

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to increase the permissible building height from 16 metres to 36 metres and apply a base floor space ratio of 1:1 and an incentivised floor space ratio of 3:1 (with an associated local provision) to land at 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor (6/2016/PLP).

ADDRESS OF LAND: Part of 28 Fairway Drive, Kellyville (Lot 31 DP 247442).

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	0 (79 units approved)	250	250
Jobs	0	0	0

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions
Attachment C	Council Report and Minute 22 March 2016
Attachment D	Proponent's Application (Planning Report)
Attachment E	Urban Design Report, AE Design Partnership, dated October 2015
Attachment F	Traffic Report, Varga Traffic Planning, dated October 2015
Attachment G	Draft Local Incentives Provision
Attachment H	Draft Amendments to Clause 7.7 Design Excellence

THE SITE:

The site is known as 28 Fairway Drive, Kellyville, being Lot 31 DP247442. The site is irregular in shape and has an area of 20,237m² (or approximately 1.87 hectares excluding the SP2 drainage corridor). It has a frontage to Fairway Drive to the west (74m) and Horatio Avenue to the north (189m).

Located within the Balmoral Road Release Area the site is approximately 700 metres in a direct line from the Norwest Rail Station, although via public pathways it is approximately 1.1km walking distance from the station. The site is included within the Norwest Station Precinct, as detailed within the NSW Government North West Link Corridor Strategy.

It is currently zoned part R4 High Density Residential and part SP2 Infrastructure (Drainage Corridor). Adjoining the site is an integrated housing development (85 lots) to the north-east and land zoned RE1 Public Recreation is identified to the north-west. The site is affected by drainage, with the SP2 Drainage corridor bisecting the site. The site is bound by the Norwest Town Centre Residential Development to the south and south-east. Castle Hill Country Club is located further north-east and a range of residential land zoned R2 and R3 is located to the west and north-west which is likely to be subject to residential subdivision as part of the Balmoral Road Release Area in the future.

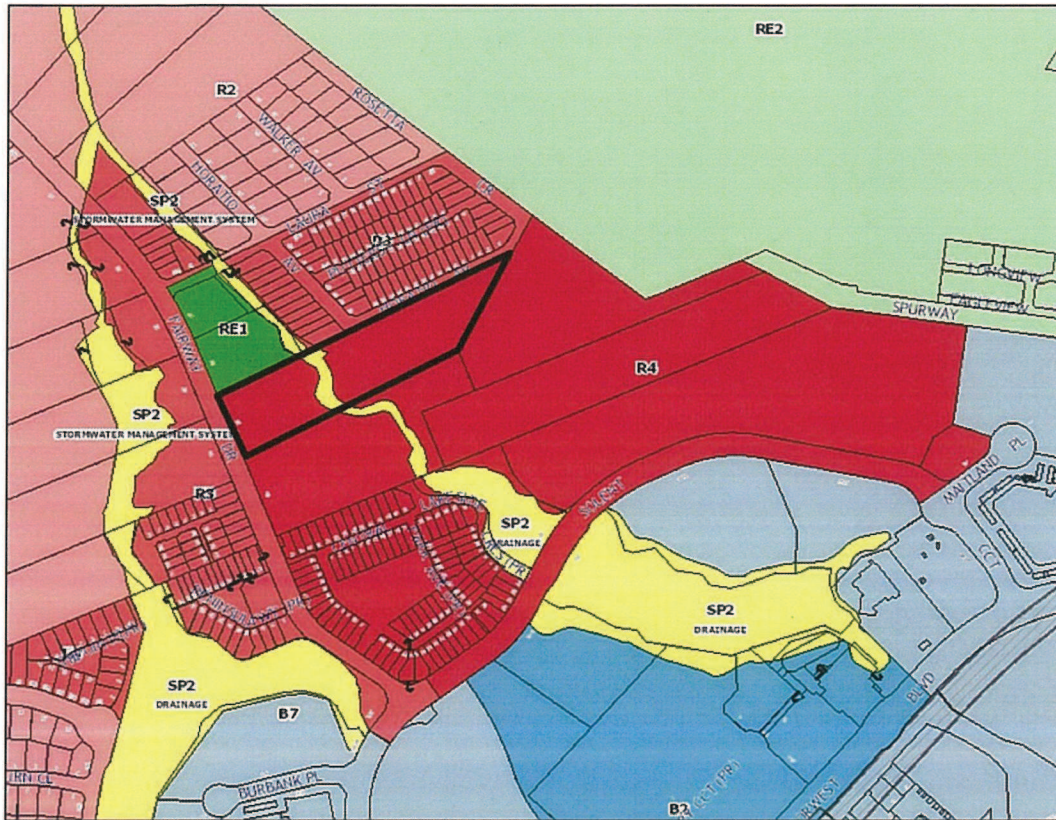


Figure 1

The site and surrounding area - current land zoning map (site identified in black)

