



20 JUN 2018

THE HILLS SHIRE COUNCIL

PP_2017_THILL_006_00
IRF18/3237

Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC 2153

Dear Mr Edgar

Planning proposal PP_2017_THILL_006_00 – Alteration of Gateway determination

I refer to your request to alter the Gateway determination for planning proposal PP_2017_THILL_006_00, which seeks to facilitate a medium to high-density residential development at 55 Coonara Avenue, West Pennant Hills.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 31 October 2017, as enclosed. In making this decision, I have carefully considered the views of Council, the proponent and the community, who have made representations directly to the Department.

As requested, the altered Gateway determination has been amended to remove the RU3 zone, supports the inclusion of the R3 Medium Density Residential zone, and supports the dwelling cap of a maximum of 600 dwellings.

The altered Gateway determination provides for a local provision to facilitate the dwelling cap. While the Department supports the overall cap on development over the site, the remaining elements of Council's proposed local provision are not supported as the Department considers existing clause 7.12 of The Hills Local Environmental Plan 2012 (LEP), the most appropriate mechanism to achieve key site outcomes, as this clause implements the methodology for housing mix and diversity within the Sydney Metro Northwest Corridor, which was agreed to by Council and the Minister for Planning.

If Council wishes to achieve these agreed outcomes for housing size, mix and parking, Council may consider seeking an incentive FSR for the site to enable clause 7.12 to apply to any additional residential flat buildings on the site.

The altered gateway determination continues to require the proposal to be updated to seek amendments to the minimum lot size map, floor space ratio map and height of buildings map. Regarding Council's request to specify the minimum lot sizes and maximum height of building controls, the Department considers that the Gateway determination already provides the necessary flexibility for Council to consider and propose appropriate controls for the site as part of the revised planning proposal.

I note however that the Department is supportive of the heights contained in Council's proposal, that is, heights ranging from 9 to 22 metres, to provide for development ranging from 2 to 6 storeys. Controls that facilitate the intended development are considered transparent and will give the community certainty as to the intended outcomes for the site. Any controls that will require consideration of a variation to these controls at the development application stage under Clause 4.6 of the LEP to enable the envisaged development, will not be supported.

The Gateway determination remains unaltered regarding the requirement to consider and propose the RE1 Public Recreation zone. I understand that Council is currently working with the proponent towards the dedication of 2.49ha for potential public open space (including the adjoining car park and a general-purpose community facility room) through a Voluntary Planning Agreement (VPA), and that this VPA is anticipated to be publicly exhibited in conjunction with the revised planning proposal. The proposed public open space should be identified in the revised planning proposal as RE1 Public Recreation. Council may wish to note in the revised proposal that this portion of the site may have an alternative zone should VPA not progress.

The Gateway determination also remains unaltered regarding the requirement to consider and propose appropriate environmental zone (or zones). In proposing appropriate environmental zones, Council is requested to seek the highest level of protection to relevant portions of the site.

The Department has considered Council's concerns regarding the potential acquisition liability in relation to applying the E2 Environmental Conservation zone. Having considered the Departments Practice Note PN09-002, the Department is satisfied that the rezoning of land to E2 does not give rise to the need to compensate a landholder, whether or not the rezoning results in a reduced development potential for the land. Additionally, such a rezoning of land does not trigger any requirement for the State or Council to acquire the land if the land is not also designated for acquisition for a public purpose.

If you have any questions in relation to this matter, I have arranged for Ms Ann-Maree Carruthers, Director, Sydney Region West, to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely



David Gainsford
Acting Deputy Secretary
Planning Services

13/6/18.

Encl: Alteration of Gateway determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_THILL_006_00)

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 October 2017 for the proposed amendment to The Hills Local Environmental Plan 2012 to facilitate a medium to high-density residential development at 55 Coonara Avenue, West Pennant Hills as follows:

1. Delete condition 1(b) and replace with a new condition 1(b):

“amend the planning proposal to seek to rezone the site from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, and appropriate environmental zones (such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation) in accordance with Part 2 of The Hills Local Environmental Plan 2012”.

2. At the end of condition 1(e), insert:

“and to include a proposed local provision facilitating a maximum of 600 dwellings over the site.”

3. Delete condition 5, and replace with a new condition:

“The timeframe for completing the LEP is to be 31 January 2019.”

Dated 13th day of June 2018.



