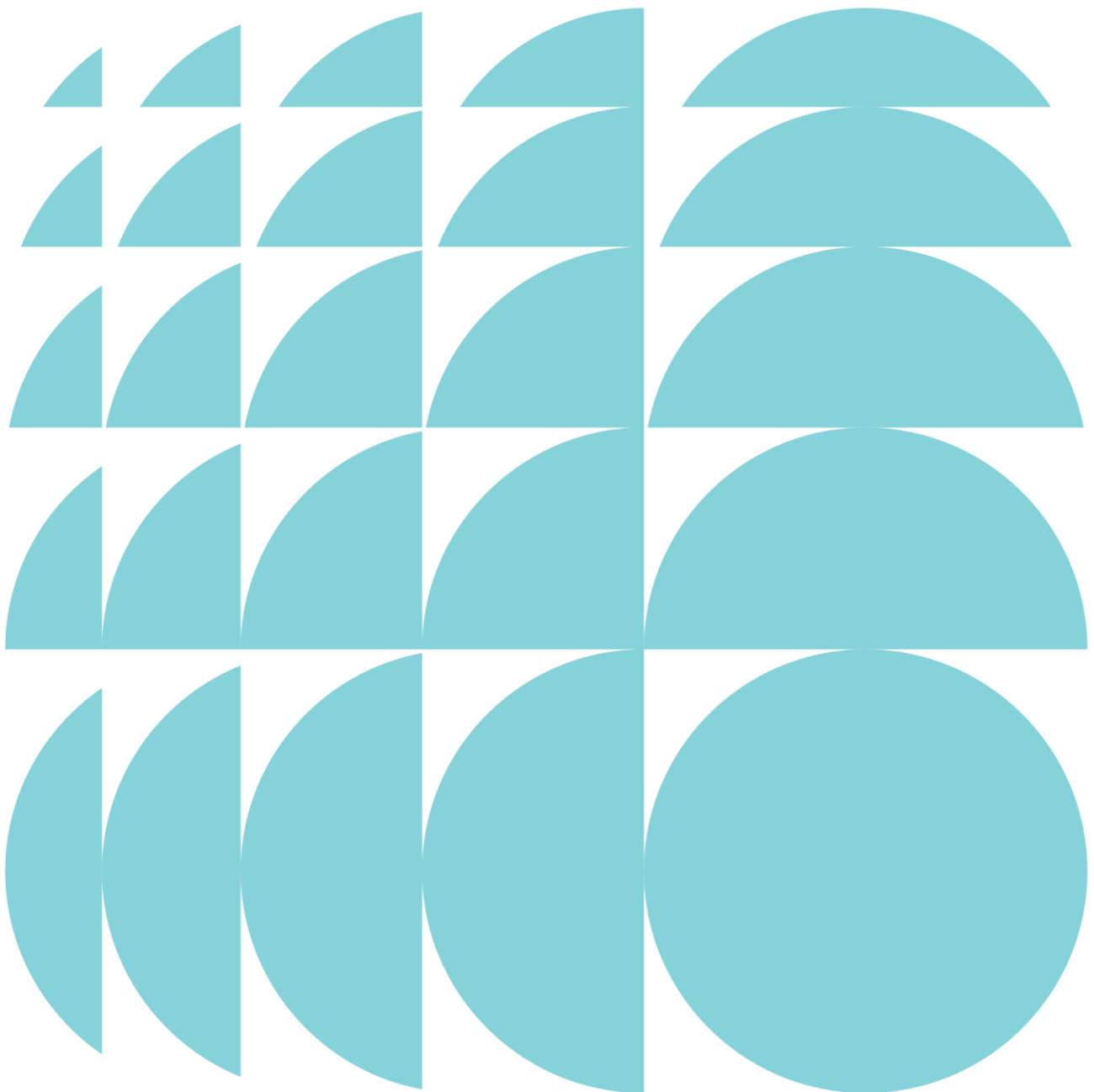


## Planning Proposal

30-32 Telfer Road, Castle Hill  
Amendment to The Hills LEP 2019

Submitted to The Hills Shire Council  
On behalf of JS Architects

20 August 2021 | 2210089



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## Executive Summary

This report has been prepared by Ethos Urban on behalf of JS Architects, the landowners of the site at 30-32 Telfer Road, Castle Hill (the site) in support of a Planning Proposal to amend the Hills Local Environmental Plan 2019. Specifically, this Planning Proposal seeks to:

- Rezone the site from E4 Environmental Living to R2 Low Density Residential; and
- Reduce the minimum lot size control for the site from 200m<sup>2</sup> to 700m<sup>2</sup>.

An indicative plan of subdivision for four (4) residential lots and one right of carriageway (ROW) has been prepared to demonstrate the site's capacity to accommodate residential dwellings in a manner which reflects the proposed amendments.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the former NSW Department of Planning and Infrastructure including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

### The Site

The site is located within an established residential area in Castle Hill which is located approximately 1km (15 min) walking distance from Castle Towers, a regionally significant shopping centre, and Castle Hill Station and bus interchange which provides high frequency transport to Parramatta, Norwest, Macquarie Park, Chatswood and the Sydney CBD beyond. The site is also close to a number of schools (including Castle Hill Public School and Castle Hill High School) and other active and passive public open space areas.