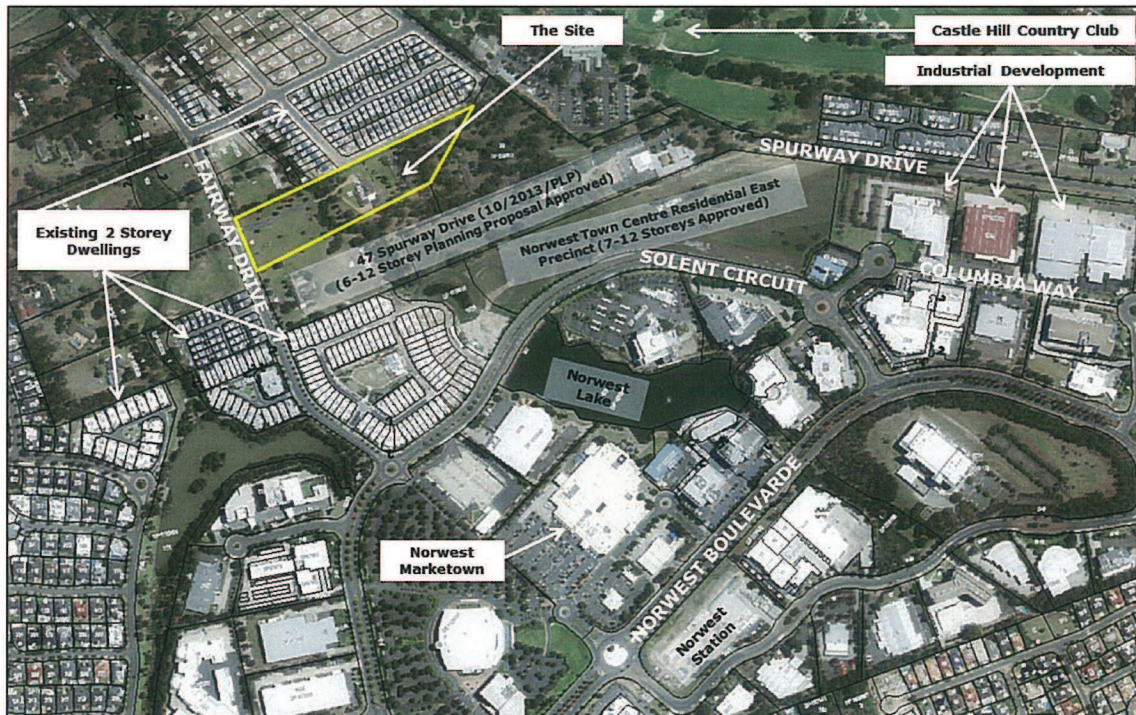


Figure 2

Aerial view of the site and surrounding locality

PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal seeks to allow for higher density development on the western portion of the site (west of the drainage corridor) of up to 250 units, being an additional 171 units above the approved yield for this portion of the site (DA 824/2013/JP). The planning proposal does not seek to amend the approved development outcome on the eastern portion of the site.

In support of the planning proposal, the applicant has submitted a design concept illustrating the intended future development outcomes for the site. As demonstrated below, the planning proposal does not propose any change to the approved development outcome on the eastern portion of the site, but rather, seeks to provide an additional 171 units in the western portion of the site (being 250 units rather than the approved 79 units) in the form of residential flat buildings ranging in height from 7 to 12 storeys.



Figure 3

Approved (DA 824/2013/JP/A) and Proposed (6/2016/PLP) Built Form (Height in Storeys)