David Gainsford
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission

**Composite of Gateway Conditions – 55 Coonara Avenue, West Pennant Hills
(1/2018/PLP)**

1. Prior to undertaking community consultation, Council is required to:
 - (a) remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;
 - (b) amend the planning proposal to seek to rezone the site from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, and appropriate environmental zones (Such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation) in accordance with Part 2 of The Hills Local Environmental Plan 2012;
 - (c) Amend the planning proposal to seek amendments to the minimum lot size map, floor space ratio map, and height of buildings map, in accordance with the Hills Local Environmental Plan 2012;
 - (d) Update the planning proposal to provide more information regarding community benefits associated with the proposal, including the identification of traffic and transport accessibility improvement for local infrastructure to be provided, and updated supporting studies as identified in Council's report dated 25 July 2017;
 - (e) Update the Explanation of Provisions to include a satisfactory arrangements provision for contributions to State public infrastructure and to include a proposed local provision facilitating a maximum of 600 dwellings over the site.
 - (f) Refer the planning proposal and its accompanying Ecological Assessment to the Rural Fire Service and update in accordance with any comments received.
 - (g) Update the planning proposal as required to ensure the following matters are addressed:
 1. Ecological values (flora and fauna)
 2. The use of appropriate land use zones;
 3. Investigation of infrastructure and traffic considerations; and
 4. Submit the updated planning proposal to the Department for endorsement.
2. Community consultation is required under Sections 56(2) and 57 of the Environmental Planning and Assessment Act 1979 (the Act) as follows:
 - a. The planning proposal must be made publically available for a minimum of 28 days; and
 - b. The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publically available along with the planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of the relevant Section 117 Directions:
 - Transport for NSW;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - NSW Rural Fire Services;
 - UrbanGrowth NSW
 - Hornsby Shire Council; and
 - Relevant authorities for the supply of water, electricity, and the disposal and management of sewage.

Each Public Authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under Section 56(2) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 31 January 2019.

ITEM-5	AMENDED GATEWAY DETERMINATION AND VOLUNTARY PLANNING AGREEMENT - 55 COONARA AVENUE, WEST PENNANT HILLS (1/2018/PLP)
THEME:	Shaping Growth.
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	25 SEPTEMBER 2018 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	STRATEGIC PLANNING COORDINATOR REBECCA TEMPLEMAN
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council write to the Department of Planning & Environment seeking endorsement of an approach that will enable public exhibition of the planning proposal and supporting draft development controls and draft Voluntary Planning Agreement for land at 55 Coonara Avenue, West Pennant Hills (IBM site).

The planning proposal, as recommended, will facilitate a medium to high density residential development incorporating 600 dwellings on the site together with public open space and land for environmental protection. The proposed dwelling mix includes 400 apartment dwellings and 200 medium density dwellings including 'micro-lot housing', terrace style dwellings on lots with a minimum size of 86m².

Planning Proposal

Since the proposal was first considered by Council in July last year, it has been the subject of two Gateway Determinations, neither of which has provided sufficient certainty that the master-planned outcome originally supported by Council will be achieved. Key components of the proposal previously supported by Council include:

- Dwelling cap of 600 dwellings comprised of 400 apartments and 200 medium density dwellings;
- Negotiated dwelling size and mix to provide for diversity and choice consistent with the Hills family and household structure;
- Development to be undertaken by a single owner/developer;
- Site specific small lot housing; and
- Provision of public open space.

Concerns with the latest alteration to the Gateway Determination relate to the requirements of the Gateway Determination to map outcomes such as minimum lot size, rather than rely on a site specific provision to detail how the site should be developed. The conditions of the

Gateway permit a local provision to adopt a 600 dwelling cap only and do not cover dwelling size and mix.

These requirements do not completely align with Councils approach in that it does not provide certainty of outcomes regarding dwelling size and mix and that subdivision for very small 'micro' lots could occur without integrated consideration of the dwellings proposed on such lots.

The approach for the planning proposal, as set out in the report, is to add a local provision that specifies a maximum dwelling cap of 600 dwellings and provides a mechanism to consider lots smaller than the minimum lot size map subject to any application for subdivision being accompanied by a dwelling design. The negotiated dwelling size, mix and parking and single owner/developer is recommended to be included in a site specific Development Control Plan. Height of buildings and minimum lot size are proposed to be mapped as per the requirements of the Gateway Determination and floor space ratio mapping is proposed to be removed from the site, noting the density of development will be controlled by the dwelling cap. The Department of Planning & Environment have indicated their support for Council to submit an amended planning proposal for endorsement in line with the above and should any changes be required to the Gateway Conditions that the Department will address these as part of the endorsement process.

