



IRF22/4093

Gateway determination report – PP-2021-5183

30-32 Telfer Road, Castle Hill

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Council's Planning Proposal
Attachment A1 - Draft Subdivision Plan – 25 October 2019
Attachment A2 - Geotesta Landslide Risk Assessment – 26 September 2019
Attachment A3 - Willows Engineering Peer Review - 29 June 2022
Attachment A4 - Arboricultural Impact Assessment Report – 22 July 2022
Attachment A5 - Proponent's planning proposal – 20 August 2021
Attachment B - Local Planning Panel Report and minutes
Attachment C - Council Report and Minutes – 13 September 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	30-32 Telfer Road, Castle Hill (3 homes, 0 jobs)
NUMBER	PP-2021-5183
LEP TO BE AMENDED	The Hills Local Environmental Plan 2019
ADDRESS	30-32 Telfer Road, Castle Hill
DESCRIPTION	Lot A DP 358163
RECEIVED	21/10/2022
FILE NO.	IRF22/4093
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objective of planning proposal

The objective of the planning proposal (**Attachment A**) is to facilitate the subdivision of the land into four residential lots. The objective of this planning proposal is clear and adequate for the purposes of public exhibition.

1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend *The Hills Local Environmental Plan (LEP) 2019* per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	C4 Environmental Living	R2 Low Density Residential
Minimum lot size	2,000m ²	<ul style="list-style-type: none"> 1,500m² for proposed Lot 1, containing the existing dwelling fronting Telfer Road. 700m² for proposed lots 2, 3 and 4.
Number of dwellings	1	4
Height of Buildings	9m	No change
Floor space ratio	N/A	No change

A corresponding amendment to *The Hills Development Control Plan 2012* seeks to enable a maximum site coverage of 60% consistent with the proposed residential zoning. A draft amendment to The Hills DCP 2012 is to be prepared and exhibited with the planning proposal.

The planning proposal (**Attachment A**) contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located at 30-32 Telfer Road, Castle Hill and is legally described as Lot A of DP 358163 (**Figure 1**). It is rectangular in shape with a 41m frontage to Telfer Road, a depth of 105m, and a site area of approximately 4293m².

The site is currently occupied by a two/three-storey residential dwelling and associated structures, including a swimming pool, garage and landscaping.

The site is located in The Hills Shire Local Government Area and the surrounding locality is characterised by low density residential development. It is 860m from Castle Hill Metro Station and within 350m of the closest bus stop on Old Northern Road.

Nearby amenities include Telfer Way Reserve, schools and Castle Towers Shopping Centre.

The site is identified on The Hills Shire Council's Landslide Risk Map (**Figure 2**) and is subject to Clause 7.6 of *The Hills LEP 2019*, which seeks to ensure that development is commensurate to the underlying geotechnical conditions and restricts development on unsuitable land.



Figure 1 Subject site outlined in red (source: Proponent planning proposal report, May 2021 – Attachment A5)