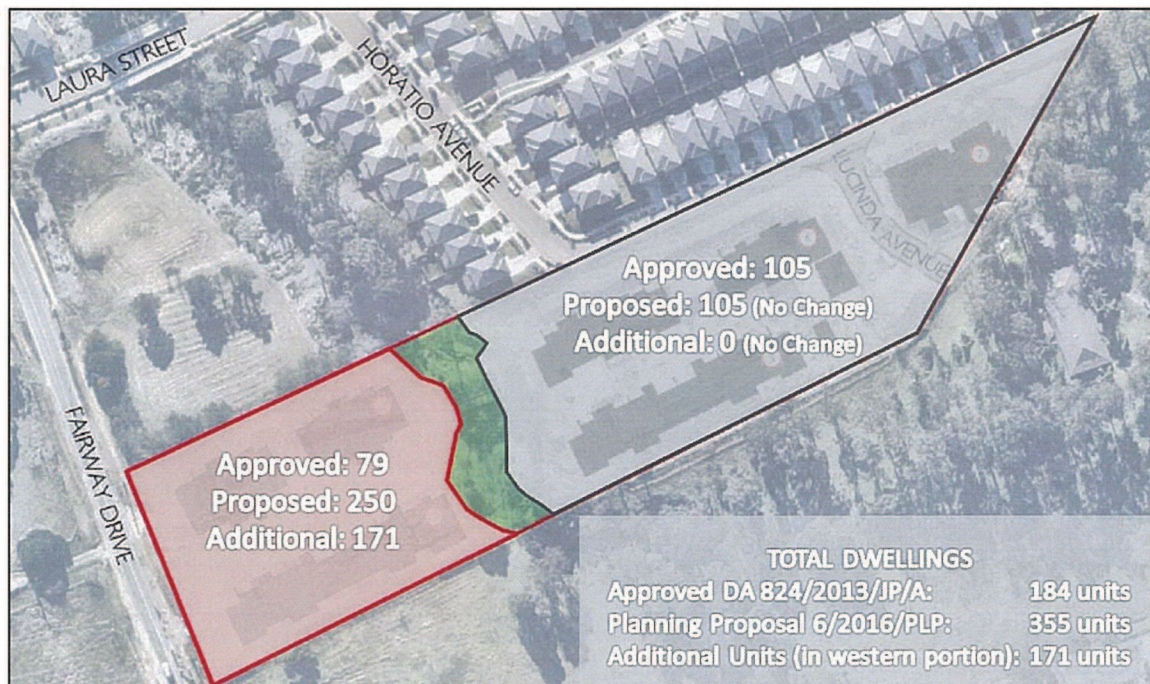


Figure 4

Approved (DA 824/2013/JP/A) and Proposed (6/2016/PLP) Dwelling Yields

PART 2 EXPLANATION OF THE PROVISIONS

To achieve the proposed outcomes, the planning proposal seeks to amend LEP 2012 to:

1. Increase the maximum building height applicable to the western portion of the site (west of the drainage corridor) from 16 metres (which allows for approximately 5 storeys) to 36 metres (which would allow for approximately 12 storeys), retaining the existing 16 metres height limit on the eastern portion of the site (east of the drainage corridor);
2. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to the western portion of the site (west of the drainage corridor);
3. Add to Clause 4.4 of LEP 2012 to allow for the "incentivised floor space ratio" only to be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements; and
4. Amend the existing Design Excellence provision within LEP 2012 (clause 7.7) to apply to all development with a height of 25 metres or more, with revised considerations for design excellence and provision for a Design Excellence Panel rather than architectural design competition.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal has been initiated by a private landowner. However, the site forms part of the Sydney Metro North West Corridor for which Council has recently undertaken a strategic review of redevelopment opportunities around future railway stations. This work was completed to build on the existing NSW Government North West Rail Link Corridor Strategy and is contained within *The Hills Corridor Strategy*.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site.

The site is already zoned R4 High Density Residential and the proposed amendments will facilitate an increased density of residential development on the site, providing additional housing in a strategic location close to the Norwest rail station and employment opportunities within the Norwest business park.

Given the site forms part of the Norwest station precinct, it would be subject to future precinct planning and potential planning control amendments to achieve the desired development outcomes for the site. The planning proposal has simply expedited consideration of desired outcomes for the site, accelerating the provision of housing and employment to support the future railway.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Plan for Growing Sydney)?

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve

the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

A key principle for growth includes increasing and improving housing choice around centres. The planning proposal seeks to facilitate the delivery of housing close to the Norwest Business Park and the Norwest Rail Station. The site is already zoned R4 High Density Residential and the planning proposal would enable for higher density development on the site than that which could be achieved under planning controls in order to better capitalise on the strategic location of the site.

The planning proposal is consistent with the following relevant directions of the Plan:

- Direction 2.1: Improve housing supply across Sydney;
- Direction 2.2: Ensure more homes closer to jobs;
- Direction 2.3: Improve housing choice to suit different needs and lifestyles; and
- Direction 2.4: Deliver well planned new areas of housing.

• **North West Rail Link Corridor Strategy**

The NSW Government Corridor Strategy provides a vision for how the areas surrounding the eight (8) new stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs.

