

Planning Proposal – Amendment to Minimum Lot Size Map

15 Old Glenhaven Road, Glenhaven

NA80513007



Prepared for
Living Choice Australia Limited

July 2013

Document Information

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Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
A	10.05.2013	Natasha Wells	NW	Sally Law	SL
B	23.08.2013	Natasha Wells (amended proposed size from 4000sqm to 6000sqm)	NW		

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1 Introduction

Cardno (NSW/ACT) Pty Ltd has been engaged to prepare this Planning Proposal on behalf of Living Choice Australia Limited for the subject site at 15 Old Glenhaven Road, Glenhaven, otherwise legally known as Lot 301 in DP 1160437. The Planning Proposal seeks amendment to the minimum permissible allotment size on the subject site from that currently permissible in The Hills LEP 2012.

1.1 Background

Glenhaven Retirement Village commenced construction in 2004. Since then 160 villas have been completed along with a leisure centre (inclusive of recreational facilities). Stage 1 of the development is complete, however a proposed Development Application (DA) is to be lodged to Council shortly for an additional two villas and alterations and additions to the Leisure Centre (inclusive of replacing the respite care villas with independent living villas). Stage 2 of the development is still under construction with a further 30 villas being proposed to the west-south west of the site and a signage DA currently before Council. Stage 3 being the subject of this proposal is earmarked for an Aged Care Facility and is currently in the design process.

Due to the difference in nature and ultimately the difference in provider of the Aged Care Facility and the Independent Living Units it is considered that separate ownership would be the most efficient and suitable response for the current residents in the estate. Current residents' leases/ strata agreements do not take into consideration the operation or upkeep of an Aged Care Facility and would require detailed amendments and extended periods of time to liaise with the residents and have the lease agreements changed. Changing the lease agreements is not seen as being in the best interest of the existing residents.

In order to provide complete separate ownership, operating and maintenance costs, the Aged Care Facility would need to be located on an individual Lot and Deposited Plan, which is not achievable due to the current planning constraints on the minimum lot size permissible in the RU6 Transition zone in The Hills LEP 2012.

To ultimately allow future subdivision of the site for separate ownership of the Aged Care Facility, the first step (the subject of this proposal) is to apply for an amendment to the minimum allotment size over the subject site and relevant clauses in The Hills Local Environmental Plan (LEP) 2012.

Land uses to the south of the site are residential and to the north, east and west are rural residential.

Discussions with Council have suggested that surrounding lands to the subject site may be subject to a planning proposal for a rezoning from RU6 to R2. Further investigation of this matter should be undertaken.



Figure 1 – Aerial Photo of Site (15 Old Glenhaven Road, Glenhaven) Source – www.nearmap.com/photomaps



Figure 2 – Area of Site Subject to this Planning Proposal *Source – www.nearmap.com/photomaps*

2 Objectives

- To allow partial subdivision of the site allowing separate ownership of the future proposed Aged Care Facility;
- To minimise effect of the future proposed Aged Care Facility on existing residents and standing lease agreements;
- To provide documentation for Council's reference to introduce a smaller minimum lot size on the subject site;
- To produce a proposed lot size map.

3 Explanations of the Provisions

The Hills Shire LEP 2012

The subject land currently has a minimum permissible allotment size of 2 ha under The Hills Shire LEP 2012 (THLEP2012). This Planning Proposal seeks to amend the minimum permissible allotment size over the subject site to 6000sqm, refer to **Section 5**.

THLEP 2012 Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) To provide for the proper and orderly development of land;*
- (b) To prevent fragmentation or isolation of land;*
- (c) To ensure that the prevailing character of the surrounding area is maintained.*

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) This clause applies to the following rural zones:*
 - (a) Zone RU1 Primary Production,*
 - (b) Zone RU2 Rural Landscape,*
 - (c) Zone RU4 Primary Production Small Lots,*
 - (d) Zone RU6 Transition*
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (5) A dwelling cannot be erected on such a lot.*
- (6) Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).*

The site currently has a rural zoning and would be subject to Clause 4.2. As the proposal does not incorporate primary production, this clause cannot be utilised to seek a smaller allotment size, therefore, amendment to the lot size maps is required to enable the future proposed subdivision for the Aged Care Facility to comply with 4.1.3 of The Hills LEP 2012. Plans for proposed amendment are listed below and shown in **Section 5**.

- Lot Size Map 15
- Lot Size Map 23

4 Justification

Permissibility of a smaller lot size over the subject site is required, to ensure when the future Aged Care Facility proposal is submitted to Council it does not detrimentally impact the existing residents of the village.

As the current residents already have strata plans/ leases in place it is considered unfair and a huge burden for them to have to undergo further legal procedures to have these documents altered to include the necessary items deemed relevant to for inclusion of running the Aged Care Facility. The most viable outcome for all involved is the separate operation of the Aged Care Facility from the operation of the Retirement Village.

To obtain complete separate ownership the proposed Aged Care Facility will be required to be located on a separate Lot and Title from that of the Retirement Village being Lot 301 in DP 1160437. The current legislation will permit subdivision of 2Ha in the RU6 Transition zone. This area far exceeds the necessary area required for the future proposed Aged Care Facility.

The required area for the future proposed Aged Care Facility is less than 50% of that currently permissible, therefore this proposal is seeking an amendment to the minimum lot size on Lot 301 in DP 1160437 from 2Ha to 6000sqm.

It should be noted that the majority of the site is currently developed and this proposal relates to the south western portion of the subject site.

An amendment to the minimum lot size was considered the best approach as this would not permit any additional uses on site.

The site analysis plan, proposed future plan of subdivision and proposed Aged Care Facility plans shown in **Figures 3, 4 and 5** show the future vision for the subject parcel of the site and the need for the smaller allotment size.

