

## ORDINARY MEETING OF COUNCIL

25 JULY, 2017

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<b>ITEM-4</b>	<b>PLANNING PROPOSAL - IBM SITE - 55 COONARA AVE, WEST PENNANT HILLS (1/2018/PLP)</b>
<b>THEME:</b>	Balanced Urban Growth
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
<b>MEETING DATE:</b>	<b>25 JULY 2017</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>SENIOR TOWN PLANNER</b> PATRICE GRZELAK
<b>RESPONSIBLE OFFICER:</b>	<b>ACTING MANAGER FORWARD PLANNING</b> JANELLE ATKINS

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**EXECUTIVE SUMMARY**

This report recommends that a revised planning proposal to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills, be forwarded to the Department of Planning and Environment for Gateway Determination. To provide certainty of key outcomes relating to number of dwellings, building heights and apartment size, mix and car parking provision it is recommended that the revised concept be enabled by way of amendment to Schedule 1 Additional Permitted Uses of Local Environmental Plan 2012, rather than by amending the zone, height and floor space ratio as sought by the proponent.

It is further recommended that the planning proposal be supported by amendments to the Residential section of Development Control Plan 2012 and these amendments be exhibited concurrently with the planning proposal. It is also recommended that Council proceed with discussions with the proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of proposed public facilities and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.

The development concept provided by the proponent provides for approximately 400 apartments and 200 medium density dwellings in buildings ranging from two (2) to six (6) storeys in height. The provision of a community precinct is also proposed that includes the dedication of land for public open space and associated at grade car parking, playing field and general purpose community facility room.

It is noted that the current development concept is the fourth concept that has been provided for the site with earlier concepts providing for higher residential yields up to 1,270 dwellings. The last concept provided for 800 dwellings (640 apartments and 160 medium density dwellings) and was not progressed by Council to Gateway Determination for several reasons including inconsistency with State and Council rail corridor strategies

which do not envisage a residential outcome on the site, walking distance from the future Cherrybrook station, impacts on the local and regional road network and the need to address the demand for local infrastructure.

The current concept improves on the previous proposal by way of reduced density and dwelling yield, including a higher proportion of medium density dwellings to apartments. It also proposes to retain existing roadways through the site that will give better connection for the community to the proposed public open space and facilities at the rear of the site. Given these factors, there is considered to be sufficient strategic justification and merit for a residential development outcome on the site, particularly having regard to the difficulties in maintaining the site as a stand-alone employment use.

As identified in the report, some revision may be needed to the concept to ensure sufficient area for visitor parking for the medium density portion of the development. The use of Schedule 1 - Additional Permitted Uses will enable a degree of flexibility as to the exact boundaries between the different proposed land uses, as the proposal progresses to development application and implementation. Changes to zones and planning controls can then be undertaken as part of a future housekeeping amendment to LEP 2012.

The Gateway Process allows for some of the detail associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. Prior to public exhibition, the proponent will be required to submit an updated Urban Design Analysis for the proposed small lot housing and updated bushfire, ecological and geotechnical assessments reflecting the new planning proposal.

**PROPONENT**

Mirvac Capital Pty Limited

**OWNERS**

Mirvac Projects (Retail and Commercial) Pty Ltd

**THE HILLS LOCAL ENVIRONMENTAL PLAN 2012**

	<b>Current</b>	<b>Proposal (as submitted)</b>
Zone:	B7 Business Park	Part R4 High Density Residential Part R2 Low Density Residential Part RE1 Public Recreation
Maximum Height:	22 metres	9 metres to 22 metres (2-6 storeys)
Maximum Floor Space Ratio:	0.2:1	0.4:1
Minimum Lot Size:	8,000m <sup>2</sup>	86m <sup>2</sup> to 8,000m <sup>2</sup>

**POLITICAL DONATIONS**

Nil disclosures by the proponent.

**HISTORY****10/03/2016**

Planning Proposal and concept lodged - The Master Plan envisaged 3 storeys residential flat buildings to Coonara Avenue transitioning to 4 storeys, 5 storeys, 6 storeys and 8 storeys at the rear of the site. The concept had a total yield of approximately 1,270 dwellings.

<b>03/05/2016</b>	Councillors were briefed on the planning proposal.
<b>02/06/2016</b>	Feedback provided to the proponent, indicating that a high density residential outcome on this site was not supported.
<b>10/08/2016</b>	A revised planning proposal was submitted to Council. The revised Master Plan envisaged 2 to 3 storey residential flat buildings to Coonara Avenue transitioning to 4 storeys, 5 storeys, 6 storeys and 8 storeys at the rear of the site. The key change made by the proponent was to reduce the maximum building height fronting Coonara Avenue from 14 metres to 9 metres, which reduced the overall yield on the site from 1,270 dwellings to 1,119 dwellings.
<b>14/10/2016</b>	Previous comments regarding high density residential outcomes for the site were reiterated to the proponent and advising that Council supports investigation of other land uses consistent with the approach to land use, density and built form identified in State and local strategic documents.
<b>21/10/2016</b>	A further revised planning proposal was submitted to Council. This further reduced the proposed yield on the site to approximately 800 dwellings in buildings ranging from 2 to six (6) storeys in height.
<b>06/12/2016</b>	Councillors were briefed on the revised planning proposal.
<b>07/03/2017</b>	Councillors were further briefed on the revised planning proposal.
<b>28/03/2017</b>	<p>Council considered a report on the revised planning proposal which proposed 800 dwellings and resolved not to proceed to Gateway Determination on the following grounds:</p> <ol style="list-style-type: none"><li><i>1. The proposal is inconsistent with the objectives of State Government Corridor Strategy, specifically it does not facilitate employment outcomes consistent with the business park designation;</i></li><li><i>2. The proposal is inconsistent with The Hills Corridor Strategy which does not envisage a residential outcome for the site and proposes lower density land uses adjacent to the site;</i></li><li><i>3. The proposal seeks to locate high density residential development outside of the walkable catchment of the future Cherrybrook Railway Station;</i></li><li><i>4. The impacts on the local and regional road network have not been adequately addressed;</i></li><li><i>5. The proposal fails to adequately address the demand for additional local infrastructure;</i></li></ol>

6. *Permitting high density residential development on the site prior to the completion of the master planning process for the Cherrybrook Railway Station Precinct as part of the Urban Transformation Program would be premature and could undermine the outcome of the master planning process.*

**07/06/2017**

Councillors were further briefed on the current planning proposal.

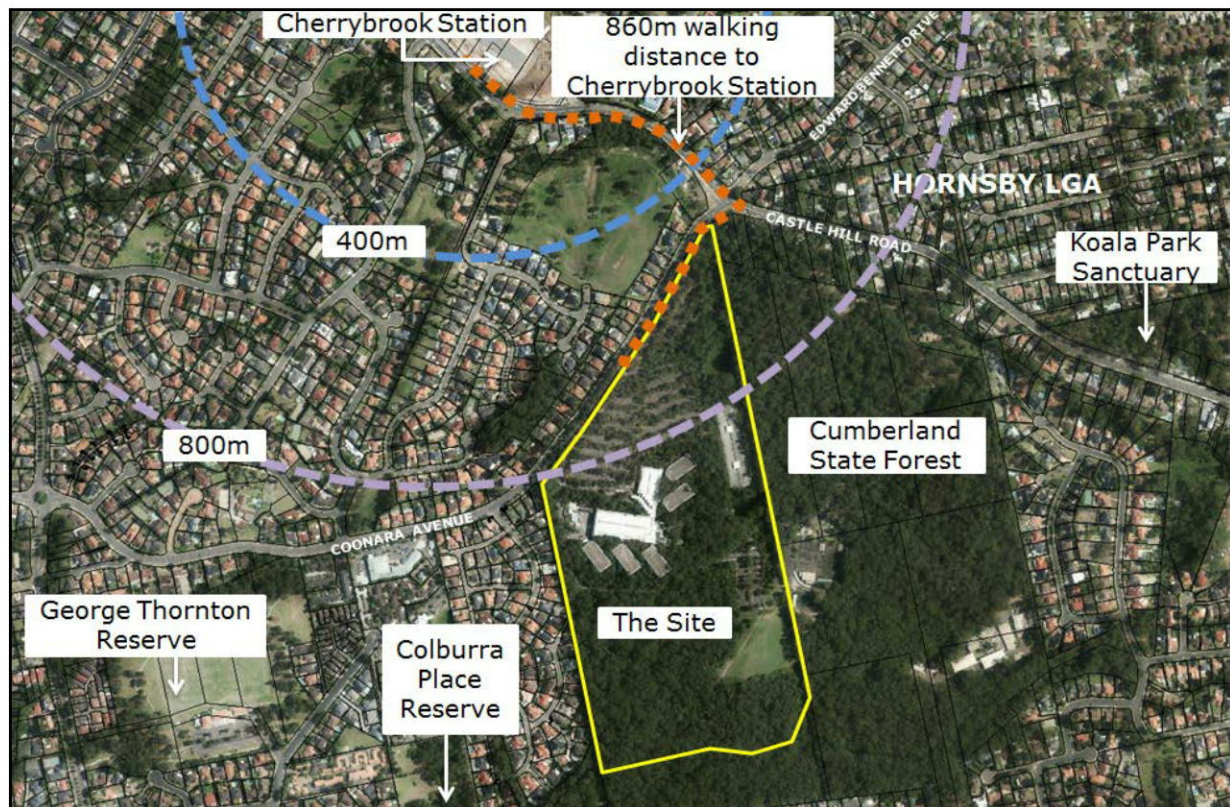
## **REPORT**

The purpose of this report is to consider a revised planning proposal to amend *The Hills Local Environmental Plan 2012* (LEP 2012) to facilitate a medium and high residential development resulting in 600 dwellings with the inclusion of a community precinct.

