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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 November 2012**

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**ITEM-7** **PLANNING PROPOSAL LOTS 2102 AND 2103 DP 1176614, NOS. 28-34 SOLENT CIRCUIT, BAULKHAM HILLS (7/2012/PLP)**

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR TAYLOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

**638 RESOLUTION**

- a) The proposed amendments to Part D Section 8 Norwest Residential Precinct of The Hills Development Control Plan 2011 not be supported.
- b) The Planning Proposal to amend the maximum building height under The Hills Local Environmental Plan 2012 applicable to No. 28-34 Solent Circuit, Baulkham Hills (Lots 2102 and 2013 DP 1176614) from 16 metres to 30 metres not proceed.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Councillors Dr M.R. Byrne, M.G. Thomas, Dr J. Lowe, R. Preston, M. Taylor, Y. Keane, P. Gangemi, A.C. Jefferies

**VOTING AGAINST THE MOTION**

None

*8.50pm Councillor Keane left the meeting and returned at 8.53pm during Item 8*

**ITEM-8** **EDWARDS ROAD PRECINCT DRAFT INDICATIVE MASTER PLAN - CONSIDERATION OF SUBMISSIONS (FP185)**

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR GANGEMI THAT

- 1. This matter be deferred to allow further consultation with affected property owners.
- 2. Following this consultation, a report be submitted to a Council meeting in February 2013.

THE MOTION WAS PUT AND CARRIED.

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 November 2012**

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**639 RESOLUTION**

1. This matter be deferred to allow further consultation with affected property owners.
2. Following this consultation, a report be submitted to a Council meeting in February 2013.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Councillors Dr M.R. Byrne, M.G. Thomas, Dr J. Lowe, R. Preston, M. Taylor, Y. Keane, P. Gangemi, A.C. Jefferies

**VOTING AGAINST THE MOTION**

None

*8.56pm Councillor Preston left the meeting during Item 9 and returned at 8.58pm during Call of the Agenda*

**ITEM-9**

**DELEGATION AND INDEPENDENT REVIEWS OF PLAN MAKING DECISIONS (FP85)**

A MOTION WAS MOVED BY COUNCILLOR TAYLOR AND SECONDED BY COUNCILLOR GANGEMI THAT the Recommendation contained in the report be adopted.

**640 RESOLUTION**

Council provide written notification to the Minister of Planning and Infrastructure advising that Council accepts delegated plan making powers.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Councillors Dr M.R. Byrne, M.G. Thomas, Dr J. Lowe, M. Taylor, Y. Keane, P. Gangemi, A.C. Jefferies

**VOTING AGAINST THE MOTION**

None

**ABSENT FROM THE ROOM**

Councillor R. Preston

|                              |                                                                                                                                                   |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM-8</b>                | <b>EDWARDS ROAD PRECINCT DRAFT INDICATIVE MASTER PLAN - CONSIDERATION OF SUBMISSIONS (FP185)</b>                                                  |
| <b>THEME:</b>                | Balanced Urban Growth                                                                                                                             |
| <b>HILLS 2026 OUTCOME/S:</b> | BUG 3 I can work close to home.                                                                                                                   |
| <b>COUNCIL STRATEGY/S:</b>   | BUG 1.2 Facilitate effective, safe and well managed local roads and traffic and transport infrastructure that encourages use of public transport. |
| <b>GROUP:</b>                | <b>STRATEGIC PLANNING</b>                                                                                                                         |
| <b>AUTHOR:</b>               | <b>SENIOR TOWN PLANNER</b><br>BRENT WOODHAMS                                                                                                      |
| <b>RESPONSIBLE OFFICER:</b>  | <b>MANAGER FORWARD PLANNING</b><br>STEWART SEALE                                                                                                  |

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## EXECUTIVE SUMMARY

The purpose of this report is to consider the outcome of the public exhibition of the draft Indicative Master Plan – Edwards Road Precinct. In response to the exhibition period Council received a total of nine (9) submissions which covered a broad range of issues including the classification and extent of significant vegetation, internal roads, development controls, minimum lot size and building height. Following the review of submissions it is recommended that a number of revisions be made to the exhibited Plan as outlined within the body of this report.

It is recommended that the revised master plan be adopted. The recommendations contained within the revised master plan will seek to balance development potential and promote economic growth within the precinct whilst addressing the significant environmental challenges of the area. The implementation of the revised master plan will require amendments to three key planning documents as detailed within the body of this report. These documents include:

- The Hills Local Environmental Plan 2012;
- The Hills Development Control Plan 2011; and
- Development Contributions Plan No. 11 – Annangrove Road Light Industrial Area.

## HISTORY

|                   |                                                                                 |
|-------------------|---------------------------------------------------------------------------------|
| <b>3/07/2012</b>  | Council Workshop to brief on the Draft Indicative Master Plan for the Precinct. |
| <b>24/07/2012</b> | Council resolved to publicly exhibit the Draft Indicative Master Plan.          |

**7/08/2012 –** Public Exhibition of the Draft Indicative Master Plan.  
**7/09/2012**

## **BACKGROUND**

Council's Employment Lands Direction outlines the strategic context for the planning and management of employment lands within The Hills Shire. This Direction considers a range of issues such as land availability, growth opportunities and the revitalisation of older areas.

The Direction recognises the importance of revitalising existing underperforming employment areas which includes making better use of existing services and infrastructure and ensuring that building stock meets the technological needs of industry. Redeveloping older industrial areas for higher order employment uses provides opportunities for increased investment and jobs closer to home.

With specific reference to the Annangrove Road Light Industrial Area, the Employment Lands Direction highlights that the precinct has not been successful in attracting industrial businesses and suggests that this may be due to the following factors:

- Current outlying location;
- Lack of marketable image;
- Fragmented ownership;
- Need for cooperation between landowners to achieve access in some instances; and
- Extensive vegetation including endangered ecological communities.

### **1. DRAFT INDICATIVE MASTER PLAN – EDWARDS ROAD PRECINCT**

In accordance with the actions of the Employment Lands Direction Council has prepared and exhibited the Draft Indicative Master Plan – Edwards Road Precinct (draft Plan). The draft Plan seeks to balance development potential and promote economic growth whilst having regard to the environmental constraints of the precinct. The draft Plan, once adopted, will inform the preparation of suitable zoning, minimum lot size and associated development controls.

The purpose of preparing the draft Plan is to establish an initial development concept for the precinct prior to forwarding a planning proposal to the Department of Planning and Infrastructure for Gateway Determination. During the exhibition period landowners were actively engaged to provide feedback on the draft Plan to enable refinements to be made to the concept prior to commencing the statutory process of amending Council's planning documents.

The focus of the draft Plan is the Edwards Road Precinct which extends south along Annangrove Road to Withers Road with Cattai and Second Ponds Creeks forming the eastern boundary. The precinct area is outlined in red on Figure 1.



**Figure 1**  
The Edwards Road Precinct

## REPORT

The purpose of this report is to consider the submissions received during the exhibition of the Draft Indicative Master Plan – Edwards Road Precinct. The report is structured as follows:

1. Exhibition Details;
2. Submission Summary;
3. Submissions Review;
4. Post Exhibition Amendments; and
5. Next Steps.

### 1. EXHIBITION DETAILS

The draft Plan and supporting documents were exhibited for thirty-one (31) days from Tuesday 7 August 2012 to Friday 7 September 2012. The exhibition material included the following:

1. Draft Indicative Master Plan – Edwards Road Precinct;
2. Council Report and Minute, 24 July 2012;
3. Economic and Employment Assessment, SGS Economics and Planning;
4. Flora and Fauna Assessment, Eco Logical Australia; and
5. Traffic and Accessibility Assessment, Lambert & Rehbein.

Notification of the exhibition was placed in The Hills Shire Times and The Rouse Hill Times on two separate occasions being:

- The Hills Shire Times on Tuesday 7 August 2012 and Tuesday 21 August 2012; and
- Rouse Hills Times on Wednesday 8 August 2012 and Wednesday 22 August 2012

Council wrote to the forty-seven (47) property owners within the precinct, including the Department of Lands, advising them of where to find the exhibition material and how to make submissions.

All exhibition material was available for viewing at Council's Administration Centre, the Vinegar Hill Memorial Library and Castle Hill Library. It was also available for viewing and download on the 'Major Plans on Exhibition' page of Council's website.

## **2. SUBMISSION SUMMARY**

Nine (9) submissions were received in response to the exhibition of the draft Plan, including one (1) submission from the Department of Primary Industries. Submissions were accepted by mail, e-mail and e-request.

## **3. SUBMISSION REVIEW**

An overview of the key issues raised during the public exhibition period is provided below. The specific planning comments addressing the issues raised within each submission has also been included in Attachments 1 and 2.

The following key issues were raised within the submissions received:

- A. Classification and Extent of Significant Vegetation;
- B. Internal Roads (funding, construction and location);
- C. Development Controls (setbacks, battle-axe blocks, access, car parking and flooding); and
- D. Minimum Lot Size and Proposed Building Height.

### **A. Classification and Extent of Significant Vegetation**

As part of the preparation of the draft Plan, Council engaged the firm Eco Logical Australia to prepare a flora and fauna assessment for the precinct. The purpose of the assessment was to clarify the extent and significance of vegetation communities within the subject area.

#### ***Issue:***

The classification and extent of significant vegetation as identified within the draft Plan was raised within four (4) separate submissions. The key areas of concern related to:

- i. Interpretation of Ecological Constraints Map;
  - ii. Vegetation Identified for Retention (Conservation Areas);
  - iii. Zoning of Conservation Areas; and
  - iv. Classification of Vegetation.
- 
- i. *Interpretation of Ecological Constraints Map: Concern was raised that the ecological constraints diagram (Figure 9 of the draft Plan) illustrates raw ecological values without consideration of the long term viability and practical management of such values.*

**Comment:**

The areas which have been mapped as 'high constraint' are those that scored highest in the ecological assessment compared to other parts of the site. This information was designed to be used in a master planning process in which a number of objectives for the site would also be considered, including economic viability, traffic management, visual amenity and infrastructure servicing. Whilst the constraints map provides an input to this process it is not intended to be a map denoting areas of vegetation for retention.

Whilst it is acknowledged that the areas identified as having a 'high constraint' are areas which have high ecological value, the map is not intended to denote areas which cannot be considered for removal or for biodiversity trading. Accordingly the master plan should be amended to clarify that the areas which are identified as having 'high constraint' are not intended to identify areas which must be retained or areas which cannot be considered for removal or for biodiversity trading.

- ii. *Vegetation Identified for Retention (Conservation Areas): Submissions raised concern over the impracticality of utilising ecological constraints map to denote areas of vegetation to be retained ('Conservation Areas').*

**Comment:**

As mentioned previously, the constraints map is not intended to denote areas which cannot be considered for removal or for biodiversity trading. As part of future development of any land containing significant vegetation, a Flora and Fauna Assessment will be required to identify the extent and significance of vegetation on site. If the application is approved, Council will require as a condition of consent that a Vegetation Management Plan be prepared and submitted for approval. This plan will need to be endorsed by the Office of Environment and Heritage and will generally require the following:

- Noxious weed control program;
- Program for vegetation management and investment so as to improve the vegetation condition and the long term viability of the ecologically endangered communities and fauna habitats on site;
- Incorporate an appropriate planting regime of understory species;
- Removal of barbed fencing and trails within the site and on lot boundaries;
- Management of the riparian corridor along the length of the creek and stormwater drainage channels on site; and
- The erection of appropriate signage to discourage dumping of waste and promoting the ecological attributes of the site.

The preparation of a Vegetation Management Plan will ensure that the areas which are deemed to have high conservation significance are appropriately managed to encourage the regeneration of remnant vegetation. The conservation areas identified within the Plan will provide a framework under which development can be designed to maximise the function and diversity of remnant bushland.

Compensatory Offset measures may also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the "Principles for the use of Biodiversity Offsets in NSW".

- iii. *Zoning of Conservation Areas: Areas identified as having value for retention should be zoned E2 Environmental Conservation or E3 Environmental Management in lieu of the B6 Enterprise Corridor. It is commented that the objectives of either zone and the range of permissible uses would support the environmental outcomes sought for these areas.*

**Comment:**

The submitter's request that an environmental zone be applied to the 'Conservation Areas' is not supported as it would impact on the calculation of the floor space ratio based on site area. When calculating the floor space ratio of a building, land on which proposed development is prohibited cannot be included in the calculation of the site area. Accordingly, any land within the precinct which is zoned either E2 Environmental Conservation or E3 Environmental Management would be excluded from the floor space ratio calculation.

- iv. *Classification of Vegetation: An ecological assessment prepared in support of a previous subdivision proposal identified a significant portion of the northern frame as containing Sydney Sandstone Ridgetop Woodland (SSRW) which is not currently identified as an endangered community.*

**Comment:**

The Eco Logical Flora and Fauna Assessment for the Precinct includes a review of previous assessments that have been submitted in support of subdivision proposals within the precinct. The review concluded that the major difference/variation between the assessments within the Northern Frame related to the presence of dominant tree species. Council's ecological consultant determined that the assemblage was more consistent with Shale Sandstone Transition Forest (SSTF), which is identified as an endangered ecological community. None of the dominant species of SSRW were recorded during survey and therefore Eco Logical Australia determined that the vegetation was closer to SSTF than to SSRW.

**Recommended Approach**

- That the master plan be amended to clarify that the constraints assessment does not identify areas of vegetation which must be retained or areas which cannot be considered for removal or for biodiversity trading;
- That Council retain the B6 Enterprise Corridor Zone within the Northern Frame of the Precinct, excluding the areas zoned SP2 Infrastructure; and
- An additional control be included within the development control recommendations requiring that a Flora and Fauna Assessment is required as part of future development on any land containing significant vegetation.

