

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed Housekeeping Amendment 3 to *The Hills Local Environmental Plan 2012* (Amendment No (#)) – to update Schedule 5 – Environmental Heritage and the associated maps (18/2016/PLP).

ADDRESS OF LAND: Various (See Part 1)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	N/A	N/A	N/A
Jobs	N/A	N/A	N/A

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions.
Attachment C	Council Report and Resolution, 26 April 2016.
Attachment D	Proposed Mapping Amendments
Attachment E	Email from City of Parramatta re: exclusion of site on Speers Road

BACKGROUND:

The Hills Local Environmental Plan 2012 (LEP 2012) identifies 250 heritage items, heritage conservation areas and archaeological sites with local or State heritage significance. These items and sites reflect the past way of life in the Hills Shire and were identified as having heritage significance in the 1993/94 Baulkham Hills Shire Council Shire-Wide Heritage Study prepared by Graham Edds and Associates in conjunction with Penelope Pike and Ian Jack. Their inclusion in LEP 2012 ensures that these items are appropriately maintained, conserved and protected for future generations.

However, since the gazettal of LEP 2012 on 5 October 2012, ten (10) properties containing heritage items have been subject to subdivision and one (1) heritage item has been demolished.

Due to Council amalgamations on 12 May 2016, one (1) parcel which this planning proposal relates to is now located within the City of Parramatta Council. Based on advice received from City of Parramatta Council, it is requested that this amendment be excluded from the planning proposal prior to exhibition. As per the attached email (Attachment E), City of Parramatta Council has advised that as the proposed amendment is of minimal planning importance, they will undertake the required housekeeping amendments relating to this land as part of a future housekeeping LEP.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the proposed housekeeping amendment to *The Hills Local Environmental Plan 2012* (LEP 2012) is to ensure that the legal property descriptions and locations of heritage items located within the Shire are correctly identified within Schedule 5 of LEP 2012 and the associated Heritage Maps. Proposed amendments to The Hills LEP 2012 are:

Amendment No:	LEP 2012 Property Address	Item No:	Amended Property Address	Comment
1	64 Mackillop Drive, Baulkham Hills, Lot 2 DP817696	17	64 Mackillop Drive, Baulkham Hills, Lot 1002, DP1190982	Property description and maps amended to reflect subdivision

Amendment No:	LEP 2012 Property Address	Item No:	Amended Property Address	Comment
2	30-34 Showground Road, Castle Hill, Lot 1 DP840031	I66	30-34 Showground Road, Castle Hill, Lot 1, DP1201722	Property description and maps amended to reflect subdivision
3	Withers Road, Lot 1, DP540785	I104	30 Regent Honeyeater Grove, Kellyville, Lot 21, DP 1201600	Property description and maps amended to reflect subdivision
4	52 St Johns Road, Maraylya, Lot 31, DP872356	I140	52 St Johns Road, Maraylya, Lot 311, DP1190756	Property description and maps amended to reflect subdivision
5	61 Nelson Road, Nelson, Lot 1, DP999853	I153	61 Nelson Road, Nelson, Lot 201, DP1195181	Property description and maps amended to reflect subdivision
6	74 O'Briens Road, Cattai, Lot 13, DP270416	A5 & I71	74 O'Briens Road, Cattai, Lot 28, DP270416	Property description amended to reflect subdivision (no mapping amendment required)
7	196 Wisemans Ferry Road, Cattai, Lot 31, DP136837	A7	2 Caddie Road, Cattai, Lot 1, DP270953	Property description and maps amended to reflect subdivision.
8	76 Wisemans Ferry Road, Cattai, Lot 31, DP136837	I78	8 Dillwynia Avenue, Cattai, Lot 60, DP270953	Property description and maps amended to reflect subdivision.
9	76 Wisemans Ferry Road, Cattai, Lot 37, DP752039 & Lot 38, DP136838	A9	2 Caddie Road, Cattai, Lot 1, DP270953	Property description and maps amended to reflect subdivision.
10	76 Wisemans Ferry Road, Cattai, Lot 37, DP752039	I77	31 Wianamatta Circuit, Cattai, Lot 17, DP270953	Property description and maps amended to reflect subdivision.
11	50 Wisemans Ferry Road, Cattai, Lot 40, DP1144784	A8	2 Caddie Road, Cattai, Lot 1, DP270953	Property description and maps amended to reflect subdivision and correct location of item.
12*	Speers Road Crown Reserve No.37, 19-21, Lot H DP438487.	A21*	Speers Road Crown Reserve No.37, 19-21 Speers Road, North Rocks, Lot 10, DP1148832	Property description and maps amended to reflect subdivision. *At the time of Council's resolution to proceed with the Planning Proposal, this item was located within The Hills Shire LGA. However, in light of the proclamation concerning Parramatta Council on 12 May 2016, this site/item is now located within the City of Parramatta Council area. The City of Parramatta Council has requested that this be excluded from the planning proposal prior to exhibition and has advised that they will undertake the required housekeeping

