

Planning proposal to rezone Nos. 11-13 Garthowen Crescent and Nos. 292-296 Old Northern Road, Castle Hill, to enable the construction of higher density residential flat buildings.

Proposal Title : Planning proposal to rezone Nos. 11-13 Garthowen Crescent and Nos. 292-296 Old Northern Road, Castle Hill, to enable the construction of higher density residential flat buildings.

Proposal Summary : The Planning Proposal seeks to:

- Rezone Lots 13 and 14 DP 222257, Lot 52 DP 10761 and Lots A and B DP 401651 from Residential 2(a2) zone to Residential 2(a1) zone under Baulkham Hills LEP 2005 or R3 Medium Density Residential zone to R4 High Density Residential zone under the draft The Hills Local Environmental Plan 2010.
- Either introduce a site specific height of building provision into Baulkham Hills Local Environmental Plan 2005 for Nos. 292-296 Old Northern Road (Lot 52 DP 10761 and Lots A & B DO 401651); or
- Amend the draft The Hills Local Environmental Plan 2010 to increase the permissible building height to 16m (i.e. from 9m) for Nos. 292-296 Old Northern Road (Lot 52 DP 10761 and Lots A & B DO 401651).

PP Number : PP_2011_THILL_019_00 Dop File No : 11/22424

Proposal Details

Date Planning Proposal Received :	12-Dec-2011	LGA covered :	The Hills Shire
Region :	Sydney Region West	RPA :	The Hills Shire Council
State Electorate :	CASTLE HILL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Garthowen Crescent and Old Northern Road		
Suburb :	Castle Hill	City :	The Hills Shire Postcode : 2154
Land Parcel :	Lots 13 and 14 DP 222257, Lot 52 DP 10761 and Lots A and B DP 401651		

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Land Release Data

Growth Centre :	N/A	Release Area Name :	Other
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	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 : LOBBYIST STATEMENT

At this point of time, to the best of the Regional team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communication and meeting with lobbyists.

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations of gifts for certain circumstances relating to the Planning System.

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"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such application."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statement for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The application does not clearly identify the objective of the Planning Proposal. It is noted from the Council's report dated 8 November 2011, the rezoning of the subject site will enable the construction of a four (4) storey residential flat building front Old Northern Road and two (2) x two (2) storey buildings fronting Garthowen Crescent.

The objective is to be amended to explain the intended outcomes of the Planning Proposal as per Council's report dated 8 November 2011.

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

Is an explanation of provisions provided? **Yes**

Comment : The intent of the planning proposal is to:

- Rezone Lots 13 and 14 DP 222257, Lot 52 DP 10761 and Lots A and B DP 401651 from Residential 2(a2) zone to the Residential 2(a1) zone under Baulkham Hills LEP 2005 or R3 Medium Density Residential zone to the R4 High Density Residential zone under the draft The Hills Local Environmental Plan 2010.
- Either introduce a site specific height of building provision into Baulkham Hills Local Environmental Plan 2005 for Nos. 292-296 Old Northern Road (Lot 52 DP 10761 and Lots A & B DO 401651); or
- Amend the draft The Hills Local Environmental Plan 2010 to increase the permissible building height to 16m (i.e. from 9m) for Nos. 292-296 Old Northern Road (Lot 52 DP 10761 and Lots A & B DO 401651).

It is noted that the maximum building height control (i.e. 9m) under the exhibited PLEP will be retained for No.11-13 Garthowen Crescent (i.e. Lots 13 & 14 DO 222257)

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

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

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e) List any other matters that need to be considered :

The RPA has appropriately identified and address relevant s.117 directions related to this Planning Proposal.

2.3 HERITAGE CONSERVATION

The intent of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site is not identified as being part of, containing any environmental heritage or ecologically significant items or areas.