**B. Internal Roads**

Two road layout options have been proposed within the draft Plan. The indicative road layout was established to ensure an interconnected street network which promotes safe and efficient vehicular movement within the precinct.

**Issues:**

Matters relating to the internal road layout proposed within the draft Plan were raised within five (5) submissions. The specific issues raised within these submissions are included below:

- i. Funding and Construction of Edwards Road and Crown Road;
  - ii. Temporary Unsealed Road;
  - iii. Crown Road (Dedication and Realignment); and
  - iv. Southern Internal Road (Option 2).
- i. *Funding and Construction of Edwards Road and Crown Road: Concern was raised in relation to the funding and construction of Edwards Road and Crown Road. It was highlighted that without the upgrade of Edwards Road critical services such as water*

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*and sewerage cannot be provided to the sites and without these services future development cannot occur.*

**Comment:**

It is acknowledged that future development is dependent on the delivery of services to the site. However, under the *Roads Act 1993* there is no obligation for Council to make a road or to maintain a road that it has not previously made.

Where new development necessitates the provision of a road Council may, and has consistently under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, required the road to be constructed as a condition of development consent. The basis for this position is that the construction of internal roads have the primary function of providing vehicular access to the development sites within the precinct. Accordingly, the cost of their construction must be borne by future developers as part of future subdivision proposals.

As an incentive for the delivery of Edwards Road, this item could be included within the contributions plan to be constructed as a 'works in kind' as part of future development. This would improve the feasibility of constructing the road and would benefit other land owners who will also rely on the road to access the roundabout onto Annangrove Road. To address the nexus requirements of the *EP&A Act* a levy for this work could also be applied to land within the Northern Frame of the Edwards Road Precinct. This contribution would be in addition to the existing traffic contribution already applied within Contributions Plan No. 11. The feasibility of including this item within the Contributions Plan will need to be further explored.

- ii. *Temporary Unsealed Road: Council could construct a temporary unsealed road along Edwards Road up to 282 Annangrove Road (Lot 2 DP 1032790) so as to enable vehicular access to all properties adjoining Edwards Road.*

**Comment:**

The construction of a temporary unsealed road to provide vehicular access to future industrial lots is not an acceptable outcome. This is primarily due to the expected traffic loading along this road and potential safety concerns. Accordingly, it will be expected that the road is upgraded to an urban standard as part of the future subdivision of the site.

- iii. *The Department of Primary Industries raised no objection to the draft Plan.*

**Comment:**

The Department of Primary Industries raised no objection to the draft Plan and highlighted that depending on the outcome of the proposal Council could request that the section of Crown Road that is required for vehicular access be transferred to Council under section 151 RA of the *Roads Act 1993*. It was also highlighted that adjoining landowner(s) could apply to close and purchase that part of the Crown road not required for access.

- iv. *Crown Road (Dedication and Realignment): The existing Edwards / Crown Road would be more suitable as the main thoroughfare than the proposed alteration as the new section of Edwards Road, proposed on 31 Edwards Road, would be located on private property whereas the existing path of Edwards Road is on public land.*

**Comment:**

The realignment of Crown Road through 31 Edwards Road is necessary to provide a regular subdivision pattern within the precinct. As Edwards Road is proposed to connect to the North Kellyville Precinct, the realignment will facilitate this connection. The realigned portion of Crown Road which will pass through 31 Edwards Road will need to

be dedicated as road by the developer as part of a future subdivision proposal for this site.

- v. *Southern Internal Road (Option 2): Concern raised in relation to the location of the proposed internal road which runs through the existing pre-school. The road would be difficult to achieve without a successful agreement between land owners. As an alternative the submitters have proposed an alternative road layout which would consist of a 'U' shaped internal access road extending along the side and rear boundaries of 318 and 320 Annangrove Road.*

**Comment:**

The internal road identified within the draft Plan is only indicative and is predicated on the entirety of the site being developed for industrial purposes. The rationale behind identifying the road along the boundary of the properties is that the cost of constructing the road would be shared equally between the future developers of each site. The location of the internal road, as proposed within the draft Plan, would enable direct vehicular access to all future lots within the development areas and would prevent the possible isolation of future development lots.

The alternative layout, as suggested, would benefit some land owners at the expense of other properties. It is recognised that any internal road through the Southern Frame of the Precinct would be difficult to achieve without cooperation from all land owners. For this reason it is recommended that Council pursue Option 1 which will identify no internal road within the Southern Frame.

**Recommended Approach**

- The alignment of the internal roads identified within the Northern Frame remain as exhibited;
- That Council pursue Option 1 for the Southern Frame which will involve a reduction in the minimum lot size to 4,000m<sup>2</sup> with no internal road;
- That Council delete Option 2 from the Master Plan; and
- The cost of constructing Edwards Road be considered for inclusion within the review of Contributions Plan No. 11.

**C. Development Controls**

As part of the preparation of the draft Plan a number of development control recommendations were proposed to facilitate orderly subdivision and to ensure that the built form of future development is appropriate for the Precinct. The proposed controls address access requirements, lot frontage, setbacks, parking, landscaping and a proposed road layout.

**Issues:**

There was general support for the reduction in the front setback and lot frontage controls. However, four (4) submissions commented on the proposed development controls. Issues raised related to:

- i. Side and Rear Setbacks;
  - ii. Car Parking Rate; and
  - iii. Requirement for a Flood Study.
- i. *Side and Rear Setback: Concern raised that generous setbacks similar to existing industrial areas within The Hills Shire are not necessary for light industrial development on smaller lots and would impact on the viability of redevelopment by reducing the amount of achievable floor space per site.*

*Most industrial developments utilise the tilt-up slab method of construction and in the event of a fire adjacent properties have adequate protection due to the fire rating of concrete products. Reduced setbacks would also prevent sites from storing their materials in these areas and generating unsightly and potentially hazardous spaces.*

**Comment:**

The side and rear setback controls which have been identified within the draft Plan are a translation of the existing side and rear setback requirements which currently apply to the other industrial areas within the Shire. In order to facilitate a reduction in the minimum lot size within the precinct it is considered appropriate for Council to investigate an alternative control which will enable industrial development to maximise floor space whilst not eroding the quality of the streetscape through the precinct.

The other industrial areas within the Shire primarily cater for larger developments and as such the current setback controls are necessary to ensure that the landscaped setting is maintained. However, within industrial areas with a smaller minimum lot size a reduced side and rear setback control will be more appropriate, so long as greater emphasis is placed on the appearance on the building facade and the front setback area.

A survey has been undertaken of the side and rear setback controls which are currently applied to industrial development by other Councils within the Sydney Region. Most of the Council's surveyed either do not identify side or rear setback controls or identify a zero setback. Accordingly, it is recommended that Council pursue a reduction in the side and rear setback controls for the Edwards Road Precinct. It is proposed that a zero setback be applied to the rear and one side boundary and a 5 metre setback be applied to the remaining side boundary.

- ii. Car Parking Rate: Concern was raised that Council's car parking rates are out of step with all other Councils which they have investigated. The proposed rates are not appropriate in this instance given the type and scale of development envisaged within the precinct.*

**Comment:**

The draft Plan, as exhibited, did not propose to reduce the car parking rate for the Precinct. Rather, the existing car parking rates for industrial development have been applied. The existing parking rates as required by Part C Section 2 of Development Control Plan 2011 for industrial and warehouse development are as follows:

|             |                                                                                                         |
|-------------|---------------------------------------------------------------------------------------------------------|
| Industrial: | 1 space per 50m <sup>2</sup> of Gross Floor Area, or 1 space per 2 employees, whichever is greater; and |
| Warehouse:  | 1 space per 50m <sup>2</sup> of Gross Floor Area.                                                       |

A survey of the parking rates which are currently enforced by other Councils within the Sydney Region has identified that the average parking rate for industrial and warehouse development is between 1 space per 75m<sup>2</sup> of Gross Floor Area to 1 space per 100m<sup>2</sup> of Gross Floor Area. The Economic and Employment Assessment which was undertaken as part of the preparation of the draft Master Plan also highlighted that the car parking requirement for the Edwards Road Precinct are more rigid than other case study industrial areas.

In order to stimulate redevelopment within the precinct, a reduction in the car parking requirement to a rate that is consistent with the surrounding Local Government Areas will better enable the Precinct to attract investors that would otherwise locate in other

industrial areas. This will also facilitate the smaller form of industrial development which is envisaged within the Precinct.

For the reasons outlined above and following an analysis of the controls which have been adopted by other Councils it is recommended that the parking requirement for industrial and warehouse development within the Edwards Road Precinct be reduced to a rate of 1 space per 75m<sup>2</sup> of Gross Floor Area. It is recommended that the parking rate for vehicular body repair shops, vehicle repair stations, sex service premises and the visitor parking rate remain, as these rates will still be appropriate even with smaller scale industrial development.

*iii. Requirement for a Flood Study: Concern that a flood study should only be required where development is located within a certain buffer distance from land zoned SP2 Infrastructure. The majority of development will be significantly setback from the SP2 zoned land due to vegetation preservation and APZ requirements, therefore removing the requirement for this study.*

**Comment:**

Council's flood mapping does not identify the extent of the Flood Planning Level for this precinct. Whilst it has been acknowledged that the previous study undertaken by Sydney Water identified that the 1 in 100 year Average Recurrence Interval (ARI) for this precinct is generally contained within the land zoned SP2 Infrastructure (Stormwater Management System) under LEP 2012, this study did not apply to the entire precinct. It has also been identified that there may be some land that is not included within the SP2 zoned land which extends below the 1 in 100 ARI. As all land which adjoins a waterway is deemed to be a flood control lot, it is recommended that the flood controls within the draft Plan remain as exhibited.

**Recommended Approach**

- That the side and rear setback controls identified within the master plan be amended in accordance with the development control recommendations set out in within Section 4 of this report;
- That the parking requirement for industrial and warehouse development within the draft Master Plan be amended in accordance with the development control recommendations set out in within Section 4 of this report; and
- That the flood controls identified within the Master Plan remain as exhibited.

**D. Minimum Lot Size and Proposed Building Height**

In order to improve the general feasibility of redevelopment within Precinct the draft Master Plan has proposed an approach which seeks to open up the precinct to a wider segment of the industrial market. The recommendations of the draft Plan seek to enable a smaller form of industrial development to cater for smaller niche industries which cannot afford to construct large multi-unit complexes.

**Issue:**

Many submissions have requested a reduction in the minimum lot size and an increase in the maximum building height proposed within the draft Plan. The specific issues raised within these submissions are included below.

- i. Minimum Lot Size;
- ii. Integrated Development; and
- iii. Building Height.

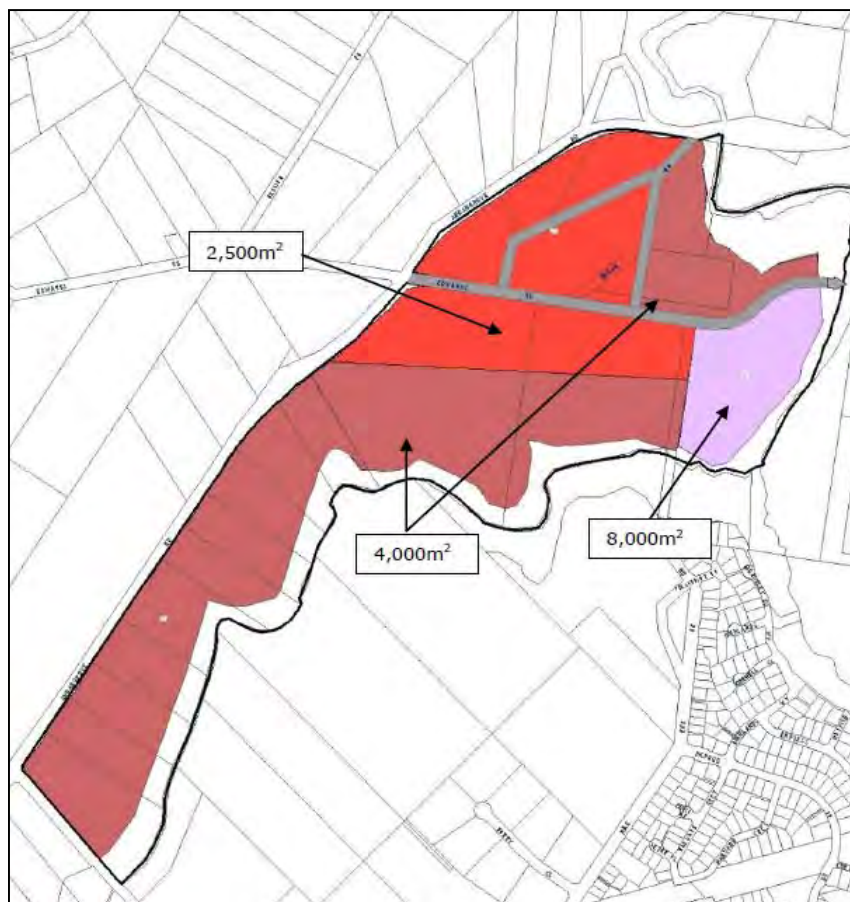
- i. *Minimum Lot Size: Request further reduction to the minimum lot sizes proposed within the draft Plan.*

**Comment:**

With respect to the 'Paintball Site', the draft Master Plan identifies a minimum lot size of 8,000m<sup>2</sup>. The intention of this layout was to ensure that areas which are identified as being of high conservation value, to the rear of the site, would be contained under private ownership within future development lots. This would also enable development to occur without the requirement for an internal road. It is recognised that there may be development potential south of the transmission easement on the 'Paintball Site'. However the extent will need to be established through the development assessment process, through the preparation of a Species Impact Statement and Vegetation Management Plan. In order to facilitate development a revised minimum lot size pattern is proposed for this site. The recommended minimum lot sizes for this site are provided below:

- a. The minimum lot size of the land north of the transmission easement, on the paintball site be reduced to 2,500m<sup>2</sup>. This area generally contains vegetation which is of a poorer quality due to the past land use activities.
- b. All land south of the transmission easement will have a minimum lot size of 4,000m<sup>2</sup>. Vegetation identified for retention will be wholly contained within the future development lots.