This approach is essentially a compromise position which will achieve the intent of the gateway conditions without compromising on the ability to control the development in a manner which is appropriate for the site. Given the public interest in this proposal it is important that the process of public authority and community consultation be commenced. This will enable all views to be considered and, if warranted, further changes can be considered post exhibition to ensure the mechanisms achieve the intended outcomes.

Development Control Plan

It is further recommended that amendments be made to the draft Development Control Plan to be exhibited concurrently with the planning proposal. The changes incorporate elements of the planning proposal which the Gateway Determination does not permit for inclusion in a local provision. This includes the negotiated dwelling size and mix and car parking rates.

In addition, the amended DCP contains an 8 metre vegetation buffer along Coonara Avenue and built form provisions necessary to facilitate the micro terraces which the proponent considers are critical to delivering 200 medium density dwellings in the developable area. The proposed terraces are three storeys high, occupying a site area of a minimum 86m².

Voluntary Planning Agreement

It is further recommended that the draft Voluntary Planning Agreement be subject to legal review and any changes incorporated to be exhibited concurrently with the planning proposal. The draft VPA details the provision of 2.5ha of public open space including construction of a synthetic playing field, as well as the construction and dedication of a public perimeter road around the development site to provide access to the public open space.

The offer is considered to be reasonable and will assist in addressing an existing shortfall in playing fields in West Pennant Hills.

APPLICANT

Mirvac Capital Pty Ltd

OWNERS

Mirvac Projects (Retail and Commercial) Pty Ltd

POLITICAL DONATIONS

Nil disclosures by the proponent.

HISTORY

25/07/2017	Council resolve to proceed with the Planning Proposal based on the proposed development being permissible as an additional permitted use in Schedule 1 of The Hills Local Environmental Plan 2012.
31/10/2017	Department of Planning and Environment issued Gateway Determination.
17/12/2017	Council resolves to seek alternative Gateway Determination to include amended mapping for zoning, minimum lot size and height as well as a local provision to deliver a single owner/developer and preferred dwelling size and mix.
13/06/2018	Department of Planning and Environment issued a further amended Gateway Determination.

BACKGROUND

Since 2015 there have been several planning proposals on the subject site, seeking to permit high and medium density residential development. The original planning proposal for the site sought re-zoning to facilitate 1,270 dwellings; over time this has been revised to the current proposal which seeks re-zoning to facilitate 600 dwellings.

In July 2017 Council resolved to forward the current proposal to the Department of Planning and Environment for Gateway Determination, based on a negotiated dwelling yield of 600 dwellings comprising 400 apartments and 200 medium density dwellings. Council's initial approach was to facilitate the development through an additional permitted use in Schedule 1 of The Hills Local Environmental Plan 2012. This approach would enable Council to 'lock-in' the negotiated master-planned outcome for the site including a dwelling cap, dwelling size and mix.

The Department did not support this approach and issued a Gateway Determination in October 2017 requesting Council re-zone the site and make amendments to the height, minimum lot size and floor space ratio maps in the LEP to facilitate the proposal. The conditions of the Gateway Determination suggested zones including RE1 Public Recreation and E2 Environmental Conservation.

The Gateway Determination did not accord with Council's position in relation to the proposal as it resulted in land use zones which potentially trigger an acquisition liability and did not suitably facilitate the desired master-planned outcome on the site. In December 2017 Council resolved to write to the Department to seek an alternative Gateway Determination. The request for alteration sought to include a local provision which would control the desired dwelling cap, dwelling size and mix provisions as well as provide a site specific mechanism to facilitate small lot housing on lots as small as 86m². In this report these lots are referred to as 'micro' lots to distinguish from conventional small lot housing on lots down to 240m² currently allowed for under clause 4.1B of LEP 2012.

Copies of the previous Council reports are contained in Attachments 1 and 2.

An alteration to the Gateway Determination was subsequently issued by the Department in June 2018. The Determination does not align with Council's previous requests for alteration. The following report details the content of the amended Gateway Conditions and suggests an approach to progressing the planning proposal.

