

The Hills LEP 2012 - 370 Old Northern Road, Castle Hill

Proposal Title : **The Hills LEP 2012 - 370 Old Northern Road, Castle Hill**

Proposal Summary : **The proposal seeks to facilitate an environmentally integrated housing development at 370 Old Northern Road, Castle Hill. The proposed development is to be subdivided for a neighbourhood scheme in accordance with the Community Land Development Act 1989, and is to result in not more than 13.2 dwellings per hectare of the total site area.**

PP Number : **PP_2016_THILL_009_00** Dop File No : **16/07766**

Proposal Details

Date Planning Proposal Received : **25-May-2016** LGA covered : **The Hills Shire**

Region : **Metro(Parra)** RPA : **The Hills Shire Council**

State Electorate : **CASTLE HILL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **370 Old Northern Road**

Suburb : **Castle Hill** City : Postcode :

Land Parcel : **Lot 2 DP 135804**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**

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RPA Contact Details

Contact Name : **Ashley Cook**

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **N/A**

MDP Number :		Date of Release :	
Area of Release (Ha) :	2.88	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	38
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal seeks to facilitate an environmentally integrated housing development of up to 38 dwellings on a 2.9 hectare site zoned E4 Environmental Living.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to introduce a local clause in The Hills LEP 2012 to allow an environmentally integrated housing development that results in not more than 13.2 dwellings per hectare (of the total existing site area), is subdivided in accordance with the Community Land Development Act 1989 for a neighbourhood scheme, and ensures the protection of the landscape and biodiversity setting of the land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 19—Bushland in Urban Areas**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **2.1 Environment Protection Zones**

The planning proposal submitted to Council by the proponent called for a rezoning of the bulk of the site from E4 Environmental Living to R3 Medium Density Residential and application of the E2 Environmental Conservation zone to a portion of land at the southern edge of the site containing Blue Gum High Forest.

Council was of the opinion that E4 Environmental Living was and continued to be the appropriate zone for the site, but felt that there was capacity for some medium density development on the site if delivered with an appropriate commitment to retention of the environmental value of the site. Council therefore resolved to adopt the intended local provision relating to environmentally integrated development. Environmentally integrated development was a defined land use contained in earlier local environmental plans in The Hills (formerly Baulkham Hills), and its objectives ensured that emphasis be placed on the protection of environmentally significant or sensitive land. These objectives are to be retained in Council's intended local provision.

It is considered that the intended provisions will provide adequate protection for the environmental value of the subject land, and therefore that the planning proposal is consistent with this Direction. However, the Office of Environment and Heritage should be consulted prior to exhibition.

2.3 Heritage Conservation

The subject land is adjacent to Castle Hill Heritage Park, which is listed on the State Heritage Register as 'Third Government Farm (former)'. The proposed pattern of development is of a smaller scale and bulk than that adjoining the park to the south, and vegetation on the edge of park will provide some visual separation.

It is considered that the planning proposal will not have an adverse impact on the heritage value of Castle Hill Heritage Park, and therefore that the proposal is consistent with this Direction. However, the Office of Environment and Heritage (Heritage Branch) should be consulted prior to exhibition.

3.1 Residential Zones

The planning proposal seeks to facilitate an environmentally integrated housing development on land zoned E4 Environmental Living. This will provide variety and choice in the local housing market, as per one of the objectives of this Direction. Another objective of the Direction is to minimise the impact of residential development on the environment and resource lands, and it is considered that the planning proposal's retention of the site's Blue Gum High Forest is consistent with this objective.

It is considered that the proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport

The proposal will facilitate increased residential density in a location in close proximity to bus stops serving a number of different routes. This will assist in providing housing and housing choice in an area well served by public transport.

As such, the planning proposal is consistent with this Direction.

4.4 Planning for Bushfire Protection

Direction 4.4 applies as the site is identified as Vegetation Category 1 and Buffer on Council's Bushfire Prone Land Map. The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and prior to community consultation. The Rural Fire Service provided Council with advice relating to an earlier subdivision application for 14 residential lots on the subject site, and Council has resolved to cap residential density for the site at 13.2 dwellings per hectare and require any future development application for the site to include suitable asset protection zones (to be assessed by the Rural Fire Service).

The proposal is considered consistent with Direction 4.4 subject to Council completing the consultation process with NSW Rural Fire Service (as conditioned in the Gateway determination).

6.1 Approval and Referral Requirements

Direction 6.1 applies on preparation of any planning proposal. The proposal is a straightforward rezoning that does not require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal has not been identified as designated development.

The planning proposal is therefore considered to be consistent with Direction 6.1.

6.3 Site Specific Provisions

While the proposal seeks to introduce a local clause in The Hills Local Environmental Plan 2012 to facilitate a specific development, in doing so it will allow a specific range of land uses which are permissible in a number of other zones, and it does not seek to apply any development standards that are not already within The Hills LEP 2012. The introduction of the local clause will enable the proposed development without requiring the rezoning of the land from E4 Environmental Living to a residential zone whose objectives provide less environmental protection. However, there appears to be no compelling reason for the introduction of a local clause as opposed to utilising Schedule 1 Additional Permitted Uses, and it is likely that the use of Schedule 1 would provide greater clarity for stakeholders and a more streamlined instrument.

Any inconsistency with this Direction is considered of minor significance. However, Council should consider delivering the outcomes of the planning proposal via Schedule 1 Additional Permitted Uses rather than as a local clause.

SEPP No 19—Bushland in Urban Areas

The general aim of the SEPP is to protect and preserve bushland within urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.