The Norwest Structure Plan projects that within the Norwest Station Precinct, an additional 4,350 dwellings will be provided by 2036 including approximately 2,700 new dwellings in 3-6 storey apartment buildings and 350 dwellings in 7-12 storey apartment buildings. The Structure Plan also projects that the Norwest Station Precinct will accommodate 13,200 additional jobs by 2036.

The Structure Plan identifies the site as being suitable for High Density Apartment Living which could comprise 7-12 storey apartment buildings, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes.

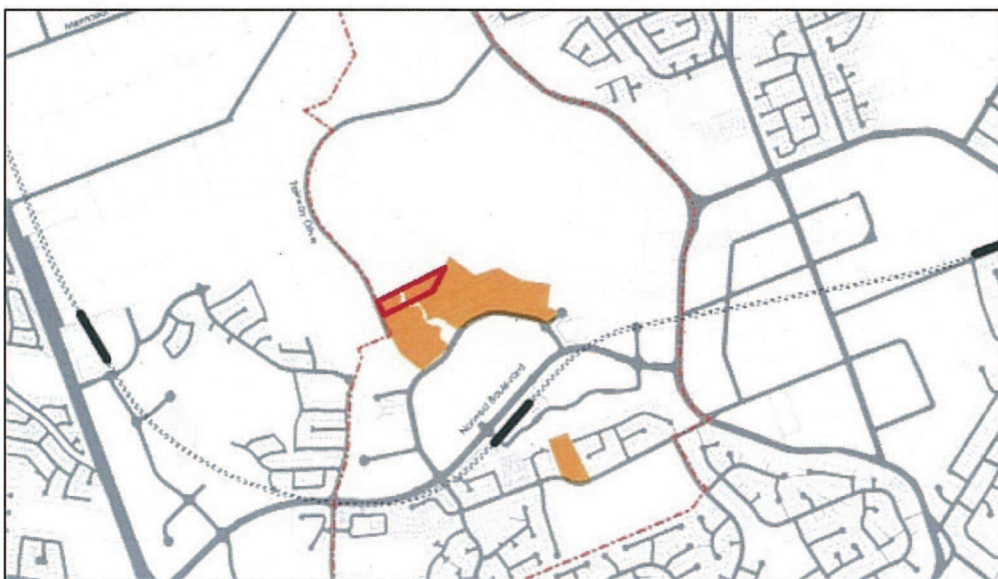


Figure 5

North West Rail Link Corridor Strategy 'High Density Apartment Living' character area

The planning proposal is consistent with the Corridor Strategy as it seeks to promote the redevelopment of the site in the short-term for high density residential development given its proximity to the station and Norwest Business Park and proposes a built form on the western portion of the site (west of the drainage corridor) of 7 to 12 storeys which is consistent with the identified character of the 'High Density Apartment Living' area.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

- **The Hills Future Community Strategic Plan**

The planning proposal seeks to promote better usage of existing land and capitalise on the strategic location of the site. The proposal will accommodate additional population close to planned and existing services and infrastructure being located on the edge of the established Norwest Business Park and Town Centre and within 800 metres of the future Norwest Rail Station.

The planning proposal is considered to be consistent with the following Hills Future Community Outcomes:

- Vibrant Communities – Public spaces area attractive, safe and well maintained providing a variety of recreational and leisure activities to support active lifestyle;
- Vibrant Communities – A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing;
- Balanced Urban Growth – Safe, convenient and accessible transport options that enable movement through and within our Shire;
- Balanced Urban Growth – Responsible planning facilitates a desirable living environment and meets growth targets;

- **Local Strategy**

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

The draft Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five key themes of "Hills 2026 Community Strategic Direction: Looking Towards the Future":

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

- Residential Direction

The North West Subregional Strategy sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects.

In this regard, the planning proposal is not required to meet housing targets. However, the planning proposal is consistent with the Direction since it would contribute to a diversity of housing choice in close proximity to employment, services and transport infrastructure.

As the Shire adjusts to potential new patterns of development and centres generated by the North West Rail Link there will be further pressure to provide increased accommodation within the vicinity of the future railway stations. Council has maintained a planned approach to managing urban growth within the Shire, which makes use of existing infrastructure and extends the lifestyle opportunities of its residents. This approach focuses high density development in precincts that show capacity to accommodate further growth, with the result being increased population around town centres and major transport nodes. The planning proposal is consistent with this philosophy.

- Integrated Transport Direction

The subject site is located within 800m of the future Norwest station and is also serviced by existing transport infrastructure such as bus routes operated by Hillsbus and Busways and has access to the existing Transitway Bus Interchange facility along Old Windsor Road.