PLANNING PROPOSAL

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 860m to Cherrybrook Railway Station from the existing driveway entry. The site slopes away from Coonara Avenue and two watercourses traverse the site.

The site is currently occupied by seven (7) low-rise commercial buildings and associated carparks surrounded by ecologically significant vegetation which includes Blue Gum High Forest and Sydney Turpentine Ironbark Forest. The vegetation on the site and adjoining land result in the site being identified as bushfire prone, both category one (1) and bushfire buffer. An aerial view of the site and surrounding locality is provided in Figure 1.

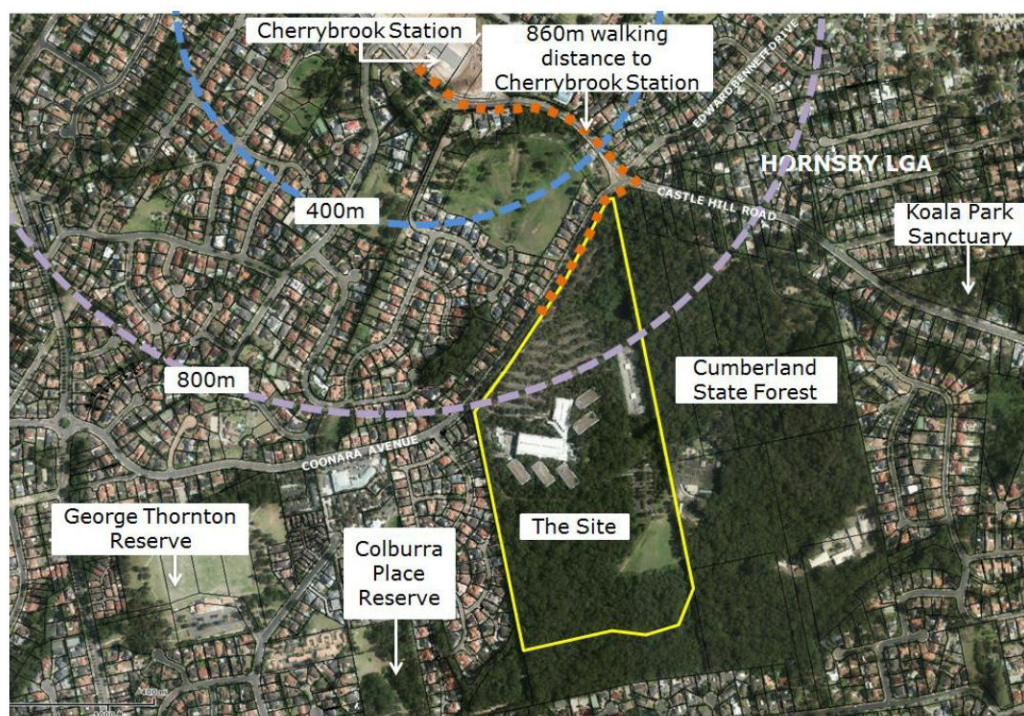


Figure 1
Aerial view of the site and surrounding locality

The planning proposal, as supported by Council at its Ordinary Meeting of 25 July 2017, seeks to facilitate a master-planned residential outcome comprising a mix of 200 medium density dwellings and 400 apartment dwellings. Buildings range from two (2) to six (6) storeys in height.



Figure 2
Development Concept





Figure 3
Artists Impressions

REPORT

The purpose of this report is to discuss an altered Gateway Determination for land at 55 Coonara Avenue, West Pennant Hills, and a draft Voluntary Planning Agreement supporting the planning proposal on the site.

1. GATEWAY DETERMINATION

At its Ordinary Meeting of 17 December 2017 Council resolved to write to the Department of Planning and Environment requesting an amended Gateway Determination that:

- Removed references to RU3 Forestry, RE1 Public Recreation, E4 Environmental Living and E2 Environmental Conservation zones and removes reference to Floor Space Ratio mapping;
- Required the site to be rezoned from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, and E3 Environmental Management;
- Required Minimum Lot Size mapping for the site of 700m², 1,800m² and 2 hectares;
- Required Maximum Height of Building mapping of 9 metres, 10 metres and 19 metres; and
- Included a local provision to facilitate key site outcomes - single owner/developer, maximum 600 dwellings (no more than 400 in form of

residential flat buildings), agreed dwelling mix, size and car parking provision and small lot housing as an integrated product.

