

Byles Creek Planning Study

Project Brief

November 2020

1. Purpose

The purpose of the Byles Creek Planning Study is to review the suitability of planning controls in maintaining the environmental qualities of residential lands adjoining the open space zoned lands within the Byles Creek corridor.

2. Background

In October 1995, the Byles Creek Catchment Environmental Study investigated approximately 350 hectares of publicly and privately-owned land in Beecroft and identified that the Open Space zoning for the Byles Creek corridor area should be retained due to the high environmental quality, aesthetic and heritage value to the local community and the Shire in general.

As a result, Byles Creek Development Control Plan (DCP) was prepared in May 1998 and included development controls relating to setbacks, soil and water management based on soil type, environment protection, fencing, bushfire management, and development treatments relating to urban watercourse interface areas and land compatibility and sensitivity.

In 2006, an Open Space Review evaluated all lands in Hornsby Shire in private ownership which were zoned Open Space A (under the now repealed Hornsby Shire LEP 1994) to ensure that they met community needs, preserved environmental qualities of the Shire and a financial strategy was in place for the acquisition of privately-owned lands. With respect to land within Byles Creek corridor, the Review recommended the retention of the open space zoning for Byles Creek due to the high environmental, social, aesthetic and heritage values expressed by the community and acknowledged acquisition of privately-owned lots may be required.

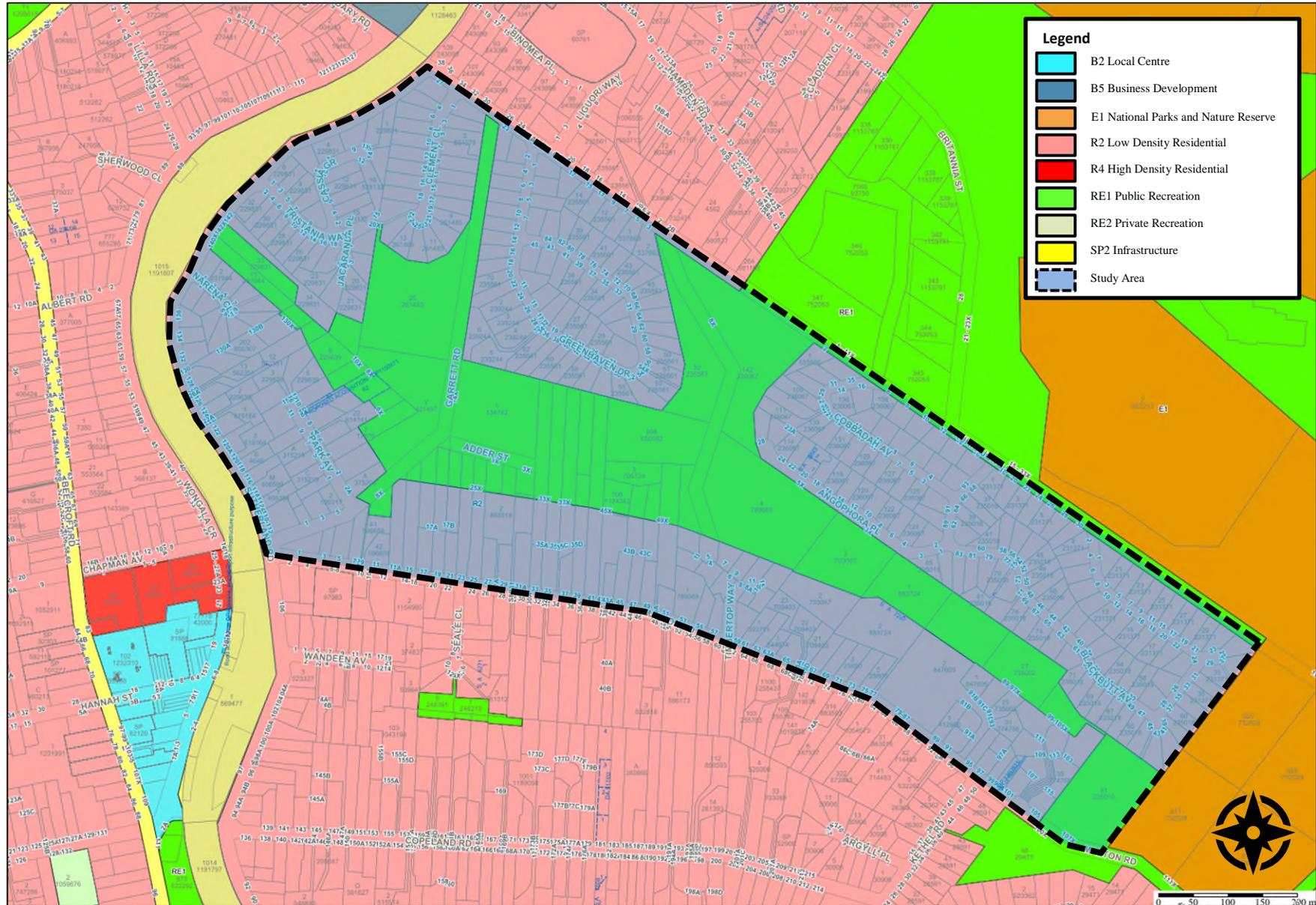
In October 2013, the Hornsby Development Control Plan 2013 came into effect and applied to all land within the Hornsby Local Government Area, including land to which the Byles Creek DCP previously applied.