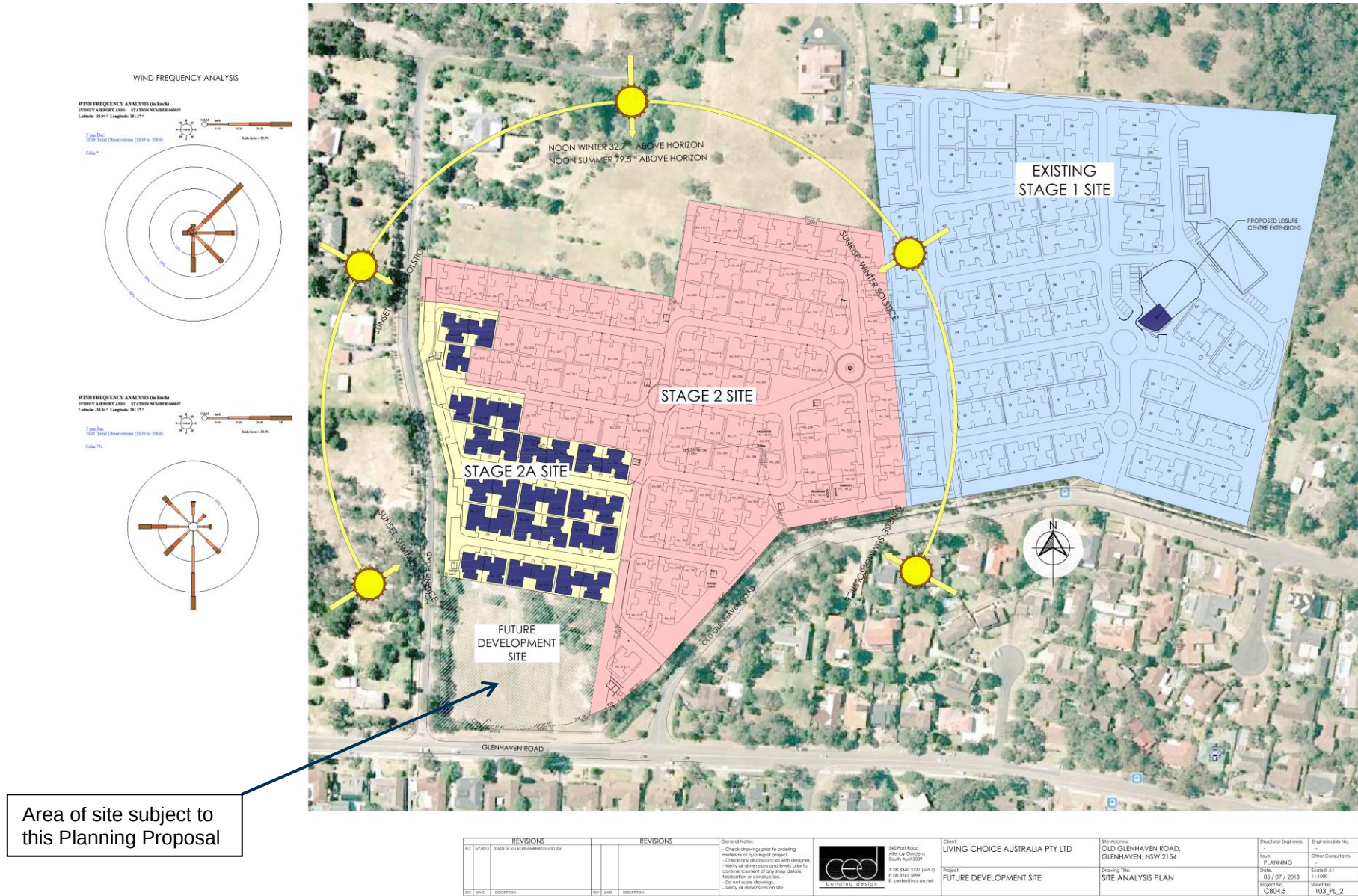


Figure 3 – Site Analysis Drawing

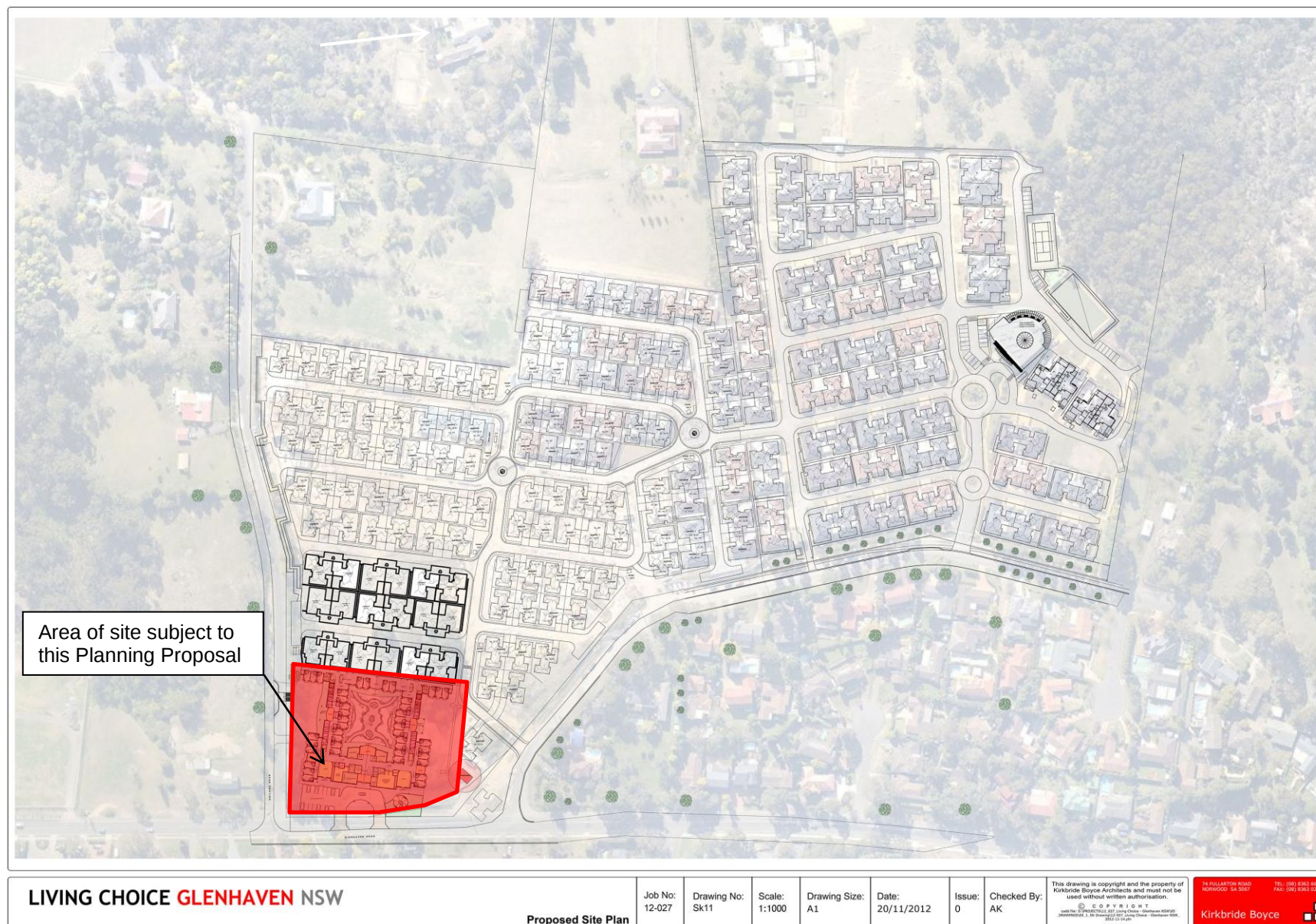
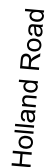


Figure 4 – Proposed area requiring smaller allotment size for future subdivision.