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration of and/or intensity of land use activities around major public transport nodes and higher order centres.

Future development on the site will play a key role in supporting the operation of the Sydney Metro Northwest as it will provide a resident population within close proximity to high frequency public transport services. This transport link will ensure that the site is well connected to the surrounding residential areas and strategic centres.

- Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

The site is within close proximity to the Norwest Specialised Centre and Norwest (Markettown) Village identified within the Centres Direction. The Direction proposes that beyond 2016, as the population of the Balmoral Road Release Area increases, Norwest (Markettown) will transition into a town centre to meet the increased demand.

The proposal to increase the residential density of the site, which is within close proximity to the Norwest Specialised Centre and Norwest (Markettown) Village, is consistent with this Direction as it seeks to strengthen the role of the existing centres and support the viability of the Norwest (Markettown) Village transition into a town centre beyond 2016.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with all applicable State Environmental Planning Policies. An assessment of the proposal against applicable State Environmental Planning Policies is provided in Attachment A.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 2.1 Environmental Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction applies to all councils preparing a planning proposal and requires that a planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and that where land is within an environment protection zone, a planning proposal shall not reduce the environmental protection standards that apply to that land.

The site contains River-flat Eucalypt Forest (Endangered Ecological Community) and Cumberland Plain Woodland (Critically Endangered Ecological Community), both in the eastern portion of the site (east of the drainage corridor). The portion of the site to which the planning proposal relates (west of the drainage corridor) is not an environmentally sensitive area.

It is critical to note that the subject site is currently zoned R4 High Density Residential and as such, development for the purpose of residential flat buildings is already permissible (and has been approved) under the current controls. The planning proposal relates to the scale and density of development on the site only and does not reduce the existing environmental protection standards that apply to the site.

It is considered that the planning proposal is consistent with this Direction on the basis that it does not seek to allow for a specific type of development to occur which is not already permissible on the land (residential flat buildings) and does not reduce or amend the existing the environmental protection standards that apply to that land under *The Hills Local Environmental Plan* or any other planning instrument or legislation. Further, the portion of the site subject to the planning proposal does not contain any areas of significant vegetation.

The management of areas of significant vegetation will continue to be undertaken via the existing development assessment framework under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999* as would be the case for any development application for the site lodged under the currently applicable planning controls.

- **Direction 3.1 Residential Zones**

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone. The objectives of the Direction are:

- *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.

The proposed local provision is entirely consistent with this Direction as it responds to the expected future demographics of The Hills Shire and aims to ensure housing product is provided which is appropriate for this demographic to meet the specific future housing needs of the area.

- **Direction 3.4 Integrating Land Use and Transport**

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The proposal is considered to be consistent with this Direction as it will facilitate development which meets the following key objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport; and
- b) Increase the choice of available transport and reducing dependence on cars; and
- c) Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) Support the efficient and viable operation of public transport services including the North West Transitway and the North West Rail Link.

- **Direction 5.9 North West Rail Link Corridor Strategy**

The objectives of this Direction are to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link, and to ensure development within the rail corridor is consistent with the proposals set out in the Corridor Strategy and precinct Structure Plans.

The Norwest Structure Plan projects that within the Norwest Station Precinct, an additional 4,350 dwellings will be provided by 2036 including approximately 2,700 new dwellings in 3-6 storey apartment buildings and 350 dwellings in 7-12 storey apartment buildings. The Structure Plan also projects that the Norwest Station Precinct will accommodate 13,200 additional jobs by 2036.

The Structure Plan identifies the site as being suitable for High Density Apartment Living which could comprise 7-12 storey apartment buildings, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes.

The planning proposal is consistent with the Corridor Strategy as it seeks to promote the redevelopment of the site in the short-term for high density residential development given its proximity to the station and Norwest Business Park and proposes a built form on the western portion of the site (west of the drainage corridor) of 7 to 12 storeys which is consistent with the identified character of the 'High Density Apartment Living' area.

- **6.1 Approval and Referral Requirements**

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is considered to be consistent with this Direction as it does not include any concurrence, consultation or referral provisions and does not identify any development as designated development.

- **6.3 Site Specific Provisions**

This Direction applies "when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out" and requires that a planning proposal must either:

- a) allow that land use to be carried out in the zone the land is situated on, or

- b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. To enable higher density residential development to occur on the site, a planning proposal is required to amend Local Environmental Plan 2012. The purpose of the proposed amendment is to facilitate higher density residential flat building development than could occur under current controls, within close proximity to the Norwest Station and employment and services within the Norwest Business Park. The proposed changes relate to the maximum height of buildings and maximum floor space ratios. The proposal does not amend the zoning currently applicable to the site under LEP 2012, which would currently allow for residential flat building development.