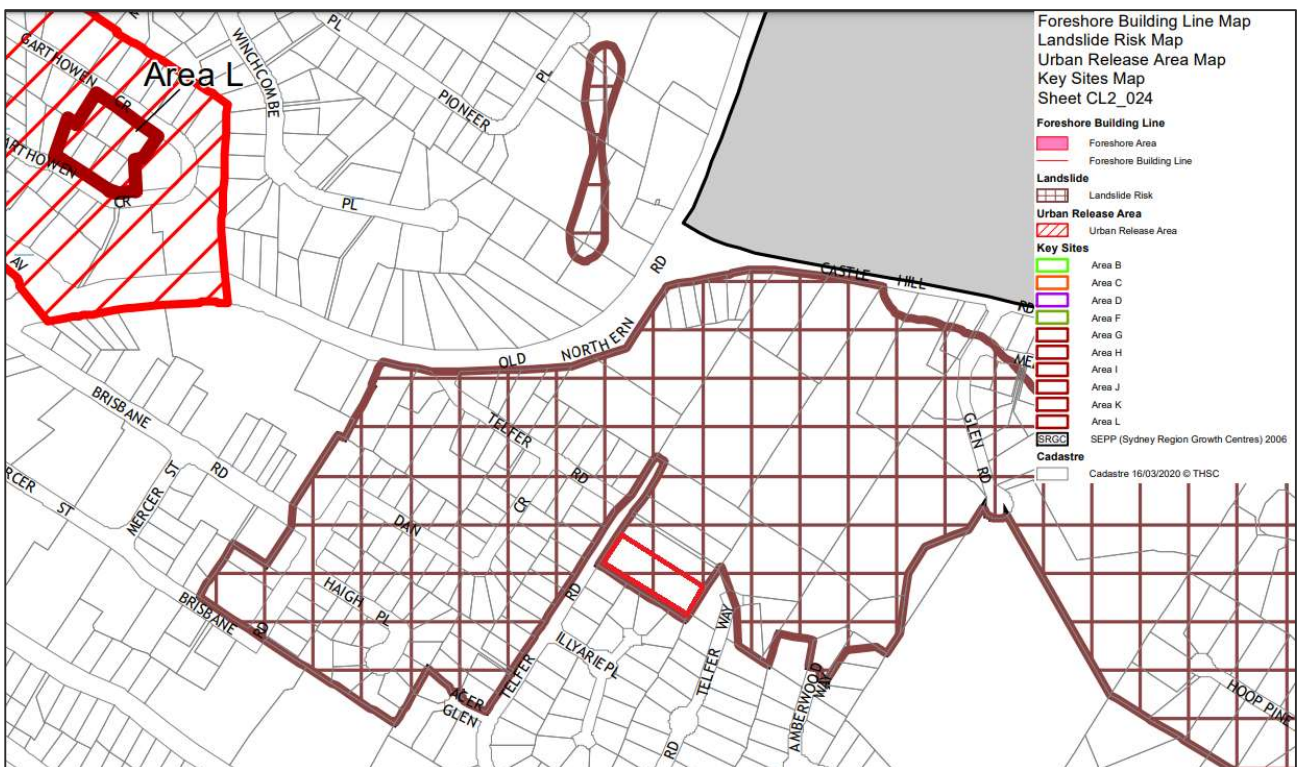


Figure 2 The Hills Landslide Risk Map (source: The Hills LEP 2019 Landslide Risk Map - CL2_024)

1.5 Mapping

The planning proposal (**Attachment A**) includes mapping showing the proposed changes to the Land Zoning Map, the Minimum Lot Size Map which are suitable for community consultation (**Figures 3-6**).