Specifically, the SEPP aims to protect the remnants of plant communities which were once characteristic of land now within an urban area, to protect rare and endangered flora and fauna species and to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

The planning proposal seeks to retain an area of Blue Gum High Forest (a critically endangered ecological community under the Threatened Species Conservation Act) within a landscape reserve adjacent to an existing public park (Castle Hill Heritage Park). This landscape reserve will be subject to a plan of management established under Clause 8 of the SEPP.

As such, the planning proposal will deliver on a number of objectives of the SEPP, and is considered to be consistent with the SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The only mapping amendment proposed as part of the planning proposal is the addition of the site to the key sites map. Council has provided extracts of the existing and proposed key sites maps.

Council has also provided an aerial photograph clearly identifying the site in context, as well as a concept plan showing the proposed subdivision and dwelling layout.

It is considered that Council has provided adequate mapping to identify the site and Council's intentions for the site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has described the means of its intended community consultation and has suggested a 28-day exhibition period.

Given that the planning proposal is largely routine but does have potential environmental and bushfire-related impacts, it is considered that 28 days is an appropriate timeframe for community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning proposal : The planning proposal is not the result of any strategic study or report, but was instead initiated by a private landowner. However, the planning proposal submitted by Council differs significantly from that submitted to Council by the proponent, as Council has considered the best outcomes for the subject land in light of the available strategic planning framework.

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The planning proposal seeks to deliver up to 38 townhouses in an area generally dominated by detached housing. As such, it is consistent with Direction 2.1 (Accelerate housing supply across Sydney) and Direction 2.3 (Improve housing choice to suit different needs and lifestyles).

The planning proposal also seeks to deliver housing that is environmentally integrated and to preserve and enhance the site's Blue Gum High Forest by means of a managed landscape reserve adjacent to the Castle Hill Heritage Park. As such, it is consistent with Direction 3.3 (Create healthy built environments) and Direction 4.1 Protect our natural environment and biodiversity.

Given these consistencies, and given that the planning proposal is not demonstrably inconsistent with any objective of A Plan for Growing Sydney, it is considered to be broadly consistent with A Plan for Growing Sydney.

THE HILLS ADOPTED DRAFT LOCAL STRATEGY

The planning proposal is consistent with the Local Strategy's Residential Direction in that it will deliver dwellings of a type (townhouses) that is not prevalent in the local area, assisting in meeting the Direction's goals of housing supply and housing diversity.

The planning proposal is also consistent with the Local Strategy's Environment and Leisure Direction, in that it will provide active measures to preserve the site's Blue Gum High Forest, which is a critically endangered ecological community under the Threatened Species Conservation Act.

The close proximity of bus stops linking the site to a number of destinations means that the planning proposal is also consistent with the Strategy's Integrated Transport Direction.

Given these consistencies, and given that the planning proposal is not demonstrably inconsistent with any objective of the Adopted Draft Local Strategy, it is considered to be broadly consistent with the Strategy.

Environmental social economic impacts :

ENVIRONMENTAL

The planning proposal seeks to introduce a potentially more intensive land use on land zoned E4 Environmental Living, which creates the potential for adverse environmental impacts. However, the proposal seeks to introduce provisions which will limit these impacts, and seeks to introduce a managed reserve with a plan of management to be assessed under clause 8 of SEPP No 19—Bushland in Urban Areas, and it is expected that this will provide better protection of the site's Blue Gum High Forest (a critically endangered ecological community under the Threatened Species Conservation Act) than the status quo. This ecological community has linkages to the adjacent Castle Hill Heritage Park, and it is considered that this will result in a positive environmental outcome.

It should be noted that the site is mapped as Bushfire Vegetation and Bushfire Vegetation Buffer, and that asset protection zones will therefore be required for the proposed development, necessitating some clearing of land. The impacts of this clearing should be considered following consultation with the Rural Fire Service (which is required prior to exhibition in order to satisfy s117 Direction 4.4 Planning for Bushfire Protection).

SOCIAL

The overall social impacts of the planning proposal are likely to be neutral. The proposal will provide housing supply and housing choice for the local area, and will do so in an area well served by public transport and access to public open space. However, by increasing the local population, the proposal will also contribute to a need for increased social infrastructure and will affect the views to the east of Castle Hill Heritage Park.

ECONOMIC

The proposal will have little economic impact beyond the positive impact of construction and slightly increased commercial opportunities due to local population increase.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority : **Office of Environment and Heritage**
 Consultation - 56(2)(d) : **Transport for NSW**
 : **NSW Rural Fire Service**
 : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
370 Old Northern Road - Cover letter.pdf	Proposal Covering Letter	Yes
370 Old Northern Road - Planning proposal.pdf	Proposal	Yes
370 Old Northern Road - Council report 26 April 2016.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones**
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information : **1. Prior to undertaking public exhibition, Council should give consideration to delivering the intended outcome of the planning proposal via use of Schedule 1**

Additional Permitted Uses rather than via a local clause.

2. Prior to undertaking public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Rural Fire Service;
- Office of Environment and Heritage;
- Office of Environment and Heritage – Heritage Branch;
- Transport for NSW; and
- Roads and Maritime Services.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The planning proposal is to be amended to include the outcome of this consultation and respond, as necessary. Any public authority submissions received are to be included in the exhibition materials for community consultation.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

As the planning proposal is routine in nature and is not considered to be of State or regional significance, it is recommended that delegation be given to Council in this instance.

Supporting Reasons : The planning proposal seeks to deliver a sensitive residential outcome on land which has been identified as having environmental significance. It is considered that the planning proposal is likely to deliver positive environmental outcomes as well as providing housing supply and housing diversity for the local area.

Signature:



Printed Name:

Chris Browne

Date:

7/7/2016