A new clause is proposed to encourage the delivery of residential development which is consistent with the needs of expected future residents (Attachment G). Development for the purpose of a residential flat building can occur with a floor space ratio of 1:1 (the 'base floor space ratio'), however the clause provides an incentive for the developer to achieve a floor space ratio of 3:1 (the 'incentivised floor space ratio'). The clause is not unnecessarily restrictive and provides an incentive to developers, rather than imposing standards or requirements on the land use proposed for the site (residential flat buildings). Accordingly, the planning proposal is consistent with Direction 6.3 Site Specific Provisions.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the land that is subject to the planning proposal is generally void of any significant vegetation or trees. Therefore the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject site is currently zoned R4 High Density Residential and as such, development for the purpose of residential flat buildings is already permissible (and has been approved) under the current controls. Accordingly, it is considered the proposed amendments to *The Hills Local Environmental Plan 2012* do not result in any additional likely environment effects that would not already be anticipated under the current controls.

Any future development application for the site would be assessed against the LEP provisions and the Hills Development Control Plan having regard to potential impacts of the development on adjoining and surrounding property owners.

SECTION D - STATE AND COMMONWEALTH INTERESTS

9. Is there adequate public infrastructure for the planning proposal?

It is considered that the existing and planned local infrastructure within the locality in combination with additional monetary contributions from the developer towards the provision of additional local infrastructure (to be negotiated further as a draft Voluntary Planning Agreement) will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

10. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

A list of relevant agencies would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted.

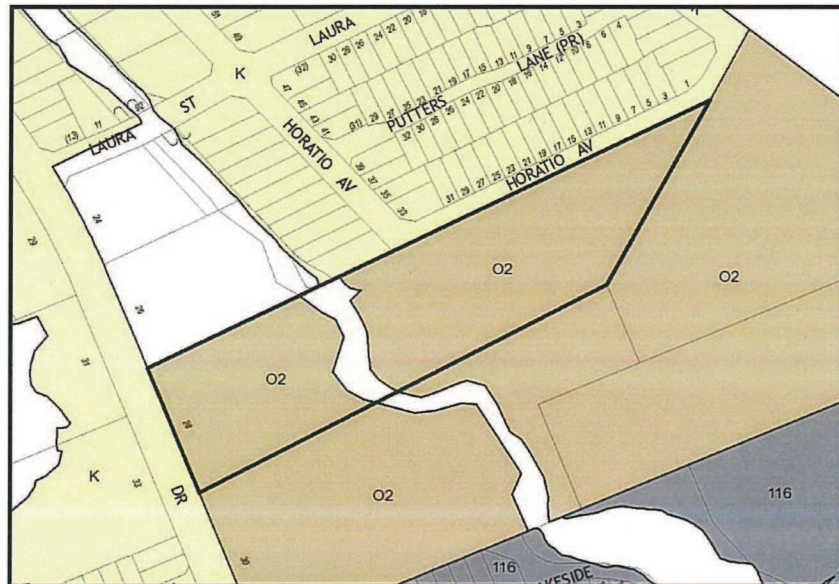
A preliminary list of public agencies which could be consulted is included below.

- Sydney Water;
- Office of Environment and Heritage;
- Roads and Maritime Services; and
- Transport for NSW.

PART 4 MAPPING

The planning proposal seeks to amend the Height of Buildings Map of *The Hills Local Environmental Plan 2012*.

Existing Height of Buildings Map



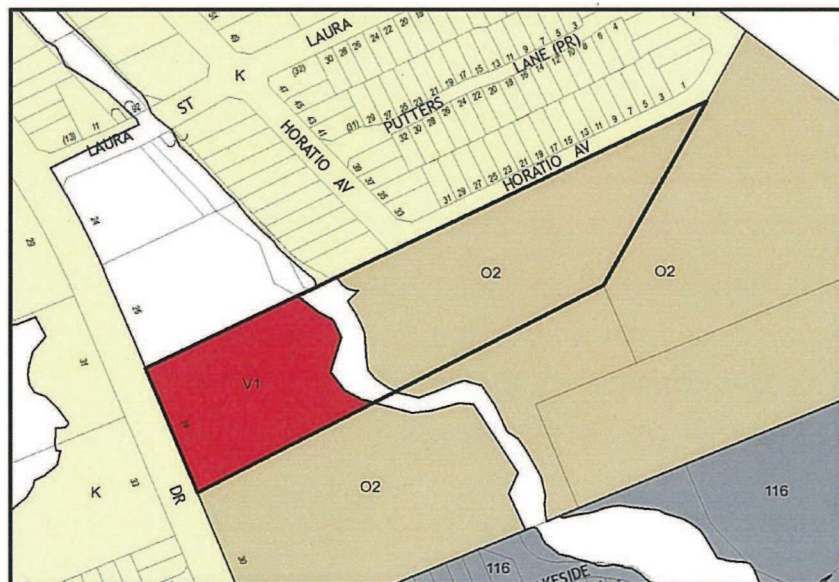
Height of Buildings (m) (HOB)