On 13 June 2018 an altered Gateway Determination (Attachment 3) was issued by the Department of Planning and Environment. The Gateway Determination states that the planning proposal should proceed to public exhibition, subject to the following conditions:

1. *Prior to undertaking community consultation, Council is required to:*
 - (a) *remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;*
 - (b) *amend the planning proposal to seek to rezone the site from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, and appropriate environmental zones (Such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation) in accordance with Part 2 of The Hills Local Environmental Plan 2012;*
 - (c) *Amend the planning proposal to seek amendments to the minimum lot size map, floor space ratio map, and height of buildings map, in accordance with the Hills Local Environmental Plan 2012;*
 - (d) *Update the planning proposal to provide more information regarding community benefits associated with the proposal, including the identification of traffic and transport accessibility improvement for local infrastructure to be provided, and updated supporting studies as identified in Council's report dated 25 July 2017;*
 - (e) *Update the Explanation of Provisions to include a satisfactory arrangements provision for contributions to State public infrastructure and to include a proposed local provision facilitating a maximum of 600 dwellings over the site;*
 - (f) *Refer the planning proposal and its accompanying Ecological Assessment to the Rural Fire Service and update in accordance with any comments received; and*
 - (g) *Update the planning proposal as required to ensure the following matters are addressed:*
 1. *Ecological values (flora and fauna)*
 2. *The use of appropriate land use zones;*
 3. *Investigation of infrastructure and traffic considerations; and*
 4. *Submit the updated planning proposal to the Department for endorsement.*

The amended Gateway Determination and associated conditions do not accord with Council's request of December 2017 and may result in an outcome which does not produce the desired master-planned result based on extensive consultation and negotiation with the proponent.

The Department has advised, within the revised Gateway Determination that Council's previous approaches to managing the site outcomes are not supported on the basis that it is preferable to limit the number of site specific provisions within the LEP. The revised Gateway Determination requests Council to use standard control methods including mapping for land use zones, minimum lot size and heights, and make use of existing Clauses relating to small lot housing and apartment mix to achieve the desired outcome.

Standard LEP controls such as minimum lot sizes, height of buildings maps and floor space ratio maps serve an important purpose in land use planning. They provide a toolbox for broad scale planning over large areas to guide development towards a desired future outcome. In the majority of circumstances the available tools within the LEP enable sufficient control to provide some certainty of outcomes on a large scale whilst containing sufficient flexibility to accommodate individual site requirements. However, it is impossible to

adopt a true 'one-size fits all' approach to planning and as such there will always be situations in which the 'standard' tools don't produce the intended outcomes. In these situations it is necessary to fashion new, specialised tools which reflecting the unique characteristics of a particular site.

The Coonara site is one such example where the standard tools are not a 'comfortable' fit. The site is unique and subject to a series of complex constraints whereby a tailored response is best suited to achieve an outcome which reflects the characteristics of the site. This is not reflected in the amended Gateway Determination. Notwithstanding, the following section of this report details the individual components of the Gateway conditions and how the specified tools may be utilised to provide an acceptable outcome, or where a specialised tool is still required in order to progress the proposal.

a) Land Use Zones

The amended Gateway Determination nominates the use of R4 High Density Residential, R3 Medium Density Residential, RE1 Public Recreation and 'appropriate environmental zones' such as E4 Environmental Living, E3 Environmental Management or E2 Environmental Conservation.

Environmental zones

Council's gateway alteration request of December 2017 sought to remove reference to the E2 Environmental Conservation zone. The E2 zone was not supported as a Department issued practice note indicated that application of the E2 Environmental Conservation zone could result in an acquisition liability under the *Land Acquisition (Just Terms Compensation) Act 1991*. Instead Council proposed to zone the forested areas of the site E3 Environmental Management and apply a minimum lot size which would prevent further subdivision.

The Department did not support Council's reasoning for not pursuing the E2 Environmental Conservation zone, suggesting that applying the zone would not result in any acquisition liability regardless of whether the rezoning would result in a reduced development potential for the land. To further allay any concern, the proponent sought to include an additional clause in the draft Voluntary Planning Agreement stating that should any acquisition liability arise, Council may purchase the land for \$1. Council has sought independent legal advice that generally supports this position and indicates that the proposed VPA clause reduces any risk to an acceptable level.