The proposed minimum lot size for the Edwards Road Precinct, including the indicative road layout is included on the following map.



**Figure 2**  
Proposed Minimum Lot Size

- ii. *Integrated Development: Submission that Council could adopt an integrated development approach that is similar to the approach to new residential development in North Kellyville. This process would enable a mix of 2,500m<sup>2</sup> and 4,000m<sup>2</sup> lots.*

**Comment:**

The integrated development approach is most commonly applied for residential development on small lots and requires dwellings to be approved at the same time as subdivision. The key objective of this draft Master Plan is to improve the feasibility of development within the precinct by reducing the initial cost of development. As the integrated development approach increases the initial cost of development this approach is not supported at this stage.

- iii. *Building Height: Submission that the maximum permissible height be increased from 16 metres to 23 metres on the portions of the Precinct that are affected by both steep topography and vegetation constraints.*

**Comment:**

The request that the maximum building height be increased to 23 metres on steep land is not supported. The 16 metre height limit has been applied consistently throughout the rest of the Precinct and throughout the other areas of the Shire which have an industrial function. The height limit also applies irrespective of the topography of the land. At the development assessment stage the applicant can seek a variation to the development standard to ensure that future development responds to the topography of the land.

**Recommended Approach**

- That the proposed minimum lot size identified within the draft Master Plan be amended in accordance with the recommendations set out in within Section 4 of this report;
- That Council not pursue an integrated development approach for the Edwards Road Precinct; and
- That the maximum building height of 16 metres remains as exhibited.

**4. POST EXHIBITION AMENDMENTS**

In light of the submissions received during the public exhibition period it is recommended that a number of amendments be made to the draft Master Plan. The recommended amendments to the master plan are included within the following table.

| Summary of Amendments to the Edwards Road Precinct Master Plan |                                                                                                                           |                                                                                                                                                                                |                                                                                                                                                                                  |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue                                                          | Exhibited                                                                                                                 | Amended                                                                                                                                                                        | Comment                                                                                                                                                                          |
| <b>Ecological Constraints Map</b>                              | An assessment of ecological constraints was undertaken to assign areas within the precinct with a high, moderate, low, or | Amend Section 6.2 of the draft Master Plan to clarify that the areas which have been identified as having 'high constraint' on the Ecological Constraints Map (Figure 9 of the | The constraints map is being miss-interpreted as areas that must be retained. The map is not intended to denote areas which cannot be considered for removal or for biodiversity |

| Summary of Amendments to the Edwards Road Precinct Master Plan |                                                                                                                                                                            |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue                                                          | Exhibited                                                                                                                                                                  | Amended                                                                                                                                                                                                                                                            | Comment                                                                                                                                                                                                                                                                      |
|                                                                | very low ecological constraint. The result of this assessment (the Ecological Constraints Map) was included within Section 6.2 of the draft Master Plan.                   | draft Plan) does not indicate areas which cannot be considered for removal or for biodiversity trading.                                                                                                                                                            | trading. This must be clarified within the draft Master Plan.                                                                                                                                                                                                                |
| <b>Indicative Conservation Area</b>                            | The draft Plan did not include an Indicative Conservation Area.                                                                                                            | Amend Section 9.2 of the draft Master Plan to require the preparation of a Flora and Fauna Assessment as part of any development proposal on land containing significant vegetation.                                                                               | The identification and on-going management of future conservation areas will need to be established as part of the development assessment process through the preparation of a flora and fauna assessment and vegetation management plan.                                    |
| <b>Minimum Lot Size</b>                                        | With respect to the 'Paintball Site' (Lot 1 DP 133473, Lot 12 DP 835727 and Lot 26 DP 834050) the draft Master Plan identifies a minimum lot size of 8,000m <sup>2</sup> . | It is recommended that the minimum lot size for the 'Paintball Site' (Lot 1 DP 133473, Lot 12 DP 835727 and Lot 26 DP 834050) be reduced to 2,500m <sup>2</sup> (north of the transmission easement) and 4,000m <sup>2</sup> (south of the transmission easement). | In order to allow the possibility of redevelopment within this portion of the Precinct the minimum lot size requirement need to be adjusted.                                                                                                                                 |
| <b>Side and Rear Setbacks</b>                                  | The side and rear setback controls as proposed within the draft Plan is 5 metres for buildings and 2 metres for ground level parking.                                      | Amend Section 9.2 of the draft Master Plan to apply the following side and rear setback control for the Edwards Road Precinct:<br><br>A zero setback to the rear boundary and one side boundary;<br>A 5 metre setback to the remaining side boundary;              | The five metre side setback when coupled with the setback from an adjoining property will facilitate appropriate vehicular access to the rear and side of future development whilst not negatively impacting on the streetscape. This will also enable future development to |

| Summary of Amendments to the Edwards Road Precinct Master Plan |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                               |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue                                                          | Exhibited                                                                                                                                                                                                                                                                                                                                                                             | Amended                                                                                                                                                                                                                                                                                                    | Comment                                                                                                                                                                                                                                       |
|                                                                |                                                                                                                                                                                                                                                                                                                                                                                       | A 10 metre setback to a side or rear boundary adjoining Annangrove Road, Withers Road and Edwards Road;<br>A 5 metre setback to a side or rear boundary adjoining a road other than Annangrove Road, Withers Road or Edwards Road.                                                                         | maximise its potential floor space.                                                                                                                                                                                                           |
| <b>Car Parking</b>                                             | The draft Master Plan proposed the following parking rates for warehouse and industrial development:<br><br>Industrial: 1 space per 50m <sup>2</sup> of Gross Floor Area; and<br>Warehouse: 1 space per 50m <sup>2</sup> of Gross Floor Area.                                                                                                                                         | Amend Section 9.2 of the draft Master Plan to identify the following car parking rates for industrial and warehouse development within the Edwards Road Precinct:<br><br>Industrial: 1 space per 75m <sup>2</sup> of Gross Floor Area; and<br>Warehouse: 1 space per 75m <sup>2</sup> of Gross Floor Area. | To assist in making the Precinct more competitive with other industrial areas it is reasonable to reduce the parking requirement for industrial and warehouse development. This will also facilitate smaller forms of industrial development. |
| <b>Option 2</b>                                                | Two road layout options have been proposed within the draft Master Plan. The differentiation between the two options was confined to 314, 316, 318 and 320 Annangrove Road. Option 1 proposes that the minimum lot size be reduced to 4,000m <sup>2</sup> with no internal road. Option 2 proposed that the minimum lot size be reduced to 2,500m <sup>2</sup> with an internal road. | It is recommended that Council pursue Option 1 for the southern frame which will involve a reduction in the minimum lot size to 4,000m <sup>2</sup> with no internal road. In light of this recommendation Section 8.3 Option 2 will need to be deleted.                                                   | Option 1 has been pursued as it will facilitate a reduction in the minimum lot size without the burden of constructing an internal road.                                                                                                      |

| Summary of Amendments to the Edwards Road Precinct Master Plan |                |                                                                                                                                                                                                                        |                                                                                                                                                                                           |
|----------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue                                                          | Exhibited      | Amended                                                                                                                                                                                                                | Comment                                                                                                                                                                                   |
| <b>Administrative Changes</b>                                  | Not Applicable | A number of administrative changes have also been made to the draft Master Plan to update references to <i>The Hills Local Environmental Plan 2012</i> , numbering of headings and to correct minor formatting errors. | The draft master plan will need to be amended to rectify some minor formatting and grammatical errors and to reflect the commencement of <i>The Hills Local Environmental Plan 2012</i> . |

**Table 1**  
Summary of Amendments to the Edwards Road Precinct Master Plan

## 5. NEXT STEPS

The adoption of the draft Master Plan will trigger amendments to three key planning documents. These documents include:

- The Hills Local Environmental Plan 2012;
- The Hills Development Control Plan 2011; and
- Development Contributions Plan No. 11 – Annangrove Road Light Industrial Area.

### Planning Proposal

If the draft Master Plan is supported by Council, a planning proposal will need to be prepared to commence the process of formally amending *The Hills Local Environmental Plan 2012*. The planning proposal will seek to change the zoning for part of the locality from IN2 Light Industrial to B6 Enterprise Corridor. The planning proposal will also seek to reduce the minimum lot size for parts of the precinct in-line with the recommendations of the draft Master Plan. The planning proposal will then need to be forwarded to the Department of Planning and Infrastructure for Gateway Determination.

### Development Controls Plan

A draft amendment to The Hills Development Control Plan 2011 will need to be prepared to support the planning proposal. The draft amendment will be in accordance with the development control recommendations contained within the final adopted Master Plan. The amendment will address the proposed road layout, access, built form controls, parking and landscaping. If supported by Council, the exhibition of the amendment to the development control plan will be in conjunction with the exhibition of the planning proposal.

### Development Contributions Plan

In support of the planning proposal and amendment to the Development Control Plan, Contributions Plan No. 11 will need to be amended to review the floor space and employment assumptions and to update the schedule of works within the plan. The exhibition of the Contributions Plan No. 11 will be undertaken as a package in conjunction with the exhibition of the planning proposal and draft amendment to

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Development Control Plan 2011. The amendment to the contributions plan will include the following:

- Update the potential floor space and employment generation assumptions;
- Update the description and estimated cost of works for projects listed within the works program. Where an updated cost estimated has not been undertaken, or where a project has already been delivered, the existing estimate will be indexed to the current quarter;
- Identify the Northern Frame as a special sub-precinct;
- List Edwards Road within the works program of the contributions plan. The cost of constructing this road will only be levied on properties within the northern frame; and
- Update the contribution rates schedule.

## **CONCLUSION**

It is recommended that Council adopt the revised Master Plan for the Edwards Road Precinct (Refer Attachment 3). The revised development concept for the Precinct will result in a more appropriate development outcome which balances development potential whilst addressing the significant environmental challenges of the area.

The recommendations of the Master Plan will seek to amend the zoning of the Northern Frame from IN2 Light Industrial to B6 Enterprise Corridor. In order to enable a smaller form of industrial development it is also proposed that the minimum lot size be reduced from 8,000m<sup>2</sup> to 2,500-4,000m<sup>2</sup> for parts of the Precinct. A number of development control recommendations are also proposed to improve the feasibility and built form of development and to ensure the constrained areas of the Precinct are appropriately managed.

The draft Master Plan, once adopted, will inform the preparation of suitable zoning, minimum lot size and associated development controls for the precinct.

## **IMPACTS**

### **Financial**

An amendment to Contributions Plan No. 11 will be required to update infrastructure requirements to facilitate development within the Precinct.

### **Hills 2026**

The provision of improved employment opportunities is consistent with the Hills 2026 themes of balance urban growth and a modern local economy.

## **RECOMMENDATION**

1. The revised Master Plan – Edwards Road Precinct be adopted.
2. A Planning Proposal, draft Development Control Plan and Section 94 Development Contributions Plan to implement the Edwards Road Precinct Master Plan be prepared.