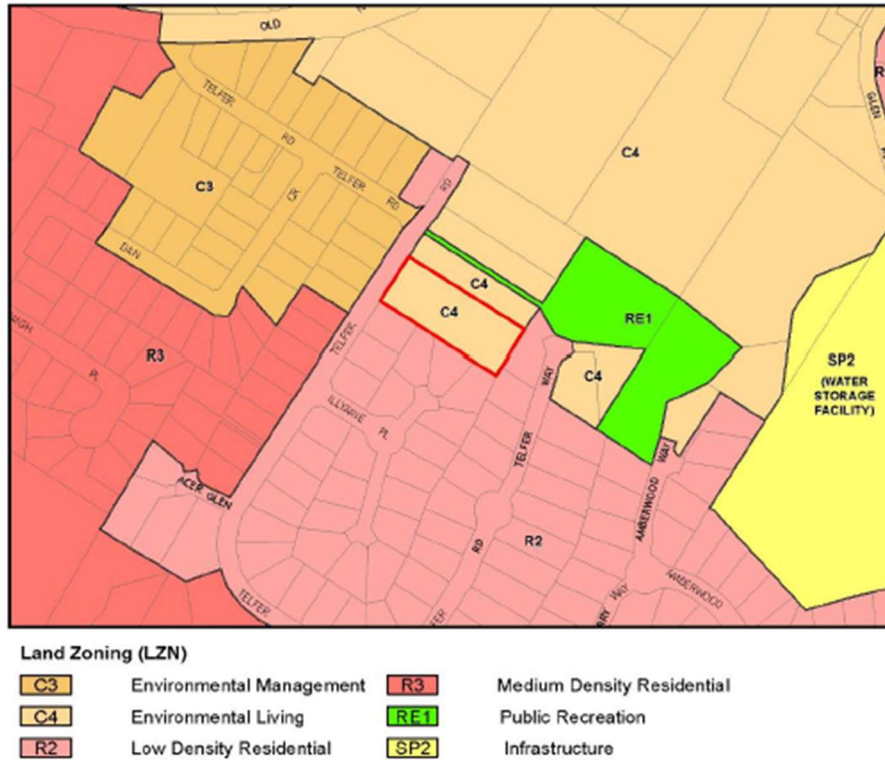


Figure 3 Current Land Zoning Map (source: planning proposal)

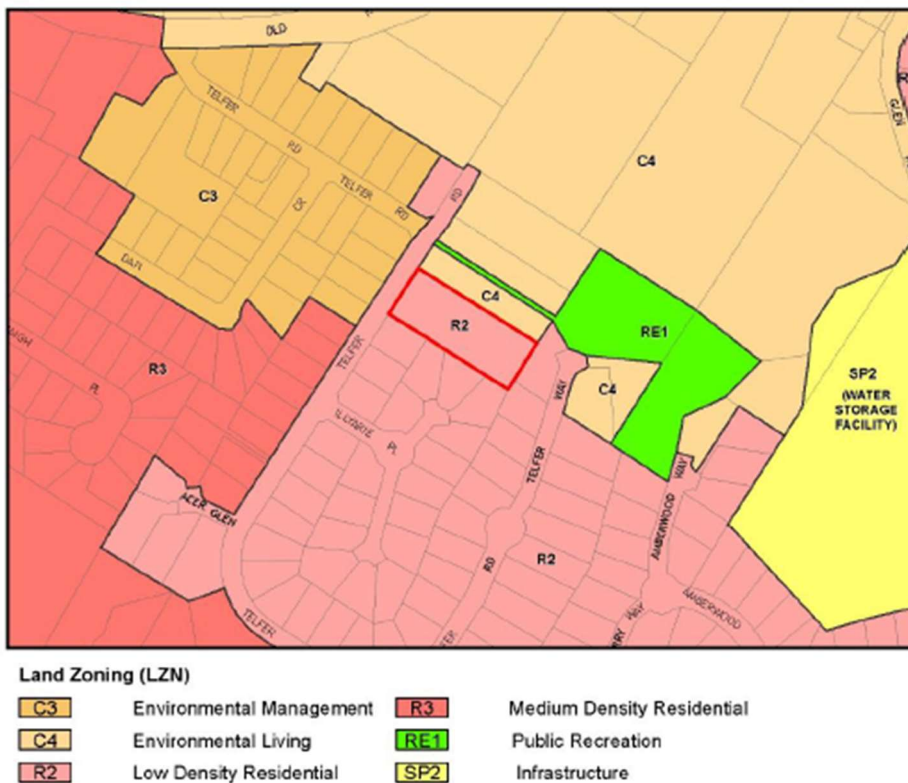


Figure 4 Proposed zoning map (source: planning proposal)