The subject site is located adjacent to a local heritage item at No. 14 Garthowen Crescent. As stated in Council's report, a Heritage Impact Statement prepared by Archnex Designs dated July 2011 was submitted with the planning proposal assessing the potential impacts of the rezoning on "Garthowen House". The report concludes that "the impacts of such development undertaken on the subject land on the significance and setting of Garthowen would be acceptable, given a similar approach in terms of matters such as scale, massing, articulation, material, finishes, textures, colour, provision, for substantial plantings, location of driveway and the like."

Future developments on site are subject to Council's consent and the impacts on the adjoining heritage item will be assessed during development application stage. Hence, the Planning Proposal is consistent with the Direction.

3.1 RESIDENTIAL ZONES

The purpose of this direction is to establish a range of housing types that capitalise on existing infrastructure and services whilst having a minimal impact on the environment.

The planning proposal will rezone the site from Residential 2(a2) zone to Residential 2(a1) zone under Baulkham Hills Local Environmental Plan 2005 or R3 Medium Density Residential to the R4 High Density Residential zone under the draft The Hills Local Environmental Plan 2010.

The proposed rezoning will enable higher density residential development to be developed on site, which is consistent with the adjoining apartment complex (i.e. NorthPoint) located on 9 Garthowen Crescent. In addition, the site is located within the walkable catchment of the Castle Hill major centre which provides easy access to shopping, employment, transport and other services.

The proposed rezoning will introduce a new housing type into the area as it is dominated by single detached dwellings. Hence, the Planning Proposal is consistent with the Direction 3.1 – Residential zone.

3.4 INTEGRATING LAND USE AND TRANSPORT

The purpose of this direction is to improve access to housing, jobs and services by walking, cycling and public transport; reducing travel demand, including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services.

The site is located within walkable distance, approximately 400m, to Castle Hill major centre which provides easy access to shopping, employment and other services. It is noted that a bus interchange is located within Castle Towers, which provides connection to the nearby Regional City (i.e. Parramatta) and train stations. By enabling higher density residential development on the subject site, this will support the efficient and viable operation of public transport service. Hence, the proposed rezoning is consistent

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with Direction 3.4 – Integrating Land Use and Transport.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The Planning Proposal will not discourage the efficient and appropriate assessment of development and is not inconsistent with the Direction.

7 METROPOLITAN PLANNING

The Planning Proposal does not seek to amend any significant zones or land uses and is not inconsistent with the Metropolitan Plan for Sydney 2036.

SYDNEY ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all State Environmental Planning Policies except for State Environmental Planning Policy No.19 – Bushland in Urban Areas and is addressed below:

SYDNEY ENVIRONMENTAL PLANNING POLICY NO.19 – BUSHLAND IN URBAN AREAS

As stated in the Planning Proposal, the subject site contains a mix of Sydney Sandstone Gully Forest located towards the centre and along the western boundary. The RPA did not provide a report assessing the likely impacts the proposal may have on the Sydney Sandstone Gully Forest.

It is noted that development consent (DA 3532/2004/HB) was issued by Council on 30 June 2004, which includes “the removal of all vegetation on the site with the exception of three (3) trees”.

Based on the above information, the regional team recommends that the Office of Environment and Heritage be consulted.

OTHER SYDNEY ENVIRONMENTAL PLANNING POLICIES

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land); SEPP 65 – Design Quality of Residential Flat Building; SEPP (BASIX) 2004; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Housing for Seniors or People with Disability) 2004 and SEPP (Affordable Rental Housing) 2009 might be applicable at the development application stage.

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

If No, explain :

There is no known inconsistency at this time. Hence, the Planning Proposal is consistent with the relevant s.117 Directions, relevant SEPPs and Council's Community Strategic Plan.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

A zoning and building height map has been submitted as part of the Planning Proposal. The maps clearly indicate the proposed zoning, property description (i.e. Lot and DP number) and proposed maximum building height for the subject site. Hence, it is considered satisfactory.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **No community consultation has been proposed by Council.**

The rezoning is consistent with the pattern of surrounding land use zones; is consistent with the strategic framework; presents no issues with regard to infrastructure servicing; it is not a principal LEP; and does not reclassify public land. Hence, the Regional Team considers the proposal as "low impact" and recommends a community consultation period of 14 days.