Whilst the Gateway Determination conditions do not strictly specify that the E2 Environmental Conservation zone must be applied, the accompanying letter urges Council to seek 'the highest level of protection to the relevant portion of the site' suggesting that the Department's preference would be to see the forested areas of the site zoned E2 Environmental Conservation. This approach to the zoning of the forested areas is supported by the proponent and would likely be of benefit in addressing community concerns regarding protection of the environmental values of the site.

It is understood that the proponent is negotiating with the State Government in regards to the dedication of the forested area of the site to the State. Whilst the outcome of those negotiations is not yet known, should they be successful, any potential acquisition liability for Council would cease to exist.

If Council were required to acquire the forested area, the cost to Council would be in the ongoing maintenance of the site. Subject to further detailed ecological investigations, the site may have potential as a stewardship site under the *Biodiversity Conservation Act 2016*.

Entering into a stewardship arrangement may assist in off-setting any vegetation removal which Council may require in the future, or alternatively any biodiversity credits acquired through the stewardship arrangement may be sold. Ongoing costs associated with a stewardship agreement involve the ongoing maintenance of the site. Based on a review of the Cadwells Road bio-bank site over a 10 year term, the bush care management cost equated to \$2,100 per Hectare. The forested area is approximately 12ha which would result in an annual maintenance cost of approximately \$26,000. Management of bushland sites is generally most intensive over the first five years, after this time bushland sites tend to become self-sustaining thus reducing the annual maintenance costs over time.

Public open space

In regards to the proposed area of public open space, Council's position in the gateway alteration request was not to apply the RE1 Public Recreation zone initially, thereby avoiding any potential acquisition liability until such time at the public open space and improvements nominated in the VPA are ready to be handed over to Council. Once the land has been acquired a separate 'housekeeping' amendment could be undertaken to apply the RE1 Public Recreation zone. The Department did not support this position and the gateway determination specifies the use of the RE1 Public Recreation zone. In response to Council's concerns about premature acquisition of the site, the Department consider that VPA gives sufficient assurance to Council and that the planning proposal could be amended to nominate the preferred zoning of RE1 Public Recreation in addition to a 'fall-back' zone which could be applied should the VPA negotiation be unsuccessful.

In light of the above and given both Council's legal advice and the advice of the Department, it would appear that any risk associated with applying the E2 Environmental Conservation zone is minimal. Therefore it is recommended that the E2 Environmental Conservation zone be applied to the forested areas and the RE1 Public Recreation zone be applied to the future public open space, noting a 'fall-back' zone of E2 Environmental Conservation be applied to the open space should the VPA not proceed.

The proposed zoning map below satisfies the conditions of the Gateway Determination. The zone boundaries align with the proposed residential areas as well as the proponent's request to include asset protection zones within the residential zones to facilitate the subdivision and ongoing management of those areas.