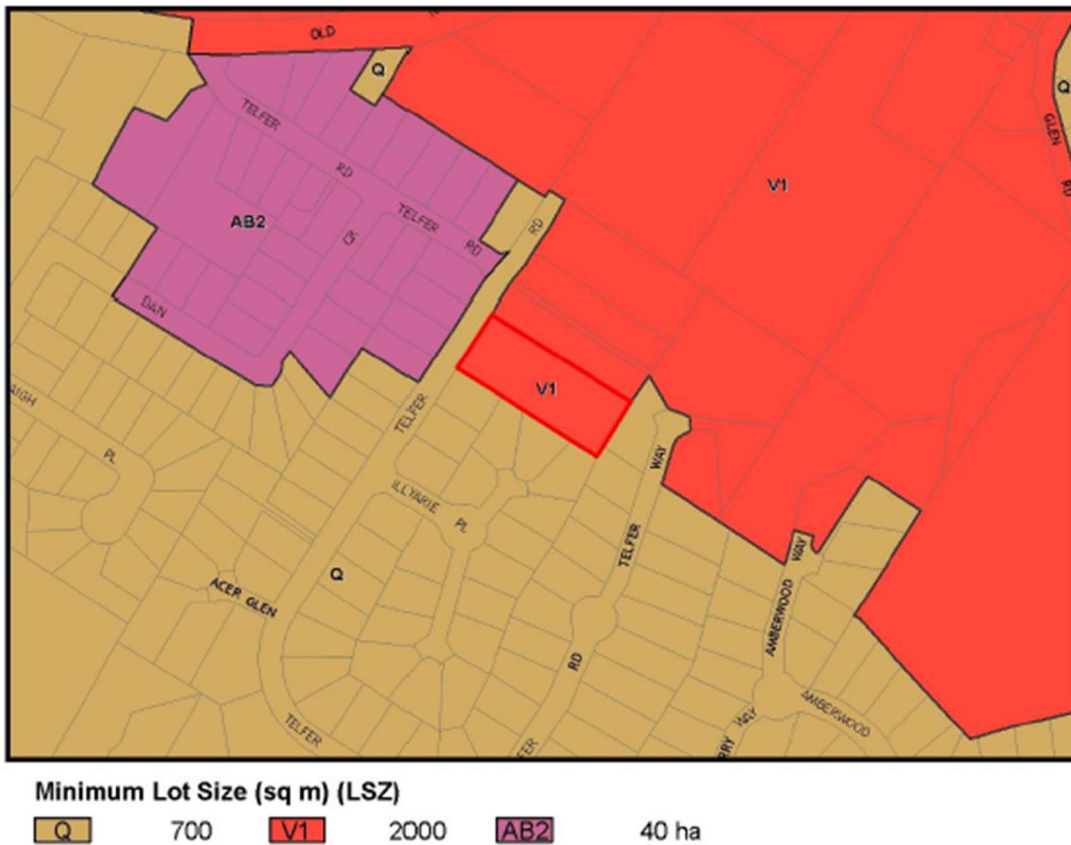


Figure 5 Current Minimum Lot Size map (source: planning proposal)