K 10.0 O2 16.0

Height of Buildings (m) RL (HOB)

108 116 143.2

Proposed Height of Buildings Map



Height of Buildings (m) (HOB)

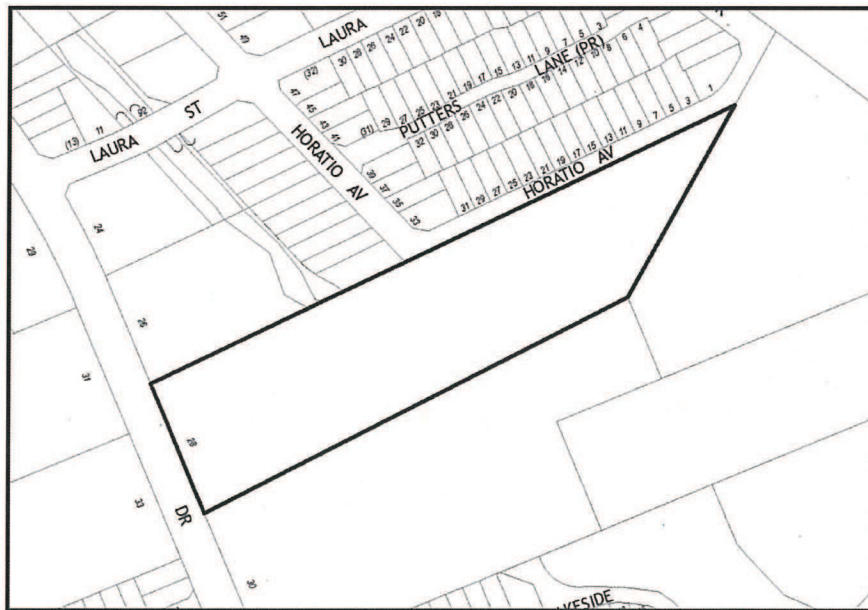
K 10.0 O2 16.0 V1 36.0

Height of Buildings (m) RL (HOB)

108 116 143.2

The planning proposal seeks to amend the Floor Space Ratio Map of *The Hills Local Environmental Plan 2012*.

Existing Floor Space Ratio Map



Maximum Floor Space Ratio (FSR) (n:1)

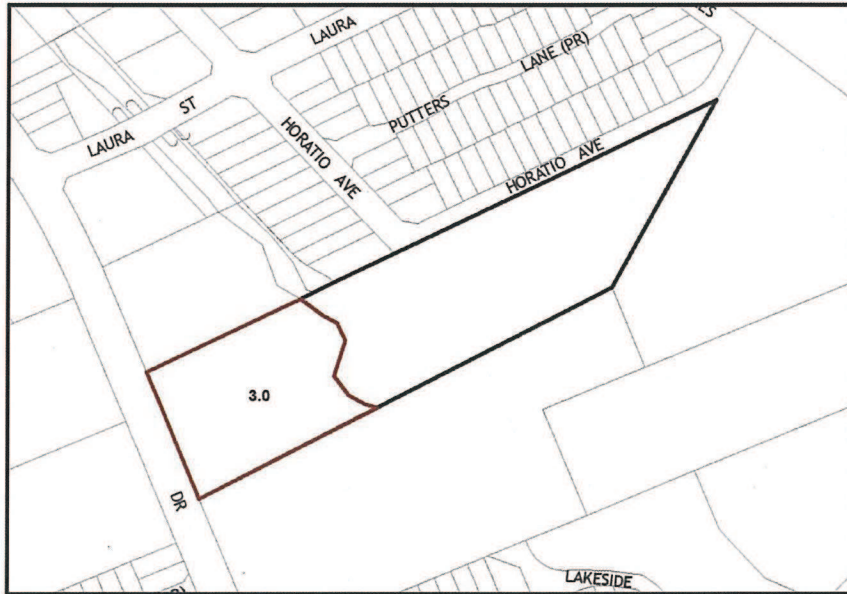
Proposed Floor Space Ratio Map



Maximum Floor Space Ratio (FSR) (n:1)