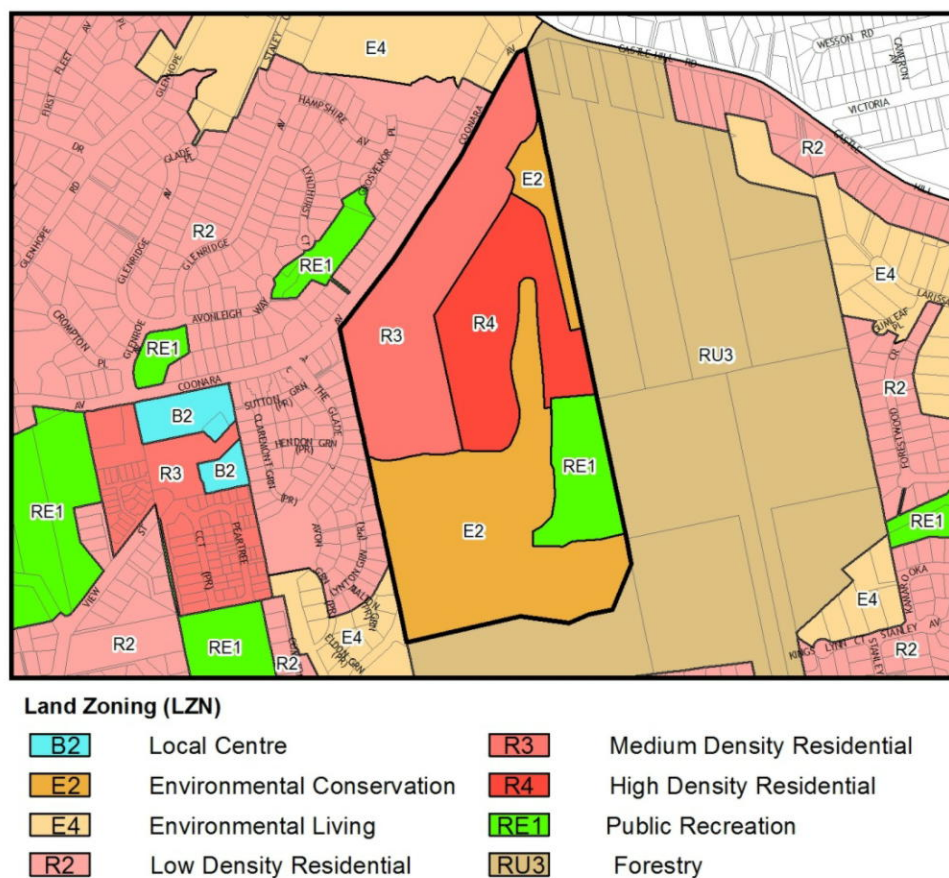


Figure 4
Proposed zoning map

b) Minimum Lot Size

Council's previous approach to minimum lot size across the site in response to the original Gateway Determination, was to map minimum lot sizes of 700m² in the R3 Medium Density Residential zone and 1,800m² in the R4 High Density Residential zone, consistent with the approach taken across most areas of the Shire. A minimum lot size of 2ha was applied over the forested areas to enable the future subdivision of the proposed public open space.

A local provision was proposed which would enable the subdivision of lots smaller than 700m² in the R3 Medium Density Residential zone subject to submission of a single application for a dwelling and subdivision.

The amended Gateway Determination did not support this approach and instead requested that minimum lot size be applied using the minimum lot size map only. The Department felt that this approach gives Council sufficient flexibility to address minimum lot size.

The conditions of the Gateway Determination do not specify a range of lot sizes to be applied to the site, therefore Council has a number of options for applying minimum lot size as discussed below:

Option A – Minimum lot sizes to facilitate micro lots and protect forested areas

In order to facilitate the anticipated built form outcomes previously agreed to by Council, which include micro-terrace dwellings on lots as small as 86m² and comply with the gateway conditions it would be necessary to map a minimum lot size of 86m² over the R3 Medium Density Residential zoned portion of the site. This approach is generally not supported as it could result in applications for subdivision of micro lots without an approved dwelling design.

In this regard, the smallest minimum subdivision lot size allowed for in the Shire without an accompanying dwelling is 300m² in the Box Hill Precinct and 450m² in locations such as Box Hill North and Kellyville/Rouse Hill. For anything smaller than this, the planning framework requires the dwelling design (or in some case building envelope plan) to be considered at same time as the subdivision. Currently the minimum lot size that can be achieved for small lot housing under Clause 4.1B of LEP 2012 is 240m² where an application is for both subdivision and a dwelling.

The smaller lot sizes, down to 86m² for the subject planning proposal, are an integral part of the negotiated master planned outcome and have been considered within the context of the single ownership of the site and the alternative that such housing provides to apartment living. Given this is a new type of housing product for the Shire, it is important that the assessment of both the subdivision and dwelling is considered together to provide certainty that all residential lots can achieve an appropriate level of amenity.

Despite not yet having been exhibited, there has been significant community interest in the subject planning proposal with concern raised regarding development potential in the forested area to the south of the site. In order to provide increased certainty of outcomes in relation to the forest, it is recommended that a minimum lot size of 10ha be applied to effectively prohibit any further Torrens Title subdivision. This will assist in addressing community concerns already raised in regards to protection of the forested area.

It is noted that Community Title subdivision of the E2 Environmental Conservation zone, may permit lot sizes smaller than the minimum lot size map. The E2 Environmental Conservation zone has a restricted amount of permitted uses which do not include any residential uses; therefore it is unlikely that any further subdivision of the forested areas would occur.

Option A, as depicted in Figure 5 suggests the following:

- Minimum lot size of 86m² in the R3 Medium Density Residential zone, consistent with the planning proposal to provide terrace style dwellings on micro lots;
- Minimum lot size of 1,800m² in the R4 High Density Residential zoning consistent with the approach in other areas of the Shire;
- Minimum lot size of 2ha RE1 Public Recreation zoning, consistent with the conditions of the amended Gateway Determination; and
- Minimum lot size of 10ha in the E2 Environmental Conservation zone to provide certainty of outcomes by effectively prohibiting further subdivision of the forested areas.