### **1. THE SITE**

The site is located on the eastern side of Coonara Avenue, close to the intersection of Castle Hill Road. The site is 25.87ha in area and has a walking distance of 860 metres to Cherrybrook Railway Station from the existing entry, 430 metres to Coonara Shopping Village and 1.7km to the shopping facilities at Thompsons Corner. The topography forms a south facing "tilted bowl" or "amphitheatre" located below the east-west ridgeline of Castle Hill Road and north-south ridgeline of the adjoining State Forest. The site slopes away from Coonara Avenue and two watercourses traverse the site.

The site is currently occupied by seven (7) interconnected low-rise buildings totalling 36,000m<sup>2</sup> in commercial floor space, two (2) car parks comprising 1,687 car spaces, and a levelled grass area, all surrounded by ecologically significant vegetation. The vegetation on the site includes Blue Gum High Forest and Sydney Turpentine Ironbark Forest, which are identified as critically endangered and endangered ecological communities. The vegetation on the site and adjoining land result in the site being identified as bushfire prone, both category one (1) and bushfire buffer.



**Figure 1**  
Aerial view of the site and surrounding locality

## 2. PLANNING PROPOSAL

The development concept submitted by the proponent is the fourth revision to the concept since it was lodged on 10 March 2016. The proposal identifies two residential precincts (housing and apartments) and includes a dwelling mix of 400 apartment dwellings and 200 medium density dwellings. Buildings range from two (2) to six (6) storeys in height. The proposal is intended to be developed under a community title arrangement with the medium density housing precinct to be Torrens Title and apartments to be Strata Title. In support of the planning proposal, the proponent has submitted a design concept illustrating the intended future development outcomes for the site.





**Figure 2**  
Development Concept

The following table provides an overview of the development concept/proposal revisions.

Current Controls		Original Application	August Proposal	October Proposal	June 2017 Proposal (Current Concept)
<b>Zone</b>	B7 Business Park	Part R4 High Density Residential (23.37ha) Part RE1 Public Recreation (2.49ha)			Part R4 High Density Residential and R2 Low Density Residential Land (23.37ha) RE1 Public Recreation (2.49ha)
<b>Maximum height</b>	22m	14m to 30m (3-8 storeys)	9m to 30m (2-8 storeys)	9m to 22m (2-6 storeys)	9m to 22m (2-6 storeys)
<b>Lot Size</b>	8,000m <sup>2</sup>	No proposed amendment	No proposed amendment	100m <sup>2</sup> , 700m <sup>2</sup> and 8000m <sup>2</sup>	86m <sup>2</sup> , 700m <sup>2</sup> and 8000m <sup>2</sup>
<b>Development</b>	7 commercial buildings (36,000m <sup>2</sup> )	1,270 dwellings	1,119 dwellings	800 Dwellings (160 medium density dwellings 640 apartments)	600 Dwellings (200 medium density dwellings 400 apartments)
<b>Car parking</b>	1,687 existing car spaces	1,715 car spaces (including visitors)	1,500 car spaces (including visitors)	1,200 car spaces (including visitors)	940 car spaces (including visitors)

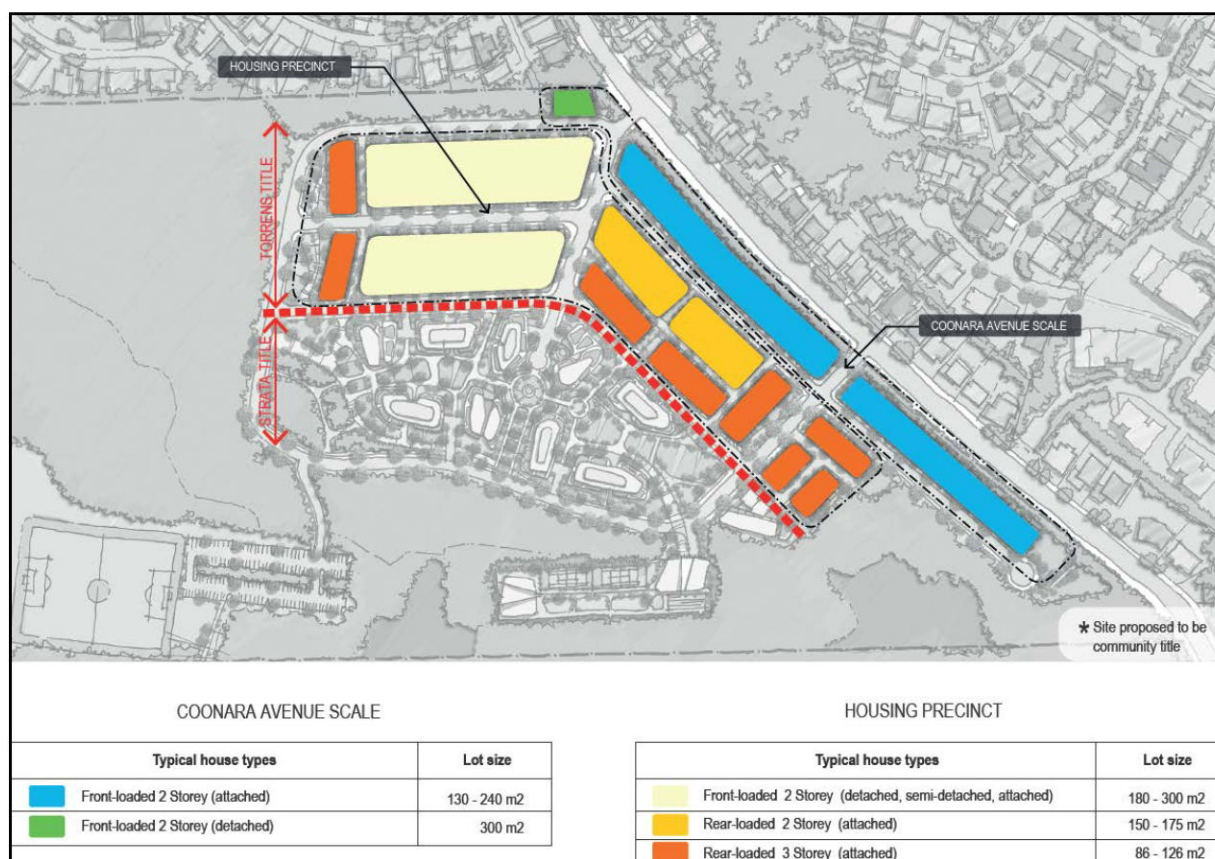
**Table 1**  
History of Proposed Development Concepts

The proposed dwelling mix within the apartment precinct includes 20 x studio apartments, 100 x one (1) bedroom apartments, 220 x two (2) bedroom apartments and 60 three (3) bedroom apartments. It is noted that the proposed apartment mix is not consistent with Council's requirements as contained in the agreed methodology for development of land within the Sydney Metro Northwest Urban Renewal Corridor that seeks to promote housing choice for different demographics, living needs and household budgets. This is discussed further in section 4d) of the report.

The proposed dwelling mix for the housing precinct includes 180 x three (3) and four (4) bedroom homes and 20 x two (2) bedroom homes across a range of lot sizes that would facilitate a medium density housing outcome. Dwelling types included in the housing precinct are as follows:

- Attached front-loaded 2 storey dwellings (lot sizes 130-240m<sup>2</sup>);
- Detached front-loaded 2 storey dwellings (lot sizes 300m<sup>2</sup>);
- Detached, semi-detached and attached front-loaded 2 storey dwellings lot sizes 180-300m<sup>2</sup>);
- Attached rear-loaded 2 storey dwellings (lot sizes 150-175m<sup>2</sup>); and
- Attached rear-loaded 3 storey dwellings (lot sizes 86-175m<sup>2</sup>).