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 : **The Planning Proposal meets the adequacy criteria. However, the following changes need to be incorporated in a revised Planning Proposal:**

1. The objective is to be amended to explain the intended outcomes of the Planning Proposal as per the Council's report dated 8 November 2011.

Proposal Assessment

Principal LEP:

Due Date : **March 2012**

Comments in relation to Principal LEP : **The Principal LEP (PLEP) was exhibited from 29 March 2011 to 30 May 2011. It is expected that the PLEP will be finalised in early 2012.**

The subject site is zoned as R3 Medium Density Residential in the draft The Hills Local Environmental Plan 2010 which is equivalent to the existing Residential 2(a2) zone under the Baulkham Hills Local Environmental Plan 2005. The R3 Medium Density Residential zone prohibits residential accommodation development, including residential flat buildings. The proposed R4 High Density Residential zone is considered to be a more appropriate zone for the subject site as it is located within walking radius (i.e. approximately 400m) from a bus interchange and the Castle Hill town centre. The R4 High Density Residential zone is consistent with the zoning on the southern side of the Old Northern Road. It is noted that residential flat buildings have been constructed on No. 9 Garthowen Crescent.

The Planning Proposal also proposes to include a provision which increases the permissible building height to 16m for Nos. 292-296 Old Northern Road (Lot 52 DP 10761 and Lots A & B DO 401651). The height controls proposed under this Planning Proposal are different to the controls under the exhibited PLEP for this site (namely 9 metres). It is noted that the proposed building height is generally consistent with other R4 High Density Residential zone zoned sites as exhibited in the draft The Hills Local Environmental Plan 2010.

The regional team also noted that the proposed 9m building height control under the exhibited PLEP will be retained for No.11-13 Garthowen Crescent (i.e. Lots 13 & 14 DO 222257)

Hence, the proposed zoning and building height are supported.

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Assessment Criteria

Need for planning
proposal :

1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal is not the subject of any strategic report or study and it is a result of an application lodged by Peter McNamee seeking to rezone the site to either the Residential 2(a1) zone under the Baulkham Hill Local Environmental Plan 2005 or the R4 High Density Residential zone under the draft The Hills Local Environmental Plan 2010 and increase the permissible building height to 16m over part of the site fronting Old Northern Road.

Council resolved at its meeting on the 8 November 2011 to submit a Planning Proposal for Gateway Determination.

2. IS THE PLANNING PROPOSAL THE BEST MEAN OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The Planning Proposal is the only means to achieve the proposed rezoning of land and establish a maximum building height of 16 metres.

3. IS THERE A NET COMMUNITY BENEFIT?

The Planning Proposal is compatible with agreed State and regional strategic directions for development in the area as it is consistent with the intent of the Metropolitan Plan for Sydney 2036, draft North West Subregional Strategy.

The subject site is located within the catchment of the Castle Hill major centre as nominated within the Metropolitan Strategy or draft North West subregional strategy.

The Planning Proposal is unlikely to create a precedent or create or change the expectation of the landowners as the adjoining sites are either zoned as R3 Medium Density Residential zone or R4 High Density Residential zone with a maximum building height of 9m or 16m.

There is no other spot rezoning proposal, which is affected by the planning proposal.

There is sufficient public infrastructure supporting the proposed centre as it is located approximately 400m from the Castle Hill major centre and bus interchange and "future rail station".

The proposed rezoning of the site will not result in the loss of jobs for the local government area as commercial premises are prohibited in both R3 Medium Density Residential and R4 High Density Residential zone. However, the rezoning will deliver substantial residential floor space to the area and contribute to an increase in housing diversity in the Shire.

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Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036 AND NORTH WEST SUBREGIONAL STRATEGY

The aim of the Metropolitan Plan for Sydney 2036 is to provide a framework for the growth and development of the Sydney region to 2036.

The Planning Proposal is consistent with the objectives of integrating land use and transport planning as it will provide living opportunities in a location highly accessible by public transport, walking and cycling.