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Proposed Basement Floor Plan

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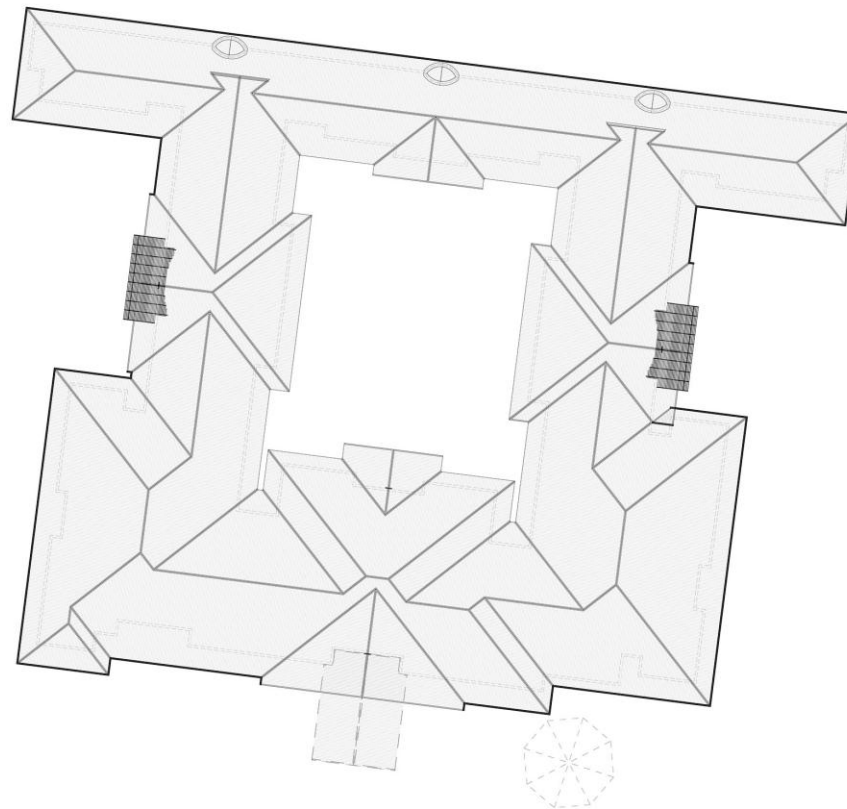
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Proposed Roof Plan

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Figure 5 – Concept Plans – proposed future Aged Care Facility to be located on subject area of site



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Proposed Perspective 01

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Proposed Perspective 03

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Proposed Perspective 07

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Proposed Perspective 08

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Proposed Perspective 09

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Proposed Perspective 12

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Figure 6 –Concept perspectives – proposed future Aged Care Facility to be located an subject area of site.

4.1 **Section A – Need for the Planning Proposal**

4.1.1 **Is the Planning Proposal a Result of any Strategic Study or Report?**

This proposal is not a result of any Strategic Study or Report. The proposal is in response to the ongoing need for aged care facilities within close proximity to retirement villages. Strategic location of retirement villages and aged care facilities allows family members to remain in close and constant contact once a relative is no longer independent and requires assisted care.

Separate ownership of the two entities is essential as although they are both related to the care and welfare of seniors, one is for self-supported living and the other for assisted living. Units in the retirement village are bought or leased under a strata arrangement which covers the use of communal areas and facilities and does include meals/ nurses etc. Monetary contributions for short or long term stay in the aged care facility includes meals, around the clock nursing, transport and medical.

Under the current legislation the area required for the aged care facility cannot be subdivided as it does not meet the minimum requirements and as displayed above it is not feasible to run the two entities under one arrangement.

4.1.2 **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A meeting was undertaken with The Hills Shire Council Forward Planning Team on 6th May 2013. It was discussed that a rezoning was not the appropriate way forward as this would ultimately permit additional uses on the site and Council was not happy to support that option. A change to the minimal lot size was tabled and this was considered the best way forward by all parties in regards to: not allowing additional uses and minimal changes to LEP maps and relevant clauses.

It was agreed that ultimately subdivision of the site could not be undertaken without a Planning Proposal being undertaken as no avenues for this to occur could be seen under any clauses in Council's LEP 2012.

Site Capability Certificate currency was discussed and concluded this was an item to be discussed with Department of Planning. Department of Planning has advised that the Site Capability Certificate was issued for the land and even with a Lot and DP change it remains part of the same parcel of land. Department of Planning also advised the legal advice be sought to confirm this approach. UBK Lawyers was approached and have confirmed that the Site Capability Certificate will remain current if and when future subdivision takes place as the Certificate was issued for the land and the new Lot and DP number will still form part of that land.

4.1.3 **Is there a Net Community Benefit?**

This section is not applicable to this Planning Proposal as it relates only to allotment sizes.

Despite this clause not being relevant to this Planning Proposal, the future vision for the site is considered to provide a community benefit as additional resources to cater for the ageing population is considered to be a benefit to any community, particularly in those areas documented as having a higher concentration of aged citizens.

The subject area of the site is vacant and therefore underutilized. It is well documented Australia as a country has an ageing population. The NSW Ageing Strategy estimates that by 2050 the number of people aged 65 and over will more than double and identifies that more than half of the people aged 65 and over lived in the Sydney Metropolitan Area. Glenhaven sits within the Sydney metropolitan Area.

4.2 **Section B – Relationship to Strategic Planning Framework**

4.2.1 **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?**

Yes – The planning proposal is consistent with the applicable regional and subregional strategies as detailed below:

Metropolitan Strategy for Sydney 2036

The strategic plan prepared by the NSW Government entitled the Metropolitan Plan for Sydney 2036 aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

It is considered this planning proposal is consistent with this direction as it will ultimately allow for the increase in the diversity of land use with The Hills Shire LGA. The planning proposal is also consistent in that the land has adequate access to transport and local services from the subject site. A smaller permissible lot size on the subject site will allow for future subdivision to locate an aged care facility to cater for our ageing population.

Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney to 2031 is a growth plan which is underpinned by transport and infrastructure initiatives to deliver an adequate supply of housing and employment opportunities through to 2031. The plan is first of the 'Regional Growth Plans' outlined in NSW 2021: A plan to make NSW number one that will be delivered under the Government's new planning system.

The draft Metropolitan Strategy for Sydney to 2031 identifies a target of 142,000 additional jobs in the West Central and North West Regions by 2031.

