

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING INSTRUMENT: *THE STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006*

ADDRESS OF LAND: The planning proposal applies to the whole of the North Kellyville Precinct but will essentially affect split zoned lots throughout the precinct that are currently zoned partly R2 Low Density Residential zone and partly E4 Environmental Living zone under *The State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

MAPS:

- **MAP A** **Split zoned lots, North Kellyville Precinct (SEPP 2006)**

SUPPORTING MATERIAL:

- **Attachment A** **Council Report and Resolution dated 26 February 2013**
- **Attachment B** **State Environmental Planning Policies**
- **Attachment C** **Section 117 Directions**

BACKGROUND

Council wrote to the Department of Planning and Infrastructure concerning the subdivision of split zoned lots within the North Kellyville Precinct, because currently the minimum lot size for subdivision controls applying to the E4 Environmental Living Zone can prevent an orderly subdivision pattern where lots which are partly E4 zone and partly R2 Low Density Residential Zone.

The E4 zone and R2 zone interface is extensive in the North Kellyville Precinct because of the physical characteristics of the area. Given the extent of the interface and because all instances where split zoned lots will be an issue cannot be identified upfront, a precinct wide solution would need to be developed.

The Department of Planning and Infrastructure supported amending the precinct plan to provide flexibility for the subdivision of lots with split zonings (E4 and R2 zones) on the basis that the environmental values of the area was not compromised.

The intended effect of the split zone clause is to:

- allow greater flexibility,
- only apply to subdivision of land zoned E4 and R2,
- allow subdivision of E4 land below the minimum lot size (both only when resulting lots contain land in both the R2 and E4 zones,
- ensure that subdivision can occur in a manner that promotes sustainable land use and development, where the subdivision of E4 land below the minimum is required for the efficient use of land and there is a demonstrated need to create split zoned lots (based on detailed subdivision design/infrastructure requirements),
- ensure protection of native vegetation and environmentally sensitive land in the E4 zone and ensure biodiversity outcomes are not compromised, and
- maintain minimum lot size requirements for lots that are wholly zoned E4 and R2.

SITE DESCRIPTION

[illegible]

PART 1 OBJECTIVES OR INTENDED OUTCOMES

This will allow Council to consider subdivision of lots with split zoning (E4 and R2 zones) where the proposed lots and their boundaries do not match the zone boundaries and minimum lot sizes. It is intended that this would only apply where the variation is minor, the proposed lot pattern promotes orderly development and the environmental values of the area are not compromised.

PART 2 EXPLANATION OF THE PROVISIONS

The proposal involves an amendment to the Growth Centres State Environmental Planning Policy (SEPP) to provide flexibility for the subdivision of lots with split zoning providing that the environmental values of the area are not compromised.

Supporting the planning proposal will permit, with development consent, subdivision of land in E4 zone with a minimum lot size lower than 2000/4000 m² where it interfaces with the R2 zone. This approach is considered the most appropriate as it removes the need to amend the minimum lot size map each time there is a variation required.

PART 3 JUSTIFICATION

A. Need for the planning proposal

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

No – this planning proposal is Council initiated.

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

Yes – The planning proposal to amend the Growth Centre SEPP is considered the most appropriate as it removes the need to amend minimum lot size map each time there is a variation required.

B. Relationship to strategic planning framework

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

Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* identifies the North West Growth Centre as a new release growth area and includes objectives and actions to guide development of this area.

A relevant key objective in this plan is the provision for locating 30% of new housing in new release areas. The planning proposal is consistent with this objective as it assists delivery of new housing within North Kellyville Precinct.

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.

According to the Metropolitan Strategy 30% of new housing across the Sydney Region will occur in land release areas. Within the North West Subregion the majority of land release to 2031 will occur within the North West Growth Centre which includes the subject land (North Kellyville Precinct).

The planning proposal is consistent with the objectives of this strategy as it assists in achieving the relevant dwelling yield target.

4. Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?

The planning proposal is consistent with Hills 2026 Community Strategic Direction, Council's Draft Local Strategy and Residential 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 aspirations gathered throughout months of 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 2 - Lifestyle options that reflect our natural beauty.
BUG 2.1 – Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning.

The critical outcome which will be achieved through this proposal is provision of flexibility for subdivision of split zoned lots which has the potential to increase housing opportunities while considering the protection of environment.

The Hills Shire Local Strategy

Council's Draft Local Strategy was adopted in 2008, it 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 Residential Direction was adopted by Council in 2008 and aims to give Council, the community and developers a clear strategy for the future planning and management of residential development and growth to 2031. A key focus of the Residential Direction is to provide 'sustainable living' for the residents of the Shire in terms of economic, community and environmental outcomes.

It is considered that the planning proposal is consistent with the key focus.

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

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

SREP NO. 20 Hawkesbury-Nepean River

The aim of SREP No. 20 (NO.2 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the

impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy.

It is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No. 20(No.2 – 1997)

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

Section 117(2) of the Environmental Planning and Assessment Act 1979(EP&A Act) enables the Minister for Planning and Infrastructure to issue directions that Councils must address when preparing planning proposals for a new Local Environmental Plan. The planning proposal is generally consistent with the following relevant 117 Directions:

- a) Environment Protection Zone
- b) Residential Zones
- c) Home Occupations
- d) Integrating Land Use and Transport
- e) Flood Prone Land
- f) Bush Fire Protection
- g) Approval and Referral Requirements
- h) Site Specific Provisions
- i) Implementation of the Metropolitan Strategy

A discussion on the consistency of the proposal with each relevant direction is provided below:

Direction 2.1 Environment Protection Zone

The planning proposal is promoting flexibility in E4 zone on the basis that the environmental values of the E4 Living Zone are not compromised.

The planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal would not reduce the environmental protection standards that apply to the subject site.

Direction 3.1 Residential Zones

The planning proposal aims to provide flexibility for subdivision of split zoned lots to provide a range of housing choices which responds to both environmental constraints and the subdivision development standards included in the North Kellyville Development Control Plan.

It is considered that the planning proposal is consistent with the general aims of this direction.

Direction 3.3 Home Occupations

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

It is considered that the planning proposal is consistent with the general aims of this direction.

Direction 3.4 Integrating Land Use and Transport

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

It is considered that the planning proposal is consistent with the general aims of this direction.

Direction 4.3 Flood Prone Land

It is considered that the planning proposal is consistent with the general aims of this direction.

Direction 4.4 Bush Fire Protection

Any development that may occur on the subject site would be subject to the requirements of the NSW Rural Fire Act 1997 and Planning for Bushfire Protection 2006.

Direction 6.1 Approval and Referral Requirements

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

Direction 6.3 Site Specific Provisions

The planning proposal aims to amend the Growth Centres SEPP to rectify the zone flexibility anomaly. The planning proposal will remove the need to amend the minimum lot size map each time when there is a variation required, and will enable the efficient assessment of development applications by providing an appropriate level of flexibility without compromising environmental values.

The proposal is consistent with this Direction without imposing any development standards or requirements which are in addition to those already contained within the LEP 2012.

Direction 7.1 Implementation of the Metropolitan Strategy

The planning proposal assists delivery of new housing within North Kellyville Precinct and is considered to be consistent with the general aims of this direction.

C. Environmental, social and economic impact

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

The existence of untouched vegetation with high conservation values in the E4 Environmental Living zone has made this area important to be protected. Objectives of this zone include provision for low-impact residential development in areas with special ecological, scientific or aesthetic values and are to ensure that residential development does not have an adverse effect on those values.

The Department of Planning and Infrastructure supported the proposal on the basis that the environmental values of the area were not compromised; therefore it is considered that the proposed amendment to the SEPP should only allow minor variation.

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

Should a Development Application be lodged, a full assessment of environmental impacts should be undertaken with respect to a specific development scheme. Any future Development Application should be accompanied by the environmental assessments including but not limited to, a flora and fauna impact assessment.

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

The proposed amendment to The Growth Centre SEPP is consistent with recent policy decisions of Council and will assist with the provision for additional housing options on land close to a local centre and meet the outcomes and strategies to provide for balanced urban growth.

It is considered that the proposal will have positive social and economic effects as a result of allowing the viable development of land and increasing the opportunity of housing choice.

D. State and Commonwealth interests

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

North Kellyville Precinct is facilitated by numerous bus routes. It is therefore considered that there is a suitable public infrastructure within the precinct to support intensified uses on the site.

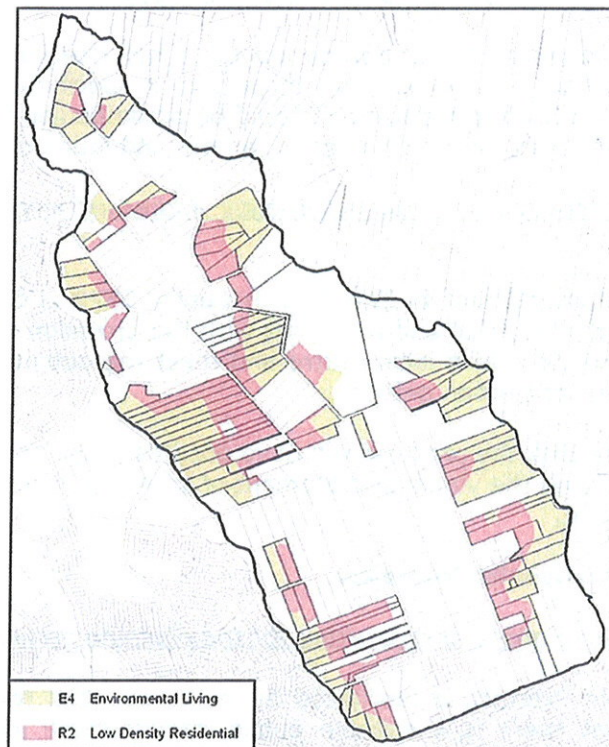
11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Following the Gateway determination, relevant agencies will be consulted. Any proposed variations to the planning proposal would be addressed in the submission following the consultation period.

PART 4 MAPPING

Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal including:

- the land subject to the planning proposal
- current land use zone/s applying to the land



Map A. Split zoned lots, North Kellyville Precinct

PART 5 COMMUNITY CONSULTATION

It is intended to advertise the proposed amendments in the local newspaper. The exhibited material will be on display at Council's Administration Building located at 129 Showground Road, Castle Hill between the hours of 8.30am to 4.30pm Monday to Friday as well as Castle Hill Library. The exhibition material will also be made available on Council's website.

PART 6 PROJECT TIMELINE

The following project timeline provides an estimated timeframe for each stage of the planning proposal:

STAGE	ESTIMATED DATE
Estimated Commencement Date (Gateway Determination)	March 2013
Estimated pre exhibition government agency consultation (where required by the Gateway Determination)	April 2013
Estimated commencement of public exhibition period	May 2013
Estimated completion of public exhibition period	June/July 2013
Estimated timeframe for consideration of submissions	July/ August 2013

Estimated timeframe for consideration of proposal post exhibition – Report to Council	September 2013
Estimated date Council will make the plan (if delegated)	October 2013
Estimated date Council will forward to Department for notification (if not delegated)	November 2013