In August 2020, the Byles Creek Land Acquisition Strategy Review assessed the environmental and social values of Byles Creek corridor in order to review the strategic approach towards land acquisition within the catchment of Byles Creek. Based on the ecological values of the corridor, the Strategy Review concluded that the current extent of the RE1 zoning was appropriate to protect the biodiversity values and ecosystem functionality of the corridor. Further, the current zoning is sufficient in terms of satisfying the objectives and terrestrial biodiversity provisions of the Hornsby Local Environmental Plan 2013.

However, following Council's considerations of the findings of the Strategy Review and significant community comment, Council resolved to progress this review of the suitability of the planning controls for residential properties adjoining open space zoned land within the Byles Creek corridor with regard to protection and maintenance of the environmental values.

3. Study Area

The planning study will consider properties zoned R2 Low Density Residential surrounding the Byles Creek corridor open space zoned land. As indicated on the map below, the study area would be bounded by Malton Road, Sutherland Road, Azalea Grove, Kurrajong Street, and Lane Cove National Park.



4. The Project

4.1. Study Objectives

The Byles Creek Planning Study will review the planning controls which currently maintain the environmental qualities of the residential lots adjoining the open space zoned land within the Byles Creek corridor.

The planning study has the following objectives:

- (a) Assess the suitability of the current planning controls in protecting the environmental qualities of the Byles Creek corridor area;
- (b) Develop a strategy that will minimise the impact of residential development and reflect the environmental, social and aesthetic qualities of the adjoining the Byles Creek corridor; and,
- (c) To identify, through a comparison with development controls of other Council areas, recommendations for improvements to Hornsby's planning controls to protect the environmental, social and aesthetic qualities.

4.2. Scope of Work

Part 1: Existing Situation

- Review of existing Byles Creek studies and reviews, existing development approvals and current development applications.
- Review of HSC Natural Resources and Parks and Recreation Reports and Memos, HSC Mayoral letters to the State Government, HSC commissioned ecological reports / reviews, with regard to existing development approvals and current development applications.
- Desktop analysis of current planning controls and legislation, including HLEP Heritage Maps, HLEP Terrestrial Biodiversity Maps, HLEP Land Acquisition Maps, HSC Native Vegetation Maps, HSC Bushfire Prone Land Maps, State and Commonwealth legislation regarding threatened species and endangered ecological communities, Bionet and Plantnet records of fauna and flora.
- Undertake a residential lot size audit.
- Undertake an economic viability analysis of residential lots.

Part 2: Land Use Surveys

- Identify and map the ~~development potential~~ environmental constraints of residential lots by consideration of the following attributes:
 - Topography;
 - Proximity to watercourse;
 - Water quality;
 - Soil dispersibility;
 - Soil landscapes;
 - Plant communities;
 - Proximity to bushland;
 - Fauna habitat;

- Threatened and endangered species and ecological communities in consultation with ecologists with appropriate skills;
- Bushfire prone land by category hazard;
- Economic implications; ~~and,~~
- Infrastructure constraints; and
- Prepare analysis on these attributes ability for limiting development potential of residential zoned lots.

Part 3: Community Engagement

- Undertake stakeholder consultation with:
 - property owners of adjoining residential land (targeted);
 - community interest groups including Byles Creek Valley Union Inc, Beecroft Cheltenham Civic Trust, Pennant Hills Civic Trust, Save Beecroft Cheltenham Alliance and Powerful Owl Coalition (contact details available from Council);
 - Birdlife Australia Powerful Owl Coalition
 - the community generally,
 to consider and identify views relating to:
 - the key environmental, economic, social and aesthetic attributes of the Byles Creek catchment area.
 - ~~Confirm~~ the preliminary findings analysis and values of residential lots adjoining Byles Creek.

Part 4: Analysis of Information

- Undertake a comparative analysis of planning controls from other Metropolitan Councils with respect to development at the interface with sensitive lands (e.g. zoning, lot size, vegetation, permissible uses)
- Consider priorities and actions under the LSPS.
- Review the environmental and strategic implications of planning control changes.

Part 5: Recommendations

- Collate above information and provide recommendations for:
 - Amendments to the LEP; and/or
 - Amendments to the DCP; and/or
 - Appropriate construction techniques/building designs to ~~mitigate~~ minimise environmental impacts.

4.3. Deliverables

- 1) Byles Creek Planning Study – an evidence-based report documenting the existing conditions, analysis and outcomes for residential lots adjoining Byles Creek and overall recommendations for any amendments to planning controls.
- 2) Maps identifying the Study area, including the current planning controls, and recommended

planning controls from the study with details addressing the rationale for the recommendations.

- 3) Presentation to Councillors at after-hours workshops (up to two).
- 4) Draft Byles Creek Planning Study presented at Council Meeting

4.4. Project Timeline

Timeframe	Milestone
End 2020	<ul style="list-style-type: none"> • Inception meeting to commence the project • Part 1 - Review existing situation
January /February <u>/March</u> 2021	<ul style="list-style-type: none"> • Part 2 Land use surveys • Part 3 Community engagement
March / April / <u>May</u> 2021	<ul style="list-style-type: none"> • Work in progress report • Presentation to Councillors (results of Part 1, 2 and community engagement)
May <u>June</u> 2021	<ul style="list-style-type: none"> • Part 4 Analysis of Information
June <u>July</u> 2021	<ul style="list-style-type: none"> • Presentation to Councillors – draft findings and recommendations
July <u>August</u> 2021	<ul style="list-style-type: none"> • Draft report due – <u>presented to Council Meeting</u>
August <u>September</u> 2021	<ul style="list-style-type: none"> • Final report due • Report to Council