## **ATTACHMENTS**

1. Summary of Public Authority Submissions (1 Page)
2. Summary of Public Submissions (37 Pages)
3. Revised Master Plan – Edwards Road Precinct (28 Pages)

**ATTACHMENT 1****Summary of Public Submissions**

| <b>No.</b>    | <b>1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Issues raised | <p data-bbox="533 483 1327 640">1. <i>The submitter applauds Council's direction to amend the minimum lot size from 8,000m<sup>2</sup> to 4,000m<sup>2</sup>, for the south of the precinct, as this will attract more interest due to purchasers not being required to fund more than they need to.</i></p> <p data-bbox="555 674 845 707"><b>Planning Comment:</b></p> <p data-bbox="555 741 1327 801">The submitter's support for the reduction of the minimum lot size at this location is acknowledged.</p> <p data-bbox="555 835 1327 992">It has been identified that the high capital cost to establish a development on an 8,000m<sup>2</sup> site is impacting on the feasibility of redevelopment within the Precinct, particularly in the current market where there is low demand for industrial space.</p> <p data-bbox="555 1025 1327 1312">In light of the above, the draft Master Plan has proposed an approach which seeks open up the precinct to a wider segment of the industrial market by re-assessing the development standards and controls which currently apply to the land. The recommendations of the Master Plan seek to enable smaller developments that suit niche industries who do not have access to capital to develop large multi unit complexes or who require less restrictive strata by-laws to operate their business.</p> <p data-bbox="533 1346 1270 1435">2. <i>With respect to environmental considerations, the submitter makes the following observations as they relate to their clients land.</i></p> <p data-bbox="603 1469 1222 1536"> <i>a. There are no vegetation communities, Fig 8</i><br/> <i>b. There are no ecological constraints, Fig 9</i> </p> <p data-bbox="579 1570 1310 1727"><i>The submitter continues by commenting that they see no need for Council to require any form of restriction adjacent to the Trunk Drainage boundary except that as required by Planning for Bushfire Protection and we would anticipate that this would be 10m.</i></p> <p data-bbox="555 1760 845 1794"><b>Planning Comment:</b></p> <p data-bbox="555 1827 1327 1951">The submitter is correct that the Flora and Fauna Assessment prepared as part of the preparation of this Master Plan does not identify the presence of significant vegetation community on 332-334 Annangrove Road.</p> <p data-bbox="555 1984 1327 2040">However, following an investigation it has been identified that the property was previously subject to an Order</p> |

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|  | <p>pursuant to Section 121B of the <i>Environmental Planning and Assessment Act 1979</i>. This Order was the result of unapproved felling of Cumberland Plain Woodland which is identified as a critically endangered ecological community under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p> <p>The Order required the preparation of a Bushland Rehabilitation Management Plan to identify the extent of the land clearing and to propose a plan to rehabilitate the cleared area to the rear of the property.</p> <p>The submitter comments that they see no need for Council to require any form of restriction adjacent to the Trunk Drainage boundary except that as required by Planning for Bushfire Protection and which they anticipate would be 10 metres.</p> <p>Due to the previous unapproved felling of Cumberland Plain Woodland on the site, the consultants engaged by Council to prepare the Flora and Fauna Assessment did not identify the site in question as containing significant vegetation.</p> <p>The original Order was revoked following the approval of the Bushland Regeneration Management Plan and the implementation of the Plan via a modification to DA110/2008/ZB. At the time this was seen as an acceptable outcome as it enabled the implementation of the Plan without the requirement for an additional Order. In light of this it is considered appropriate that all future development on the site complies with the 25 metre conservation area as identified within the Bushland Regeneration Management Plan and DA110/2008/ZB/A.</p> <p>It is not the intention of the Master Plan to nullify the requirements of the original Order. Accordingly, the rehabilitation area contained within the approved plans of DA110/2008/ZB/A will be identified as environmentally constrained land within the master plan.</p> <p>3. <i>The submitter makes reference to figure 13 of the Master Plan which identifies the 'Strategic Vision' for the precinct. On this diagram no environmental constraint is shown as effecting Lot 12 or 13. The submitter comments that they agree that this would be acceptable to their client as currently applying Planning for Bushfire Protection at the boundary of Lot 12 and 13 requires a 40 metre Asset Protection Zone to be incurred on Lot 12, Figure13 removes this.</i></p> <p><b>Planning Comment:</b></p> <p>There is a minor mis-description on Figure 13 of the</p> |
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Plan. The environmental constraint was intended to extend along the rear of lot 12 to reflect the presence of Cumberland Plain Woodland, as identified within Figures 8 and 9 of the draft Plan. Accordingly Figure 13 will need to be amended to extend the environmental constraint along the rear of Lot 12.

With respect to Asset Protection Zone distances, this will need to be appropriately addressed at the subdivision stage to ensure compliance with the requirements of the Planning for Bushfire Protection Guidelines.

4. *The submission included two subdivision plans, one which identified a battle axe lot and one which did not include a battle axe lot. Under Item 9 'Recommended Development Controls – Development Sites' the submitter requests that Council consider that with respect to Lot 13, a battle-axe lot as shown within the subdivision plan (ref 030037 p15).*

**Planning Comment:**

The battle-axe control within the draft indicative master plan identifies the following:

*'Battle-axe shaped lots will not be encouraged within the Precinct, however may be considered on merit based on site constraints'*

The proposed control is intended to discourage battle-axe style subdivision, however it is recognised that in some circumstances a battle-axe shaped lot may result in a more appropriate subdivision pattern.

5. *The submitter has commented that Council's car parking requirements are out of step with all other Councils which they have investigated. Attached to the submission is a list of car parking rates for industrial development as applied by various other Council's*

*Based on the case study council it was identified that the car parking rates generally ranged from 1 space per 75m<sup>2</sup> Gross Floor Area to 1 space per 100m<sup>2</sup>Gross floor Area.*

*The submitter comments that as the demographics of access to light industry has changed over the past years, the submitter is of the opinion that Council and their parking ratio should also change to 1 space per 75m<sup>2</sup> Gross Floor Area up to 200m<sup>2</sup> Gross Floor Area and 1 space per 100m<sup>2</sup> Gross Floor Area thereafter.*

**Planning Comment:**

The draft Plan did not propose to reduce the car parking rate for the precinct. Rather, the existing car parking rates for industrial and business development have been applied.

The existing parking rates as required by Part C Section 2 of The Hills Development Control Plan are included within the following table:

| Use                      | Rate                                                                                                                                                                                 |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Industrial               | 1 space per 50m <sup>2</sup> of Gross Floor Area, or<br>1 space per 2 employees, whichever is greater                                                                                |
| Warehouse                | 1 space per 50m <sup>2</sup> of Gross Floor Area                                                                                                                                     |
| Vehicle body repair shop | 1 space per 2 employees, plus<br>6 spaces per work bay                                                                                                                               |
| Vehicle repair station   | 3 spaces per 100 m <sup>2</sup> of GFA or<br>3 spaces per work bay, whichever is the greater                                                                                         |
| Sex Service Premises     | 1 space per room used or capable of being used for sex services plus<br>1 space per employee. All car parking areas shall be well lit, easy to locate and monitored by surveillance. |
| Visitor parking          | 1 space for every 2 units constructed                                                                                                                                                |

The rates identified within the above table are considered to be appropriate within the Shire's other industrial areas where a larger form of development is encouraged. However, it is considered that the parking rate will need to be amended for this industrial area in order to facilitate smaller scale industrial development.

The Economic and Employment Assessment which was undertaken as part of the preparation of the draft Plan also highlighted that the car parking requirement for the Edwards Road Precinct are more rigid than other case study industrial areas. Reducing the car parking requirement for this precinct to a rate that is consistent with the surrounding Local Government Areas will better enable the precinct to attract investors that would otherwise invest in other industrial areas where the controls are less stringent.

In light of the above and following an analysis of the controls which have been adopted by other Councils it is recommended that the parking requirement for industrial development and warehouse development be reduced to a rate of 1 space per 75m<sup>2</sup> of GFA. It is recommended that the parking rate for vehicular body repair shops, vehicle repair stations, sex service

premises and the visitor parking rate remain, as these rates will still be appropriate even with smaller scale industrial development. The following table includes the recommended car parking rates for industrial development within the precinct.

| Use                      | Rate                                                                                                                                                                              |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Industrial               | 1 space per 75m <sup>2</sup> of Gross Floor Area                                                                                                                                  |
| Warehouse                | 1 space per 75m <sup>2</sup> of Gross Floor Area                                                                                                                                  |
| Vehicle body repair shop | 1 space per 2 employees, plus 6 spaces per work bay                                                                                                                               |
| Vehicle repair station   | 3 spaces per 100 m <sup>2</sup> of GFA or 3 spaces per work bay, whichever is the greater                                                                                         |
| Sex Service Premises     | 1 space per room used or capable of being used for sex services plus 1 space per employee. All car parking areas shall be well lit, easy to locate and monitored by surveillance. |
| Visitor parking          | 1 space for every 2 units constructed                                                                                                                                             |

The recommended development controls section of the draft Plan will need to be amended to reflect this new parking rate for the Edwards Road Precinct.

6. *The submitter has commented that a setback parameter of 5 metres for side and rear boundaries can create unsavoury areas at the side and rear due to the occupiers storing, stacking and discarding materials. The submitter continues by noting that rear and side walls at zero setback can be suitably fire rated.*

*The submitter recommends that Council consider, for small lot light industrial areas, the following controls:*

- *Zero rear and side setback; or*
- *Alternative zero setback to one side and rear boundary, giving a common fire rated wall on one side and a minimum of 10 metres (5+5) separation to buildings on the other side boundary.*

The side and rear setback controls which have been identified within the draft Plan are a translation of the existing side and rear setback requirements which currently apply to the other industrial areas within the Shire. However, in light of the proposed reduction in the minimum lot size within the precinct it is considered to appropriate for Council to investigate an alternative control which enables industrial development to maximise floor space, whilst not eroding the quality of

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|  | <p>the streetscape through the precinct.</p> <p>The existing setback requirements which currently apply to the Shire's industrial areas are considered to be appropriate and should remain. These industrial areas primarily cater for larger developments and as such the setback controls are necessary to ensure that the landscaped setting is maintained. Within industrial areas with smaller lots the zero side and rear boundary setback is considered to be more appropriate so long as greater emphasis is placed on the appearance on the building facade and the front setback area.</p> <p>All of the Councils which have been investigated either did not identify a side or rear setback control or identified a zero setback. Whilst it is recognised that other Councils permit a zero setback to all side and rear boundaries it is recommended that Council pursue the following:</p> <ul style="list-style-type: none"> <li>• A zero setback to the rear boundary and one side boundary. The setback to the remaining side boundary must be 5 metres;</li> <li>• A 10 metre setback applies to all side or rear boundaries along Annangrove Road, Edwards Road or Withers Road; and</li> <li>• A 5 metres setback applies to all side or rear boundaries along any road, other than Annangrove Road, Edwards Road or Withers Road.</li> </ul> <p>The five metre side setback, when coupled with the setback from an adjoining property, will facilitate appropriate vehicular access to the rear and side of future development whilst not negatively impacting on the streetscape. This will also enable future development to maximise its potential floor space.</p> <p><i>7. The submitter comments that the minimum lot size is onerous. The submission continues by stating that the minimum lot size within Blacktown City Council is 1,500m<sup>2</sup>, with the exception of Huntingwood and Arndell Park. Penrith Council varies with 1,000m<sup>2</sup> as a minimum and Hornsby Council does not have a minimum lot size and consider each proposal on its merits.</i></p> <p><i>The submitter requests that Council reconsider the minimum lot size to a minimum of 2,000m<sup>2</sup> as this will allow for sufficient truck turning and parking.</i></p> <p><b>Planning Comment:</b></p> <p>A reduction in the minimum lot size to 2,500m<sup>2</sup> or 2,000m<sup>2</sup>, as was requested by the submitter, is not considered to be appropriate for this portion of the precinct due to the dimension of the lots and the presence of Cumberland Plain Woodland which is</p> |
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|               | <p>identified as a Critically Endangered Ecological Community.</p> <p>A reduction in the minimum lot size to 2,000m<sup>2</sup> for this portion of the precinct would require the use of battle-axe blocks to ensure that future lots are provided with vehicular access. However, this form of subdivision is not encouraged through the Plan. Whilst it is acknowledged that, in certain circumstances a battle – axe block may enable a more efficient subdivision pattern this would only be considered in exceptional circumstances where the applicant can justify that a battle-axe lot will result in a more appropriate subdivision pattern.</p> <p>A second alternative is the identification of an internal road through the rear of the lots to the south of the precinct. This would provide future development with vehicular access without the requirement for battle-axe lots. However the construction of this road will increase the cost of redevelopment. Additionally, it would not be appropriate for Council to identify an internal road through a site which contains Cumberland Plain Woodland.</p> |
| Action        | <ul style="list-style-type: none"> <li>• <i>That the environmentally constrained land identified within figure 13 be amended to extend along the rear boundary of 330 and 332-334 Annangrove Road.</i></li> <li>• <i>That the side and rear setback controls identified within the master plan be amended in accordance with the development control recommendations set out in within Section 4 of this report; and</i></li> <li>• <i>That the parking requirement for industrial and warehouse development within the master plan be amended in accordance with the development control recommendations set out in within Section 4 of this report.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>No.</b>    | <b>2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Issues raised | <p>1. <i>The submitter comments that they are happy with the master plan and the lot sizes.</i></p> <p><b>Planning Comment:</b></p> <p>The submitters support for the lot sized proposed within the plan are acknowledged.</p> <p>2. <i>The submitter comments that their biggest problem is the construction of Edwards Road and Crown Road. The submission highlights that services to Edwards Road and Crown Road cannot be finalised until there is a commitment for the construction of the new roads.</i></p> <p><i>In support of the submission is a letter from Rouse</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

*Hill Infrastructure Stage 3 Pty Ltd, dated 29 July 2004. The letter states that the extension of the potable water main down Edwards Road remains part of the Trunk Infrastructure works for which RH3 is responsible. The arrangements for the design and construction of this work will however not proceed until there is a commitment to the construction of Edwards Road.*

**Planning Comment:**

It is recognised that future development within the Precinct is dependent on the delivery of utility services.

The internal roads which are proposed within the master plan will have a sole function of providing vehicular access to the future development sites within the Precinct. The construction of these internal roads is necessary to ensure an efficient and orderly subdivision pattern. This issue is not unique to this precinct and is experienced within most land release areas which require the construction of local roads. Council is not in a position to take on the responsibility of funding and local roads which provide sole access to future development lots, as this would place an undue financial burden on Council.

With respect to the servicing of future development (i.e. water, sewer, electricity) these matters will need to be addressed via the future subdivision of each site. As part of the development assessment process Council will directly consult each service provider to ensure that the infrastructure is capable of being augmented for the proposed development. In addition to the requirements which will need to be satisfied as part of the development assessment process, direct consultation will occur with each infrastructure provider as part of preparation and exhibition of the planning proposal for the precinct.

Water and Sewerage

In respect of water and sewer infrastructure, development consent for subdivision will require that a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation prior to the issue of the subdivision certificate.

The application will need to be made through an authorised Water Servicing Coordinator. Following the application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid.