The planning proposal is consistent with the broad objectives of the draft strategy as it will ultimately provide for the increase of employment opportunities within the Glenhaven locality, encourage public transport patronage (both through employees and visitors to the aged care facility) and improve Sydney's ecological sustainability.

Draft North West Subregional Strategy

The draft North West Subregional Strategy was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. It was exhibited in December 2007 through to March 2008 and is currently being reviewed by the Department of Planning and Infrastructure.

The draft Strategy states "Employment capacity targets stated in the draft Subregional Strategies reflect the core policy directions of the Metropolitan Strategy and NSW State Plan, to provide jobs closer to home and to increase employment in Strategic Centres".

Employment is expected to grow in the Baulkham Hills area by 47,000 jobs by 2031.

The planning proposal is considered to be consistent with the draft strategy because upon approval it will permit with consent, smaller sized subdivision on the subject allotment, therefore allowing the proposal for an aged care facility to move forward which will in turn increase employment opportunities in the region through construction, to administration, nursing and potentially creating a number of positions where residents can work closer to home.

4.2.2

Is the Planning Proposal consistent with the Local Council's Community Strategic Plan, or other local Strategic Plan?

Yes – The Planning Proposal is consistent with Council's Local Strategy as detailed 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 aspirations gathered throughout months of community engagement and consultation with members of the community.

The Hills 2026 Community Strategic Direction identifies that the region has an increasing aging population and that a choice of housing that suits older people will be important in the future with demand likely to be for options including good quality small lot and medium density homes in accessible locations, purpose built housing and adaptable dwellings.

Whilst this planning proposal and proposed future proposed Aged Care Facility does not strictly meet the above statement, the proposal will be providing a residential assisted care living facility for individuals that are no longer fully independent and therefore it is considered the future proposal still meets the residential outcomes.

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

Employment

E1.2 Encourage emerging businesses.

E2.1 Identify and plan for a self-sufficiency benchmark in terms of local employment.

Residential

R1.1 Ensure that planning controls effectively provide for balanced growth in the Shire's population.

R1.3 Facilitate the timely delivery of planned residential development.

R3.1 Contribute to the development of communities that offer a sense of place and community connection.

Transport

T1.2 Identify key destinations of travel and ensure a method of transport is available other than private vehicle.

T1.3 Improve patronage of local buses through improved route allocation and frequency of trips.

Rural

RL 3 Ensure that residents have adequate access to appropriate services and facilities

RL 10 Recognise the impact of natural hazards on future land use and settlement

In addition to the Community Strategic Direction, Council has adopted a draft Local Strategy together with a number of other Strategic Directions – Residential, Employment Lands, Environmental and Leisure, Waterways, Centres, Integrated Transport and Rural Lands.

The planning proposal is consistent with the relevant objectives and actions identified in these strategies.

The Hills Shire Local Strategy

Residential

This Direction reviews progress in achieving additional dwellings and demonstrates the capacity to accommodate State Government dwelling targets into the future. It also addresses key housing issues such as special needs housing, affordability, sustainability, design quality and impacts on heritage, streetscape and residential character.

Key Directions and Objectives:

R1 Accommodate population growth

- *Ensure that planning controls effectively provide for balanced growth in the Shire's population.*
- *Provide for well located housing close to services supported by appropriate infrastructure.*
- *Facilitate the timely delivery of planned residential development.*

R2 Respond to changing housing needs

- *Provide for a diversity of housing choice that is appropriate to resident needs.*
- *Promote a range of housing that is affordable to households of varying financial capacity.*

R3 Provide a sustainable living environment

- *Contribute to the development of communities that offer a sense of place and community connection.*
- *Improve the environmental sustainability of residential development.*
- *Manage potential conflicts between more intense land uses and residential amenity.*
- *Ensure the protection of the Shire's cultural heritage as residential growth happens.*

R4 Facilitate quality housing outcomes

- *Protect and enhance residential character and streetscape in lower density residential development.*
- *Monitor and improve the design quality of higher density residential development.*

Challenges

- *Encouraging timely delivery of residential development when faced with factors such as:*
 - *Perceived or real lack of viability for some forms of development.*
 - *Fragmented ownership in release areas.*
 - *Competing priorities for commercial or retail development close to centres.*
- *Accommodating an ageing population in well located areas, supported by services and facilities when existing legislation allows such development on the urban fringe.*
- *Ensuring the garden image of the Shire is maintained whilst addressing housing mix and affordability objectives.*
- *Fostering and maintaining a sense of safety, community and streetscape character as the population grows.*
- *Balancing urban development pressures with ecological and environmental objectives.*

The Planning Proposal is seeking smaller allotment sizes so on its own merit it is not consistent with the Residential Direction, however, the broader development of subdivision and development of an aged care facility is consistent with the Residential Direction as the aged care facility will provide for a type of housing choice for those who are no longer independent, the facility will offer a sense of place and community connection through creating an age in place option for residents, and will help improve the quality of development in the local area. The future proposal also satisfies the challenge of accommodating an ageing population in well located areas as the subject site has access to public transport and is within 400m of local services.

Integrated Transport Direction

The Integrated Transport Direction provides the overall strategic context for planning and management of the transport system throughout the Shire and how residents move about in response to their daily activities.

It focuses on the need to manage and balance urban growth so that residents can get to where they need to go and have a range of integrated travel options under a backdrop of growth to 2031.

Transport, in particular public transport, is considered to be one of the key issues facing the Hills Shire, and the entire North West Region of Sydney. The development of a sensible range of transport options that are efficient, accessible and connected is needed to achieve balanced urban growth in the Shire and improve quality of life.

Key Directions and Objectives:

T1 Plan and manage the Shire's transport network to meet community needs

- *Ensure that planning and future development supports the provision of an efficient transport network.*
- *Respond to the transport needs of population and employment growth in the Shire in an effective and timely manner.*

T5 Encourage quality transport outcomes

- *Contribute to the development of a transport network that is safe and accessible to all users.*
- *Ensure the protection of cultural heritage along transport corridors.*

The Planning Proposal is seeking smaller allotment sizes so on its own merit it is not consistent with the Integrated Transport Direction. The proposed future use of the site would have minimal impact on the current transport nodes in the local area. Refer to **Appendix A**.

Employment Direction

An important aspect of ensuring that the employment capacity target can be met will be promoting and encouraging local businesses to grow. The development of a modern local economy can only occur if local businesses are encouraged to establish, grow and remain within the Shire.

The issue of job containment, whether on a local or regional scale, is part of ensuring all local businesses can grow. Strategies could be developed that help tailor employment generating activities and job provision to the resident workforce, in order to provide opportunities for people to work close to home and improve levels of job containment within the Shire.