Further, with the exception of the site being identified as having landslide risk, the site is not burdened by any environmental constraints that would prevent or restrict development of the site.

### Strategic Merit

At State level, the Greater Sydney Region Plan and the Central City District Plan are the central strategic policies against which the proposal's strategic merit is to be considered. The fundamental strategic vision of both documents is to create a '30-minute city' whereby residents live within 30 minutes travel of their place of work. The site is located within close to Castle Towers and Castle Hill Station providing residents with convenient retail offerings and high frequency public transport to strategic employment centres including Norwest, Parramatta and Macquarie Park. The Planning Proposal to facilitate appropriately scaled low density residential development at the site is entirely consistent with the State Government's strategic planning vision to create a '30-minute' city with integrated land use and transport connections consistent with objectives 10, 11 and 14 of the Greater Sydney Region Plan.

The site is located in an appropriate and accessible location for additional low density residential dwellings, the proposal is also consistent with Planning Priority C5 in the Central City District Plan "provide housing supply, choice and affordability, with access to jobs, services and public transport".

The Hills Local Strategic Planning Statement represents Council's strategic framework to guide the delivery of its nominated housing supply targets and objectives. Council seeks additional and diverse types of housing supply in accessible and appropriate locations which also protect and enhance the natural environment. The Planning Proposal seeks the rezoning of land to accommodate a modest increase of low density housing, is in an appropriate location and will assist Council in reaching its dwelling target of 38,500 new dwellings by 2036.

### Site Specific Merit

The indicative plan of subdivision submitted with the Planning Proposal is compatible with the existing subdivision pattern in the immediate surrounding area. The Planning Proposal seeks the same development standards as neighbouring R2 zoned land to the south and east which will result in development with a consistent residential character in the locality. This Planning Proposal seeks to provide a suite of low intensity residential land uses which better reflect the existing characteristics of the site.

The site is not known to contain remnant vegetation or biodiversity values with the existing site containing a large residential dwelling, trees on or near the site boundary and a significant portion of the site containing groundcovers. The geotechnical assessment concludes that landslip risk management processes and risk treatments will protect future development.

The site is located close to neighbouring schools, parks and shops and the site is located near frequent Metro and bus connections to Parramatta, Macquarie Park, Norwest and the Sydney CBD beyond. The utilities assessment indicates that the proposal has sufficient connections to accommodate the proposed increase in residential density.

This Planning Proposal demonstrates both strategic merit and site-specific merit.

### **Planning Process and Next Stages**

It is requested that Council consider the proposed amendments to *The Hills Local Environmental Plan 2019* contained in this Planning Proposal and, if Council forms the view that there is strategic merit in proceeding with the recommended amendments, refer the proposal to the NSW Department of Planning, Industry and Environment's Gateway Determination Panel.

## 1.0 Introduction

This report has been prepared by Ethos Urban on behalf of JS Architects in support of a Planning Proposal (Planning Proposal) to amend the Hills Local Environmental Plan 2019 (THLEP 2019) as it relates to 30-32 Telfer Road, Castle Hill (the site).

The objective of this Planning Proposal is to amend the THLEP 2019 to achieve a modest increase in density on the site in a manner consistent with neighbouring residential land. Therefore, this Planning Proposal seeks the following amendments:

- Rezone the site from E4 Environmental Living to R2 Low Density Residential; and
- Reduce the minimum lot size control from 2000m<sup>2</sup> to 700m<sup>2</sup>.

This Planning Proposal will amend these controls to facilitate the provision of four (4) lots for residential dwellings and one right of carriageway (ROW) within an established residential area. The controls sought are entirely consistent with the controls adopted for R2 zoned land to the immediate south and east of the site and the broader Hills Local Government Area (LGA). Therefore, the built form impacts resulting from this Planning Proposal will be the same as that in R2 zoned land. In addition, the site is within walking distance (1km) from Castle Towers, an established shopping centre, and the Castle Hill Station and bus interchange which links the site with regional and employment centres such as Rouse Hill, Norwest Business Park, Macquarie Park and the Parramatta and Sydney CBD beyond.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. **Section 5.0** of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the following expert consultant reports appended:

- Draft Plan of Subdivision prepared by JS Architects (**Appendix A**)
- Survey Plan prepared by Summit (**Appendix B**)
- Landslide Risk Assessment Report prepared by Geotesta (**Appendix C**)
- Draft LEP maps prepared by Ethos Urban (**Appendix D**)

### 1.1 Pre-lodgement Consultation

The Applicant has met with the Council's Duty Planner to discuss the Planning Proposal on 11 June 2019 and 28 January 2021. No formal feedback was provided.