The suitability of proposed lot sizes is discussed further in section 4b) of the report.



**Figure 3**  
Proposed Housing Products and Lot sizes for Housing Precinct

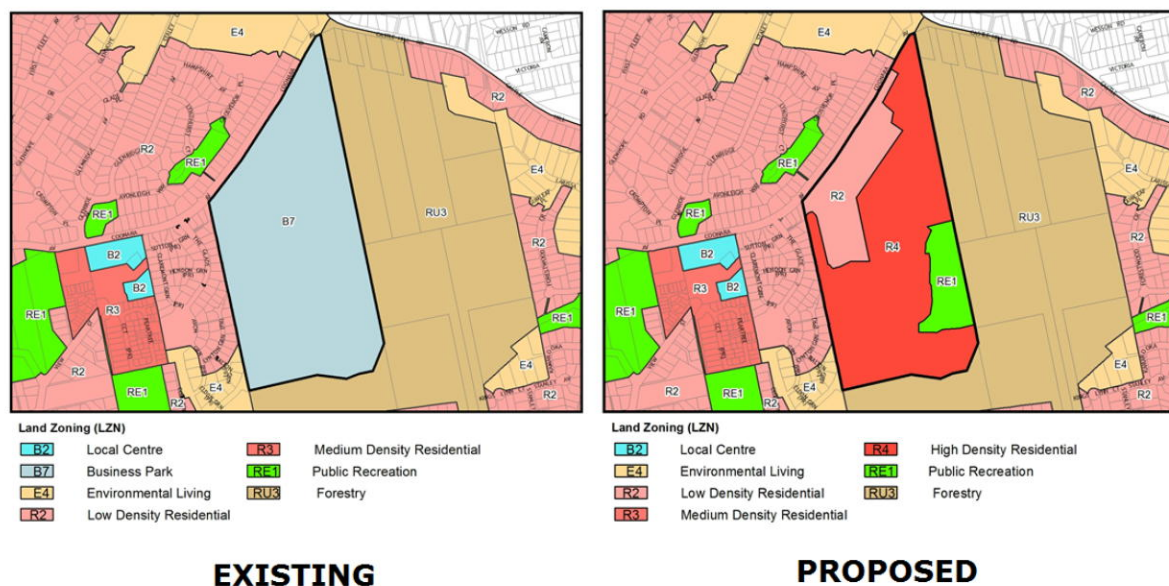
The current concept retains the dedication of 2.49ha for a new public park and an adjoining open air carpark but additionally includes the dedication of a general purpose community facility room, located at the existing carpark structure and a playing field.



The proponent has offered to enter into a Voluntary Planning Agreement for the dedication of open space and community facilities.

The planning proposal, as revised by the proponent, seeks to amend the Local Environmental Plan 2012 as follows:

1. Amend the Land Zoning from B7 Business Park to part R4 High Density Residential, R2 Low Density Residential and RE1 Public Recreation;
2. Amend the Height of Building Map from 22 metres to heights ranging from 9 metres, 12 metres and 22 metres;
3. Amend the Floor Space Ratio Map from 0.2:1 to 0.4:1; and
4. Amend the Lot Size Map from 8,000m<sup>2</sup> to include 86m<sup>2</sup> and 700m<sup>2</sup> lot sizes at the front of the site in addition to 8,000m<sup>2</sup> lot size for the rear portion of the site.



### 3. MATTERS FOR CONSIDERATION

The current proposal requires consideration of a range of matters including:

- a) Strategic context;
- b) Residential character;
- c) Proposed lot sizes;
- d) Apartment mix and size;
- e) Proposed height of apartment development;
- f) Loss of employment land;
- g) Traffic implications;
- h) Visitor parking provision;
- i) Bushfire and ecological constraints;
- j) Geotechnical Stability; and
- k) Public benefit and local infrastructure.



**a) Strategic Context****A Plan for Growing Sydney**

A key principle for growth under the metropolitan strategy includes increasing the housing choice around centres by accelerating housing supply and urban renewal. The planning proposal seeks to facilitate the delivery of housing within the Cherrybrook Rail Station Precinct and as such is consistent with the broad objective of increasing housing supply and choice.

However, the proposal will result in a reduction in employment generating opportunities within the local area which is inconsistent with objectives in a 'A Plan for Growing Sydney' related to economic growth and the delivery of jobs close to home.

It is recognised however, that the capacity of the site to continue to deliver an employment outcome is limited for a number of reasons including lack of competitive offer compared to other commercial spaces in Sydney and the North West which have more modern premises and flexible options and greater access to outside amenities for workers.

**Draft West Central District Plan**

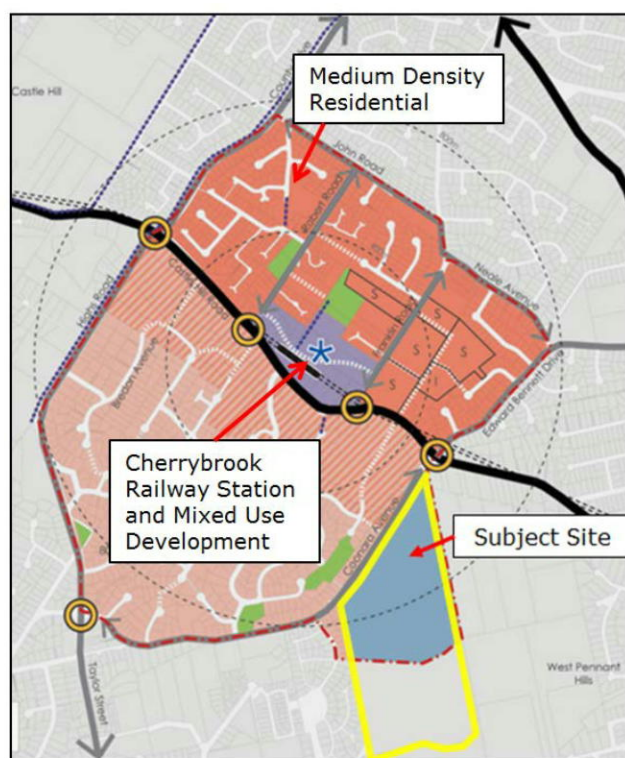
The draft West Central District Plan identifies 'liveability' priorities and actions for the West Central District which respond to improving housing choice, diversity and affordability. The draft plan identifies a five-year housing supply target and predicts that The Hills will require an additional 8,550 dwellings by 2021.

The planning proposal addresses the need for additional housing stock and provides both small lot housing as well as apartments that meets the needs of current and future residents and is considered to be consistent with this Priority.

The draft Plan also aims to protect and enhance biodiversity and attempts to strengthen the protection of bushland in urban areas. The planning proposal seeks to balance these competing land uses by delivering additional housing while retaining the significant vegetation on the site. As such, the current planning proposal with reduced yield is considered to be consistent with the objectives of the draft West Central District Plan.

**North West Rail Link Corridor Strategy and Hills Corridor Strategy**

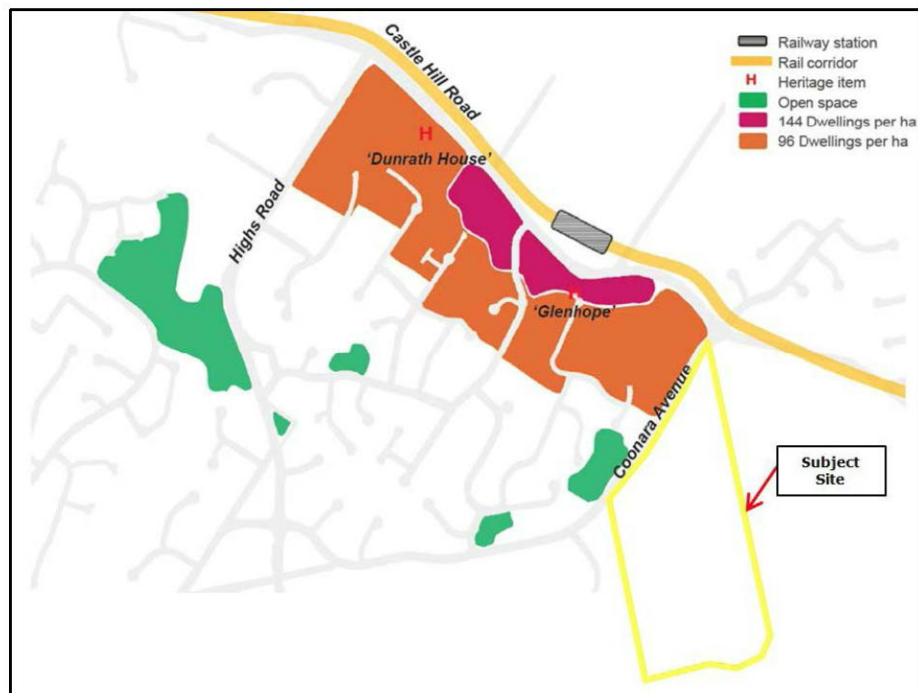
Under the NSW Government Corridor Strategy it is projected that an additional 3,200 dwellings will be provided by 2036 within the Cherrybrook Station Precinct, which extends over Hornsby and the Hills LGAs.