In this regard, the Residential Direction includes strategies relating to housing affordability, with the aim of promoting a range of housing options that are affordable to households of varying financial capacity. The ability to live close to employment is particularly important for workers in lower paid industries such as hospitality, retail and construction.

Key Directions and Objectives:

E1 Accommodate the growth of a modern local economy to meet community needs

- *Ensure that planning and future development provides for employment generation opportunities.*

E2 Enhance the attractiveness of the Shire for new business and visitors

- *Promote the Shire's competitive strengths to attract new business.*
- *Encourage appropriate infrastructure and services to support and connect business.*
- *Support local businesses to make the Shire an attractive place to visit.*

The Planning Proposal is seeking smaller allotment sizes so on its own merit it is not consistent with the Employment Direction, however, the broader future development of subdivision and development of an aged care facility is consistent with the Employment Direction as the aged care facility will require 24 hour staff to operate the proposed 100 bed facility. This will allow employment closer to home for nurses, cleaners, gardeners, Doctors etc. In the short term it will also provide local employment for those in the construction industry. Due to the nature of the development employment will always be required for its ongoing operation.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is for a smaller permissible lot size and therefore no SEPP's are applicable, however the long term vision for the site is for an Aged Care Facility which will provide 24 hour monitored beds for the ageing population as well as employment opportunities for those in the medical/ nursing/ cleaning and landscaping fields.

Design of the Aged Care Facility is considered to be consistent with the objectives of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004. Detailed assessment of compliance against the SEPP will be provided at lodgement stage for the Aged Care Facility.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes – The plan is consistent with the relevant Ministerial Directions as outlined below.

4.2.4.1 *1.2 Rural Zones*

This direction aims to protect the agricultural production value of rural land.

The Planning Proposal applies to land zoned RU6 – Transition Zone.

The subject site currently has a site capability certificate stating the site is suitable for more intensive development and that the proposed seniors living development is compatible with the surrounding environment. The Site Capability Certificate also includes reference to a residential care facility. Allowing a smaller lot size to ultimately allow subdivision for separate ownership of an Aged Care Facility is not considered inconsistent with the objectives of this clause as the Site Capability Certificate has already addressed any such issues.

It is considered the permissibility of smaller allotment size on the subject site is of minor significance as development has previously been approved on the site and it is no longer utilised for agricultural purposes.

It should be noted that the site is zoned RU6 (transition zone) and therefore not considered prime agricultural production land.

4.2.4.2 3.4 Integrating Land Use and Transport

This direction aims to ensure that urban development ensures that housing and jobs are easily accessible through a variety of means including walking, cycling and public transport, reliance on private vehicle use is minimised, and that development supports the viable operation of public transport.

Whilst the Planning Proposal for an amendment to lot minimum sizes, the long term vision for the site is for an Aged Care Facility which will provide 24 hour monitored beds for the ageing population as well as employment opportunities for those in the medical/ nursing/ cleaning and landscaping fields. Due to the nature of the proposed future use of the site, private vehicle usage would be minimal and would be related to staff and visitors. Increased traffic generation is expected to be minimal (less than 5%) at peak hours due to operating and visitor hours and the nature of the future proposal. A traffic analysis has been prepared by Cardno and forms part of this submission, refer to **Appendix A**.

4.2.4.3 4.4 Planning for Bushfire Protection

This direction aims to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

- A planning proposal must:
 1. have regard to *Planning for Bushfire Protection 2006*,
 2. introduce controls that avoid placing inappropriate developments in hazardous areas, and
 3. ensure that bushfire hazard reduction is not prohibited within the APZ.

A bushfire report by Eco-logical Australia accompanies this Planning Proposal (refer to **Appendix B**) and has given regard to Planning for Bushfire Protection 2006. Refer to Section 6 in regards to Consultation requirements.

APZ's do not form part of this proposal as it is for a change in permissible lot size only, however the above mentioned bushfire report does incorporate APZ's into the siting and design of the future proposed Aged Care Facility on the site.

4.2.4.4 **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

This direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

This direction applies to the Baulkham Hills (The Hills) LGA in which the site is situated.

It is considered the proposal meets the objectives of this clause as the Metropolitan Plan for Sydney 2036 states “Individual developments should recognise and accommodate an ageing population. The surrounding environment should also enable people to easily access services and allow them to visit friends and family, shopping centres, places of worship, medical centres, libraries and so on”.

The proposal for smaller allotment size on the subject site; will ultimately allow for the Aged Care Facility which will accommodate the ageing population by allowing them to age in place (having an aged care facility within close proximity to the retirement village) and is also suitably located for residents to gain access to essential services.

4.3 **Section C – Environmental, Social & Economic Impact**

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

No – Land to which the planning proposal relates is predominantly vacant, with the exception of site storage facilities for works under construction on previous stages of the site. The subject area is generally void of any significant vegetation or significant trees. Therefore, it is considered that the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

4.3.2 **Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

No - There are no other likely environmental impacts as a result of the planning proposal.

4.3.3 **How has the Planning Proposal adequately addressed any social and economic effects?**

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. Approval of this planning proposal will provide the necessary legislative changes to ultimately permit a subdivision of land to locate an aged care facility which will provide additional health and living services to our ageing population as well as increasing employment opportunities within the Glenhaven local area.

Potential traffic impacts should be considered as part of the planning proposal as an aged care facility will increase local traffic generation, however, due to limitations on visiting hours and the likelihood that most residents/ patients would no longer be able to hold a drivers licence, the impact on the current road network and peak hour traffic flow is seen to be negligible. A brief traffic study has been undertaken and forms part of this planning proposal, the Gateway determination will identify if any further study is required.

4.4 **Section D – State and Commonwealth Interest**

4.4.1 **Is there adequate public infrastructure for the Planning Proposal?**

It will be necessary to ensure that the proposed future Aged Care Facility will be supported by the necessary services such as electricity, telecommunication, gas, water, sewer and stormwater drainage. As this proposal is for legislative changes to the minimum lot size map requirements, infrastructure has not been investigated further. The Gateway determination will identify if any study is required in this regard.

4.4.2 **What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

Refer to Section 6.

5 Mapping

This Section contains 4 maps, 2 current lot size maps and 2 proposed lot size maps.

Each map is also reproduced in **Appendix C** at a larger size.