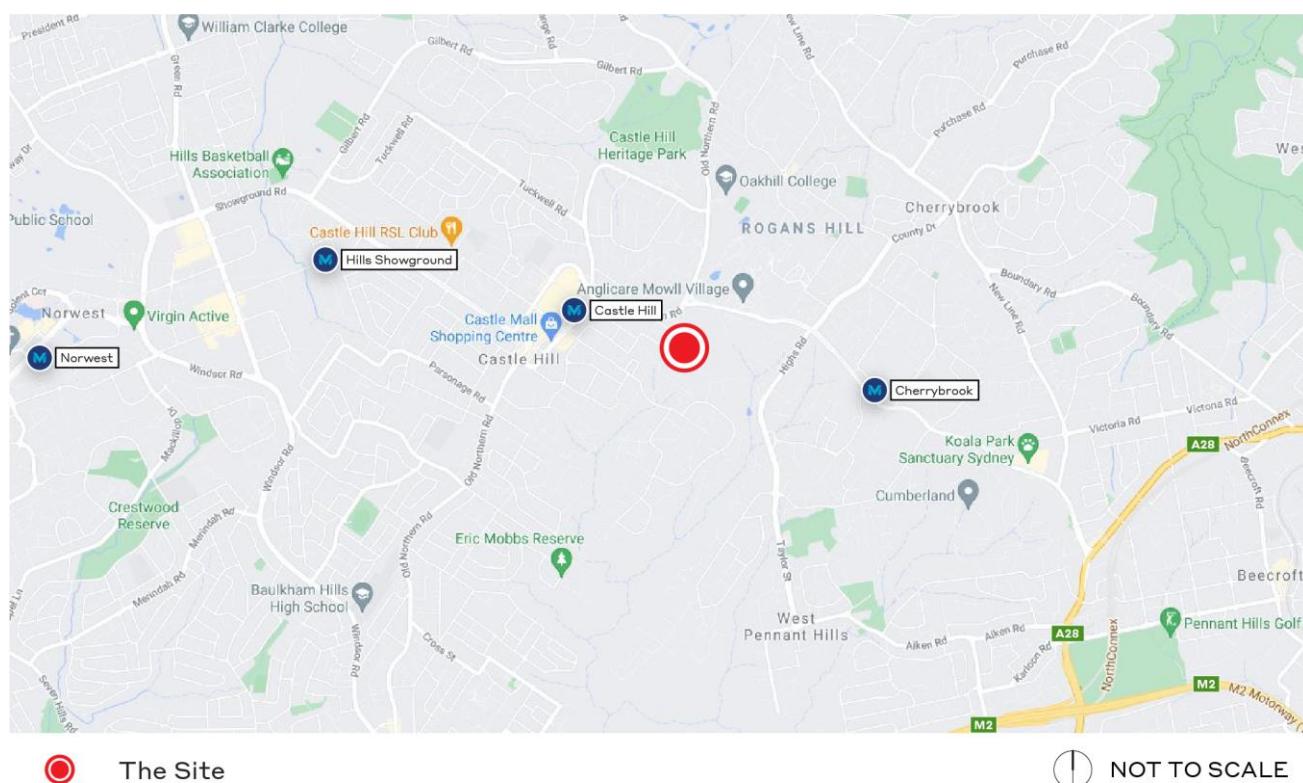
## 2.0 The Site

### 2.1 Site Location and Context

The site is located approximately 1km to the south-east of the Castle Hill Town Centre in the Hills LGA and is approximately 10km to the north of Parramatta CBD and 23km to the north west of the Sydney CBD. The site is located away from the hill ridge on Castle Hill Road and The Northern Road to the north and east and land in the locality generally slopes from the north to south and east.

The Castle Hill Town Centre contains numerous shopping and retail stores in its commercial area including two shopping centres (Castle Towers and Castle Mall), the Castle Hill metro station and the Castle Hill bus interchange. Metro and bus services link Castle Hill with high frequency transport to local and regional employment centres including Norwest, Macquarie Park, Parramatta, Chatswood and the Sydney CBD. The site is located within 350m of a bus stop on the southern frontage of the Old Northern Road and within 400m of a bus stop on the northern frontage of the Old Northern Road which provide services throughout the Hills District and to Parramatta, Epping and Hornsby.

The site is located within a low density, established residential area of Castle Hill. Vegetation and bushland is located approximately 200m to the north east of the site between Castle Hill Road and Glen Street. There is no discernible difference in residential character between the site and E4 Environmental Living zoned land to the north, R3 zoned land to the west and R2 Low Density Residential zoned land to the south and east.



**Figure 1 Context Map**

Source: Google Maps & Ethos Urban

The surrounding area contains a number of community facilities, public transport, recreational facilities and other land uses that support the strategic merit of the Planning Proposal and more specifically, the future use of residents. Key locations and their distance from the site are outlined in **Table 1**.



**Table 1 Key locations in the surrounding area**

Location	Travel distance from the site
Castlewood Park	900m
Castle Hill Station	1km
Castle Towers	1km
Castle Hill Public School	1.5km
Greenup Park	1.5km
Castle Hill Heritage Park	2.2km
Castle Hill High School	2.3km

## 2.2 Site Description

The site is legally described as Lot A DP 358163. The site has an area of approximately 4,293m<sup>2</sup> and has a frontage of approximately 40m to Telfer Road and is rectangular in shape. A Survey Plan is located at **Appendix B**.

The site currently contains one residential dwelling with two driveways to Telfer Road, with the dwelling located to the north of the site near the street frontage. The site slopes 10m from north west to south east. Grass and groundcovers are largely located behind the dwelling, with other vegetation concentrated to the southern and eastern portions of the site. The Survey Plan indicates that 15 trees are located on the site.

The site (along with land to the west and the north) is identified as landslide risk under THLEP 2019. However, the site is not burdened by the following environmental constraints:

- Heritage and conservation;
- Critical habitats;
- Road widening, realignment or Council land acquisition;
- Bushfire;
- Acid Sulfate Soil; and
- Flooding or overland flow.