Amendment No:	LEP 2012 Property Address	Item No:	Amended Property Address	Comment
				amendments relating to this land as part of a future housekeeping LEP.
13	92 Old Northern Road, Baulkham Hills, Lot D, DP370382	I14	N/A	This heritage item was of local significance and demolished with consent on 11 August 2015 (DA1411/2015/LA). The item was formally known as I14 No.92 Old Northern Road, Baulkham Hills, and was a single storey weatherboard cottage.
14	Spurway Drive, RMB 47-49 Windsor Road, Lot 2, DP1160957 and Lot 101, DP1176747	I25	RMB 47 Spurway Drive and Castle Hill Country Club, Spurway Drive, Baulkham Hills, Lot 101, DP1176747 and Lot 18, DP1201722	Property description amended to correct typographical error.
15	10 Gilbert Road, Castle Hill, Crown Reserve No.1000480, Lot 7300, DP114191	I52	10 Gilbert Road, Castle Hill, Crown Reserve No.1000480, Lot 7300, DP114191	Property description amended to correct typographical error.
16	10-12 Arberdour Avenue, Rouse Hill, Lots 50 and 51, DP193021	I182	10-12 Aberdour Avenue, Rouse Hill, Lots 50 and 51, DP193021	Property description amended to correct typographical error.

These proposed mapping amendments are outlined in Attachment D.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by amending The Hills LEP 2012 to update property descriptions within Schedule 5 of LEP 2012 and where relevant, update the associated heritage maps, to reflect the subdivision of ten (10) properties containing heritage items and demolition of one (1) heritage item since gazettal of LEP 2012. It is also proposed to rectify minor typographical errors within Schedule 5 of LEP 2012.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report however, it is required to correct property descriptions within Schedule 5 of LEP 2012 and where relevant, update the associated heritage maps, to reflect the subdivision of ten (10) properties containing heritage items and demolition of one (1) heritage item since gazettal of LEP 2012.

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 is considered to be the best way to achieve the intended outcomes.

SECTION 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)?*

Not Applicable – The proposal is not strategic in nature but rather seeks to ensure correct and accurate identification of existing heritage items.

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

Yes - The proposed housekeeping amendments to LEP 2012 will provide Council and the community with accurate up-to-date information with respect to heritage items within the Shire.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Not Applicable – The proposal is not strategic in nature but rather seeks to ensure correct and accurate identification of existing heritage items.

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

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with Section 117 Direction 2.3 – Heritage Conservation (being the only relevant s.117 Direction) is provided below.

Section 117 Direction 2.3 applies when a relevant planning authority prepares a planning proposal. The direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

It is considered that the planning proposal is consistent with the objectives of this Direction given it seeks to ensure that heritage items within the Shire are effectively identified, managed and protected through minor amendments to LEP 2012 and seeks to ensure that unnecessary heritage restrictions are removed from properties which no longer contain heritage items due to subdivision or demolition.

SECTION 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?*

No.

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

No.

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

The planning proposal is not anticipated to have any negative social and economic impacts.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

The proposal is to amend schedule 5 of the LEP and associated maps and therefore has no impact on public infrastructure in the area.

11. 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.)

A list of all relevant agencies would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted. It is considered that the Office of Environment and Heritage would be consulted during the Public Exhibition period.

PART 4 MAPPING

Attachment D includes a table of proposed amendments (13 updates in total). The proposal would reduce to 12 mapping updates if amended to exclude the amendment within City of Parramatta area. Each update has been allocated a unique 'amendment number' to assist with the interpretation of the extent of each change. For each update the table identifies the affected properties and the required amendment.

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to affected property owners.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	June 2016
Government agency consultation	July 2016
Commencement of public exhibition period (14 days)	July 2016
Completion of public exhibition period	August 2016
Timeframe for consideration of submissions	September 2016
Timeframe for consideration of proposal post exhibition	September 2016
Report to Council on submissions	October 2016
Planning Proposal to PCO for opinion	November 2016
Date Council will make the plan (if delegated)	November 2016
Date Council will forward to department for notification (if delegated)	November 2016

ATTACHMENT A: LIST OF 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	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. 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	
No. 71	Coastal Protection	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 (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	
Mining, Petroleum Production and		YES	NO	

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
Extractive Industries (2007)			
Miscellaneous Consent Provisions (2007)	YES	NO	
Penrith Lakes Scheme (1989)	NO	-	-
Port Botany and Port Kembla (2013)	NO	-	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	NO	
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	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	NO	
1.2	Rural Zones	YES	NO	
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	
1.4	Oyster Aquaculture	YES	NO	
1.5	Rural Lands	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	NO	
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	
3.3	Home Occupations	YES	NO	
3.4	Integrating Land Use and Transport	YES	NO	
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 NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific	NO	-	-

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