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Byles Creek Planning Proposal – Response to Department of Planning and Environment Request for Information

This letter responds to the Department of Planning and Environment's email dated 11 January 2023 requesting additional information regarding the strategic merit of the Byles Creek Planning Proposal. Specifically, the Department has requested a consideration of the planning proposal's consistency with Hornsby Shire Council's (Council) *Housing Strategy 2020* and *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

For reference, the planning proposal was submitted to the Department for Gateway consideration on 19 December 2022 (Department reference PP-2022-4306).

Consistency with Housing Strategy 2020

Council's *Housing Strategy 2020* was approved by the Department on May 2021. Relevant objectives of the strategy and the planning proposal's consistency are considered below.

Objective	Consideration
<p>Objective 2: Ensure new housing development minimises environment impact and promotes ecologically sustainable development</p> <p>Objective 3: Protect sensitive areas from development, and ensure new housing does not detract or erode an area's local character</p>	<p>The Byles Creek Study Area is an area of unique environmental, social and aesthetic values. These characteristics are described thoroughly in the <i>Byles Creek Planning Study</i>.</p> <p>The planning proposal aims to minimise the environmental impact of residential development on the Study Area and to maintain its existing character.</p> <p>This would be achieved by prohibiting future subdivision and limiting significant tree removal on private land.</p> <p>The planning proposal is consistent with objectives of the <i>Housing Strategy 2020</i>.</p>
<p>Objective 5: Promote sustainable locations for housing growth close to transport, which support the role of centres, have adequate infrastructure and maximise opportunities through collaboration.</p>	<p>The <i>Housing Strategy 2020</i> prioritises the delivery of future housing supply in locations that are close to transport and local services. These locations include existing housing precincts, the Hornsby Town Centre and the Cherrybrook Station Precinct.</p> <p>The majority of existing housing precincts are located in proximity to the train stations at Mount Colah, Asquith, Hornsby, Waitara, Normanhurst, Thornleigh, Pennant Hills and Beecroft. There is an additional housing precinct in West Pennant Hills adjoining Pennant Hills Road.</p>

	<p>The 6.5ha that comprises the Byles Creek Study Area is not recognised as a housing precinct and the progression of the planning proposal would not affect Council's fulfilment of housing targets.</p> <p>The planning proposal is consistent with the objective of the <i>Housing Strategy 2020</i>.</p>
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Consistency with the Housing SEPP

The Housing SEPP was made in November 2021. It consolidates the housing related planning controls from several SEPPs, including those related to community, affordable, seniors and certain market (e.g. co living and secondary dwellings) housing types.

The planning proposal's consistency with the Housing SEPP is considered below.

Housing type	Consideration
<p>Chapter 2 Development for affordable housing</p> <p>Part 2 Development for affordable housing</p>	<p>The planning proposal's introduction of the C4 Environmental Living zone to the Study Area would result in the prohibition of boarding houses.</p> <p>The <i>Byles Creek Planning Study</i> identifies that boarding houses, are not currently present within the Study Area due to its physical and environmental characteristics. It also determined that it is unlikely that such development would proceed given the land size and other demand drivers required.</p> <p>As such, the planning proposal does not represent a significant change related to the housing type.</p>
<p>Chapter 3 Diverse housing</p> <p>Part 1 Secondary dwellings</p>	<p>The planning proposal's introduction of the C4 Environmental Living zone to the Study Area would result in the prohibition of secondary dwellings.</p> <p>Existing opportunities to undertake development of secondary dwellings within the Study Area through the complying development or DA pathways are limited because of the following:</p> <ul style="list-style-type: none"> The Byles Creek corridor is predominantly mapped as Vegetation Category 1 bush fire prone land under the <i>Hornsby Shire Council Bush Fire Prone Land Map 2021</i>. This type of land is classified as the highest risk for bush fire, with the highest combustibility and likely of forming fully developed fires (<i>Guide for Bush Fire Prone Land Mapping 2015</i>). <i>Planning for Bush Fire Protection 2019</i> does not permit secondary dwellings on properties subject to an attack level rating higher than BAL 29, requiring asset protection zones (e.g. tree removal) to meet that threshold. Given the bush fire risk and biodiversity of the Study Area, this would limit the ability for many residential properties from gaining development consent for secondary dwellings without prohibitive clearing. The Study Area is located within the Beecroft – Cheltenham HCA as identified in Schedule 5 of the HLEP. The Housing SEPP prohibits the development of secondary dwellings as complying development in an HCA.

Housing type	Consideration
	Due to these constraints, secondary dwellings would be unlikely to be developed in the Study Area. Consequently, the planning proposal does not represent a significant change.
Chapter 3 Diverse housing Part 2 Group homes	<p>The planning proposal's introduction of the C4 Environmental Living zone to the Study Area would not impact the existing permissibility for group homes within the Study Area.</p> <p>Existing opportunities for group home developments to be undertaken is limited because the Housing SEPP prohibits development of group homes as complying development in an HCA or on bush fire prone land. Notwithstanding, the Housing SEPP allows a group home development to be considered via a DA pathway.</p>
Chapter 3 Diverse housing Part 5 Housing for seniors and people with a disability	<p>Seniors living is currently prohibited within the Study Area under the current moratorium on seniors living within Heritage Conservation Areas (the Study Area is within the Beecroft – Cheltenham HCA). Seniors housing developments are not currently present within the Study Area.</p> <p>The planning proposal's introduction of the C4 Environmental Living zone to the Study Area would continue to prohibit seniors housing, should the moratorium be ended.</p> <p>Seniors housing would be unlikely to be developed within the Study Area due to economic, physical and environmental characteristics severely limiting opportunities for consolidation. As such, the planning proposal does not represent a significant change.</p>

Thank you for the opportunity to respond to the Department's request for information. Should you require any clarification in relation to any of the matters raised, please contact Taylor Richardson on 9847 6780.

Yours faithfully,



Katherine Vickery
Manager, Strategic Land Use Planning

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