An aerial photo of the site is shown at **Figure 2** below.



**Figure 2 Aerial Map**  
Source: Nearmap & Ethos Urban





**Figure 3**      **The Site as viewed from Telfer Road**

*Source: Ethos Urban*

## 2.3 Surrounding Development

Low density residential uses predominate the surrounding area, with detached dwelling houses being the primary development typology in the vicinity. The character of surrounding development is shown in **Figures 4 – 8** below.



**Figure 4** Residential development to the north of the site at Telfer Road

Source: Ethos Urban



**Figure 5** Residential development to the south of the site at Ilyarie Place

Source: Ethos Urban





**Figure 6** Residential development to the south of the site at Telfer Road

Source: Ethos Urban



**Figure 7** Residential development to the east of the site at Telfer Way

Source: Ethos Urban



**Figure 8** Residential development to the west of the site at Telfer Road

Source: Ethos Urban

## 2.4 Current Planning Controls

### 2.4.1 The Hills Local Environmental Plan 2019

The key planning controls that currently apply to the site under the Hills LEP are outlined in **Table 2** below.

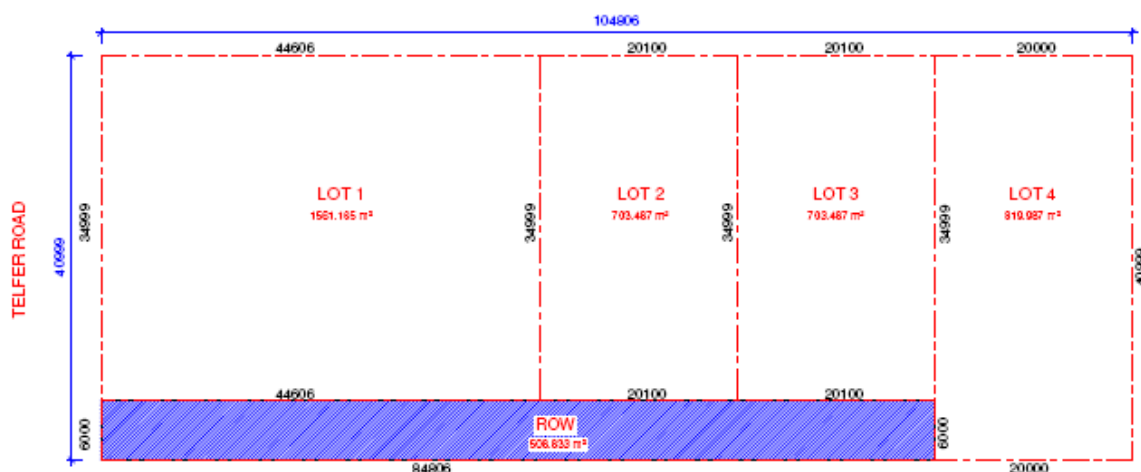
**Table 2** Current controls under THLEP 2019

Control	Comment
Land Use Zoning	The site is zoned E4 Environmental Living which permits the following residential uses:  Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental protection works; Home-based child care; Home businesses; Oyster aquaculture; Pond-based aquaculture; Roads; Secondary dwellings; Tank-based aquaculture
Minimum Lot Size	The site has a minimum lot size control of 2000m <sup>2</sup> .
Building Height	The site has a maximum building height control of 9m.
Floor Space Ratio	No Floor Space Ratio control applies to the site.
Landslide Risk	Clause 7.6 of THLEP 2019 relates to landslide risk and applies to the site. The object of this clause is to ensure that development is commensurate to the underlying geotechnical conditions and to restrict development on unsuitable land.

### 3.0 Proposed Subdivision and Planning Proposal

#### 3.1 Overview

This planning proposal aims to facilitate the subdivision of the site into four (4) lots with each approximately 700m<sup>2</sup> in area and one ROW as depicted below in **Figure 9**. This will enable residential dwellings to be developed on the site.



**Figure 9 Plan of Subdivision**

Source: JS Architects

A site specific DCP is not proposed. Future development will be designed with reference to the relevant sections of the Hills Development Control Plan 2012 or be developed under a Complying Development Certificate under Part 3 Housing Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

#### 3.2 Proposed Amendments to The Hills Local Environmental Plan 2019

The Planning Proposal seeks to amend the THLEP 2019 to facilitate a residential subdivision generally consistent with the indicative subdivision plan in **Appendix A** and extracted above in **Figure 9**. The proposed LEP controls are detailed below.

- Land Use Zoning - the land use zone of the site on the Land Zoning Map is to be amended from E4 Environmental Living to R2 Low Density Residential which permits dwelling houses on the site.
- Minimum Lot Size - the minimum lot size control of the site on the Lot Size Map is to be amended from a V1 designation (permitting a minimum lot size of 2,000m<sup>2</sup>) to a Q designation (permitting a minimum lot size of 700m<sup>2</sup>).

It is noted that the existing maximum height of buildings control of 9m which applies to the site is not proposed to be amended. No Floor Space Ratio (FSR) control applies to the site and this Planning Proposal does not seek to change this.



## 4.0 Strategic Justification

The following section considers the Planning Proposal against the Department of Planning and Environment's Strategic Merit and Site-Specific Merit Tests for Planning Proposals.