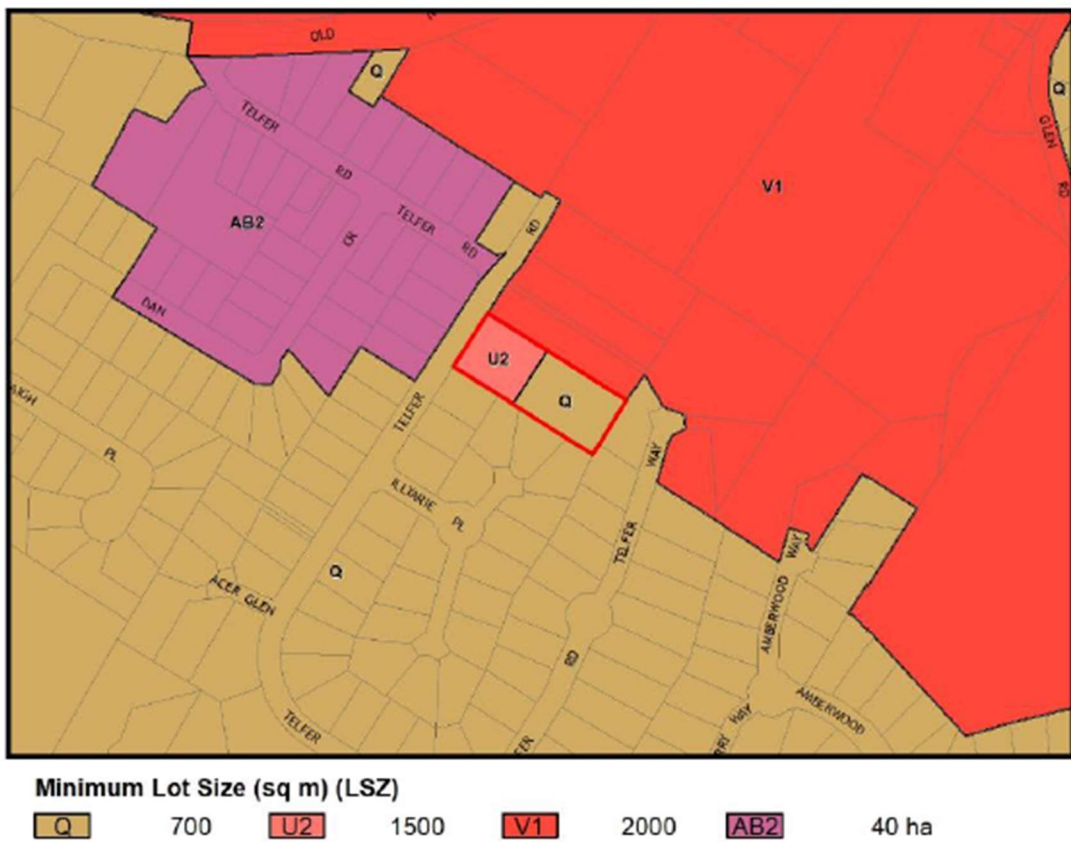


Figure 6 Proposed Lot Size map (source: planning proposal)

1.6 Background

Given the geotechnical constraints of the site, in June 2022 Council officers engaged an independent expert geotechnical consultant (Willows Engineering) to undertake a peer review of the Landslide Risk Assessment Report prepared by the proponent (**Attachment A3**) and advise Council on the implications and risks of developing on the land, as it related to topography, potential instability, and erosion.

The proponent submitted an Arboricultural Impact Assessment Report dated 22 July 2022 which identifies the presence of Sydney Blue Gums, which are intended to be retained where they are healthy (**Attachment A4**).

The proponent's planning proposal (**Attachment A5**) was considered by the Local Planning Panel on 18 August 2022 (**Attachment B**). The Panel recommended the proposal proceed subject to recommendations that the proposal be amended to apply a 1,500m² minimum lot size to the front lot containing the existing dwelling to maintain the existing streetscape and to be consistent with the character of neighbouring properties, and to include an amendment to The Hills DCP 2012 to remove the site from the mapped 30% maximum site coverage consistent and allow a 60% site coverage consistent with the residential zoning.

On 13 September 2022 Council considered the proponent's proposal and resolved that the proposal should be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the recommendations from the Panel (**Attachment C**).

2 Need for the planning proposal

The planning proposal is not the result of any specific strategic study or report. It has been initiated by the proponent on behalf of the landowners of the site. The proposal seeks to facilitate development for 3 additional dwellings on the site in an existing urban area near the Castle Hill centre and public transport.

The intended outcomes of the proposal cannot be delivered under the current planning framework. A planning proposal is required to amend the LEP.

3 Strategic assessment

3.1 District Plan

The site is within the Central City District and the Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, and productivity, in the plan as outlined below. Minor inconsistencies with priorities for sustainability are noted and discussed in the table below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions, priorities and actions.

