Energy;
- TransGrid;
- Office of Environment and Heritage; and
- Catchment Management Authority – Hawkesbury/Nepean.

PART 4 MAPPING

The planning proposal only seeks to amend Clause 4.1AA (3A) Minimum subdivision lot size for community title schemes under *The Hills Local Environmental Plan 2012* to include the RU6 Rural Transition zone. The proposal does not seek to amend any Local Environmental Plan Map Sheets.

PART 5 COMMUNITY CONSULTATION

The planning proposal would be exhibited for a period of 28 days. The exhibition period would be advertised in local newspapers and on display at Council's administration building located at No.129 Showground Road, Castle Hill and at Vinegar Hill Memorial Library located at No.29 Main Street, Rouse Hill Town Centre. The planning proposal will also be made available on Council's website.

PART 6 PROJECT TIMELINE

STAGE	ESTIMATED DATE
Commencement Date (Gateway Determination)	June 2013
Pre exhibition government agency consultation (where required by the Gateway Determination)	July 2013
Commencement of public exhibition period	August 2013
Completion of public exhibition period	September/ October 2013
Timeframe for consideration of submissions	October/ November 2013

Timeframe for consideration of proposal post exhibition – Report to Council	December 2013
Date Council will make the plan	January 2013