### 4.1 Strategic Merit Test

*A Guide to Preparing Planning Proposals* sets out that in order to answer this question, a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

**Is the proposal consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?**

#### Greater Sydney Region Plan

'A Metropolis of Three Cities – The Greater Sydney Region Plan' was released by the Greater Sydney Commission in March 2018. This outlines actions to achieve the State Government's vision for Sydney to 'enhance its status as one of the most liveable global cities'. It sets out the 40 year vision objectives, strategies and actions for developing a three city metropolis model for greater Sydney comprising the Western Parkland City (near the future Western Sydney Airport), the Central River City (Parramatta) and the Eastern Harbour City (Sydney).

The Plan's Vision for 2056 promotes the '30 minute city' concept across greater metropolitan Sydney, allowing people to live, work and access amenities and services in a highly accessible manner. The Plan also advocates for more housing in the specific locations and encourages urban renewal of particular sites which benefit from existing and proposed infrastructure. The Plan identifies emphasises the importance of aligning population growth with infrastructure investment to create liveable and well serviced cities.

The plan includes 40 separate objectives to achieve this vision across the following themes:

- Infrastructure and collaboration;
- Liveability;
- Productivity; and
- Sustainability.

The Planning Proposal aligns with the objectives of the Greater Sydney Region Plan by amending the existing planning framework to allow for additional residential capacity and improving housing choice in an accessible and appropriate location near the Strategic Centre of Castle Hill. This improves the level of housing supply in an area close to shops and public transport and improves the diversity of new housing in the area. Therefore, this aligns with the objectives of the plan. Further comment is provided in **Table 3** below.

**Table 3 Consistency with the Metropolis of Three Cities – Greater Sydney Region Plan**

Objective	Planning Proposal
Objective 10. Greater housing supply	The Planning Proposal meets this objective by amending the existing planning controls to enable a four (4) lot residential subdivision for dwellings in an established residential neighbourhood. This represents the orderly and economic development of land and results in greater housing supply for the residential suburb of Castle Hill.
Objective 11. Housing is more diverse and affordable	The Planning Proposal seeks to increase the number of new dwellings in the suburb of Castle Hill, where most new housing is in the form of apartments and other higher density typologies near the town centre. This improves the diversity of new housing in the locality and improves affordability by increasing supply.
Objective 14. A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The Planning Proposal meets this objective by:



Objective	Planning Proposal
	<ul style="list-style-type: none"> <li>Creating an opportunity for additional dwellings within a short distance of the Castle Hill town centre;</li> <li>Supports the delivery of existing transport infrastructure including Sydney Metro and bus by ensuring additional residential capacity is located in an accessible location;</li> <li>Will contribute additional monetary contributions towards the provision of community infrastructure to service the growing city.</li> </ul>
Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal does not remove any ecological habitat and the site is not identified to contain bushland, remnant vegetation or biodiversity values as the site is used for residential purposes.
Objective 30. Urban tree canopy cover is increased	The urban tree canopy can be preserved as part of any future development of the site for the purposes of dwellings.

### Central City District Plan

The Greater Sydney Commission's overarching vision for the Central City is to provide a 30-minute city in a manner consistent with the Greater Sydney Region Plan. This means that residents in the Central City District will have quicker and easier access to a wider range of jobs, housing types and activities. The Central City District Plan sets out 20 strategic Planning Priorities to achieve the vision.

The Planning Proposal is consistent with Planning Priority C5 – "Providing housing supply, choice and affordability with access to jobs, services and public transport". The Planning Proposal is consistent with Planning Priority C5 for the following reasons:

- The Planning Proposal will boost housing supply within the established residential neighbourhood of Castle Hill a short distance from established retail, community facilities and high frequency public transport, in a manner consistent with the District Plan and will also enable the existing community to remain in place.
- The site is accessible and represents a large landholding in Castle Hill. The delivery of additional housing is to be prioritised to meet the changing needs of the local community.
- The site is within walking distance of the Castle Towers shopping centre and within 30 minutes travel time on public transport to Parramatta CBD, Macquarie Park and Norwest. Therefore, it is in a strategically appropriate location to deliver the '30-minute City' by taking advantage of the amenity, services and employment opportunities provided by the surrounding strategic centres which include a full range of office, government, retail, cultural, entertainment and recreational activities.

### Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

#### The Hills Local Strategic Planning Statement

Hills Future 2036, The Hills Shire Council's Local Strategic Planning Statement (LSPS), links the State's regional planning framework with Council's local planning framework and sets out Council's short-, medium- and long-term priorities on infrastructure, liveability, productivity and sustainability to a 20 year horizon. The LSPS was endorsed by Council on 22 October 2019.

The LSPS presents 23 Planning Priorities which seek to shape the growth of the LGA. Applicable Planning Priorities relating to housing and the environment are reproduced below. In summary, the Planning Proposal is consistent with the outcomes of the Hills LSPS.

**Table 4 Consistency with Hills LSPS**

Planning Priority	Comment
Planning Priority 6: Plan for new housing to support Greater Sydney's growing population	The Planning Proposal seeks to amend the existing suite of planning controls to provide four (4) new dwellings within an area with an established residential character and serviced by existing utilities. This will assist Council to reach its new dwelling target of 38,500 dwellings by 2036. The site is not industrial, employment or rural land.

Planning Priority	Comment
Planning Priority 7: Plan for new housing in the right locations	The site is within walking distance of the Castle Hill station precinct which provides transport, employment and services which are easily accessible to future residents.
Planning Priority 8: Plan for a diversity of housing	The provision of new dwelling house stock in Castle Hill as sought by this Planning Proposal seeks to balance new housing in this location with higher density apartment style housing stock closer to the Castle Hill metro station. This provides a diversity of new housing which may be constructed in the suburb of Castle Hill.
Planning Priority 17: Protect areas of high environmental value and significance	Although the site is zoned E4 Environmental Living, the site currently contains one dwelling house and groundcovers to the rear with little environmental significance and ecological value. The site is largely reflective of its neighbouring residential zoned character and this Planning Proposal seeks to rezone the site to better reflect its own existing characteristics which do not significantly reflect environmental values.
Planning Priority 20: Prepare residents for environmental and urban risks and hazards	The site has a landslide risk overlay in the THLEP 2019. The geotechnical site investigation carried out by Geotesta in <b>Appendix C</b> concludes that the risks of shallow slump failure and deep seated failure are respectively unlikely and rare likelihood. A number of landslide risk management strategies are recommended in the report including the design of slope stabilisation mechanisms, drainage, footing designs and cut and fill which are to be adopted by any future DA for dwellings on the site.

### Hills Draft Local Housing Strategy

The Hills Draft Local Housing Strategy (LHS) was prepared to outline the strategic direction to manage the residential population growth anticipated between 2016 and 2036 which is envisioned to be between 162,500 people to 290,900 people, or approximately 80% of the existing population. The draft LHS has been prepared to reflect the planning priorities of the Hills LSPS, specifically the following:

- plan for new housing to support Greater Sydney's growing population;
- plan for new housing in the right locations;
- plan for a diversity of housing;
- renew and create great places; and
- provide social infrastructure and retail services to meet residents' needs.

Although the draft LHS has not yet been endorsed by DPIE, the Planning Proposal is consistent with these planning priorities for the following reasons:

- The Planning Proposal seeks to increase the supply of housing in an accessible location close to schools, public transport, retail and other services close to an existing town centre;
- The Planning Proposal seeks to broaden the residential uses permissible on the site and proposes built form controls which are entirely consistent with neighbouring R2 zoned land which will result in acceptable built form impacts; and
- There is sufficient public infrastructure and utility services which can accommodate the minor increase in residential density.

Therefore, the proposal is consistent with the provisions of the Hills draft LHS.

## 4.2 Site Specific Merit Test

### Does the proposal have site-specific merit?

Table 5 below considers the planning proposal against the Department's site-specific merit test.

**Table 5 Strategic Merit Test**

Site Specific Merit	Comment
the natural environment (including known significant environmental values, resources or hazards) and	<p>The site does not contain any remnant vegetation or bushland and the existing dwelling and groundcovers are located on much of the site. The site is not known to accommodate endangered natural habitats. The site is located within a significant area of existing urban development and has been substantially cleared and developed in the past.</p> <p>Therefore, the Planning Proposal to facilitate a minor increase in density on the site is acceptable on environmental grounds.</p>
the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and	The Planning Proposal seeks to amend the existing suite of planning controls for the site to be entirely consistent with controls on the neighbouring R2 zoned land.
the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The Planning Proposal will not create any significant demands on the existing services and infrastructure.

Therefore, based on the above conclusions, the Planning Proposal demonstrates both site specific and strategic merit.

## 5.0 State Legislation and Planning Policies

### 5.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EPA Reg.) set out amongst other things the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 3.33 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

### 5.2 Consistency with State Environmental Planning Policies

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 6** below.

**Table 6 Consistency with State Environmental Planning Policies**

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to The Hills Shire Council
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
SEPP (Infrastructure)			✓	Not relevant to proposed LEP amendment. The proposed subdivision is not of a size that triggers provisions relating to traffic generating development.
SEPP No. 55 Remediation of Land			✓	The site has historically been used for residential purposes and no issues relating to land contamination have been previously raised.
SREP Sydney Harbour Catchment	✓			The site is located in the Sydney Harbour Catchment area however is not located in the close proximity of watercourses or to the Sydney Harbour foreshore area. Measures will be undertaken to future development to ensure that stormwater runoff does not adversely affect the harbour catchment.

### 5.3 Consistency with Applicable Ministerial Directions (s.9.1 directions)

An assessment of the Planning Proposal against applicable section 9.1 Directions is set out in **Table 7** below.

**Table 7 Consistency with section 9.1 direction**

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources				
1.1 Business and Industrial Zones			✓	The site is not located in a business or industrial zone.
1.2 Rural Zones			✓	The site is not located in a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	Not applicable. The site is not within the coastal zone.
2.3 Heritage Conservation			✓	Not applicable
2.4 Recreational Vehicle Area			✓	Not applicable
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The proposal seeks to amend the existing land use zone from E4 Environmental Living to R2 Low Density Residential as well as reduce the minimum lot size from 2,000m² to 700m². This seeks to broaden the choice of building types permissible on the site and increase the density of development. The site is already connected with existing utilities and services and is not located on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a new residential zone for the site. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <p>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation in an area well serviced by public transport. The site is within walking distance of Sydney Metro and bus services to the Hills District and Parramatta.</p>