**Figure 5**  
Cherrybrook Precinct Structure Plan

The Structure Plan identified the site as being suitable for a Business Park land use. The proponent submits that this use is unsuitable and not economically viable due to current market conditions and growth of other employment areas. Whilst the current proposal is inconsistent with the land use identified in the Structure Plan, the Strategy also indicates that the site is a significant holding that is subject to further consideration and collaboration with stakeholders to determine its role in the future. In this regard, should Council support the proposal the Gateway process provides a mechanism for this more detailed consideration and collaboration to occur.

The Hills Corridor Strategy sets out a vision for Cherrybrook Precinct of increased residential densities within walking distance of the station including a variety of housing types together with a mix of neighbourhood shops and services to provide for the daily needs of the local community. The area immediately to the south of Castle Hill Road is identified as appropriate for 3-6 storey apartments subject to detailed geotechnical, vegetation and traffic investigation. Within the Hills Shire part of the precinct, capacity for an additional 1,694 dwellings is identified west of Coonara Avenue. No change in land use or density is identified for the subject site under Council's Corridor Strategy.

**Figure 6**

The Hills Corridor Strategy Cherrybrook Station Precinct Desired Outcomes

Under the Hills Corridor Strategy land immediately adjacent to the Railway Station has a proposed density of 144 dwellings per hectare and a proposed density of 96 dwellings per hectare on the outer edge of the walkable catchment.

The total area of the subject site is 25.87ha, of which approximately 7.59ha will accommodate the medium and high density residential development and would form part of the developable area. The proposed development outcome for the site of 600 residential dwellings equates to a density of 79 dwellings per hectare if calculated on the developable portion of the site, and 23 dwellings per hectare when calculated on the total site area including the environmentally constrained land.

The proposed reduced density of residential development is considered to provide for an appropriate transition from the station. This, coupled with the provision of public recreational space that will support residential growth within the site and wider Cherrybrook Precinct and the opportunity to provide a master planned outcome, provides reasonable justification for the inconsistency of the planning proposal with the Hills Corridor Strategy in this instance.

#### Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Environment to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 1.1 – Business and Industrial Zones
- Direction 2.1 – Environmental Protection Zones
- Direction 2.3 – Heritage Conservation
- Direction 3.1 – Residential Zones
- Direction 3.4 – Integrating Land Use and Transport
- Direction 4.3 – Flood Prone Land
- Direction 5.9 – North West Rail Link Corridor Strategy



The planning proposal is generally consistent with these Directions with the exception of Direction 1.1 – Business and Industrial Zones, Direction 4.3 Flood Prone Land and Direction 5.9 – North West Rail Link Corridor Strategy.

Direction 1.1 – Business and Industrial Zones requires that a planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses in a business zone. The proposal is inconsistent with this Direction given it would result in a reduction in the amount of potential floor space area for employment uses on the site. However, taking into account the stand alone nature of the business park and the factors that constrain its competitiveness and future growth, the inconsistency is considered justified in this instance. Other employment generating opportunities along the rail corridor are better located and less constrained than the subject site and provide the potential to offset the loss of employment land.

Direction 4.3 Flood Prone Land applies to the site as it is identified within a flood prone area. The direction requires that a planning proposal must be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. First and second order tributaries of Darling Mills Creek diagonally traverse the property from northeast to southwest. The flooding associated with these tributaries is a constraint over the land and its future development. Flood extent mapping for the 100 year average recurrence interval (ARI) flood event expected to impact the property is shown in Figure 7.



**Figure 7**  
100 year ARI Flood Extents at 55 Coonara Avenue

The Hills DCP gives effect to the NSW Flood Prone Land Policy and Floodplain Development Manual 2005 and applies controls to guide the management of flood risk associated with development. Any future development will be subject to the relevant development controls in The Hills Shire Council Development Control Plan 2012 (Part C Section – Flood Controlled Land). Potential flood constraints on the land would be considered as part of the development assessment process and appropriate flood

mitigation measures determined and implemented. If the planning proposal is progressed, the Gateway process provides for more detailed consideration and consultation with relevant public authorities to occur to ensure consistency with this Direction.

Direction 5.9 – North West Rail Link Corridor Strategy requires that a planning proposal must be consistent with the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts. Whilst the proposal is inconsistent with the land use outcomes identified in the Corridor Strategy, the Strategy also indicates that the site is a significant site that is subject to further consideration and collaboration with stakeholders to determine its role in the future. If progressed, the Gateway process provides a mechanism for this more detailed consideration to occur.

### **b) Residential Character**

Opposite the site on Coonara Avenue, the existing character is of low density housing, predominately two storey dwellings with generous setbacks and established well maintained gardens. As indicated within the State and Hills Corridor strategies, part of this interface, closest to Castle Hill Road, is identified for change with a future character of medium density apartment living. This could comprise 3-6 storey apartment buildings master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. For the lower section of Coonara Avenue, the areas are expected to remain unchanged so it is important that development on the subject site provides an appropriate interface with the low density environment.

In this regard the housing product proposed along the Coonara Avenue frontage of the subject site is identified as attached 2 storey dwellings on lot sizes 130-240m<sup>2</sup> and a small area of detached 2 storey dwellings on lot sizes of 300m<sup>2</sup> (refer Figure 3). Under the development concept, driveway access to these dwellings is from a laneway at the rear with courtyards along the Coonara Avenue frontage. An indication of the type of housing proposed is included in Figure 8.



**Figure 8**  
Proposed two storey housing product Coonara Avenue

The abovementioned housing products are considered to provide an appropriate interface and transition of building height to the existing low density dwellings on the adjacent side of Coonara Avenue, subject to suitable treatment along the road frontage.



This can be addressed by appropriate development controls relating to location and type of courtyard fencing, setbacks and landscaping.

**c) Proposed lot sizes**

As shown in Figure 3 there are a range of housing products and lot sizes proposed under the submitted development concept including attached and detached dwellings, some front loaded, some rear loaded with lot sizes ranging between 86m<sup>2</sup> – 300m<sup>2</sup>. The proposal for small minimum lot sizes down to 86m<sup>2</sup> would facilitate a new type of housing product in the Shire, being 3 storey terrace homes.

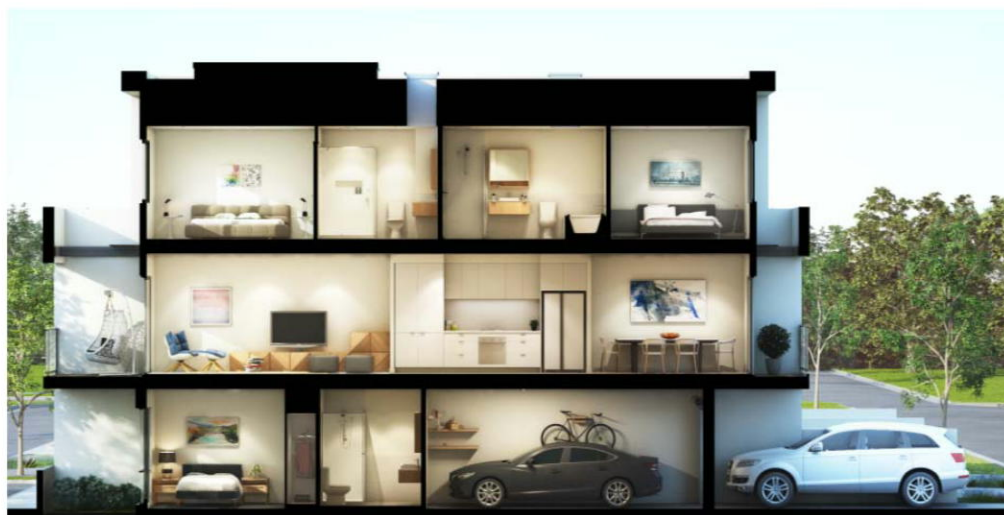
Under LEP 2012 Clause 4.1B establishes a framework for small lot residential development, allowing for attached dwellings or dwelling houses on lots down to 240m<sup>2</sup> in area in R3 Medium Density and R4 High Density Residential zones where development is undertaken as integrated development (that is a single application for subdivision and the dwelling house or attached dwelling). For the planning of Rouse Hill regional centre, allowance was made for some lots less than this size down to approximately 180m<sup>2</sup> on the basis that the development was undertaken as an integrated subdivision and dwelling design and the final product was a known outcome.