The Hills Local Environmental Plan 2012

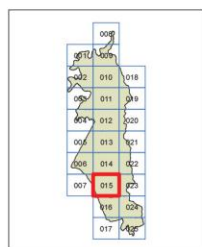
Lot Size Map Sheet LSZ_015

Minimum Lot Size (sq m)

B	230
G	450
M	600
Q	700
U1	1000
U2	1800
V	2000
W	4000
X1	6000
X2	8000
Z	2 ha
AB1	10 ha
AB2	40 ha

Cadastral

Cadastral 17/08/2011 © THSC



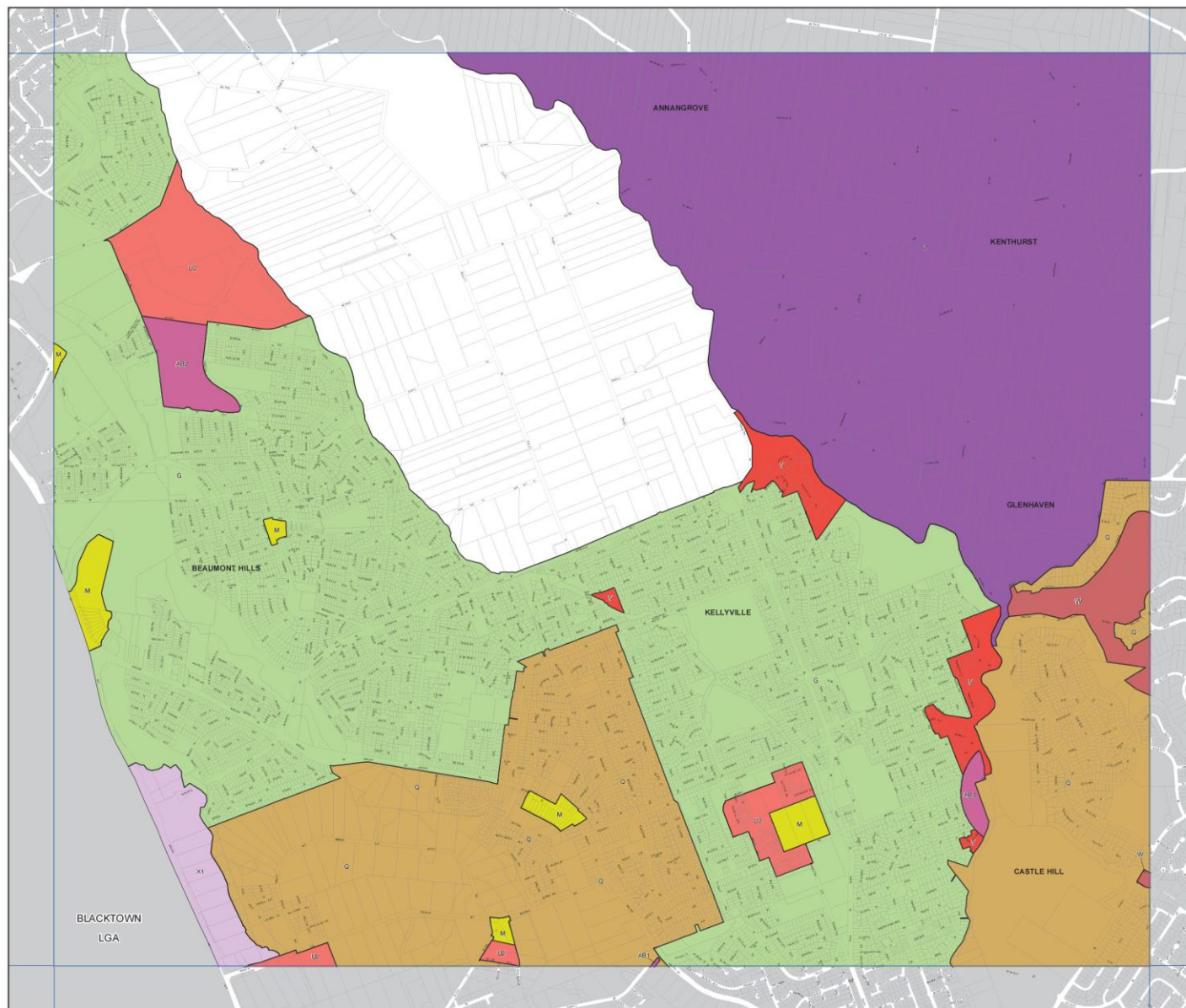
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Metres

Scale: 1:20,000 @ A3

Projection: GDA 94

MGA Zone 56

Map Identification Number:
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Map 1 – Existing Lot Size Map Sheet LSZ_015



The Hills Local Environmental Plan 2012

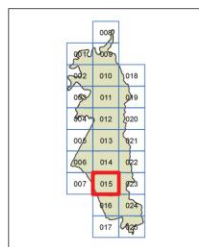
Lot Size Map Sheet LSZ_015

Minimum Lot Size (sq m)

B	230
G	450
M	600
Q	700
U1	1000
U2	1800
V	2000
W	4000
X1	6000
X2	8000
Z	2 ha
AB1	10 ha
AB2	40 ha