Electricity

In respect of electricity infrastructure and connections, the development consent for subdivision will require the developer to obtain a Notification of Arrangement (NOA) from Endeavour Energy. This NOA will indicate that the developer has made the necessary arrangements to provide electrical services to the development and that the costs and other servicing requirements identified by Endeavour Energy have been satisfied.

Once the other conditions have been satisfied the subdivision plan can be registered with the Land Titles Office.

3. *The submitter comments that their Council rates (\$5,190.65), part of which is supposed to cover the maintenance of roads.*

**Planning Comment:**

Rates are a property tax levied on the land value (as determined by the Valuer General). Council levies ordinary rates on the following land categories reflecting the dominant use of the land - residential, farmland and business. Council rates are allocated across a range of critical services for which Council is responsible. This includes open space, recreation facilities, libraries, community centres, waste services, road maintenance, stormwater and catchment management, environment and sustainability services, development assessment and regulatory compliance. The allocation of Council rates is undertaken as part of the budget preparation process.

4. *The submitter comments that the original Edwards Road Precinct extended from the paintball site to Murphys Bridge. The submission continued by stating that this precinct will have 41 hectares of the 110 hectares and will also have the largest traffic movement. The submission highlights that if Edwards Road/ Crown Road is not upgraded the largest area of employment land in the industrial precinct will be left undeveloped.*

*Without the upgrade of Edwards Road/ Crown Road services cannot be provided to the sites and without services future development cannot occur and no local employment will be generated. The submitter is of the opinion that Council is not recognising its responsibility to maintain the road.*

*The submitter comments that at present there are only 3 properties in Edwards Road, and accordingly Council has not maintained or sealed the road. When the 5 other properties who now front Annangrove Road have to use Edwards Road will this warrant Council to upgrade the road so that they can get services and development can happen.*

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|               | <p><b>Planning Comment:</b></p> <p>It is recognised that a significant portion of the estimated employment generation within the Edwards Road Precinct will occur within the Northern Frame. It is also acknowledged that future development is dependent on the delivery of services to the site. However, under the <i>Roads Act 1993</i> there is no obligation for Council to make a road or to maintain a road that it has not previously made.</p> <p>Where new development necessitates the provision of a road Council may, and has consistently under the <i>Environmental Planning and Assessment Act 1979</i>, required the road to be constructed as a condition of development consent. The basis for this position is that the construction of internal roads will have the primary function of providing vehicular access to the future development sites within the precinct. Accordingly, the cost of their construction must be borne by future developers as part of future subdivision proposals.</p> <p>As an incentive for the delivery of Edwards Road, this item could be included within the contributions plan to be constructed as a 'works in kind' as part of future development. This would improve the feasibility of constructing the road and would benefit other land owners who will also rely on the road to access the roundabout onto Annangrove Road. To address the nexus requirements of the <i>EP&amp;A Act</i> a levy for this work could also be applied to land within the Northern Frame of the Edwards Road Precinct. This contribution would be in addition to the existing traffic contribution already applied within Contributions Plan No. 11. The feasibility of including this item within the Contributions Plan will need to be further explored.</p> |
| Action        | <ul style="list-style-type: none"> <li>The cost of constructing Edwards Road be considered for inclusion within the review of Contributions Plan No. 11.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>No.</b>    | <b>3</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Issues raised | <p>1. <i>The submitter comments that the master plan shows reasonable block sizes which they are happy with.</i></p> <p><b>Planning Comment:</b></p> <p>The submitters support for the reduction of the minimum lot size at this location is acknowledged.</p> <p>2. <i>The submitter comments that they, as well as other properties will be losing access to Annangrove Road. The submission continues by asking where will they stand if this happens.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Planning Comment:**

The draft Plan recommends that the minimum lot size be reduced to 2,500m<sup>2</sup> within certain sections of the Northern Frame. To cater for the additional industrial lots an internal road has been proposed to connect Edwards Road and the Crown Road via the boundaries of 284, 286 and 288 Annangrove Road and 20 Edwards Road.

As Annangrove Road is proposed to be upgraded to a Sub-Arterial Class I roadway, it is likely that direct vehicular access to this road will be restricted by the Roads and Maritime Service. For this reason an internal road has been proposed to facilitate a reduction in the minimum lot size whilst enabling vehicular access to future development lots. Vehicular access to Annangrove Road from these properties will only be restricted as part of a future subdivision proposals within this portion of the precinct. Until subdivision occurs the existing access arrangements to these properties will remain.

3. *The submitter comments that until the upgrading of Edwards Road takes place, they cannot have any services available to their property, or to any of the surrounding properties.*

**Planning Comment:**

It is recognised that future development within the Precinct is dependent on the delivery of utility services.

The internal roads which are proposed within the master plan will have a sole function of providing vehicular access to the future development sites within the Precinct. The construction of these internal roads is necessary to ensure an efficient and orderly subdivision pattern. This issue is not unique to this precinct and is experienced within most land release areas which require the construction of local roads. Council is not in a position to take on the responsibility of funding and local roads which provide sole access to future development lots, as this would place an undue financial burden on Council.

With respect to the servicing of future development (i.e. water, sewer, electricity) these matters will need to be addressed via the future subdivision of each site. As part of the development assessment process Council will directly consult each service provider to ensure that the infrastructure is capable of being augmented for the proposed development. In addition to the requirements which will need to be satisfied as part of the development assessment process, direct consultation will occur with each infrastructure provider as part of preparation and exhibition of the planning proposal for

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|  | <p>the precinct.</p> <p><u>Water and Sewerage</u></p> <p>In respect of water and sewer infrastructure, development consent for subdivision will require that a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water Corporation prior to the issue of the subdivision certificate.</p> <p>The application will need to be made through an authorised Water Servicing Coordinator. Following the application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid.</p> <p><u>Electricity</u></p> <p>In respect of electricity infrastructure and connections, the development consent for subdivision will require the developer to obtain a Notification of Arrangement (NOA) from Endeavour Energy. This NOA will indicate that the developer has made the necessary arrangements to provide electrical services to the development and that the costs and other servicing requirements identified by Endeavour Energy have been satisfied.</p> <p>Once the other conditions have been satisfied the subdivision plan can be registered with the Land Titles</p> <p>4. <i>The submitter comments that the rates that they have paid over the past years, current rates being \$6,007.97, of which should go to road maintenance entitles them usage to roads constructed years ago, to be upgrades by Council.</i></p> <p><b>Planning Comment:</b></p> <p>Rates are a property tax levied on the land value (as determined by the Valuer General). Council levies ordinary rates on the following land categories reflecting the dominant use of the land - residential, farmland and business. Council rates are allocated across a range of critical services for which Council is responsible. This includes open space, recreation facilities, libraries, community centres, waste services, road maintenance, stormwater and catchment management, environment and sustainability services, development assessment and regulatory compliance. The allocation of Council rates is undertaken as part of the budget preparation process.</p> <p>5. <i>The submitter comments that Edwards Road should be upgraded by Council.</i></p> <p>It is recognised that a significant portion of the</p> |
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|               | <p>estimated employment generation within the Edwards Road Precinct will occur within the Northern Frame. It is also acknowledged that future development is dependent on the delivery of services to the site. However, under the <i>Roads Act 1993</i> there is no obligation for Council to make a road or to maintain a road that it has not previously made.</p> <p>Where new development necessitates the provision of a road Council may, and has consistently under the <i>Environmental Planning and Assessment Act 1979</i>, required the road to be constructed as a condition of development consent. The basis for this position is that the construction of internal roads will have the primary function of providing vehicular access to the future development sites within the precinct. Accordingly, the cost of their construction must be borne by future developers as part of future subdivision proposals.</p> <p>As an incentive for the delivery of Edwards Road, this item could be included within the contributions plan to be constructed as a 'works in kind' as part of future development. This would improve the feasibility of constructing the road and would benefit other land owners who will also rely on the road to access the roundabout onto Annangrove Road. To address the nexus requirements of the <i>EP&amp;A Act</i> a levy for this work could also be applied to land within the Northern Frame of the Edwards Road Precinct. This contribution would be in addition to the existing traffic contribution already applied within Contributions Plan No. 11. The feasibility of including this item within the Contributions Plan will need to be further explored.</p> |
| Action        | <ul style="list-style-type: none"> <li><i>The cost of constructing Edwards Road be considered for inclusion within the review of Contributions Plan No. 11.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| No.           | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Issues raised | <p>1. <i>The submitter considers that this is an improvement on the present zoning of (8,000m<sup>2</sup>).</i></p> <p><b>Planning Comment:</b></p> <p>The submitters comment that the proposed minimum lot size within Option 1 is an improvement on the current 8,000m<sup>2</sup> minimum lot size is noted.</p> <p>2. <i>The submitter cannot follow the logic in differentiation between the southern end and the northern end of the precinct, with only the northern end having the 2,500m<sup>2</sup> minimum lot size.</i></p> <p><b>Planning Comment:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

The development area which is the subject of the submission extends from 314 to 320 Annangrove Road. For this portion of the precinct, two minimum lots size options have been proposed. Option 1 applies a minimum lot size of 4,000m<sup>2</sup> which would enable subdivision to occur without the requirement of an internal road which would increase the cost of redevelopment. On the other hand, Option 2 proposes a minimum lot size of 2,500m<sup>2</sup>. However, in order to facilitate an appropriate subdivision pattern which would not rely solely on battle-axe shaped lots, a potential internal road was identified. The purpose of this road is to enable vehicular access to the rear of these properties.

3. *The submitter comments that in Option 2, the roadway as shown in the draft plan runs directly through the pre-school, which the submitter considers to be unacceptable.*

**Planning Comment:**

The internal road identified within Option 2 is only indicative and is predicated on the entirety of the site being developed for industrial purposes i.e. the existing development not remaining. The rationale behind identifying the road along the boundary of 318 and 320 Annangrove Road was that the cost of constructing the road would be shared equally between the owners or future developers of the site.

4. *The submitter raises concern over the impracticality of making an agreement between the owners of 318 and 320 Annangrove Road with the owners of both 314 Annangrove Road (which is a poor development block for subdivision) and 316 Annangrove Road (which has a present development for a storage depot).*

**Planning Comment:**

The approach which was undertaken as part of the preparation of the draft master plan was to plan the entire portion of the precinct, extending from 314 to 320 Annangrove Road as a development block.

It is recognised that in order for the proposed roads to be viable there must be considerable cooperation between land owners. Each land owner must be committed toward the roads construction. Without this cooperation it is unlikely that the intended subdivision pattern will be achieved.

The costing and feasibility of the portion of the internal road along the boundary of 314 and 316 Annangrove Road has not been tested. In light of slope, vegetation and riparian constraints, it is unlikely that this portion of

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|        | <p>the roadway will be viable.</p> <p>5. <i>The submitter has proposed an alternative road layout to the one proposed within for Option 2 of the draft Master Plan. The submitter states that this could allow for a reduction in the minimum lot size to 2,500m<sup>2</sup>. The submitter proposes a U shaped internal access road which would extend along the southern boundary of 320 Annangrove Road, the rear boundaries of both 318 and 320 and would connect with Annangrove Road along the northern boundary of 318 Annangrove Road.</i></p> <p><b>Planning Comment:</b></p> <p>The internal road identified within the draft Plan is only indicative and is predicated on the entirety of the site being developed for industrial purposes. The rationale behind identifying the road along the boundary of the properties is that the cost of constructing the road would be shared equally between the future developers of each site. The location of the internal road, as proposed within the draft Plan, would enable direct vehicular access to all future lots within the development areas and would prevent the possible isolation of future development lots.</p> <p>The alternative layout, as suggested, would benefit some land owners at the expense of other properties. It is recognised that any internal road through the Southern Frame of the Precinct would be difficult to achieve without cooperation from all land owners. For this reason it is recommended that Council pursue Option 1 which will identify no internal road within the Southern Frame.</p> <p>6. <i>The submitter has commented that, if the alternative road layout option is not looked upon favourable, Council could consider the creation/ adoption of an integrated development approach that is similar to the approach to new residential development in North Kellyville. The submitter continues by stating that this would enable a mix of 2,500 and 4,000m<sup>2</sup> lots.</i></p> <p><b>Planning Comment:</b></p> <p>The integrated development approach is most commonly applied for residential development on small lots and requires dwellings to be approved and constructed at the same time as subdivision. The key objective of this master plan is to improve the feasibility of development within the precinct by reducing the initial cost of development. As the integrated development approach increases the initial cost of development, this approach is not supported within this precinct.</p> |
| Action | <ul style="list-style-type: none"> <li>• <i>That the integrated development approach not be</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|               | <p><i>adopted within the Edwards Road Precinct;</i></p> <ul style="list-style-type: none"> <li>• <i>That Council pursue Option 1 for the Southern Frame which will involve a reduction in the minimum lot size to 4,000m<sup>2</sup> with no internal road; and</i></li> <li>• <i>That Council delete Option 2 from the master plan.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>No.</b>    | <b>5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Issues raised | <p>1. <i>The submitter comments that, Option 1, with a minimum lot size of 4,000m<sup>2</sup> is a significant and essential improvement on the present and very limiting lot size of 8,000m<sup>2</sup></i></p> <p><b>Planning Comment:</b></p> <p>The submitters comment that the proposed minimum lot size within Option 1 is an improvement on the current 8,000m<sup>2</sup> minimum lot size is noted.</p> <p>2. <i>The submitter comments that option 2 would be difficult to achieve without a successful agreement between the owners of 314, 316, 318 and 320 Annangrove Road.</i></p> <p><b>Planning Comment:</b></p> <p>The approach which was undertaken as part of the preparation of the draft Plan was to plan the entire portion of the precinct, extending from 314 to 320 Annangrove Road as a development block. It is noted that the internal road proposed as part of Option 2 was intended to enable a reduction in the minimum lot size across this entire development block to 2,500m<sup>2</sup>. The location of the internal road, as proposed within the draft Plan, would ensure that vehicular access could be provided to all areas of the precinct and not result in the isolation of the remaining blocks. This would ensure that future development is not reliant on battle-axe style subdivision pattern.</p> <p>It is recognised that in order for the proposed roads to be viable there must be considerable cooperation between land owners. Each land owner must be committed toward the roads construction. Without this cooperation it is unlikely that the intended subdivision pattern will be achieved.</p> <p>The costing and feasibility of the portion of the internal road along the boundary of 314 and 316 Annangrove Road has not been tested. In light of slope, vegetation and riparian constraints, it is unlikely that this portion of the roadway will be viable.</p> <p>3. <i>The submitter comments that in Option 2, the roadway as shown in the draft plan passes through the Rouse Hill Pre-school. The submitter comments</i></p> |

*that the land owner is not prepared to consider the loss of the pre-school.*

The internal road identified within Option 2 is only indicative and is predicated on the entirety of the site being developed for industrial purposes i.e. the existing development not remaining. The rationale behind identifying the road along the boundary of 318 and 320 Annangrove Road was that the cost of constructing the road would be shared equally between the owners or future developers of the site.

