

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed Baulkham Hills Local Environmental Plan 2010 (Amendment No.(NO)) -

ADDRESS OF LAND: Lot 101 DP1146629, known as 51 Old Castle Hill Road, Castle Hill NSW 2154.

MAPS:

- Attachment A Locality Map (Existing Zone BHLEP2005)
- Attachment B Locality Map (Proposed Zone BHLEP2010)
- Attachment C Proposed Draft The Hills LEP 2010 Height of Buildings
- Attachment D Proposed Draft The Hills LEP 2010 Floor Space Ratio

SUPPORTING MATERIAL:

- Attachment E Aerial photograph of subject site
- Attachment F Council's Report

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

The objective of the planning proposal is to align the development standards of the recently adopted Draft The Hills Local Environmental Plan 2010 with the Pennant Street Development Control Plan (BHDCP Part E Section 8) that will commence on 10 January 2011 as amended.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The planning proposal seeks to include a provision that increases the building height to 54 metres and to delete the existing floor space ratio control.

On 23 August 2011 Council adopted the draft The Hills Local Environmental Plan 2010 ('draft THLEP2010'). The supporting draft The Hills Development Control Plan 2011 will come into force upon notification of the draft THLEP2010 on the New South Wales legislation website. The draft THLEP2010 includes maps which show the zoning, minimum lot size, building heights, building floor size in certain areas and identifies heritage items, land acquisition and local constraints.

Under the adopted draft THLEP2010, the site is proposed to be zoned R4 High Density Residential. The R4 High Density Residential zone permits residential flat buildings, shoptop housing and neighbourhood shops with consent.

The draft THLEP2010 Height of Buildings Map shows a maximum height of 20m on the subject site, and an FSR of 0.8 is shown on the Floor Space Ratio Map. The planning proposal seeks to increase the building height to 54m for the majority of the site and to delete the standard (0.8:1) from the Floor Space Ratio Map on the grounds that the site specific DCP controls provide sufficient guidance on the building envelope.

3. JUSTIFICATION FOR THE PLANNING PROPOSAL:

A. Need for the planning proposal

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

The planning proposal is the result of an amendment to the existing Baulkham Hills DCP, Part E Section 8 – Pennant Street Target Site. This part of the DCP was first adopted by Council in June 2001 and has been amended to support the growth of the Castle Hill Town Centre into a fully fledged Major Centre.

The DCP amendment was supported by urban design initiatives undertaken in-house by Council and supported by a traffic assessment as outlined in the report to Council dated 27 July 2010. The DCP came into force on 10 January 2012.

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

The site is in a strategic location being within the Castle Hill Town Centre, with easy access to shopping, jobs and other services. It is within easy walking distance of transport facilities, with the proposed bus interchange providing improved links to and from the Centre. This site is also well situated to accommodate high density residential development which will support the role and function of the town centre.

Therefore the proposal to amend the height and floor space ratio with respect to the site is considered satisfactory because the proposal meets local, regional and state strategic planning objectives for the major centre of Castle Hill, and provides a range of housing options close to both community services and transport facilities.

3. *Is there a net community benefit?*

In accordance with Council's Centres Direction, Centres need to accommodate a growing population and meet the changing needs of the broader community. The Direction comments that as the number of people living in medium and higher density development increases, centres can become an extension of the home as a place to study, read or recreate.

The planning proposal will provide a community benefit by providing housing in close proximity to services, transport and casual centre related lifestyle activities.

B. Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Metropolitan Plan for Sydney 2036

The strategic plan prepared by the New South Wales Government entitled the Metropolitan Plan for Sydney 2036 has identified Castle Hill as a Major Centre. Continued growth of Castle Hill is anticipated in the future, including an expected growth in traffic volumes and growth in demand for retail, commercial and town centre functions including hospitality, medical services and housing. The proposal is consistent with the strategic direction of this plan as it will provide for greater housing choice within a location that is highly accessible by public transport, walking and cycling.

Draft North West Subregional Strategy

The Draft North West Subregional Strategy was prepared by the New South Wales Government to implement the Metropolitan Plan and the State Plan and is currently being reviewed by the Department of Planning and Infrastructure. The draft strategy has set out a target for The Hills Shire to provide an additional 36,000 dwellings by 2031.

The planning proposal is consistent with this draft strategy as it will provide living opportunities and capitalises on public transport infrastructure. Other than ensuring sufficient zoned land to accommodate housing targets, Council also has a role in considering proximity to public transport when planning for new dwellings to respond to State Plan targets.

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

The Planning Proposal is consistent with Hills 2026 Community Strategic Direction, Draft Local Strategy, Residential Direction, Employment Lands Direction, Centres Direction and Integrated Transport Direction as summarised below:

Hills 2026 Community Strategic Direction

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

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

- BUG 1: I can get where I need to go;
- BUG 2: Lifestyle options that reflect our natural beauty; and
- BUG 3: I can work close to home.

Hills 2026 encourages employment growth in suitable locations and the provision of jobs close to home. The planning proposal is consistent with relevant Hills 2026 outcomes.

Draft Local Strategy

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

Residential Direction

Council's adopted Residential Direction aims to provide an additional 36,000 dwellings by 2031 for the Shire. The Direction also seeks to provide for a diversity of housing choice well located housing close to services and infrastructure, and the development of communities that offer a sense of place and community connection. The ultimate goal is to create housing options that promote sustainable economic, environmental and social outcomes for the residents of the Shire.

The subject planning proposal is consistent with the following key direction:

- R1 Accommodate population growth
- R2 Respond to changing housing needs; and
- R4 Facilitate quality housing outcomes.

Copies of the Strategies mentioned above are available from Council's website at www.thehills.nsw.gov.au

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

The planning proposal is consistent with all State Environmental Planning Policies.