Cadastral

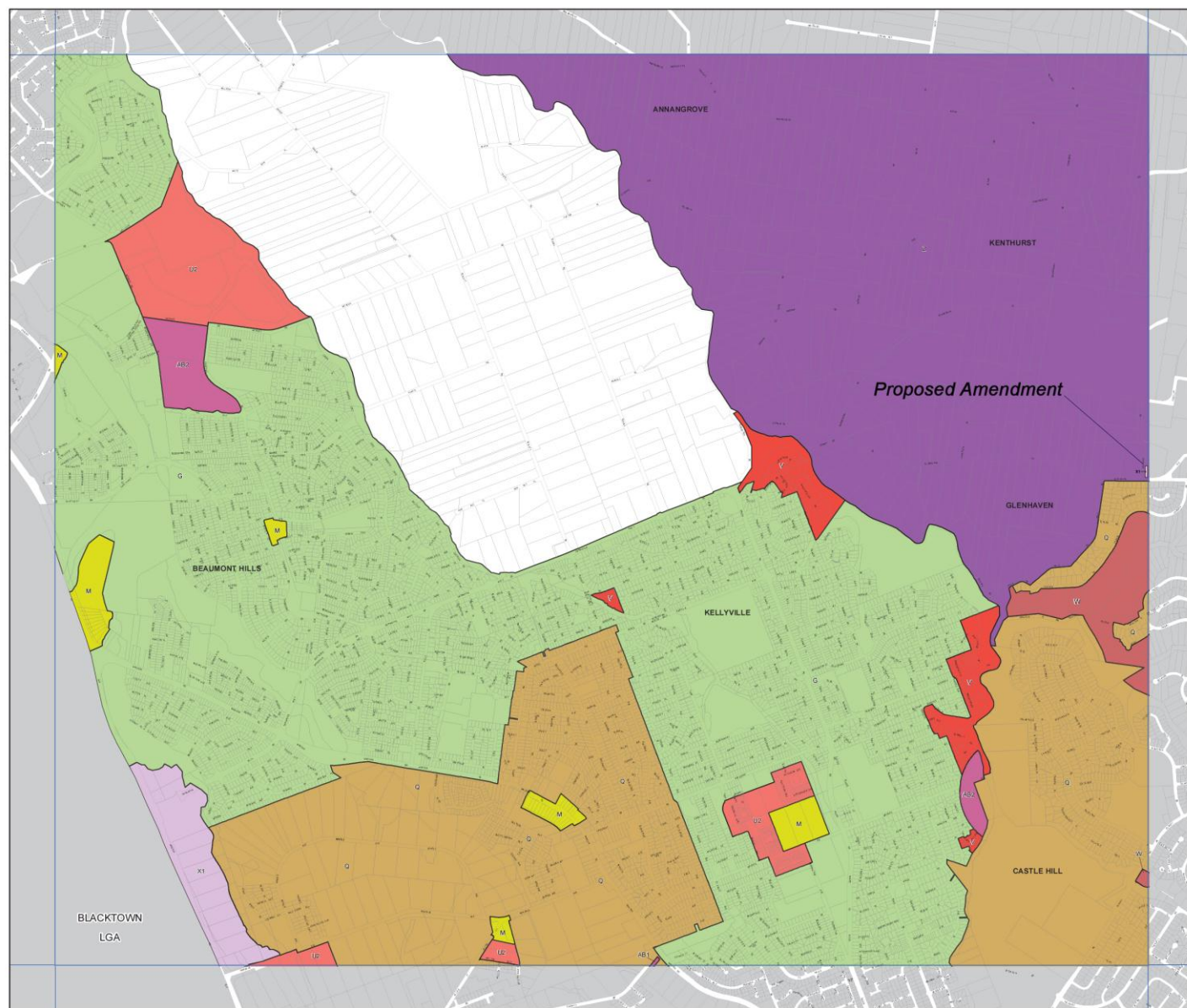
Cadastral 17/08/2011 © THSC



0 75 150 300 450 600
Metres

Scale: 1:20,000 @ A3

Map Identification Number:
0500_COM_LSZ_015_020_20120216



Map 2 – Proposed Lot Size Map Sheet LSZ_015



The Hills Local Environmental Plan 2012

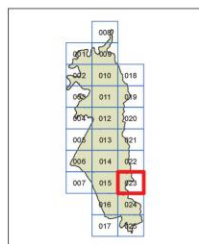
Lot Size Map Sheet LSZ_023

Minimum Lot Size (sq m)

B	230
G	450
M	600
Q	700
U1	1000
U2	1800
V	2000
V2	4000
X1	6000
X2	8000
Z	2 ha
AB1	10 ha
AB2	40 ha

Cadastral

Cadastral 17/08/2011 © THSC

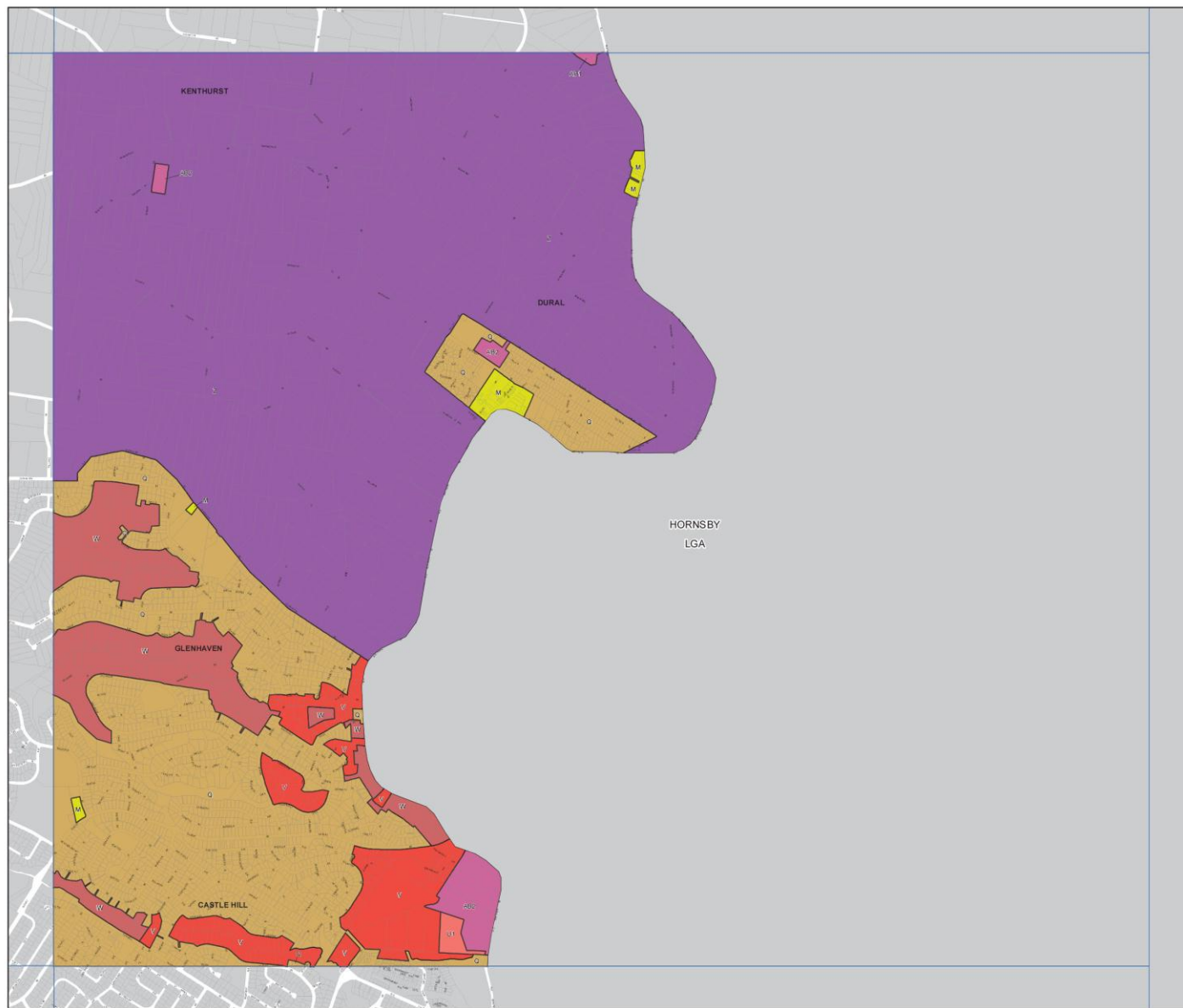


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Metres

Scale: 1:20,000 @ A3

Projection: GDA 94
MGA Zone 96

Map Identification Number:
0500_COM_LSZ_023_020_2012016



Map 3 – Existing Lot Size Map Sheet LSZ_023



The Hills Local Environmental Plan 2012

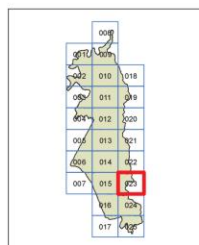
Lot Size Map Sheet LSZ_023

Minimum Lot Size (sq m)

B	230
G	450
M	600
Q	700
U1	1000
U2	1800
V	2000
V1	4000
X1	6000
X2	8000
Z	2 ha
AB1	10 ha
AB2	40 ha

Cadastral

Cadastral 17/08/2011 © THSC

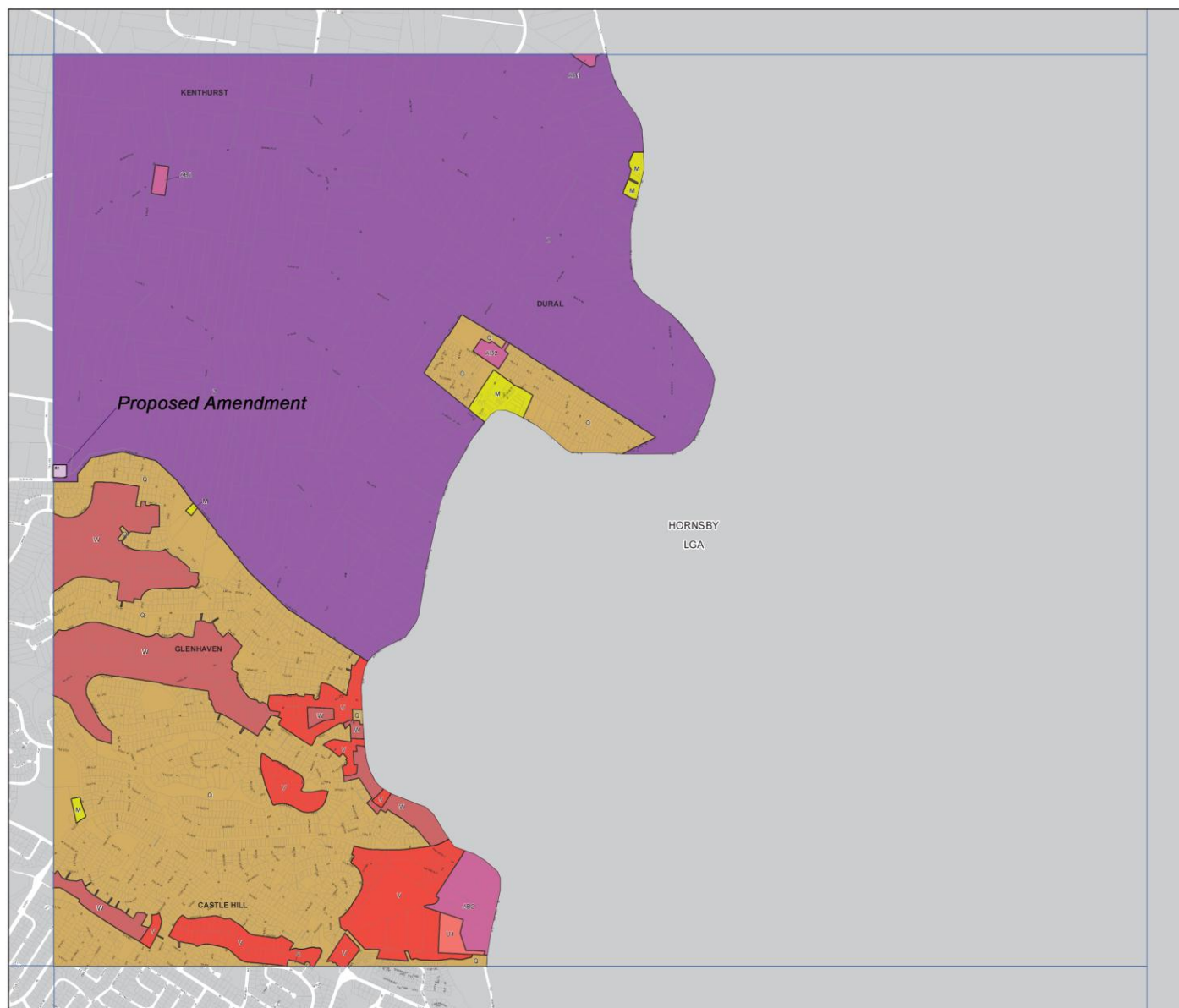


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Metres

Scale: 1:20,000 @ A3

Projection: GDA 94
MGA Zone 56

Map Identification Number:
0500_COM_LSZ_023_020_20120218



Map

6 Expedited Amendments of Environmental Planning Instruments

Section 56 (2) of The Environmental Planning and Assessment Act 1979 (EP&A Act) identifies matters or procedures that the minister is to determine in regards to the planning proposal including:

- (2) After a review of the planning proposal, the Minister is to determine the following:
 - (a) whether the matter should proceed (with or without variation),
 - (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal),
 - (c) community consultation required before consideration is given to the making of the proposed instrument (the community consultation requirements),
 - (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,
 - (e) whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body,
 - (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed.
- (3) A determination of the community consultation requirements includes a determination under section 73A (or other provision of this Act) that the matter does not require community consultation.

Section 57 of The Environmental Planning and Assessment Act 1979 (EP&A Act) outlines the requirements for Community Consultation including:

- (1) Before consideration is given to the making of a local environmental plan, the relevant planning authority must consult the community in accordance with the community consultation requirements for the proposed instrument.
- (2) The planning proposal (as revised to comply with the determination under section 56 and in a form approved by the Director-General) is to be made publicly available during the period of community consultation. Detailed provisions may be summarised instead of being set out in full if the Director-General is satisfied that the summary provides sufficient details for 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 misdescription, the inconsistent numbering of provisions, wrong cross-reference, 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 original application 280/2010/HA comprised of self supported villas and an Aged Care Facility. 280/2010/HA was advertised accordingly with Sections 56 (2(c&d)) and 57 of the EP & A Act. This entailed exhibition on Council's website and letters issued to adjoining property owners advising them of the proposal. It is considered the proposal for a smaller lot size 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 recommended that Council request the Minister to expedite this amendment by dispensing with the community consultation requirements under Section 57 of the EP&A Act. It is also recommended that Council request the Minister 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.