*4. The submitter has proposed an alternative road layout to the layout proposed within for Option 2 of the draft Master Plan. The submitter states that this could allow for a reduction in the minimum lot size to 2,500m<sup>2</sup>. The submitter proposes a U shaped internal access road which would extend along the southern boundary of 320 Annangrove Road, the rear boundaries of both 318 and 320 and would connect with Annangrove Road along the northern boundary of 318 Annangrove Road.*

**Planning Comment:**

The internal road identified within the draft Plan is only indicative and is predicated on the entirety of the site being developed for industrial purposes. The rationale behind identifying the road along the boundary of the properties is that the cost of constructing the road would be shared equally between the future developers of each site. The location of the internal road, as proposed within the draft Plan, would enable direct vehicular access to all future lots within the development areas and would prevent the possible isolation of future development lots.

The alternative layout, as suggested, would benefit some land owners at the expense of other properties. It is recognised that any internal road through the Southern Frame of the Precinct would be difficult to achieve without cooperation from all land owners. For this reason it is recommended that Council pursue Option 1 which will identify no internal road within the Southern Frame.

*5. The submitter has also proposed that if the alternative road layout option is not looked upon favourably, Council could consider the creation/adoption of an integrated development approach that is similar to the approach to new residential development in North Kellyville. The submitter continues by stating that this would enable a mix of 2,500 and 4,000m<sup>2</sup> lots.*

**Planning Comment:**

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|               | <p>The integrated development approach is most commonly applied for residential development on small lots and requires dwellings to be approved and constructed at the same time as subdivision. The key objective of this master plan is to improve the feasibility of development within the precinct by reducing the initial cost of development. As the integrated development approach increases the initial cost of development, this approach is not supported within this precinct.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Action        | <ul style="list-style-type: none"> <li>• <i>That the integrated development approach not be adopted within the Edwards Road Precinct;</i></li> <li>• <i>That Council pursue Option 1 for the Southern Frame which will involve a reduction in the minimum lot size to 4,000m<sup>2</sup> with no internal road; and</i></li> <li>• <i>That Council delete Option 2 from the master plan.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>No.</b>    | <b>6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Issues raised | <p>1. <i>The submitter commends Council for its proposed reduction in the front setback control from 20 metres to 10 metres. The submitter continues by commenting that this will enhance development potential for properties, in particular corner lots that currently have a substantial loss of development due to the existing 20 metre setback requirement.</i></p> <p><b>Planning comments:</b></p> <p>The submitters support for the reduction in the front setback control is noted.</p> <p>2. <i>The submitter comments that the reduced lot frontage from 60 metres to 40 metres will create further impetus to development, combined with the proposed smaller lots. The submission continues by commenting that a move to smaller lots should ensure that the area will attract developers and end users in the future.</i></p> <p><b>Planning comments:</b></p> <p>The submitter's support for the reduction in the lot frontage control is noted.</p> <p>3. <i>The submitter recommends that the five metre side and rear setback be reduced to 3 metres. The submitter comments that most industrial construction appear to be tilt up slab, and in the event of fire, adjacent properties have adequate fire protection due to fire rating of concrete products. The submitter states that other council's appear to have a more relaxed approach to side and rear setbacks.</i></p> <p><b>Planning comments:</b></p> |

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|  | <p>The side and rear setback controls which have been identified within the draft Plan are a translation of the existing side and rear setback requirements which currently apply to the other industrial areas within the Shire. However, in light of the reduction in the minimum lot size within the precinct it is considered appropriate for Council to investigate an alternative control which enables industrial development to maximise floor space whilst not eroding the quality of the streetscape through the precinct.</p> <p>The other industrial areas within the Shire primarily cater for larger developments and as such the current setback controls are necessary to ensure that the landscaped setting is maintained. However, within industrial areas with a smaller minimum lot size a reduced side and rear setback control will be more appropriate, so long as greater emphasis is placed on the appearance on the building facade and the front setback area.</p> <p>In light of the above it is recommended that Council pursue the following side and rear setback controls for the Edwards Road Precinct:</p> <ul style="list-style-type: none"> <li>• A zero setback to the rear boundary and one side boundary. The setback to the remaining side boundary must be 5 metres;</li> <li>• A 10 metre setback applies to all side or rear boundaries along Annangrove Road, Edwards Road or Withers Road; and</li> <li>• A 5 metres setback applies to all side or rear boundaries along any road, other than Annangrove Road, Edwards Road or Withers Road.</li> </ul> <p>The five metre side setback when coupled with the setback from an adjoining property will facilitate appropriate vehicular access to the rear and side of future development whilst not negatively impacting on the streetscape. This will also enable future development to maximise its potential floor space.</p> <p>4. <i>The submitter comments that the problem of access to the Edwards Road properties does not appear to have been addressed in the draft Plan and continues by commenting that residents consider that the majority and overriding problem with the precinct has been the inability of developers or owners to be able to develop a single property without having to construct the total of Edwards Road as required by Council.</i></p> <p><i>The submitter also comments that over the past years the land owner has approached Council officers in relation to the development of their property only to be told that a certificate of commencement would only be issued if the total of Edwards Road is</i></p> |
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*completed.*

**Planning Comments:**

The submitter is correct that it would not be feasible for a developer of a single property to construct the portion of road adjoining their property without there being appropriate vehicular access to Annangrove Road. To have a portion of road which does not appropriately connect to Annangrove Road would be inappropriate, especially given the nature of future uses within the precinct.

It is recognised that it would be financially unfeasible for a single owner/ developer to construct the entirety of Edwards Road. Where new development necessitates the provision of a road Council may, and has consistently under the *Environmental Planning and Assessment Act 1979*, required the road to be constructed as a condition of development consent. The basis for this position is that the construction of internal roads will have the primary function of providing vehicular access to the future development sites within the precinct. Accordingly, the cost of their construction must be borne by future developers as part of future subdivision proposals.

As an incentive for the delivery of Edwards Road, this item could be included within the contributions plan to be constructed as a 'works in kind' as part of future development. This would improve the feasibility of constructing the road and would benefit other land owners who will also rely on the road to access the roundabout onto Annangrove Road. To address the nexus requirements of the *EP&A Act* a levy for this work could also be applied to land within the Northern Frame of the Edwards Road Precinct. This contribution would be in addition to the existing traffic contribution already applied within Contributions Plan No. 11. The feasibility of including this item within the Contributions Plan will need to be further explored.

5. *The submitter proposes that Council consider the construction of a temporary unsealed road along Edwards Road up to 282 Annangrove Road (Lot 2 DP 1032790). This would wound provide access to all the properties that front Edwards Road. The submitter comments that the cost of constructing the road would initially be borne by Council. However, the submitter continues by suggesting that Council could include the cost of constructing the road within the Section 94 Development Contributions Plan and only levy those properties which have access to Edwards Road.*

**Planning Comments:**

It is considered that the construction of a temporary unsealed road to provide vehicular access to future industrial lots is not an acceptable outcome. This is primarily due to the expected traffic loading along this road and potential safety concerns. Accordingly, it will be expected that the road is upgraded to an urban standard as part of the future subdivision of the site.

However, as mentioned previously, it is considered reasonable to include the delivery of Edwards Road within Development Contributions Plan No. 11. As an incentive for the delivery of Edwards Road, this item could be included within the contributions plan to be constructed as a 'works in kind' as part of future development. This would improve the feasibility of constructing the road and would benefit other land owners who will also rely on the road to access the roundabout onto Annangrove Road. However, in order to ensure that the strict nexus requirements of the EP&A Act are maintained, only the properties within the Northern Frame would be levied for the delivery of this road.

6. *The submitter identifies that the draft Master Plan provides for a partial closure of Edwards Road and the proposal for a new road to be constructed on lot 2 and then rejoining the Existing Edwards Road.*

*The submitter considers that the existing Edwards Road would be more suitable as the main thoroughfare than the proposed alteration. The submitter continues by commenting that the provision of intersection 3 would no doubt incur additional cost on Section 94.*

*The submitter continues by commenting that the new proposed section of Edwards Road on Lot 2 would be located on private property, whereas the existing path of Edwards Road is on public land.*

#### **Planning Comments:**

A strategic bus link has been identified as part of planning which has been undertaken for the North Kellyville Precinct and the Box Hill and Box Hill Industrial Precincts. This link will facilitate a critical connection between the North Kellyville to the east and the Box Hill to the west. The connection will involve the construction of a bridge access Second Ponds Creek. The land and capital cost of constructing this bridge will be funded through the respective Section 94 Plans prepared for each Growth Centre Precinct.

In order to reflect this link the most appropriate alignment for this road is across the access handle of Lot 1 DP133473 as this would prevent the requirement for a sharp dog leg movement which would occur if the

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|  | <p>alignment of the road was on Lot 2 DP 1032790 (282 Annangrove Road). Whilst it is acknowledged that 31 Edwards Road will be separated from Edwards Road by the 20 metre access handle of 282 Annangrove Road, the two land owners will need to negotiate an agreement as part of a future subdivision proposal.</p> <p>The draft Master Plan proposes the partial closure of a portion of Crown Road and proposes a new section of roadway through 31 Edwards Road which would connect with Edwards Road.</p> <p>The realignment of Crown Road through 31 Edwards Road is considered to be necessary as it will enable a more orderly subdivision pattern within the precinct than the pattern which could be achieved under the existing road layout. This position is given greater weight in light of the proposed extension of Edwards Road to the east. For this reason it is recommended that the proposed re-alignment of Crown Road remain as exhibited.</p> <p>In order to facilitate the extension of Edwards Road to the east, an additional intersection at this location would be necessary, regardless of the alignment of the alignment of Crown Road.</p> <p><i>7. The submitter has enquired which Government instrumentality owns Edwards Road. The submitter also enquired whether the strip of Edwards Road fronting Lot 2 that will be redundant (Crown Road Proposed to be Closed) can be purchased by the proprietor of Lot 2 (31 Edwards Road). The submitter continues by commenting that in lieu of a purchase, can the area of the strip of land fronting Edwards Road be offset against the area of land reserved on Lot 2.</i></p> <p><b>Planning Comments:</b></p> <p>The proposed internal road through lot 2 will need to be dedicated as road as part of a future subdivision proposal for the site. Land owner/s may apply to the Department of Primary Industries for the closure and purchase of the roadway not required for access. However, this matter will need to be addressed through negotiations between the landowners and the Department of Primary Industries.</p> <p><i>8. The submitter identifies that the new proposed road link along the existing Crown Road will result in an isolated block of land covering 2,000m<sup>2</sup>. The submitter continues by noting that this will be a conduit of two areas and has enquires as to whether compensation will be payable for the area of land taken for the new road link.</i></p> <p><b>Planning Comments:</b></p> |
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With respect to the road realignment, the new section of road will need to be dedicated as road by the developer as part of a future subdivision proposal for this site. Accordingly no compensation is payable by Council. With respect to the remaining portion of the site which will have an area of approximately 2,800m<sup>2</sup>, this matter will need to be addressed as part of a future subdivision proposal within this section of the Precinct. Landowners may purchase the Crown Road which is no longer required for access.

9. *The submitter commented that as part of a previous subdivision proposal for their site, a flora and fauna assessment was prepared by Travers Environmental. This assessment identified that the vegetation community was Sydney Sandstone Ridgetop Woodland, which is not identified as an endangered community. The submission also comments that the Travers Assessment made the following points in relation to the northern area of the precinct:*

- *The site does not possess threatened plant species;*
- *Some of the areas have been quarried in the distant past;*
- *The subject site cannot support many common animal species let alone any endangered fauna species; and*
- *Lantana is present.*

*The submitter continued by commenting that there appears to be some conjecture as to the class and classification of vegetation that actually exists in the northern end of the precinct.*

#### **Planning Comments:**

The Flora and Fauna Assessment for the Precinct includes a review of assessments that have been prepared in support of previous subdivision proposals within the precinct.

Both assessments identified that the underlying geology and soils were transitional between shale and sandstone with both assessments finding that the northern part of the study area had a strong sandstone influence.