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

State Environmental Planning Policies which are applicable to this planning proposal have been outlined below:

2.3 Heritage Conservation

The purpose of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Regulatory measures include heritage conservation provisions which detail when consent is required, the requirements for a heritage impact statement. The planning proposal would be consistent with this 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 minimal impact on the environment.

3.3 Home Occupations

Home Occupations are proposed to be a permissible use in residential zones.

3.4 Integrating Land Use and Transport

The site is located in a fully developed residential area within a reasonable distance to shops, services and public transport (buses).

6.1 Approval and Referral Requirements

The planning proposal is consistent with this direction.

6.3 Site Specific Provisions

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

7.1 Implementation of the Metropolitan Strategy

The purpose of this direction is to ensure zone amendments comply with the strategic objectives and actions of the Metropolitan Plan for Sydney 2036. Inconsistencies are possible only if they are minor or the intent of the Metropolitan Plan for Sydney 2036 is achieved.

The planning proposal satisfies objectives to provide residential dwellings within close proximity to public transport, and is therefore consistent with the broad strategic and policy directions conveyed in the *Metropolitan Plan for Sydney 2036*.

C. Environmental, social and economic impact

1. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

No.

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

The proposed amendments to the Draft LEP 2010 are consistent with recent policy decisions of Council and will assist with the consolidation and intensification of housing within close proximity to the Castle Hill Major Centre. The proposal will have positive social and economic effects on the locality by creating opportunities for living and working close to home, use of retail and entertainment facilities, increased use of public transport and reduced dependence on private car usage.

D. State and Commonwealth interests

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

The proposal is located within a 400m catchment of a bus interchange and the future rail station within the Castle Hill Major Centre. These areas are highly accessible via either walking or cycling. It is therefore considered that there is suitable existing and proposed public infrastructure in the immediate vicinity to support intensified uses on the site.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

Views of public authorities will be determined following Gateway Determination if required.

4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN:

The planning proposal will be advertised in local newspapers and on display at Council's administration building located at 129 Showground Road, Castle Hill and at Castle Hill Library located at the corner of Castle Street and Pennant Street, Castle Hill. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners advising them of the proposed rezoning.

Community consultation occurred in relation to the draft development control plan for the site. The outcomes of the exhibition period are detailed within Council's report at Attachment F.

TABLE 1: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1 Development Standards	YES	NO	
No. 4 Development without Consent and Miscellaneous Exempt & Complying Development	YES	NO	
No. 6 Number of Storeys in a Building	YES	NO	
No. 14 Coastal Wetlands	NO	-	-
No. 15 Rural Landsharing Communities	NO	-	-
No. 19 Bushland in Urban Areas	YES	NO	-
No. 21 Caravan Parks	YES	NO	-
No. 22 Shops and Commercial Premises	YES	NO	-
No. 26 Littoral Rainforests	NO	-	-
No. 29 Western Sydney Recreation Area	NO	-	-
No. 30 Intensive Agriculture	YES	NO	-
No. 32 Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33 Hazardous and Offensive Development	YES	NO	-
No. 36 Manufactured Home Estates	NO	-	-
No. 39 Spit Island Bird Habitat	NO	-	-
No. 41 Casino Entertainment Complex	NO	-	-
No. 44 Koala Habitat Protection	NO	-	-
No. 47 Moore Park Showground	NO	-	-
No. 50 Canal Estate Development	YES	NO	
No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55 Remediation of Land	YES	NO	-
No. 59 Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 60 Exempt and Complying	NO	-	-
No. 62 Sustainable Aquaculture	YES	NO	-
No. 64 Advertising and Signage	YES	NO	-
No. 65 Design Quality of Residential Flat Development	YES	NO	-
No. 70 Affordable Housing (Revised Schemes)	YES	NO	-
Affordable Rental Housing (2009)	YES	NO	-
Building Sustainability Index: BASIX 2004	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing for Seniors or People with a Disability (2004)	YES	NO	-
Infrastructure (2007)	YES	NO	-
Kosciuszko National Park – Alpine Resorts	NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
(2007)			
Kurnell Peninsula (1989)	NO	-	-
Major Development (2005)	YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	YES	NO	-
Temporary Structures (2007)	YES	NO	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-

TABLE 2: LIST OF SECTION 117 DIRECTIONS

DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources			
1.1 Business and Industrial Zones	YES	NO	-
1.2 Rural Zones	YES	NO	-
1.3 Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4 Oyster Aquaculture	NO	-	-
1.5 Rural Lands	YES	NO	-
2. Environment and Heritage			
2.1 Environment Protection Zone	YES	NO	-
2.2 Coastal Protection	NO	-	-
2.3 Heritage Conservation	YES	YES	CONSISTENT
2.4 Recreation Vehicle Area	YES	NO	-
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	YES	YES	CONSISTENT
3.2 Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3 Home Occupations	YES	YES	CONSISTENT
3.4 Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5 Development Near Licensed Aerodomes	YES	NO	-
3.6 Shooting Ranges	YES	NO	-
4. Hazard and Risk			
4.1 Acid Sulfate Soils	YES	NO	-
4.2 Mine Subsidence and Unstable Land	YES	NO	-
4.3 Flood Prone Land	YES	NO	-
4.4 Planning for Bushfire Protection	YES	NO	-
5. Regional Planning			
5.1 Implementation of Regional Strategies	NO	-	-
5.2 Sydney Drinking Water Catchment	NO	-	-
5.3 Farmland of State and Regional Significance on the SNW Far North Coast	NO	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8 Second Sydney Airport:	NO	-	-

DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Badgerys Creek			
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	CONSISTENT
6.2 Reserving Land for Public Purposes	YES	NO	-
6.3 Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT