

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building located at 3 Columbia Court, Baulkham Hills and at all libraries within the Shire. The planning proposal will also be made available on Council's website. In addition, letters will be issued to affected property owners advising them of the planning proposal.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	July 2014
Pre exhibition government agency consultation (if required)	August 2014
Post exhibition government agency consultation	October 2014
Commencement of public exhibition period	September 2014
Completion of public exhibition period	October 2014
Timeframe for consideration of submissions	November 2014
Timeframe for consideration of proposal post exhibition	November 2014
Report to Council on submissions	December 2014
Planning Proposal to PCO for opinion	December 2014
Date Council will make the plan (if delegated)	December 2014
Date Council will forward to department for notification (if delegated)	December 2014

ATTACHMENT A: ASSESSMENT AGAINST STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	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. 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. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	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. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	NO	-	-
No. 65	Design Quality of Residential Flat Development	NO	-	-
No. 70	Affordable Housing (Revised Schemes)	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	YES	CONSISTENT
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Rural Lands (2008)		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SEPP 53 Transitional Provisions (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Temporary Structures (2007)	YES	NO	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-
Deemed SEPPs			
SREP No.9 – Extractive Industry (No 2 – 1995)	YES	NO	-
SREP No.18 – Public Transport Corridor	NO	-	-
SREP No.19 – Rouse Hill Development Area	YES	YES	CONSISTENT
SREP No.20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	YES	YES	CONSISTENT
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	YES	YES	CONSISTENT
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	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	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 NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-

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

MINUTES of the duly convened Meeting of The Hills Shire Council held in the Council Chambers on 8 April 2014.

VOTING AGAINST THE MOTION

None

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR DR LOWE AND SECONDED BY COUNCILLOR HASELDEN THAT Items 4, 5, 7, 9, 10 and 11 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

155 RESOLUTION

Items 4, 5, 7, 9, 10 and 11 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-4

DA 266/2012/HB - DEED OF AGREEMENT FOR DRAINAGE EASEMENT ENCROACHMENT - LOT 1 DP 1182362, LOT B DP 363282, LOT C DP 440720, LOT 20 DP 662699, LOT 21 DP 662700 AND LOT 22 DP 8884, 9 TO 17 WINDERMERE AVENUE, NORTHMEAD

156 RESOLUTION

The deed of agreement authorising encroachment over the drainage easement be authorised for execution under Council seal.

ITEM-5

DA 717/2012/JPZ - RELEASE OF TEMPORARY DRAINAGE EASEMENT - LOT 1002 DP 1180500, 16 MEMORIAL AVENUE, KELLYVILLE

157 RESOLUTION

Council consent to the release of the easement to drain water from the title of Lot 1002 DP 1180500 and the request document be authorised for execution under Council seal.

ITEM-7

REQUEST FOR APPROVAL TO USE PORTABLE TRAFFIC CONTROL LIGHTS FOR ROAD WORKS

158 RESOLUTION

Council endorse the recommendation of Local Traffic Committee regarding the use of portable traffic signals by Thiess John Holland Dragados in association with construction activities for the North West Rail Link.

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER PIERS HEMPHILL
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

This report recommends that the second housekeeping amendment to *The Hills Local Environmental Plan 2012* (LEP 2012) be forwarded to Planning and Infrastructure (formally the Department of Planning and Infrastructure) for Gateway Determination. The proposed amendments seek to rezone 44 parcels to the SP2 Infrastructure zone, 27 parcels from the SP2 Infrastructure zone, to include 32 of the parcels on the Land Reservation Acquisition map and to remove 28 parcels from the Land Reservation Acquisition map.

The purpose of these amendments is to manage the land for future road infrastructure as identified by Roads and Maritime Services (RMS). Other existing SP2 Infrastructure zoned parcels are to be rezoned and removed from the Land Reservation Acquisition map as they are no longer required by RMS. Some changes are also required to the Floor Space Ratio, Minimum Lot Size and Height of Buildings maps to ensure the rezoned parcels are consistent with their surrounding land uses and to ensure LEP 2012 is accurate and consistent with the adopted strategic policy position of Council.

The Hills Shire Council – Council Initiated

**29 March 2011 –
13 May 2011** Draft The Hills Local Environmental Plan 2010 was exhibited. The then Roads and Traffic Authority (RTA) requested various changes to Council's Land Zoning and Land Reservation Acquisition Maps.

05 October 2012 The Hills Local Environmental Plan 2012 gazetted. All of the changes requested by the RTA were not included given the need to ensure a consistent approach was taken to how land required for road widening was zoned and identified on the Land Reservation Acquisition Map.

BACKGROUND

During the exhibition of Draft *The Hills Local Environmental Plan 2010* (DLEP 2010) the then Roads and Traffic Authority requested various changes to Council's Land Zoning and Land Reservation Acquisition maps. A number of the requested changes were made to the maps, however due to the extent of the changes it was considered appropriate that a review of the road widening mapping be carried out in consultation with Roads and Maritime Services (RMS) with the identified changes made as a housekeeping amendment to LEP 2012.

In July 2011 RMS provided Council with GIS data which identified the extent of land to be acquired by RMS. Council officers have since carried out a review, in consultation with RMS, to identify inconsistencies between the RMS Land Acquisition map and Council's Land Zoning and Land Reservation Acquisition maps.

The above review has now been completed and required updates are outlined in Attachment 1.

REPORT

The purpose of this report is to outline the amendments necessary to manage land identified by RMS for future acquisition for the purpose of road widening. Required changes to LEP 2012 include rezoning 44 parcels to SP2 Infrastructure, adding 32 parcels to the Land Reservation Acquisition Map and associated changes to the Floor Space Ratio, Minimum Lot Size and Height of Buildings maps as identified in Attachment 1. Other amendments include rezoning 27 parcels from SP2 Infrastructure, removing 28 parcels from the Land Reservation Acquisition map and associated changes to the other LEP maps as they are no longer required by RMS.

The SP2 Infrastructure zone provides for infrastructure and related uses by preventing development that is not compatible with, or that may detract from the provision of that infrastructure. In order to assist with the provision of future road projects, Council seeks to zone any land which RMS requires to SP2 Infrastructure and identify currently in private ownership on its Land Reservation Acquisition Map to prevent development which may impact on future road widening.

The subject land is to be zoned SP2 Infrastructure and identified on the Land Reservation Acquisition Map to provide for its acquisition by RMS for future road projects consistent with Clause 5.1 of LEP 2012.

Public Transport Corridors

In April 2010 Council was advised by the then Department of Planning that the 'Public Transport Corridors' associated with *Sydney Regional Environmental Plan No. 18 - Public Transport Corridors (SREP 18)* were to be zoned SP2 Infrastructure and marked as 'Public Transport Corridor'. The draft LEP was subsequently amended to reflect this advice.

The map provided by the RMS to identify required acquisitions did not include land identified as 'Public Transport Corridor'. As RMS is the relevant acquisition authority for this land, Council sought clarification from RMS on the extent of this acquisition requirement and confirmation as to whether these areas are still required. Advice from RMS in August 2013 resulted in the identification of six (6) additional locations along Windsor Road for 'Public Transport Corridor'. These are outlined in Attachment 1.

The Review Process

In determining what amendments will be required to LEP 2012 a number of criteria were established. These criteria include:

- Land to be acquired by RMS must be zoned SP2 Infrastructure;
- If the land to be acquired is privately owned the land must be identified on the Land Reservation Acquisition map;
- If the land to be acquired is owned by a public authority the land must not be identified on the Land Reservation Acquisition map; and
- If RMS has already acquired the land or if the land is no longer required by RMS it must be zoned consistent with the adjoining zone and removed from the LRA Map.

It is noted that under the Standard Instrument Local Environmental Plan, written consent is required from public authorities to being listed under clause 5.1 of the LEP as the relevant authority for the acquisition of land shown on the Land Reservation Acquisition Map for "Classified road" and "Public Transport Corridor" purposes. Whilst the acquisition maps have been prepared in consultation with the RMS, formal consent will be sought during the exhibition stage, should the planning proposal be supported and Gateway Determination issued.

Attachment 1 of this report provides a table of proposed amendments (69 updates). Each update has been allocated with a unique 'update number' to assist with the interpretation of the extent of each change. For each update the table identifies the affected properties, the required amendment to the Land Zoning Map, the required amendment to the Land Reservation Acquisition Map and any required associated amendments including changes to the Floor Space Ratio, Minimum Lot Size and Height of Buildings maps, to ensure consistency with the controls for the surrounding area. The table also includes the relevant LEP 2012 Map Sheet within which the site is located.

CONCLUSION

The proposed housekeeping amendments include the correction of the LEP 2012 Zoning and Land Reservation Acquisition Maps to be consistent with the requirements of RMS. Other associated changes to the Floor Space Ratio, Minimum Lot Size and Height of Buildings maps are also required to the parcels to ensure they are consistent with surrounding land uses.

Whilst generally minor in nature, the amendments are considered necessary to ensure LEP 2012 is accurate and consistent with the adopted strategic policy position of Council. The amendments ensure that The Hills Shire can be effectively governed in terms of land use planning and management in a manner that is clear, transparent, responsive and compliant with legislative requirements.

It is therefore recommended that a planning proposal containing the amendments as outlined in Attachment 1 be forwarded to Planning and Infrastructure for Gateway Determination.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposed housekeeping amendments to LEP 2012 will provide Council with an accurate and improved regulatory framework for land use planning decisions within the Shire, consistent with the requirements of RMS. The amendments will prevent land use conflicts where future road widening is to occur and will promote safer roads and minimise traffic congestion.

RECOMMENDATION

A planning proposal be forwarded to Planning and Infrastructure setting out the proposed housekeeping amendments outlined in Attachment 1 of this report for Gateway Determination.

ATTACHMENTS

1. Schedule of proposed amendments to LEP 2012 map sheets (69 pages)