The proponent has provided examples of the housing typology that can be provided on the 86m<sup>2</sup> minimum lot size as shown in Figures 9-11.

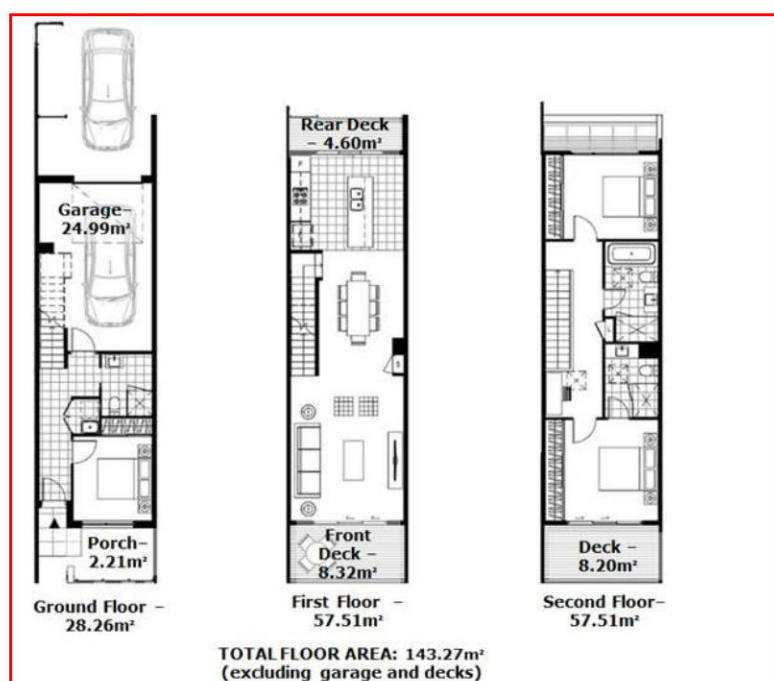


**Figure 9**  
Proposed three storey terrace product on small lots



**Figure 10**

Proposed three storey terrace product on small lots – indicative section

**Figure 11**

Example of three storey terrace product on small lots – indicative floor plan

The proponent seeks consideration of the proposed smaller lots and new housing typology as an integral part of what can be achieved under their 600 dwelling master planned scheme. They point to the diversity of housing and apartments proposed on the site and the considerable reduction in dwelling yield from previous proposals.

Given the single ownership of the site there is opportunity to achieve a variety of housing types consistent with State and local objectives. Smaller lot housing provides an opportunity for an alternative to apartment living at an affordable price point when compared to conventional large lot dwellings. Despite the proposed torrens titling arrangement of the development it is best considered as a medium density housing development and in this regard the density of the mixed housing component equates to approximately 39 dwellings (or 112 persons) per hectare. When considered together

urban design analysis should be undertaken to demonstrate that the smaller lot products are suitable in this locality and will provide adequate outcomes in terms of setbacks, building design and bulk, landscaping, privacy, solar access, private outdoor areas and on street and off street parking.

Prior to any public exhibition, the proponent will be required to submit an updated Urban Design Analysis for the proposed small lot housing addressing the foregoing matters. The Gateway Process will then allow the appropriate minimum lot size to be considered, consultation with public authorities and the public to occur, as well as further work and refinements to the planning proposal as necessary.

#### **d) Dwelling mix and size**

Over the past four (4) years, Council has sought amendments to SEPP 65 or an endorsed local approach from the NSW Government to ensure that new high density development suits the anticipated demographic within the Shire and provides an appropriate mix, size and diversity of housing product. This position is based on a strong body of evidence including the NSW Government's population projections for the Shire and recently released ABS Census data which highlights that the Hills Shire population is, and will continue to be, characterised by larger than average household sizes.

In October 2016, Council and the NSW Government reached agreement with respect to a local methodology to ensure that planning proposals for land within the Sydney Metro North West rail corridor deliver appropriate housing products which respond to the characteristics and expectations of the local housing market and demographic within The Hills Shire.

While the Cherrybrook Station Precinct, within which the site is located, has recently been identified as a 'Priority Precinct', the letter of agreement to the methodology received from the NSW Chief Town Planner endorsed the application of the local methodology to planning proposals within the Cherrybrook Station Precinct. Accordingly, this local methodology is a key matter for consideration in the assessment of this proposal.

Council has recently amended LEP 2012 to include a new clause (7.12) which reflects the agreed methodology and requires development within the Sydney Metro Northwest Corridor to comply with Council's housing mix and size requirements. The provision provides certainty to Council and the community that a diversity of housing will be provided, which suits the current and future anticipated family demographic of the Shire.

The methodology enforces the premise that additional yield within the station precincts should deliver a housing product that is appropriate for the current and future community of the Shire.

In assessing the appropriateness of this planning proposal, it is critical to undertake an analysis of the proposed residential outcome in comparison to Council's stated and established housing mix and diversity requirements (as contained within Clause 7.12 of LEP 2012).

Dwelling Mix

An analysis of the proposed residential flat building component of the development against Council's unit mix requirements is provided below:

	<b>Cl. 7.12</b>	<b>Required</b>	<b>Proposed</b>	<b>Comment</b>
Studio / 1 Bedroom Dwellings	No more than 25%	100 (max.)	120	Non-compliant – 20 more 1 Bedroom Dwellings than permitted
2 Bedroom Dwellings	Not specified	220	220	-
3 or more Bedroom Dwellings	At least 20%	80 (min.)	60	Non-compliant – 20 fewer 3 Bedroom Dwellings than required
<b>Total</b>		400	400	

As demonstrated above, the proposed residential flat building component of the development does not comply with Council's unit mix requirements when viewed in isolation. In particular, the proposal includes an insufficient number of 3 bedroom dwellings and more 1 bedroom dwellings than permitted under Council's requirements.

Notwithstanding this, the proposal provides a relatively unique mix of dwelling types, including 'medium density housing' in addition to the proposed residential flat building. Given this, it is considered reasonable to assess the dwelling mix of the overall development proposal holistically, as provided below:

	<b>Cl. 7.12</b>	<b>Required</b>	<b>Proposed</b>	<b>Comment</b>
Studio / 1 Bedroom Dwellings	No more than 25%	150 (max.)	120 (units)	Compliant
2 Bedroom Dwellings	Not specified	330	220 (units) 20 (townhouses) 240 (total dwellings)	-
3 or more Bedroom Dwellings	At least 20%	120 (min.)	60 (units) 180 (townhouses) 240 (total dwellings)	Compliant – 120 more 3 Bedroom Dwellings than required
<b>Total</b>		600	400 (units) 200 (townhouses) 600 (total dwellings)	

As demonstrated above, when the broader proposal (including the proposed 'medium density' housing types) is assessed against Council's unit mix requirements, the overall housing mix proposed is compatible with Council's requirements.

Having regard to the broader mix of dwelling types proposed across the entire development, it is considered that the proposal ultimately achieves an appropriate mix of dwellings which is consistent with both the intent and requirements of Council's



requirements. In particular, it is noted that 80% of the dwellings proposed within the entire development would be 2 or 3 bedroom dwellings (as opposed to the 75% required under Council's local provision and the 70% proposed within the residential flat building component when viewed in isolation). The overall number of studio and one bedroom dwellings will be expected to provide an affordable option for younger persons wishing to stay in the area.

#### Dwelling Size

An analysis of the proposed high density portion of the development against Council's unit size requirements is provided below. It is noted that Council's unit size requirements result in 30% of all units within a development being at Council's larger sizes.

	<b>Cl. 7.12</b>	<b>Required</b>	<b>Proposed</b>	<b>Comment</b>
2 Bedroom Dwellings	40% min. internal floor area of 110m <sup>2</sup>	88 units out of 220	22 units out of 220 (10%)	Non-compliant – 66 fewer 2 Bedroom Dwellings meet size requirement
3 or more Bedroom Dwellings	40% min. internal floor area of 135m <sup>2</sup>	24 units out of 80	6 units out of 60 (10%)	Non-compliant – 18 fewer 3 Bedroom Dwellings meet size requirement
<b>Total</b>	30% of units at larger size	112 units out of 400 (30%)	28 units out of 400 (7%)	84 fewer larger sized units than required

As demonstrated above, the proposed high density portion of the development does not comply with Council's unit size requirements. In particular, only 7% of units within the residential flat building component are of a larger size, as opposed to 30% of units required by Council's local provision.

