



# **SUPPLEMENTARY BUSINESS PAPER**

**(Late Item Memo – Item 6)**

## **GENERAL MEETING**

**Wednesday 11 November 2020  
at 6:30PM**



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**ITEM 6**      **PC23/20 - Byles Creek Planning Study****Additional information with CHANGE to Recommendation**

Since the finalisation of Director's Report No. PC23/20, a number of submissions have been forwarded to Councillors raising community concerns about the purpose of the Byles Creek Planning Study and providing comments about the wording of the draft Study Brief.

As outlined in Director's Report No. PC23/20 and the accompanying draft Study Brief, the purpose of the Study is to review the suitability of current planning controls to maintain the environmental qualities of residential lots that adjoin the open space zoned lands within the Byles Creek corridor.

The structure of the Study Brief, including the background, scope of work and deliverables all align with the identified purpose of the study. However, submissions suggest that the use of the words "promote residential development" in the Study Brief objectives would lead to an investigation of additional development and does not reflect the intent of the study.

In response to the concerns raised and to provide abundant certainty, it would be appropriate to amend the draft Study Brief as follows (new text underlined)

*"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 ~~promote~~ residential development and reflect the environmental, social and aesthetic qualities of the adjoining 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".*

It is recommended that Council endorse the progression of the Byles Creek Planning Study in accordance with the Study Brief attached to this Late Item Information Memo report and Study funding from the sale of 179 Beecroft Road, Cheltenham.

**RECOMMENDATION**

THAT:

1. Council endorse progression of the Byles Creek Planning Study in accordance with the Study Brief attached to Report No. LM15/20.
2. Restricted asset funds from the sale of 179 Beecroft Road, Cheltenham be used to fund consultant input and the allocation of an additional temporary Strategic Planner for a period of 12 months.

KATHERINE VICKERY  
Manager - Strategic Landuse Planning  
Planning and Compliance Division

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

**Attachments:**

1.   Amended Draft Study Brief - Byles Creek Planning Review - November 2020

File Reference: F2020/00288  
Document Number: D08044903



## **Byles Creek Planning Study**

### **Project Brief**

November 2020

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#### **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.

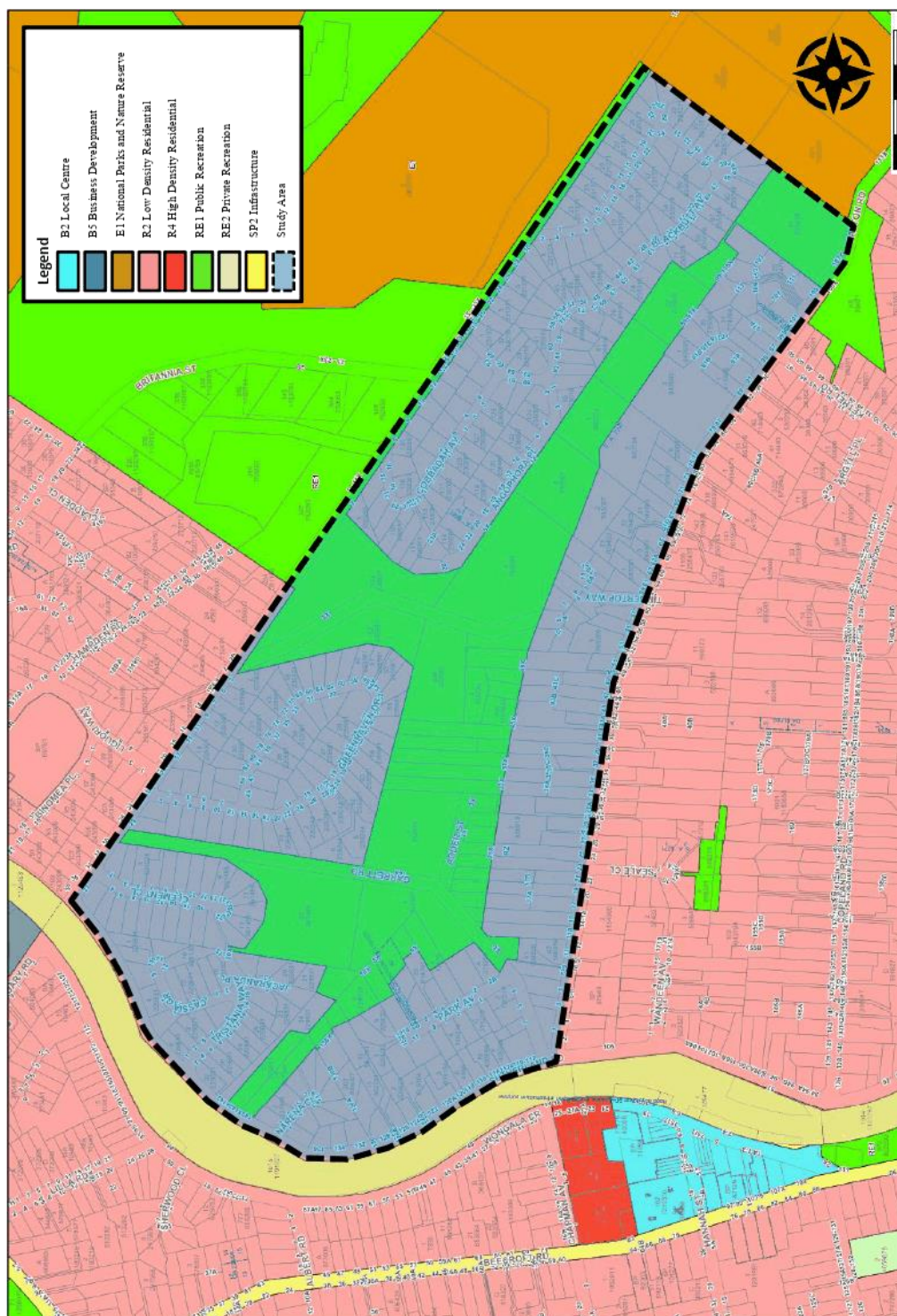
In August 2020, the Byles Creek Land Acquisition Strategy Review assessed the environmental and social values of Byles Creek corridor in order to review the strategic approach towards land acquisition within the catchment of Byles Creek. Based on the ecological values of the corridor, the Strategy Review 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.

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.

#### **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.





# ATTACHMENT 1 - ITEM 6



#### **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 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.

##### **4.2. Scope of Work**

###### ***Part 1: Existing Situation***

- Review of existing Byles Creek studies and reviews, existing development approvals and current development applications.
- Desktop analysis of current planning controls and legislation.
- 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 of residential lots by consideration of the following attributes:
  - Topography;
  - Proximity to watercourse;
  - Soil dispersibility;
  - Soil landscapes;
  - Plant communities;
  - Proximity to bushland;
  - Fauna habitat;
  - Bushfire hazard;
  - Economic implications; and,
  - Infrastructure constraints
- 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; and,
- 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, permissible uses)
- Consider priorities and actions under the LSPS.
- Review the 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 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).

#### **4.4. Project Timeline**

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