Following this review Eco Logical Australia identified that the major difference in the vegetation communities validated by Eco Logical Australia and Travers Environmental is based on the presence/absence of dominant tree species. Eco Logical Australia determined that the assemblage was more consistent with Shale Sandstone Transition Forest (SSTF), which is identified as an endangered ecological community. Whereas Travers Environmental identified the vegetation

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|               | <p>community as Shale Sandstone Rivertop Woodland (SSRW), which is typically dominated by <i>Corymbia gummifera</i> (Red Bloodwood) and <i>Eucalyptus sclerophylla</i> (Hard-leaved Scribbly Gum) with <i>Banksia serrata</i> (Old Man Banksia). None of the dominant species of SSRW were recorded during survey and therefore Eco Logical Australia determined that the vegetation was closer to SSTF than to SSRW.</p> <p>The Flora and Fauna Assessment also assessed the condition of the vegetation communities within the precinct. The assessment found that the condition of vegetation communities varied within the study area, both in terms of weed densities and structurally. With respect to the SSTF, which was identified to the north of the precinct, the assessment found that this area was degraded in parts, with the highest weed densities and modifications to the mid storey occurring in the northern and eastern most parts of the community.</p> <p><i>10. The submitter has requested that the minimum lot size for a portion of their site adjoining the eastern side of Crown Road be reduced to 2,500m<sup>2</sup>. This would facilitate two 2,500m<sup>2</sup> allotments in lieu of a 4,000m<sup>2</sup> lot. The remainder of the site (10.116 hectares) could then be subdivided into two lots of approximately 5,500m<sup>2</sup> each.</i></p> <p><b>Planning Comments:</b></p> <p>The submitter's request that the minimum lot size be reduced on the eastern side of the realigned portion of the Crown Road is not supported. The subject property (31 Edwards Road) is highly constrained by both topography and vegetation. Accordingly, it is considered that the minimum lot size of 4,000m<sup>2</sup> for this portion of the precinct be retained as exhibited.</p> |
| Action        | <ul style="list-style-type: none"> <li>• <i>The alignment of the internal roads identified within the northern frame remain as exhibited;</i></li> <li>• <i>The cost of constructing Edwards Road be considered for inclusion within the review of Contributions Plan No. 11.</i></li> <li>• <i>That the side and rear setback controls identified within the master plan be amended in accordance with the development control recommendations set out in within Section 4 of this report;</i></li> <li>• <i>That the minimum lot sizes proposed for land north of Edwards Road remain as exhibited.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| No.           | 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Issues raised | <p><i>1. The submitter comments that the properties at 328 and 330 Annangrove Road, Rouse Hill have been on the market since 2005, and the cost of money has had the effect of contributing to the lack of sales.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

***Planning comments:***

It has is acknowledged that the existing development controls, coupled with the environmental constraints and the proximity of the precinct to a residential population is impacting on the viability of redevelopment within the precinct.

2. *The submitter comments that feedback from real estate agents says that smaller blocks need to be put in place to make it commercially viable. The submitter continues by requesting that a minimum of 2,000m<sup>2</sup> would enable driveway pullovers and wider access with more generous offsets.*

***Planning comments:***

As part of the preparation of the draft Plan Council engaged the firm SGS Economics and Planning to prepare and Economic and Employment Assessment for the precinct. The assessment found that a large portion of the industrial market may be excluded by the existing 8,000m<sup>2</sup> minimum control.

When considered in conjunction with Council's other development controls for parking, setbacks, lot width and floor space, the assessment concludes that the high capital cost to establish a development on an 8,000m<sup>2</sup> site will impact on project feasibility. Particularly in the current market where there is low demand for industrial space.

In accordance with these findings the draft Plan proposes to reduce the minimum lot size from 8,000m<sup>2</sup> to 2,500-4,000m<sup>2</sup> for parts of the precinct. However, with specific reference to 328 and 330 Annangrove Road, the draft Plan proposes to reduce the minimum lot size to 4,000m<sup>2</sup>.

A reduction in the minimum lot size to 2,500m<sup>2</sup> or 2,000m<sup>2</sup>, as was requested by the submitter, is not considered to be appropriate for this portion of the precinct due to the dimension of the lots and the presence of Cumberland Plain Woodland which is identified as a Critically Endangered Ecological Community.

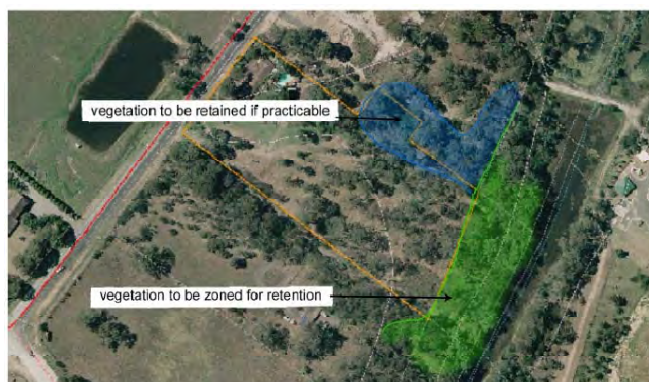
A reduction in the minimum lot size to 2,000m<sup>2</sup> or 2,500m<sup>2</sup> for this portion of the precinct would require the use of excessive battle-axe blocks to ensure that future lots are provided with vehicular access. However, this form of subdivision is not encouraged through the Plan. It is acknowledged that in certain circumstances a battle-axe block will enable a more efficient subdivision pattern. However, this would only be considered in exceptional circumstances where the applicant can

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|  | <p>justify that a battle-axe lot will result in a more appropriate subdivision pattern.</p> <p>A second alternative is the identification of an internal road through the rear of the lots to the south of the precinct. This would provide future development with vehicular access without the requirement for battle-axe lots. However the construction of this road will increase the cost of redevelopment. Additionally, it would not be appropriate for Council to identify an internal road through a site which contains Cumberland Plain Woodland.</p> <p>3. <i>The submitter comments that the recommendation of 4,000m<sup>2</sup> is minimal, but still something. The submitter also comments that even smaller blocks would be a welcome advance.</i></p> <p><b>Planning comments:</b></p> <p>The submitter's comment that the reduction of the minimum lot size 'is something', is acknowledged. Every effort has been made to improve the viability of redevelopment for landowners. However, future development is sensitive to the unique environmental characteristics of the precinct. In light of this it is recommended that the minimum lot size for the Southern Frame be reduced to 4,000m<sup>2</sup>.</p> <p>4. <i>The submitter has directly engaged the firm Hayes Environmental to provide an assessment of the significance of the vegetation communities at 328 and 330 Annangrove Road.</i></p> <p><i>The assessments, comments that the constraints diagram within the draft Plan illustrates raw ecological values without consideration of the long term viability and practical management of such values. Additionally, the assessment highlights that the areas of high constraint are regarded as high value vegetation, rather than as vegetation that cannot be considered for removal or for biodiversity trading.</i></p> <p><b>Planning comments:</b></p> <p>The areas which have been mapped as 'high constraint' are those that scored highest in the ecological assessment compared to other parts of the site. This information was designed to be used in a master planning process in which a number of objectives for the site would also be considered, including economic viability, traffic management, visual amenity and infrastructure servicing. Whilst the constraints map provides an input to this process it not intended not be interpreted as requiring retention of all areas of high constraint.</p> |
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It is apparent that the constraints map is being misinterpreted as areas that must be retained. Whilst it is acknowledged that the areas identified as having a 'high constraint' are areas which have high ecological value, the map is not intended be interpreted as a map denoting areas for retention ('Conservation Areas'). In light of this, the master plan must be amended to clarify that the areas which are identified as having 'high constraint' do not indicate areas which cannot be considered for removal or for biodiversity trading.

5. *The ecological assessment provided in support of the submission has included an indicative area for retention for both 328 and 330 Annangrove Road. The map was prepared by Hayes Environmental with the use of ecological principles*

*The ecological maps prepared in support of the submission are provided below.*



328 Annangrove Road – Indicative conservation Area



330 Annangrove Road – Indicative conservation Area

**Planning comments:**

The outcome and recommendations of the ecological assessment which has been undertaken by Hayes Environmental is acknowledged. As mentioned previously, the constraints map is not intended to denote areas which cannot be considered for removal or for biodiversity trading. As part of future development of any land containing significant vegetation a Flora and

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|               | <p>Fauna Assessment will be required to identify the extent and significance of vegetation on site. If the application is approved, Council will require as a condition of consent that a Vegetation Management Plan be prepared and submitted for approval. This plan will need to be endorsed by the Office of Environment and Heritage and will generally require the following:</p> <ul style="list-style-type: none"> <li>• Noxious weed control program;</li> <li>• Program for vegetation management and investment so as to improve the vegetation condition and the long term viability of the ecologically endangered communities and fauna habitats on site;</li> <li>• Incorporate an appropriate planting regime of understory species;</li> <li>• Removal of barbed fencing and trails within the site and on lot boundaries;</li> <li>• Management of the riparian corridor along the length of the creek and stormwater drainage channels on site; and</li> <li>• The erection of appropriate signage to discourage dumping of waste and promoting the ecological attributes of the site.</li> </ul> <p>The preparation of a Vegetation Management Plan will ensure that the areas which are deemed to have high conservation significance are appropriately managed to encourage the regeneration of remnant vegetation. The conservation areas identified within the Vegetation Management Plan will provide a framework under which development can be designed to maximise the function and diversity of remnant bushland.</p> <p>Compensatory Offset measures may also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the "Principles for the use of Biodiversity Offsets in NSW".</p> |
| Action        | <ul style="list-style-type: none"> <li>• <i>That the master plan be amended to clarify that the constraints assessment does not identify areas of vegetation which must retained or areas which cannot be considered for removal or for biodiversity trading;</i></li> <li>• <i>That the master plan be amended to require the preparation of a Flora and Fauna Assessment as part of any development proposal on land containing significant vegetation.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>No.</b>    | <b>8</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Issues raised | <p>1. <i>The submitter has directly engaged the firm Hayes Environmental to provide an assessment of the significance of the vegetation communities on their properties. The assessments provided with the submission comments that the constraints diagram</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

*included within the Eco-Logical Australia Assessment illustrates raw ecological values without consideration of the long term viability and practical management of such values.*

***Planning comments:***

The areas which have been mapped as high constraint are those that scored highest in the constraints assessment compared to other parts of the site. This information was designed to be used in a master planning process in which a number of objectives for the site will also be considered, including economic viability, traffic management, visual amenity and infrastructure servicing. It was concluded that the constraints map provides an input to this process, but should not be interpreted as requiring retention of all areas of high constraint.

It is apparent that the constraints map is being misinterpreted as areas that must be retained. Whilst it is acknowledged that the areas identified as having a 'high constraint' are areas which have high ecological value, the map is not intended to denote areas of vegetation which must be retained or areas which cannot be considered for removal or for biodiversity trading.

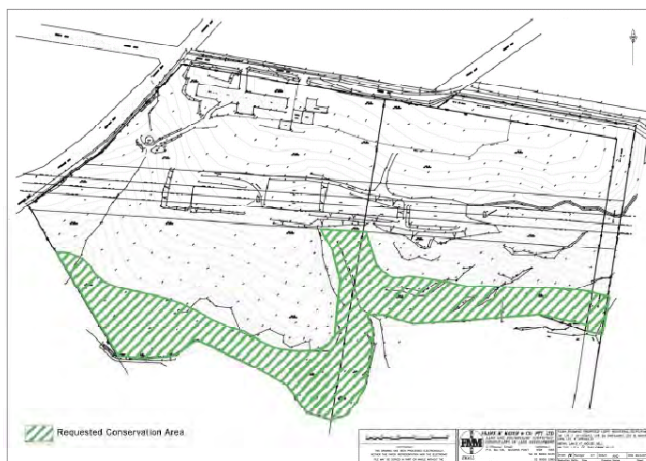
In light of the above, the master plan must be amended to clarify that the ecological constraints map does identify areas of vegetation which must be retained or areas which cannot be considered for removal or for biodiversity trading.

*2. The submitter has raised concern over the impracticality of utilising ecological constraints map to denote areas of vegetation for retention. The submitter has directly engaged the firm Hayes Environmental to provide an assessment of the significance of the vegetation communities on their site (the paintball site). The specific issues raised within the submissions included the following:*

- There is disagreement regarding some of the fundamental decisions upon which data manipulation for ranking of ecological constraints was based;*
- The constraints analysis does not satisfactorily address the issue of land ownership, and of resources available for biodiversity conservation within the study area;*
- The wording of recommendations set out in Chapter 4 reduces the flexibility of development options for landholdings within the study area. In particular the recommendation that all 'impacts should be avoided to the greatest extent possible' does not facilitate efficient development design nor efficient biodiversity management, and is not*

*consistent with the legislative framework for biodiversity assessment.*

*In support of the submission is a set of principles, prepared by Hayes Environmental, which have been provided to enable the identification of indicative areas of vegetation for retention within the precinct. A map was also prepared denoting indicative area for retention based on the vegetation assessment and ecological principles provided by Hayes Environmental. This map is included below.*



**Planning comments:**

The ecological constraints map is not intended to denote areas which cannot be considered for removal or for biodiversity trading.

The conservation area identified within the submission is acknowledged, however it is considered that the extent of the conservation area within the precinct will more appropriately be determination as part of the development assessment process.