An analysis of the entire development proposal (including the proposed 'medium density' housing types), considered holistically, against Council's unit size requirements is demonstrated below:

	<b>Cl. 7.12</b>	<b>Required</b>	<b>Proposed</b>	<b>Comment</b>
2 Bedroom Dwellings	40% min. internal floor area of 110m <sup>2</sup>	96 dwellings out of 240 (40%)	22 (units) 10 (townhouses) 32 (total) out of 240 (13%)	Non-compliant – 64 fewer 2 Bedroom Dwellings meet size requirement
3 or more Bedroom Dwellings	40% min. internal floor area of 135m <sup>2</sup>	96 dwellings out of 240 (40%)	6 (units) 120 (townhouses) 126 (total) out of 240 (53%)	Compliant – 30 more 3 Bedroom Dwellings meet size requirement
<b>Total</b>		192 dwellings out of 600 (30%)	158 dwellings out of 600 (26%)	Non-compliant – 34 fewer larger dwellings than required

As demonstrated above, the proposal does not comply with Council's requirements, primarily as a result of an undersupply of larger 2 bedroom dwellings proposed. However, it is noted that the proposed development would include substantially more larger 3 bedroom dwellings than would otherwise be required by Council's local provision.

Having regard to the above, it is considered that the proposed dwelling mix and size is reasonable on the basis that:

- The proposed development includes substantially more 3 bedroom dwellings (suitable for larger family households) than required (240 x 3 bedroom dwellings proposed rather than 120 x 3 bedroom dwellings required); and
- 126 (53%) of the 3 bedroom dwellings proposed are larger than Council's requirement of 135m<sup>2</sup> rather than the minimum 96 (40%) 3 bedroom dwellings which would be required to meet this larger size under Clause 7.12.

Accordingly, it is considered that the dwelling mix and size proposed within the proponent's development concept is acceptable and consistent with the intent of Council's local provision to secure a diversity of housing suitable to larger households, typical of the Shire's population. To secure the dwelling mix and size outcomes proposed by the proponent, it is recommended that these be reflected within the proposed Schedule 1 provision as requirements which must be met in order for the proposed residential development to be permissible on the site. Specifically, the Schedule 1 provision should require that at least:

- 1. 40% of all dwellings on the land are 2 bedroom dwellings;*
- 2. 40% of all dwellings on the land are 3 bedroom dwellings (or larger);*
- 3. 15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m<sup>2</sup>, and*
- 4. 50% of all 3 bedroom dwellings on the land will have a minimum internal floor area of 135m<sup>2</sup>.*

It is noted that the above criteria reflects the unit mix and sizes proposed within the development concept and planning proposal information submitted and will facilitate the development outcomes sought by the proponent whilst also giving Council adequate certainty that an appropriate diversity and mix of housing will be provided on the site.

#### **e) Proposed height of apartment development**

The revised proposal provides for a reduction in maximum building heights from eight (8) storey apartments to a maximum of six (6) storeys. The location of the apartment component of the development, internal to the site and towards the lowest point of the site allows for the visual impact of the development to be minimised. The design approach proposed by the proponent seeks to respond to the site characteristics and context and ensure that the height of development when viewed from locations external to the site, including along the Coonara Avenue frontage, is perceived as two (2-3) storeys.

It is noted that the current maximum building height applying to the subject site under LEP 2012 is 22 metres. Whilst this height could potentially facilitate seven (7) storey residential flat buildings, consideration is needed of the site topography. To provide certainty of the six (6) storey built form, it is recommended that the proposed height in

storeys under the development concept be contained as requirements to be met in order for the proposed residential development to be permissible on the site.

**f) Loss of Employment Land**

As noted previously, the site is currently occupied by seven (7) interconnected low-rise buildings totalling 36,000m<sup>2</sup> of commercial floor space. An Economic Assessment submitted (Hill PDA, January 2016) concluded that the site will face considerable challenges in maintaining commercial office uses once the current tenants vacate the site for the following reasons:

- Other commercial spaces across Sydney and the North West metropolitan market are characterised by fierce competition for tenants, compressed yields and high incentives;
- The existing floor plate is not modern and has poor access to outside amenity resulting in difficulties to meet the demands of current potential tenants in the market;
- The suitability of the site for commercial functions is not suitable and not considered best use of the land given the pending Sydney Metro Link;
- Poor competitive offer of the site. The site is competing with other employment centres such as Macquarie Park, Norwest, Rhodes and the regional city of Parramatta. All of these employment centres are noted to offer greater amenity, transport access, retail services and flexible range of employment space compared to the subject site;
- The loss of commercial space on the site is inconsequential compared to growth in Parramatta, Norwest and Macquarie Park employment areas; and
- 1,200 to 1,700 jobs loss is insignificant when compared to jobs gains by 2036.

The submitted assessment suggests that the proposed change for the subject site is considered minor as the new rail infrastructure will significantly increase employment opportunities and would offset any loss of employment for the subject site.

Given the difficulties faced in maintaining the site as a stand-alone employment use and opportunities along the rail corridor for better placed and more competitive commercial growth, there is considered to be reasonable justification for an alternative residential development outcome on the site.

**g) Traffic implications**

Based on traffic surveys completed, the current use of the site generates 371 AM peak hour vehicles trips and 345 PM peak hour vehicle trips, with the following characteristics:

*Directional Distribution*

- 80% of peak hour trips via Coonara Avenue to/from the north (towards Castle Hill Rd)
- 20% of peak hour trips via Coonara Avenue to/from the south

*Arrival and Departure Distribution*

- 93% of AM peak hour trips inbound to the site and 7% of AM peak hour trips outbound from the site;
- 4% of PM peak hour trips inbound to the site and 96% of PM peak hour trips outbound from the site;



The figure below illustrates the distribution of traffic associated with the current use of the site for commercial purposes.



**Figure 12**

Directional and Arrival/Departure Distribution – Commercial Operation of the Site

While the existing premises on the site has a total floor area of nearly 34,000m<sup>2</sup>, this space is currently underutilised with 7,500m<sup>2</sup> of vacant floor area, 4,600m<sup>2</sup> of common area and lower staff occupancy rates than typically found within commercial uses. Importantly, it is anticipated that if leased at full capacity, the existing premises on the site would be likely to generate between 441 and 672 peak hour vehicle trips based on RMS Traffic Generating Guidelines, with directional and arrival and departure distribution likely to remain unchanged (as detailed above).

Based on RMS Traffic Generating Guidelines, the proposal to facilitate 600 residential dwellings on the site (200 low density dwellings and 400 apartments), would be likely to result in average traffic generation of 379 peak hour vehicle trips. While the volume and directional distribution of traffic generated by the proposal would be similar to the current use of the site (and significantly less than if the commercial capacity of the site was fully utilised), a transition to a residential land use would result in a significant shift in the arrival and departure distribution, with:

- 20% of AM peak hour trips inbound to the site and 80% of AM peak hour trips outbound from the site;
- 80% of PM peak hour trips inbound to the site and 20% of PM peak hour trips outbound from the site;

As detailed above, while commercial use of the site predominantly 'attracts' traffic to the site during the AM peak and generates outbound traffic from the site during PM peak, residential uses would have the opposite effect, generating outbound traffic from the site during the AM peak (as residents leave home in the morning) and 'attracting' traffic to the site during the PM peak (as residents return home in the evening), as illustrated below.



**Figure 13**

Directional and Arrival/Departure Distribution – Residential Use of the Site

With respect to the intersection of Coonara Avenue and Castle Hill Road, the anticipated shift in arrival and departure distribution associated with a residential use of the site (with no assumed take-up of the Sydney Metro Northwest from this site) would result in:

- No change to the function of the intersection during the morning peak period – while the *number* of outbound trips through this intersection will add to the demand for movement out of Coonara Avenue onto Castle Hill Road, this is offset by the significant reduction in the overall volume of trips through this intersection (and the reduction in vehicles turning right from Castle Hill Road into Coonara Avenue to access the site during this period); and
- Improvement in the function of the intersection during the evening peak period from a Level of Service 'F' to a Level of Service 'C' – this is due to *reduced* traffic northbound along Coonara Avenue utilising this intersection to exit onto Castle Hill Road during the evening period.

It is important to note that this proposal represents one of many sites within the Cherrybrook Precinct which is likely to accommodate increased development yields and cumulatively, result in an intensification of traffic issues more broadly within the locality.

It is anticipated that key potential traffic improvements required within the locality to support precinct-wide growth may include, but not be limited to the upgrade of the intersection of Coonara Avenue and Castle Hill Road to replace the current 'split-phase' operation with 'diamond overlap phasing' (allowing for turning movements through the intersection to occur concurrently). This would require widening of the intersection approaches along Coonara Avenue and Edward Bennett Drive.