District Plan Direction	District Plan priority/action and response
Infrastructure and collaboration	<p>A city supported by infrastructure: <i>C1 – Planning for a city supported by infrastructure</i></p> <p>The proposal is consistent with this priority as it will facilitate the addition of 3 new dwellings within the strategic centre of Castle Hill, and a short distance from public transport options, increasing the 30-minute access to a metropolitan centre.</p>
Liveability	<p>Housing the city: <i>C5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</i></p> <p>The proposal is consistent with this priority as it will facilitate the addition of 3 new dwellings within the strategic centre of Castle Hill, and a short distance from public transport options, jobs and services. The proposed rezoning will broaden the residential uses permissible on the site.</p>
Productivity	<p>Jobs and skills for the city: <i>C9 – Delivering integrated land use and transport planning and a 30-minute city</i></p> <p>The proposal is consistent with this priority as it will facilitate the addition of 3 new dwellings within the strategic centre of Castle Hill, and a short distance from public transport options, increasing the 30-minute access to a centre.</p>
Sustainability	<p>A city in its landscape:</p> <p><i>C15 – Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</i></p> <p>The site is currently zoned C4 Environmental Living and is identified as containing Sydney Blue gums which can indicate the presence of a Blue Gum High Forest. The Blue Gum High Forest is identified as a Critically Endangered Ecological Community under the <i>Biodiversity Conservation Act 2016</i>. While the site is not identified on Council maps as containing a Blue Gum High Forest, nearby properties are mapped as such. The proposal is supported by an Arboricultural Impact Assessment Report (Attachment A4) which indicates that the proposed subdivision would be capable of providing a building envelope that still allows for the retention of the Sydney Blue Gum trees, where they are in good health. Based on this assessment, any potential inconsistencies would be justified as the ecological impact would be of minor significance.</p> <p>The Gateway determination (Attachment Gateway) includes a condition requiring consultation with the NSW Environment and Heritage Group - Biodiversity and Conservation Division to give further consideration to this matter.</p> <p><i>C – 16 Increasing urban tree canopy cover and delivering Green Grid connections</i></p> <p>The proposal is potentially inconsistent with this priority as it may decrease urban tree canopy cover. It is noted that Chapter 2 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> and Part C Section 3 – Landscaping of <i>The Hills DCP 2012</i> will regulate the clearing of trees on the site and any required replacement planting. Further consideration of this matter can occur at the Development Application (DA) stage.</p>

3.2 Local

The proposal states that it is consistent with The Hills Local Strategic Planning Statement, and The Hills Future Community Strategic Plan, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Priorities and responses
<p>The Hills Future 2036 Local Strategic Planning Statement (LSPS)</p>	<p>The planning proposal will give effect to the following relevant planning priorities of the LSPS:</p> <ul style="list-style-type: none"> • 6: Plan for new housing to support Greater Sydney's growing population • 7: Plan for new housing in the right locations • 8: Plan for a diversity of housing • 12: Influence travel behaviour to promote sustainable choices. • 20: Prepare residents for environment and urban risks and hazards <p>The proposal is consistent with the LSPS as it will facilitate the addition of 3 new dwellings within the strategic centre of Castle Hill, and a short distance from public transport options. The landslide risk assessment has adequately addressed the landslide risk. Further consideration can occur at the DA stage.</p> <p><i>Planning Priority 17 – Protect areas of high environmental value and significance</i> The site is currently zoned C4 Environmental Living and as discussed above is identified as containing Sydney Blue gums. The proposal is supported by an Aborigicultural Impact Assessment Report (Attachment A4) which indicates that the proposed subdivision (Attachment A1) would be capable of providing a building envelope that still allows for the retention of the Sydney Blue Gum trees, where they are in good health.</p> <p><i>Planning Priority 18 – Increase urban tree canopy cover</i> While the proposal will likely require tree removal and may in a decrease in urban tree canopy coverage, the proposal aims to minimise this loss.</p>
<p>The Hills Housing Strategy</p>	<p>The Hills Housing Strategy identifies 5 Planning Priorities:</p> <ul style="list-style-type: none"> • 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 • Provide social infrastructure and retail services to meet resident's needs <p>The proposal is consistent with this strategy as it:</p> <ul style="list-style-type: none"> • will facilitate the addition of 3 new dwellings within the strategic centre of Castle Hill • will broaden the residential uses permissible on the site.

The Hills Environment Strategy

The Hills Environment Strategy identifies 4 Planning Priorities:

- Protect areas of high environmental value and significance
- Increase urban tree canopy cover
- Manage natural resources and waste responsibly
- Prepare residents for environmental and urban risks and hazards.

The proposal is consistent with this strategy as it:

- seeks to protect areas of high environmental value and significance through the retention of Sydney Blue Gums located on the site, where they are healthy.
- makes efforts to minimise this loss of urban tree canopy.
- is supported by a Landslide Risk Assessment Report (**Attachment A2**) which has been peer reviewed (**Attachment A3**). These reports conclude that development could occur at the site, subject to appropriate stabilisation measures being implemented at the design and construction phases of development.

3.3 Local planning panel (LPP) recommendation

The planning proposal was considered by The Hills Local Planning Panel on 18 August 2022 (**Attachment B**). The Panel recommended to Council that the proposal proceed to Gateway determination subject to recommendations.

The Local Planning Panel identified that the originally proposed 700m² minimum lot size could allow for future subdivision of the front lot and raised concern that this may lead to development inconsistent with the streetscape. The Panel recommended, and Council adopted (**Attachment C**), that the proposal be amended to include a 1,500m² minimum lot size for proposed lot 1, consistent with the draft subdivision plan. Council considered that this would help to ensure that the streetscape and residential character is maintained in this locality through retention of the larger lot and dwelling at the front of the site

Those recommendations have subsequently been implemented within Council's proposal (**Attachment A**).

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal seeks to rezone the site from C4 Environmental Living to R2 Low Density Residential and apply a 700m² minimum lot size and 1,500m² minimum lot size for proposed lot 1.</p> <p>This proposal is consistent with this direction as it does not contain unnecessarily restrictive site-specific provisions.</p>
3.1 Conservation Zones	Potential inconsistency - minor and justified	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The proposal is potentially inconsistent with this direction as it proposes removing the C4 Environmental Living zoning and the proposed development will likely involve the removal of significant trees at the site. This includes two Sydney Blue Gum Trees. While the site is not identified on Council's maps as containing Blue Gum High Forest, nearby properties are mapped as such. Blue Gum High Forest is identified as a Critically Endangered Ecological Community under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>As discussed above the proposal seeks to facilitate low density residential development for three dwellings in an existing urban area near Castle Hill centre and Metro. The potential inconsistencies are considered of minor significance as the planning proposal is consistent with the relevant strategic plans and is supported by an Aboricultural Impact Assessment (Attachment A4) which identifies that significant, healthy trees will be either retained or replaced. The proposal does not decrease other environmental protections in the LEP, The Hills DCP 2012, or the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>The Gateway determination (Attachment Gateway) includes a condition requiring consultation with the NSW Environment and Heritage Group - Biodiversity and Conservation Division to give further consideration to this matter.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this direction is to ensure that new land uses have adequate access to transport infrastructure and services to reduce travel by private vehicles and support efficient public transport and freight.</p> <p>The direction applies as the proposal seeks to alter a zone or provision relating to urban land for residential purposes.</p> <p>The proposal seeks infill development on a site within walking distance of bus services and the Metro. The Department is satisfied that the proposal is consistent with the objectives of this direction.</p>
6.1 Residential Zones	Consistent	<p>The objective of this direction is to encourage a variety and choice of housing types to meet housing needs that has access to infrastructure and services and minimising impacts on environment and resource lands.</p> <p>This direction applies because the proposal relates to a proposed residential zone.</p> <p>The proposal is consistent with this direction as it will facilitate the delivery of 3 additional dwellings through infill development and broaden the residential uses permissible on the site.</p> <p>The direction requires for future residential development to only be permitted once land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</p> <p>The Gateway determination (Attachment Gateway) includes a condition requiring consultation with utility providers to give further consideration to this matter.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs, however it is recommended that the planning proposal be updated to address SEPP (Biodiversity and Conservation) 2021.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The site is identified by the Aboricultural Impact Assessment Report as containing 7 Sydney Blue Gums. While the site is not identified on Council's maps as containing Blue Gum High Forest, nearby properties are mapped as such. Blue Gum High Forest is identified as a Critically Endangered Ecological Community under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The Aboricultural Impact Assessment Report identifies that the bulk of these trees can be retained but identifies that two unhealthy trees would need to be removed to facilitate development at a later stage.</p> <p>The Gateway determination (Attachment Gateway) includes a condition requiring consultation with the NSW Environment and Heritage Group - Biodiversity and Conservation Division to give further consideration to this matter. .</p>
Landslide Risk	<p>The site is identified as being a landslide risk on The Hills Shire Council's Landslide Risk Map (see Figure 2).</p> <p>The proposal is supported by a Landslide Risk Assessment Report (Attachment A2) that concludes development could occur at the site, subject to appropriate stabilisation measures being implemented at the design and construction phases of development.</p> <p>Council engaged consultant, Willow Engineering, for an independent peer review (Attachment A3). The review supported this view. Further consideration can be given to this matter at the development application stage.</p>