As part of future development of any land containing significant vegetation a Flora and Fauna Assessment will be required to identify the extent and significance of vegetation on site. If the application is approved, Council will require as a condition of consent, that a Vegetation Management Plan be prepared and submitted for approval. This plan will need to be endorsed by the Office of Environment and Heritage and will generally require the following:

- Noxious weed control program;
- Program for vegetation management and investment so as to improve the vegetation condition and the long term viability of the ecologically endangered communities and fauna habitats on site;
- Incorporate an appropriate planting regime of

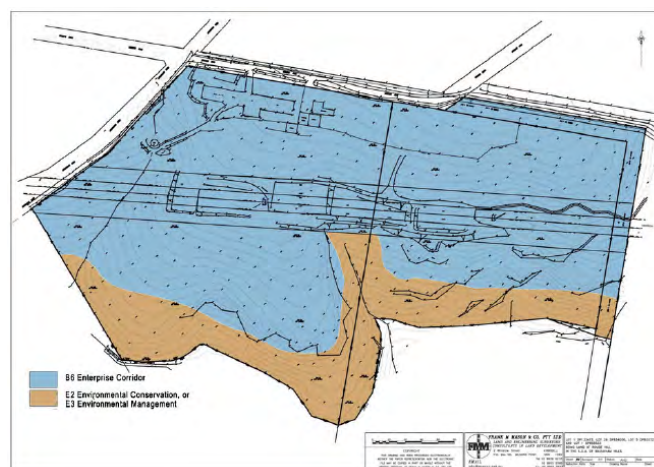
- understory species;
- Removal of barbed fencing and trails within the site and on lot boundaries;
- Management of the riparian corridor along the length of the creek and stormwater drainage channels on site; and
- The erection of appropriate signage to discourage dumping of waste and promoting the ecological attributes of the site.

The preparation of a Vegetation Management Plan will ensure that the areas which are deemed to have high conservation significance are appropriately managed to encourage the regeneration of remnant vegetation.

Compensatory Offset measures may also be considered for any significant impacts that cannot be avoided or mitigated. The offsetting measures will need to be developed in accordance with the "Principles for the use of Biodiversity Offsets in NSW".

3. *The submitter recommends that the areas identified as having value for retention should be zoned E2 Environmental Conservation or E3 Environmental Management in lieu of the B6 Enterprise Corridor. The submitter is of the opinion that the objectives of either zone and the range of permissible uses would support the environmental outcomes sought for these areas.*

*A map identifying the requested zoning is included below. The areas zoned E2 Environmental Conservation or E3 Environmental Management reflect the conservation areas recommended within the submission.*



**Planning comments:**

The submitter's request that an environmental zone be applied to the 'conservation areas' is not supported as it

could impact on the ability of future development to achieve a sufficient amount of floor space to enable viable redevelopment. When calculating the floor space ratio of a building, land on which the proposed development is prohibited cannot be included in the calculation of the site area. Accordingly, any land within the precinct which is zoned either E2 Environmental Conservation or E3 Environmental Management will need to be excluded from the calculation of the site area.

In addition to the above, the extent of the conservation area will need to be established as part of the development assessment process through the preparation of flora and Fauna Assessment and Vegetation Management Plan.

4. *Submitter has commented that the minimum lot size of 8,000m<sup>2</sup> reduces potential subdivision and effectively excludes a large portion of the industrial market.*

*The submitter has highlighted that to enable development to commence, and the employment and investment opportunities to be unlocked, the development controls need to accommodate and support a mix of lot sizes. Amended controls that provide for a lower minimum lot size promote 'in-built' flexibility to respond to current demand and evolving demands and particular tenants that may emerge that may not be apparent at this time.*

*The submitter has requested amendments to the zoning map are presented below. The map presents:*

- A minimum lot size of 2,000m<sup>2</sup> over land that is flat, has good access and exposure to neighbouring roads and that contains vegetation with reduced value;*
- A minimum lot size of 4,000m<sup>2</sup> over that part of the site subject to a significant drop in landform from north to south to accommodate the fall in land form and vegetation retention;*
- A minimum lot size of 6,000m<sup>2</sup> where vegetation is recognised as having high environmental value and where the riparian corridor enters the site. This lot size enables appropriate preservation and management of these areas; and*
- Designated areas (possibly by citation in Schedule 1 of The hills LEP, or in the accompanying chapter in the DCP), that will be subject to a S.88b Instrument pursuant to Section 88b of the Conveyancing Act 1919. The 88b Instrument will impose obligations on the land owner to protect and maintain all vegetation. We recognise that this instrument will prevent the realisation of the minimum lot size*

*requested above in areas containing high value vegetation.*

*A map of the minimum lot size layout requested by the submitter is included below.*



**Planning comments:**

With respect to the Paintball Site the draft Plan identifies a minimum lot size of 8,000m<sup>2</sup>. The intention of this layout was to ensure that areas which are identified as being of high conservation value, to the rear of the site, would be contained within private ownership. However, it is recognised that in order to ensure that future development within the precinct is feasible, a reduction in the minimum lot size for this site should be pursued in a manner consistent with the approach which has been proposed within the remainder of the precinct.

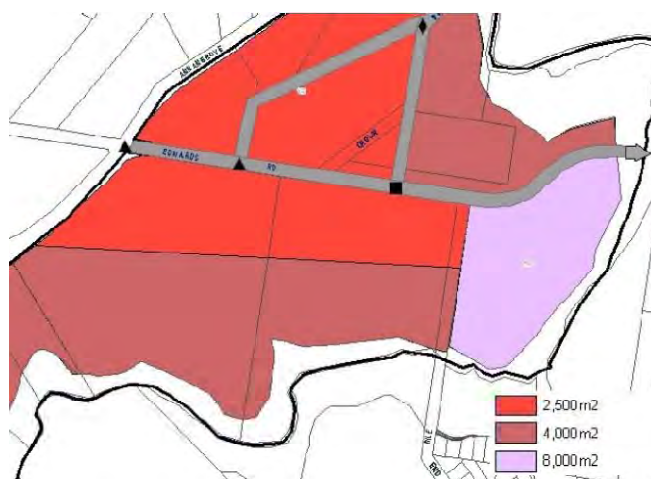
It is recognised that there may be development potential south of the transmission easement. However the extent of development will be dependent on the preparation of a conservation area for the site. This area will need to be established as part of the development assessment process. The recommended minimum lot sizes for this site and the justification for the layout is provided below:

- It is recommended that the minimum lot size of the land north of the transmission easement be reduced to 2,500m<sup>2</sup>. This area generally contains vegetation which is of a poorer quality due to the paintball activities.
- The submitter's request for a 2,000m<sup>2</sup> minimum lot size, north of the transmission easement is not supported. Whilst it is agreed that the minimum lot size for this portion of the precinct should be reduced it is considered that minimum lot sizes should only be reduced to 2,500m<sup>2</sup>. This will ensure that future development is capable of

sustaining an appropriate built form and access arrangements and parking areas.

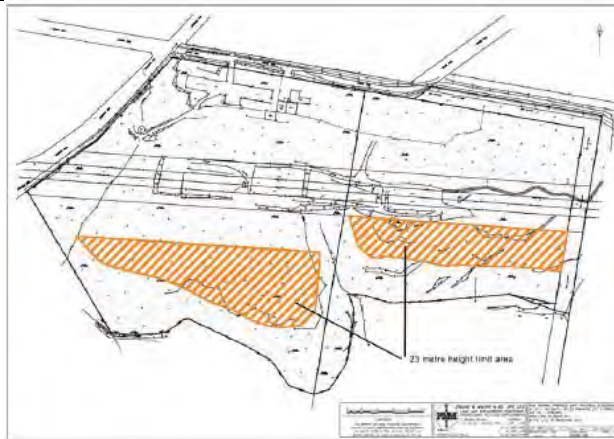
- All land south of the transmission easement will have a minimum lot size of 4,000m<sup>2</sup>. It is recognised that there may be development potential within this portion of the precinct. However the amount of development which could be achieved will be dependent on the identification of an appropriate conservation area for the site. Due to the constrained nature of this portion of the precinct, lots which have an area of less than 4,000m<sup>2</sup> will not be permitted. All land identified as being within a conservation area will need to be contained under private ownership.

A map of the recommended minimum lot size for the Paintball Site is provided below.



As part of the preparation of a vegetation management plan for the site, Council will as a condition of consent require an amendment to the Section 88b instrument to include a citation requiring compliance with the recommendations of the vegetation management plan.

5. *In the south part of the Paintball Site, where it is affected by both landform and vegetation, the submitter has request that the maximum permissible height be increased from 16 metres to 23 metres. A map of the areas where the submitter has requested an increase in the maximum building height is included below.*



*The justification for the request in the maximum building height is provided below:*

- *Privacy impact will be minimal as there is no direct overlooking of neighbouring properties by development in this part of the site;*
- *Visual impact will be minimal as built form will essentially be hidden by the fall in landform;*
- *Construction costs will already be high in this part of the site due to site landform and environmental characteristics and the increased height gives greater flexibility in building envelopes (thus the financial penalty of increased height will not be a limiting consideration in development);*
- *Due to the fall in land form it can be expected that a building of 16 metres may exceed this height limit as the building extends across and down the slope (with or without stepping of floor levels);*
- *Elevated views across the creek will provide greater amenity for potential employees and visitors to the site, enhancing the marketability of development; and*
- *Greater height provides greater scope for smaller building footprints, reinforcing opportunities for viable preservation of vegetation and bushfire asset protection zones.*

***Planning comments:***

The submitter's request that the maximum building height be increased to 23 metres for this portion of the precinct is not supported. The 16 metre height limit has been applied consistently throughout the rest of the precinct and the other areas of the Shire which primarily have an industrial function. The height limit also applies irrespective of the topography of the land. At the development assessment stage, the applicant can seek a variation to the development standard. This variation will need to be considered on its merits.

6. *The submitter has commented that the maximum floor space ratio of 1:1 be retained. However has requested that the 1:1 floor space ratio also be retained to any E2 or E3 zone that is applied to the nominated 'conservation area'.*

***Planning comments:***

The maximum floor space ratio of 1:1 will apply to the entire site. The reason for this is that land within an environmental zone must be excluded from the calculation of 'site area' when determining the floor space ratio of an industrial development. The calculation of floor space ratio and site area is set out within Clause 4.5 of *The Hills Local Environmental Plan 2012*.

7. *The submitter supports the reduction in the front setback requirement to 10 metres to Edwards Road and Annangrove Road and 5 metres to local roads.*

***Planning comments:***

The submitter's support for the reduction in the minimum front setback requirement is acknowledged.

8. *The submitter has recommended that the controls regarding fences include a clause that reiterates that fences of any kind are prohibited in areas where vegetation is to be retained.*

***Planning comments:***

The submitter's recommendation that an additional clause be included within the development control plan to prohibited fences, of any kind, within the conservation area is supported. This will provide additional protection to the areas which are deemed to have high conservation significance.

Accordingly, an addition control will be included within the development control recommendations to require the following:

- *Fences of any kind are prohibited within conservation areas.*

9. *The submitter has recommended that a flood study only be required where development is located within a certain buffer distance from land zoned SP2 Infrastructure. The justification provided by the submitter is that it is likely that the majority of development will be significantly setback from the SP2 zoned land due to vegetation preservation and APZ requirements. The submitter continues by commenting that it is unnecessary that flood studies be required for every situation as it is likely that the majority of development areas will be unaffected by*

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|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p><i>flooding.</i></p> <p><b>Planning comments:</b></p> <p>Council's flood mapping does not identify the extent of the Flood Planning Level for this precinct. Whilst it has been acknowledged that the previous study undertaken by Sydney Water identified that the 1 in 100 year Average Recurrence Interval (ARI) for this precinct is generally contained within the land zoned SP2 Infrastructure (Stormwater Management System) under LEP 2012, this study did not apply to the entire precinct. It has also been identified that there may be some land that is not included within the SP2 zoned land which extends below the 1 in 100 ARI. As all land which adjoins a waterway is deemed to be a flood control lot, it is considered that the flood controls within the draft Plan should remain as exhibited.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Action | <ul style="list-style-type: none"> <li>• <i>That the master plan be amended to clarify that the constraints assessment does not identify areas of vegetation which must retained or areas which cannot be considered for removal or for biodiversity trading;</i></li> <li>• <i>That the master plan be amended to require the preparation of a Flora and Fauna Assessment as part of any development proposal on land containing significant vegetation.</i></li> <li>• <i>That the proposed zoning of the Northern Frame remains as exhibited.</i></li> <li>• <i>The minimum lot sizes proposed within the master plan for the 'Paintball Site' be amended as follows:</i> <ul style="list-style-type: none"> <li>o <i>The minimum lot size of the land north of the transmission easement be reduced to 2,500m<sup>2</sup>.</i></li> <li>o <i>All land south of the transmission easement will have a minimum lot size of 4,000m<sup>2</sup>. All land identified as being within a conservation areas will need to be contained under private ownership.</i></li> </ul> </li> <li>• <i>The maximum building height for the precinct remains as exhibited.</i></li> <li>• <i>An addition control will be included within the development control recommendations to require that fences of any kind are prohibited within conservation areas.</i></li> <li>• <i>The flood controls identified within the master plan remain as exhibited.</i></li> </ul> |

**ATTACHMENT 2****Summary of Public Authority Submission**

| <b>No.</b>       | <b>Public Authority Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document No.     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Author           | Anthony Ryan, Group Leader Natural Resources and Property Services, Department of Primary Industries                                                                                                                                                                                                                                                                                                                                                             |
| Subject property | Crown Road                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Issues raised    | <p><i>1. No Concern raised by the Department of Lands. Council can request that the section of road be transferred to Council and adjoining land owners can apply to close and purchase the part of the Crown Road not required for access.</i></p> <p><b>Planning Comment:</b></p> <p>The comments raised by the Department of Primary Industries are noted. Additional consultation will need to occur as part of the exhibition of the planning proposal.</p> |