 1.0

Proposed Floor Space Ratio Incentives Map



Maximum Floor Space Ratio (FSR) (n:1)

FSR Incentive Clause

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building, Castle Hill Library and Rouse Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	May 2016
Government agency consultation	June 2016
Commencement of public exhibition period (28 days)	July 2016
Completion of public exhibition period	August 2016
Timeframe for consideration of submissions	September 2016
Timeframe for consideration of proposal post exhibition	September 2016
Report to Council on submissions	October 2016
Planning Proposal to PCO for opinion	November 2016
Date Council will make the plan (if delegated)	December 2016
Date Council will forward to department for notification (if delegated)	December 2016

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	YES	CONSISTENT
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		NO	-	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Port Botany and Port Kembla (2013)		NO	-	-
Rural Lands (2008)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	NO	-	-
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	YES	CONSISTENT See Section B Question 6
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT See Section B Question 6
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT See Section B Question 6
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT See Section B Question 6
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT See Section B Question 6
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT See Section B Question 6
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

CLAUSE 7.7 DESIGN EXCELLENCE

7.7 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- ~~(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area A" on the Height of Buildings Map.~~
- (2) This clause applies to any development, comprising residential floor space, which contains a building with a height of 25 metres or more.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing as established in The Hills DCP is achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the building displays the desired character established in The Hills DCP,
 - (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency established in The Hills DCP,
 - (e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
 - (f) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.
- ~~(5) Development consent must not be granted to the following development on land to which this Plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:
 - (a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,
 - (b) development having a capital value of more than \$5,000,000,
 - (c) development for which the applicant has chosen to have such a competition.~~
- ~~(6) Subclause (5) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.~~
- (5) In determining whether to grant consent to the development application, the consent authority is to take into account the recommendations of the Design Excellence Panel ~~results of the architectural design competition~~.
- (6) In this clause:

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Design Excellence Panel means an independent Panel established by The Hills Shire Council to provide recommendations on whether development, to which this clause applies, exhibits "Design Excellence".

The Hills DCP means The Hills Development Control Plan as in force at the commencement of this Plan.

CLAUSE 4.4 FLOOR SPACE RATIO

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) to provide for a built form that is compatible with the role of town and major centres.*
- (c) to limit residential flat building development that is inconsistent with the demographic profile of the Hills Shire.*

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.4A Floor space ratio incentive

(1) The objectives of this clause are as follows:

- (a) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets.*
- (b) to provide opportunities for suitable housing density that is compatible with the future character of the surrounding area.*
- (c) to promote development that accommodates the needs of larger households, being a likely future residential use.*
- (d) to promote development that does not isolate sites that will contribute to an improved built form outcome.*
- (e) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.*
- (f) to facilitate development that is sympathetic to the character of heritage items.*

(2) Despite clause 4.4, development consent may be granted for development that exceeds the floor space ratio shown on the Floor Space Ratio Map but no greater than the floor space ratio shown on the Floor Space Ratio Incentive Map only if:

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and*
- (b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and*
- (c) the development comprises the following:*
 - i. Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and*

- ii. Type 2 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and
 - iii. Type 3 apartments, and
- (d) the following minimum number of car parking spaces are provided in the development:
- i. for each 1 bedroom dwelling—1 car parking space, and
 - ii. for each 2 or more bedroom dwelling—1 car parking space, and
 - iii. for every 4 dwellings—1 car parking space, in addition to the car parking spaces required for the individual dwelling, and
- (e) the development in an area identified in the Key Sites Map and shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.

Column 1 Area on the <u>Key Sites Map</u>	Column 2 Specifications relating to the Area
N/A	N/A

(3) In this clause:

Type 1 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 50m² but less than 65m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 70m² but less than 90m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 95m² but less than 120m².

Type 2 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 65m² but less than 75m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 90m² but less than 110m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 120m² but less than 135m².

Type 3 apartment means:

- (a) a studio or 1 bedroom apartment with a minimum internal floor area of 75m², or
- (b) a 2 bedroom apartment with a minimum internal floor area of 110m², or
- (c) a 3 or more bedroom apartment with a minimum internal floor area of 135m².

internal floor area does not include the floor area of any balcony.

The Hills DCP means The Hills Development Control Plan as in force at the commencement of this Plan.