4.2 Social and economic

The proposal will not have a significant adverse social or economic impact. The proposal will facilitate the delivery of three additional residential dwellings, which will be supported by existing services and amenities.

4.3 Infrastructure

The proposal will facilitate the delivery of three additional lots in an existing residential area in the Greater Sydney area. The existing dwelling on the site is connected to power, sewerage and water.

The Gateway determination (**Attachment Gateway**) includes a condition requiring consultation with utility providers (Sydney Water, Endeavor Energy, and any other relevant utility providers) to ensure the additional lots can be adequately serviced.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The proposal is categorised as standard and it is recommended that it is publicly exhibited for 20 working days in accordance with the Local Environmental Plan Making Guideline (Department of Planning and Environment, September 2022). This forms part of the conditions of the Gateway determination (**Attachment Gateway**).

5.2 Agencies

Council has anticipated consultation with public agencies in the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment in accordance with the LEP guideline:

- NSW Environment and Heritage Group - Biodiversity and Conservation Division
- Relevant utility providers, including Endeavor Energy and Sydney Water

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department's Gateway (**Attachment Gateway**) recommends that the LEP is made by 31 August 2023. This is to accommodate for the end of year shutdown period and to ensure it is completed in line with its commitment to reduce processing times.

The timeline for the proposal is to be updated to reflect this.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority.

As the planning proposal is of a local nature the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal demonstrates strategic and site-specific merit. The planning proposal is supported to proceed with conditions for the following reasons:

- It will facilitate the addition of three residential dwellings in an existing residential area in close proximity to public transport and the Castle Hill centre.
- It demonstrates consistency with the Greater Sydney Region Plan and the Central City District Plan.
- The proposal demonstrates consistency with The Hills Local Strategic Statement and Local Housing Strategy.
- It is consistent with all relevant section 9.1 Ministerial Direction, and any inconsistency with 3.1 Conversation Zones is minor and justified.
- It is consistent with all relevant SEPPs, subject to additional information to address SEPP (*Biodiversity and Conservation*) 2021.

- The proposal is unlikely to result in significant adverse environmental, social or economic impacts.

As discussed in the previous sections 3 and 4, the proposal and relevant supporting material should be updated to include the Gateway conditions included in Section 9 of this report.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any potential inconsistencies with section 9.1 Directions 3.1 Conservation Zones are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - Update the Project Timeline in accordance with the following conditions.
 - Address *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
2. Consultation is required with the following public authorities:
 - NSW Environment and Heritage Group - Biodiversity and Conservation Division
 - Relevant utility providers, including Endeavor Energy and Sydney Water
3. The planning proposal should be made available for community consultation for a minimum of 20 days.
4. The timeframe for completing the LEP is to before 31 August 2023.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



25.11.2022

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9/12/2022

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