Direction	Consistency		N/A	Comment
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
<b>4. Hazard and Risk</b>				
4.1 Acid Sulfate Soil			✓	Not applicable
4.2 Mine Subsidence and Unstable Land	✓			The site is not identified as being on land at risk of mine subsidence. The site however is identified as landslide risk in THLEP 2019. The geotechnical assessment concludes that the Planning Proposal has a low likelihood of landslide risk with further detail provided in <b>Appendix C</b> .
4.3 Flood Prone Land			✓	Not applicable
4.4 Planning for Bushfire Protection			✓	Not applicable
<b>5. Regional Planning</b>			✓	Not applicable
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision			✓	Not applicable. No site specific DCP controls are proposed.
<b>7. Metropolitan Planning</b>				
7.1 Implementation of A Plan for Growing Sydney	✓			Not applicable

## 5.4 The Hills Local Environmental Plan 2019

The Hills LEP 2019 is the key environmental planning instrument that applies to the site. Table 8 – 10 demonstrate that the Planning Proposal is consistent with the overall aims and relevant objectives of the Hills LEP.

**Table 8 Consistency with Aims of THLEP 2019**

Aim	Comment
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	The Planning Proposal does not preclude the ability for the Hills Shire to protect and promote the arts and cultural activity.
(a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,	The Planning Proposal seeks the orderly and sustainable development of Castle Hill as it seeks to provide additional residential dwellings in a manner which is consistent with neighbouring residential land and manages environmental impacts.
(b) to provide strategic direction and urban and rural land use management for the benefit of the community,	The Planning Proposal is consistent with the strategic direction for urban land in the Hills Shire.
(c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,	The Planning Proposal seeks to allow residential development that are liveable, vibrant and safe for future residents in an accessible area close to retail, services, facilities and public transport.

Aim	Comment
(d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,	The Planning Proposal seeks to provide balanced urban growth to provide residential dwellings in a manner entirely consistent and compatible with neighbouring R2 zoned land.
(e) to preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,	The site is not located on ecologically or biodiversity sensitive land and future development on the site will have the opportunity to increase the existing tree canopy which will preserve and protect the natural environment of the locality.
(f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.	The Planning Proposal seeks to increase the number of dwellings available on the site which will provide housing to support the local economy.

**Table 9 Consistency with R2 Low Density Residential zone objectives**

Zone Objective	Comment
To provide for the housing needs of the community within a low density residential environment.	The Planning Proposal seeks to enable dwellings to be built on the site and meet the housing needs of future Castle Hill residents.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The Planning Proposal seeks to provide the same land uses permissible under the existing R2 zone for the site.
To maintain the existing low density residential character of the area.	The Planning Proposal seeks to maintain the existing low density residential character of neighbouring R2 zoned land in incorporating the neighbouring minimum lot size of 700m <sup>2</sup> on the site which seeks to provide a low density residential environment for the site similar in nature to neighbouring R2 zoned land.

**Table 10 Consistency with Minimum Lot Size objectives**

Standard objective	Comment
to provide for the proper and orderly development of land,	The Planning Proposal allows for the proper and orderly development of land as it allows for the subdivision of the site into four (4) lots in an established residential area with existing connections to utilities. The proposal seeks development of a similar character to that of neighbouring R2 zoned land.
to prevent fragmentation or isolation of land,	The site is rectangular in shape, is of a sufficient size to accommodate the subdivision and the proposed plan of subdivision does not fragment or isolate any land within or neighbouring the site.
to ensure that the prevailing character of the surrounding area is maintained.	The Planning Proposal seeks the same controls as that for neighbouring R2 zoned land which will ensure that the prevailing character of the site and its surrounds is maintained.

For the reasons outlined above, it is clear that the Planning Proposal will result in a development that is consistent with the relevant THLEP 2019 objectives.

## 6.0 Environmental Impacts

This section provides an environmental assessment of development available under the planning controls sought by this Planning Proposal and the indicative development these controls are capable of accommodating. As aforementioned, the site is capable of accommodating 4 new residential lots within a minimum size of 700m<sup>2</sup> as part of a new plan of subdivision for the site. As the site is proposed to be zoned R2 Low Density Residential, dwelling houses and dual occupancies with a maximum height of 9m are the most intensive form of development permissible with consent under the proposed suite of controls. The following section seeks to identify environmental impacts to neighbouring dwellings and surrounds as a result of the proposal.

### 6.1 Impacts to Neighbouring Dwellings

#### 6.1.1 Privacy

This Planning Proposal seeks to adopt the relevant provisions relating to privacy and setbacks from the Hills DCP 2012. These controls provide an appropriate level of amenity for residential development and ensure that the visual and acoustic privacy for neighbouring residents is maintained. Controls relating to privacy and setbacks for single dwellings are contained in Part 2.14 in Part B Section 2 and Part 2.3 in Part B Section 3 for dual occupancies.

#### 6.1.2 Overshadowing

This Planning Proposal seeks to adopt the relevant provisions relating to solar access which are contained in Part 2.14.10 in Part B Section 2 for dwelling houses and Part 2.10 in Part B Section 3 for dual occupancies. These controls ensure that solar access is maximised to internal living spaces and private open spaces of both proposed dwellings and neighbouring dwellings. The site maintains a pleasant outlook and orientation to the north east and the proposed plan of subdivision is capable of providing dwellings which maximises solar access to proposed dwellings.