Similarly, the North West Subregional Strategy forecasts that the Hill Shire LGA will require an additional 21,500 dwelling by 2031. In particular, the following actions apply to the site:

- o Action A3.2 – Increase integration of employment and housing markets;
- o Action B2.1 – Plan for housing in centres consistent with their employment role;
- o Action C1.3 – Plan for increased housing capacity targets in existing area; and
- o Action C2.3 – Provide a mix of housing;

The Planning Proposal is consistent with the draft strategy as it contributes to the housing targets, capitalises on the close proximity to the public transport system (i.e. Castle Hill bus interchange and future rail station) and offers a new housing type to the locality.

LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN AND OTHER LOCAL STRATEGIC PLAN.

The planning proposal is consistent with the Hills 2026 Community Strategic Direction; draft Local Strategy; Residential Direction; Employment Lands Direction; Centres Direction and Integrated Transport Direction. Refer to page 3 of Council's Planning Proposal for further information.

Environmental social economic impacts :

Vegetation

As identified in the Council's Vegetation Map, the subject site contains "Sydney Sandstone Gully Forest". It is stated in the Planning Proposal prepared by Council, the Sydney Sandstone Gully Forest is located towards the centre and along the western boundary. No report was submitted assessing the potential impact the rezoning will have on the vegetation.

The Planning Proposal also stated that development consent (DA 3532/2004/HB) was issued for the subject site by The Hills Council on 30 June 2004 for the demolition of five existing dwellings and the construction of seventeen x 3 bedroom townhouses with basement parking. This consent also includes "the removal of all vegetation on the site with the exception of three (3) trees".

Based on the above information, the regional team recommended that the Office of Environment and Heritage be consulted.

The environmental impacts of future development would be further addressed during the assessment of the development application.

Traffic

No traffic impact assessment report has been submitted as part of the Planning Proposal. The Regional Team is unable to consider the potential traffic impact the proposal would have on the area. Hence, it is recommended that the Roads and Maritime Services be consulted.

Detailed traffic impact assessment will be undertaken by Council during the assessment of

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the development application.

Noise

No acoustic report has been submitted as part of the Planning Proposal.

It is unlikely that the proposed development will have significant adverse noise impacts on the locality and neighbouring properties and detail noise impact assessment will be undertaken by Council during the assessment of the development application.

Site Contamination

The site is occupied by five detached dwellings and zoned for urban purposes (i.e. Residential 2(a2)). The site adjoins four storeys residential flat buildings to the west and detached dwellings to the north and east. Hence, it is unlikely that the site will be contaminated.

Further investigations can be undertaken should Council consider this necessary during the assessment of development application.

Heritage

Refer to S.117 - Direction 2.3 (Heritage Conservation) for further discussion.

Public Infrastructure

The subject site is located within the 400m catchment of the Castle Hill major centre, bus interchange and future rail station. This area is highly accessible via either walking and cycling. It is therefore considered that there is suitable public infrastructure in the immediate vicinity to support intensified uses of the site.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	14 Days
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Timeframe to make LEP :	9 Month	Delegation :	DDG
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Public Authority Consultation - s56(2)(d) :	Office of Environment and Heritage Transport for NSW - Roads and Maritime Authority
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

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's Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Maps.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **CONDITIONS**

1. The Planning Proposal is to be amended prior to community consultation with the following changes:

- The objective is to be amended to explain the intended outcomes of the Planning Proposal as per the Council's report dated 8 November 2011.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:

- Transport for NSW - Roads and Maritime Services
- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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Supporting Reasons :

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

1. The rezoning will assist in achieving housing targets in the North West Subregion.
2. The rezoning of the site is consistent with both State and local strategic framework and will have minimal environmental, social and economic impact on the locality.
3. The rezoning of the site will enable a higher density residential development to be developed within close proximity to Castle Hill major centre and bus interchange.

Signature:

Derryn John

Printed Name:

DERRYN JOHN

Date:

18 JAN. 2012