It is also noted that the operation of this intersection is likely to be further moderated as a result of take-up of the Sydney Metro Northwest and increased patronage by users who would otherwise have driven along Castle Hill Road. Further, delays along Castle Hill Road eastbound are also likely to be reduced as a result of the Northconnex, due to open in 2019.

As part of the Gateway process, the proposal would be referred to Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) for consultation. In addition to this, as part of the master planning process for the Cherrybrook Precinct, the NSW Government

is preparing precinct-wide traffic analysis, which will identify existing capacity within the existing network to accommodate future growth and any upgrades, improvements or new traffic infrastructure required.

While an assessment of this individual proposal, in isolation, concludes that the potential traffic impacts will be both minimal and reasonable, as one of many development sites which will result in a cumulative intensification of traffic issues within the locality, it is considered appropriate for any future development on the site to make a reasonable contribution towards the delivery of the required traffic infrastructure and upgrades within the locality by way of monetary contributions or where possible, works-in-kind.

#### **h) Visitor car parking provision**

Given the location of the site and considering the overall diversity of housing and the extent of resident parking proposed to be provided, it is reasonable to evaluate visitor car parking provision on the basis of 1 space per 5 dwellings for the totality of the site. In this regard the proposal to facilitate 600 residential dwellings would require approximately 120 visitor parking spaces based on 1 space per 5 dwellings. While 80 of these would be required as part of the high density (residential flat building) component of the development, the remaining 40 visitor parking spaces would be required in association with the 200 dwellings proposed within 'mixed housing precinct'. Given the proposed configuration and size of lots, it is unlikely that this visitor parking will be able to be provided on individual dwelling allotments.

The proposal identifies that internal roads within the development would be no-through roads with turning circles to enable vehicles to enter and leave in a single direction. These roads are proposed to be 9 metres wide, with a 7 metre carriageway and 1.5 metre verge on each side. These roads would form part of the community title scheme. Examples of other private roads in the Shire which have a similar width include Skylark Circuit, Ibis Place and Linden Way which form part of a community title subdivision in Bella Vista, south of Norwest Boulevard.

It is noted that on-street car parking along roads with a carriageway less than 8.5 metres is not permitted due to safety concerns. Within other areas of the Shire where smaller road widths have been permitted, issues have arisen with respect to overspill of parking onto adjoining local roads. In light of this it is considered appropriate that measures be incorporated into the final concept design for the site to ensure that on-street parking/visitor parking is appropriately catered for, with respect to the 200 dwellings proposed within the 'mixed housing precinct'. Possible measures to achieve this could include:

- Requiring internal roads on the site to have a carriageway width of at least 8.5 metres to ensure that the roads are capable of accommodating on-street car parking along at least one side.
- Alternatively, roads with a carriageway of 7 metres would be permitted if at least forty (40) visitor parking spaces (in addition to those required in association with any residential flat building on the site) are provided within a dedicated visitor parking area on the site. This number would be equivalent to a visitor parking provision of 1 spaces per 5 dwellings.

It is recommended that a new control be included within the DCP to ensure that either an 8.5 metre carriageway is provided to facilitate on-street parking, or a dedicated area/s is made available to cater for a minimum of 40 visitor parking spaces associated with the 200 dwellings proposed within the 'mixed housing precinct' (these visitor spaces would be in addition to those required in association with any high density development on the site).

**i) Bushfire and Ecological Constraints***Ecological Assessment*

The initial ecological assessment submitted with the proposal (prepared by Keystone Ecological dated March 2016) has not been amended to reference the updated development concept since the time of submission and the findings on these matters have remained the same. The previous report stated that such a large vegetated site within a highly urbanised area is of great ecological value, and this is in the context of not only within the Hills but for the Greater Sydney Region also. The assessment also identified that removal of any of the endangered ecological communities is likely to result in a significant impact and require a Species Impact Statement and Referral to the Commonwealth Environment Minister for approval.

The submitted assessment recognised the indicative master plan has been developed to have regard to significant ecological features that are both a constraint to development and a significant opportunity for conservation. However, Council's assessment has concluded that the proposed development footprint in its current form has not considered suitable buffer distances around Powerful Owl nest trees. The *Interim Lake Macquarie Large Forest Owl Planning and Management Guidelines 2014* require that all confirmed nests of large forest owls are to be retained with minimum 100m vegetation buffers.

Since that time, an additional information letter was submitted by Keystone Ecological dated 24 April 2017. The letter acknowledges the importance of the Powerful Owl habitat but also notes that the abovementioned requirement is a guideline rather than a regulation. Moreover, it is noted that the guidelines themselves acknowledge that measures such as corridor widths should be evaluated on a site-by-site basis and not applied as a blanket rule. The letter also identifies that the existing development and areas of maximum disturbance are located within 49-92 metres whereas the closest building proposed is 102 metres distant.

If the planning proposal is supported to proceed a revised Ecological Assessment will need to be submitted to reflect the new development concept of 600 dwellings but should formally acknowledge previous concerns raised by Council in particular appropriate buffer distances around Powerful Owl nest trees. In addition, Bushfire Asset Protection Zones are to be excluded from owl nest and roost trees and buffers, riparian habitat and corridors.

*Bushfire Assessment*

The proponent's bushfire assessment prepared by Building Code and Bushfire Hazard Solutions dated March 2016 was based on the original development concept which proposed approximately 1,270 dwellings. Based on compliance with the requirements of *Planning for Bushfire Protection 2006* and the management of the entire site to asset protection zone requirements the proposed subdivision was deemed by the proponent's assessment to be generally acceptable.

The revised Bushfire Assessment should address the new development concept and previous concerns raised by Council regarding the eight (8) metre requirement for perimeter roads. Any future development application would need to address this issue. If the planning proposal proceeds to Gateway Determination and is to be exhibited, it would be referred to the NSW Rural Fire Service for further comment.

Should Council support the revised proposal and resolve to forward it to the Department for Gateway Determination, a package reflecting the new concept would be needed prior



to public exhibition to assist communication with the community and public authorities. This would include updated Bushfire and Ecological Assessments reflecting new development concept.

#### **j) Geotechnical Stability**

The site is not identified on the "Landslide Risk" map of LEP 2012. However, the site is located in an area close to a locality that is subject to landslide and is identified in the Landslide Risk Map 2012. Further, the topography of the site is also found to be steep, hence the site is more likely to be subject to geotechnical constraints.

The multi-storey residential development, associated basement car parks and the roadworks proposed by the development concept, would rely on significant earth works including excavation and filling. These activities could potentially disturb the sub surface and particularly the ground water conditions. In recognition of the site's proximity to land which has been identified as being structurally unstable, it is recommended that if the planning proposal is supported, a geotechnical investigation be prepared by the proponent to identify the landslip affectation of the site and, if required, propose a stabilisation strategy.

#### **k) Public Benefit and Infrastructure**

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

The 600 additional unplanned dwellings sought through the current planning proposal would generate the need for approximately:

- 30% of a new sports field;
- 30% of a local park;
- 30% of a netball court;
- 30% of a tennis court; and
- 2% of a local community centre.

The proponent submitted a letter of offer to Council which identifies items they propose to provide/fund through a Voluntary Planning Agreement in order to address the demand for public community facilities. These items are listed below:

##### **Public open space and associated on grade car parking**

- Dedication of 2.49ha to Council;
- The submitted development concept identifies location for a sports field to be dedicated to Council in its current state at no cost.

**General Community Facility Room**

- A room in the order of 250m<sup>2</sup> be constructed and dedicated to Council;
- It is envisaged the a completed base building would be provided including floor finishes, ceiling finishes, air conditioning, lighting and toilet facilities.

The proposed provision and dedicated of public open space and facilities as part of this planning proposal provides additional public infrastructure that will assist in meeting the demand generated not only generated by the planning proposal but for the broader Cherrybrook Railway Precinct.

A Voluntary Planning Agreement is proposed as the mechanism for ensuring the community and open space facilities are appropriately developed and provided to Council.

It is recommended that Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which will secure the following:

- Delivery of proposed public open space;
- Delivery of the proposed public access to recreation and community facilities;
- Provision of pedestrian linkages/ public right of access through the site; and
- Construction methods for delivery of the identified community room to Council standards.

**4. RECOMMENDED AMENDMENTS TO LEP 2012**

As set out in section 2 of this report the planning proposal, as submitted, seeks to change the zone, height and floor space ratio to facilitate the revised development concept. It proposes to rezone the front portion of the site to R2 Low Density Residential to facilitate the housing products identified for this area. However the range of attached, semi-detached and detached housing types identified in the development concept are mostly medium density housing types which would instead require application of the R3 Medium Density Residential zone.