#### 6.1.3 Traffic and Parking

The Planning Proposal seeks to enable four (4) new residential allotments. It is anticipated that parking will be accommodated on site and the minimal increase in dwellings will have a negligible impact on the operation of the surrounding road network.

#### 6.1.4 Landslip

The site has a landslide risk overlay in the THLEP 2019. The geotechnical site investigation carried out by Geotesta in **Appendix C** concludes that the risks of shallow slump failure and deep seated failure are respectively unlikely and rare likelihood. A number of landslide risk management strategies are recommended in the report including the design of slope stabilisation mechanisms, drainage, footing designs and cut and fill which are to be adopted by any future DA for dwellings on the site which seem to minimise landslide related impacts to the site and its surrounds.



## 7.0 NSW Department of Planning, Industry and Environment Guidelines

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 6.0** of this report.

### 7.1 The Intended Outcome

The objective of this Planning Proposal is to amend the existing THLEP 2019 controls for the site in relation to land use zoning and minimum lot size to better enable residential development on the site. These proposed amendments are consistent with the residential character of the site and surrounds and seek the same set of controls as applied to R2 zoned land to the west and south of the site to ensure environmental impacts are managed.

A summary of the key objectives of the Planning Proposal is provided below:

- Allow for the residential subdivision on the site for the purpose of low density dwellings in a suitable location: the Planning Proposal will provide four (4) new homes in a location close to schools, parks, transport and shops. The site is within walking distance to high frequency Metro and bus connections to Parramatta, Macquarie Park, Norwest and the Sydney CBD;
- Zone land in a manner consistent with the existing land use zoning of neighbouring R2 Low Density Residential land: the resulting built form will be consistent in character with surrounding dwellings in the immediate locality to the east, south and west; and
- Increase housing supply within an established residential neighbourhood in an appropriate manner: the Planning Proposal will deliver dwellings that will meet the changing needs of the local population.

### 7.2 Explanation of Provisions

The Planning Proposal seeks to amend the THLEP 2019 to facilitate a residential subdivision generally consistent with the indicative subdivision plan in **Appendix A**. The existing and proposed LEP controls are detailed below:

- Land Use Zoning - the land use zone of the site on the Land Zoning Map is to be amended from E4 Environmental Living to R2 Low Density Residential which permits dwelling houses on the site.
- Minimum Lot Size - the minimum lot size control of the site on the Lot Size Map is to be amended from a V1 designation (permitting a minimum lot size of 2,000m<sup>2</sup>) to a Q designation (permitting a minimum lot size of 700m<sup>2</sup>).

The Planning Proposal does not seek to amend the existing height or FSR development standards that currently apply to the site.

### 7.3 Mapping

This Planning Proposal seeks to amend the Land Zoning Map and the Lot Size Map of the THLEP 2019. The proposed maps are included at **Appendix D**.

## 8.0 Strategic Justification

### 8.1 The Need for a Planning Proposal

#### Q1 – Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report. The Planning Proposal will enable the delivery of four (4) new dwellings through subdivision of the site in appropriate location in a manner consistent with Council's Local Housing Strategy and LSPS.

#### Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

The Planning Proposal is the best means of achieving the intended outcome as the current land use zoning and minimum lot size controls under the existing planning framework prohibit the proposed redevelopment of the site in this manner.

#### Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes – refer to **Section 4.1**.

#### Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the Hills LSPS. The Planning Proposal is also consistent with Hills draft Local Housing Strategy, however we note this has not yet been endorsed by DPIE (refer to **Section 4.1**).

#### Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes – refer to **Section 5.2**.

#### Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes – refer to **Section 0**.

### 8.2 Environmental, Social and Economic Impacts

#### Q7 – 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 site is not located on ecologically or biodiversity sensitive land and existing development of a residential nature is located on the site. Future development on the site will have the opportunity to increase the existing tree canopy which will preserve and protect the natural environment of the locality.

#### Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Planning Proposal is provided in **Section 6.0**. No unacceptable impacts will result from the achievement of the intended outcome.

#### Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal will have a positive social impact and will provide additional dwellings close to established retail and commercial offerings in Castle Hill and public transport connections to surrounding employment centres.

### 8.3 State and Commonwealth Interests

#### Q10 – Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal seeks to facilitate a minimal increase in dwellings. The existing public infrastructure is adequate.

**Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

**8.4 Community Consultation**

Community consultation will be conducted in accordance with section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*.

## 9.0 Conclusion

This Planning Proposal seeks an amendment to land use zoning and minimum lot size development standards relating to 30-32 Telfer Road, Castle Hill in the Hills Local Environmental Plan 2019 and seeks to enable a modest increase in low density residential development on the site within walking distance of local retail and frequent public transport services.

This Planning Proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal is consistent with the strategic planning framework for the site;
- The development concept which the Planning Proposal aims to facilitate:
  - Allow for the residential subdivision on the site for the purpose of low density dwellings in a suitable location;
  - The rezoning of land in a manner consistent with the existing land use zoning of neighbouring R2 Low Density Residential land which will result in built form consistent in character with surrounding dwellings; and
  - Increase housing supply within an established residential neighbourhood in an appropriate manner.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

Therefore, considering the strategic nature of the site and justification provided in addressing planning issues, we believe that the Planning Proposal has strategic merit and would have no hesitation in recommending that the Planning Proposal proceed through the Gateway to public exhibition.