The planning proposal also identifies an R4 High Density Residential zone on a portion of the site to facilitate residential flat buildings. The area of this zone identified by the proponent would be applied over the apartment precinct and extend to the rear boundary of the site over the existing significant vegetation area (see Figure 4).

The proposed approach is not supported as it does not reflect or facilitate the development concept submitted, which seeks to conserve the existing high value vegetation. This is particularly important as the site is heavily vegetated and Blue Gum High Forest and Sydney Turpentine Ironbark Forest are located on the site, which is identified as a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.

An alternative approach would be to apply an environmental protection zone such as the E2 Environmental Conservation zone to the constrained parts of the site however the application of this zone has been used sparingly in the past as it could potentially trigger land acquisition liabilities.

In order to provide certainty with respect to the residential and environmental outcomes on the site, it is recommended that the B7 Business Park zone be retained and that the proposal be facilitated through the use of Schedule 1 Additional permitted uses within LEP 2012. This approach would enable the key components of the proposed development concept to be clearly articulated and for the master planned outcome to be

clearly guided. It would also provide a measure of flexibility as to the exact boundaries of land identified for different purposes and enable improved outcomes to be achieved as part of the preparation of detailed plans and development application for the site.

To facilitate the proposed development outcome, it is recommended that the following clause be inserted into Schedule 1 - Additional permitted uses of LEP 2012:

**7 Use of certain land at 55 Coonara West, Pennant Hills**

(1) *This clause applies to that part of land at 55 Coonara Avenue, West Pennant Hills, comprising Lot 61 DP737386, that is zoned B7 Business Park, shown as "Item 15" on the [Additional Permitted Uses Map](#).*

(2) *Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2.*

<b>Column 1</b>	<b>Column 2</b>
<i>Attached dwellings Dwelling houses Multi dwelling housing Semi-detached dwellings</i>	<i>Maximum combined number attached dwellings, dwelling houses, multi dwelling housing dwellings and semi-detached dwellings is not to exceed 200.</i>  <i>Maximum height of buildings is not to exceed two (2) storeys for any building fronting Coonara Avenue and three (3) storeys for development internal to the site.</i>
<i>Residential flat buildings</i>	<i>Maximum combined number of dwellings within residential flat buildings is not to exceed 400.</i>  <i>Maximum height of buildings is not to exceed six (6) storeys.</i>  <i>Car parking is to be provided at a rate of:</i> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>At least 1 space per residential dwelling; and</i></li> <li><input type="checkbox"/> <i>1 visitor space per 5 residential dwellings.</i></li> </ul>

(3) *Development consent for any purpose under sub-clause (2) may only be granted if:*

- a. at least 40% of all dwellings on the land are 2 bedroom dwellings;*
- b. at least 40% of all dwellings on the land are 3 bedroom dwellings;*
- c. at least 15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m<sup>2</sup>, and*

- d. at least 55% of all 3 bedroom dwellings (or larger) on the land will have a minimum internal floor area of 135m<sup>2</sup>.*

It is noted that community facilities and recreation areas are already permissible within the B7 Business Park zone applicable to the land and as such, these uses which are proposed to be incorporated as part of future development would not need to be specified within Schedule 1 of LEP 2012.

Should the planning proposal proceed to finalisation and the site be redeveloped for residential purposes, it may be appropriate for Council to consider housekeeping amendments to rezone the site to reflect the approved uses. However, at this stage, the use of Schedule 1 to permit the intended development outcomes provides a more appropriate balance between certainty of yield, use and built form outcomes and flexibility in detailed master planning for the site.

## **5. RECOMMENDED DEVELOPMENT CONTROL PLAN AMENDMENTS**

In recognition of the need for a site specific development response and the intended master planned outcome, draft development controls have been prepared and included as an amendment to Part B Section 2 – Residential of DCP 2012 (Attachment 1). The purpose of the development controls is to regulate future development so as to ensure that the desired future character for the site is achieved and there is certainty of outcomes intended for the site.

The proposed development controls relate to the following key matters:

- Site Planning – providing for future development to be generally in accordance with the concepts provided and identifying the connections through the site and the provision of intended public space.
- Streetscape and Character – providing for retention of vegetation and landscaping to ensure the development is of high visual quality and in keeping with the Shires garden character.
- Access – providing for public access to proposed open space and community facilities.
- Vegetation – providing for a Vegetation Management Area to preserve significant vegetation and ensure ongoing maintenance.
- Coonara Avenue frontage – providing for courtyard fencing of high quality along Coonara Avenue that is softened by a landscaped setback.

The above controls will guide future development on the site, minimise impacts on the surrounding amenity and existing vegetation and ensure public access to community facilities. It is recommended that the draft development controls be exhibited concurrently with the planning proposal, should the proposal progress to public exhibition.

## **CONCLUSION**

The size, location and environmental characteristics of the subject site creates an opportunity for residential development within reasonable proximity to the future Cherrybrook station that provides for a variety of different housing stock and choice for future residents within landscaped surrounds. Whilst there have been a number of iterations of development concepts for the site, the current concept is considered appropriate to progress to Gateway Determination given it provides for a density that transitions down from the station, it provides for a greater proportion of medium density forms of housing suited to the Shire's family demographic and it is supported by significant communal and public open space and community facilities. Given these factors, there is considered to be sufficient strategic justification and merit for a



residential development outcome on the site, particularly having regard to the difficulties in maintaining the site as a stand-alone employment use.

It is recommended that the revised concept be enabled by way of amendment to Schedule 1 Additional Permitted Uses of Local Environmental Plan 2012, rather than by amending the zone, height and floor space ratio as sought by the proponent which will provide certainty as to the master planned outcomes and also enable a degree of flexibility as to the exact boundaries between the different proposed land uses, as the proposal progresses to development application and implementation.

As described throughout this report a range of updated and additional information will be needed prior to public exhibition including:

- An updated Urban Design Analysis that includes demonstration of how the proposed smaller lot housing will provide adequate outcomes in terms of building setbacks, building design and bulk, landscaping, privacy, solar access, private outdoor areas and parking.
- An updated Ecological Assessment to reflect the new development;
- An updated Bushfire Assessment to reflect the new development;
- Geotechnical Investigation to identify if there is any potential landslip affectation of the site and, if required, propose a stabilisation strategy.
- A draft Voluntary Planning Agreement that builds on the draft list of items provided by the proponent which addresses the delivery of proposed public open space, delivery of the proposed public access to recreation and community facilities, provision of pedestrian linkages/public right of access through the site and construction methods for delivery of the identified community room to Council standards.

The Gateway Process allows for some of the detail associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary.

It is further recommended that the planning proposal be supported by amendments to the Residential section of Development Control Plan 2012 and these amendments be exhibited concurrently with the planning proposal with discussions to continue with the proponent to negotiate a draft Voluntary Planning Agreement which secures the delivery of proposed public facilities and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.

## **IMPACTS**

### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

### **The Hills Future - Community Strategic Plan**

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will create a desirable place to live and provides built forms that respond appropriately to the surrounding area. The amended planning proposal also provides community facilities which allow the wider public to enjoy recreational benefits.

**RECOMMENDATION**

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills.
2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed public road access, public open space, community facility room and a sports field as identified in the development concept and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
4. Draft The Hills Development Control Plan Part B Section 2 – as detailed in Attachment 1 (ECM Document No.16017113), be exhibited concurrently with the planning proposal.

**ATTACHMENTS**

1. Draft The Hills Development Control Plan Part B Section 2 – Residential (67 pages)

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 25 July 2017**

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**ITEM-4**

**PLANNING PROPOSAL - IBM SITE - 55 COONARA AVE, WEST PENNANT HILLS (1/2018/PLP)**

**Proceedings in Brief**

*Mr Adrian Checchin – Development Director of Mirvac Projects (Retail and Commercial) Pty Ltd addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR DR LOWE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

**365 RESOLUTION**

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills.
2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed public road access, public open space, community facility room and a sports field as identified in the development concept and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
4. Draft The Hills Development Control Plan Part B Section 2 – as detailed in Attachment 1 (ECM Document No.16017113), be exhibited concurrently with the planning proposal.

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

**VOTING FOR THE MOTION**

Clr Y D Keane  
Clr R A Preston  
Clr R K Harty OAM  
Clr Dr J N Lowe  
Clr Dr P J Gangemi

**VOTING AGAINST THE MOTION**

Clr R M Tracey  
Clr Dr M R Byrne  
Clr A N Haselden

**ABSENT**

Clr A J Hay OAM  
Clr M G Thomas