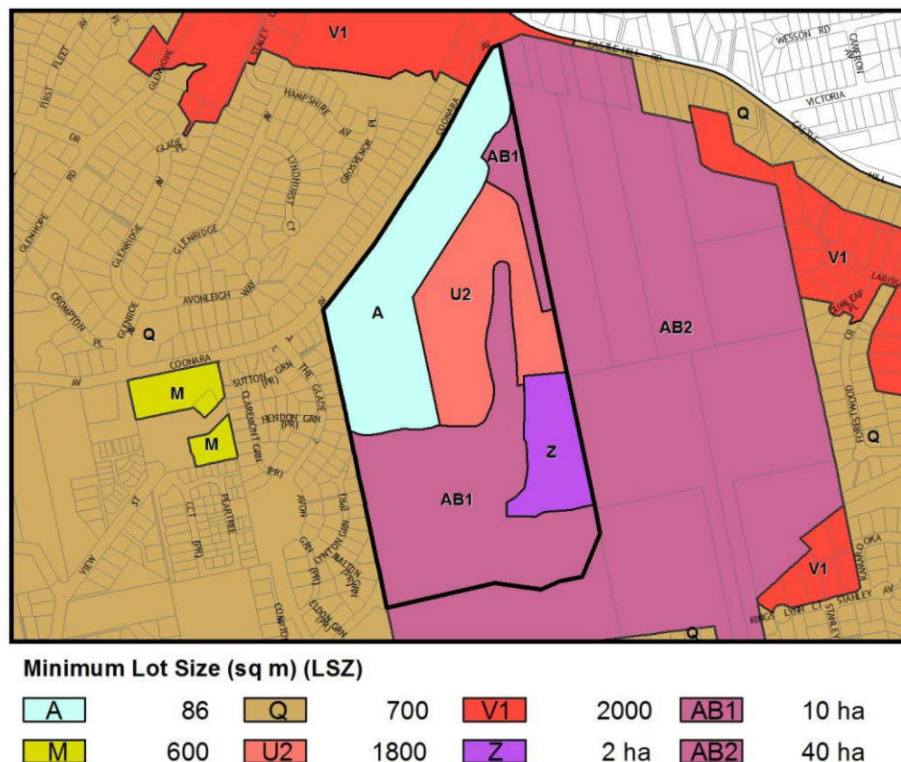


Figure 5
Minimum Lot Size map – Option A

Option B – Local Provision mechanism for micro-lots

Council's previous approach to minimum lot size by way of a local provision to permit smaller lot sizes subject to submission of a dwelling design and subdivision application is still considered to be the preferred option to deliver small lot housing on the site. This approach does not strictly comply with the amended Gateway Determination as it would require an amendment to include a site specific mechanism for consideration of small lots in the proposed local provision. However, the Department have indicated that Council may amend the planning proposal based on this option and if necessary the Department may amend the Gateway Determination to suit, prior to endorsement.

Including a mechanism for micro-lot housing in a local provision provides an avenue to achieve the desired outcome without limiting options for development of the site. This approach encourages and facilitates a diversity of housing products rather than appearing to encourage the minimum possible lot size as a desired outcome. Should the anticipated micro-lot housing not proceed for any reason, the proposed minimum lot size of 700m² will still be capable of facilitating medium density development across the site in a variety of forms.

Option B, as depicted in Figure 6 recommends the following:

- Minimum lot size of 700m² in the R3 Medium Density Residential zone, consistent with the approach in other areas of the Shire;
- Minimum lot size of 1,800m² in the R4 High Density Residential zone consistent with the approach in other areas of the Shire;
- Minimum lot size of 2ha RE1 Public Recreation zone, consistent with the conditions of the amended Gateway Determination;

- Minimum lot size of 10ha in the E2 Environmental Conservation zone to provide certainty of outcomes by effectively prohibiting further subdivision of the forested areas; and
- Inclusion of a mechanism to facilitate small lot housing through a site specific local provision.

The proponent is generally in support of the above approach. Potential wording for a new local provision including a mechanism to achieve the proposed small lots is discussed in section 1(e) this report, however it is noted that final wording of any clause may be subject to change following consideration by Parliamentary Counsel.

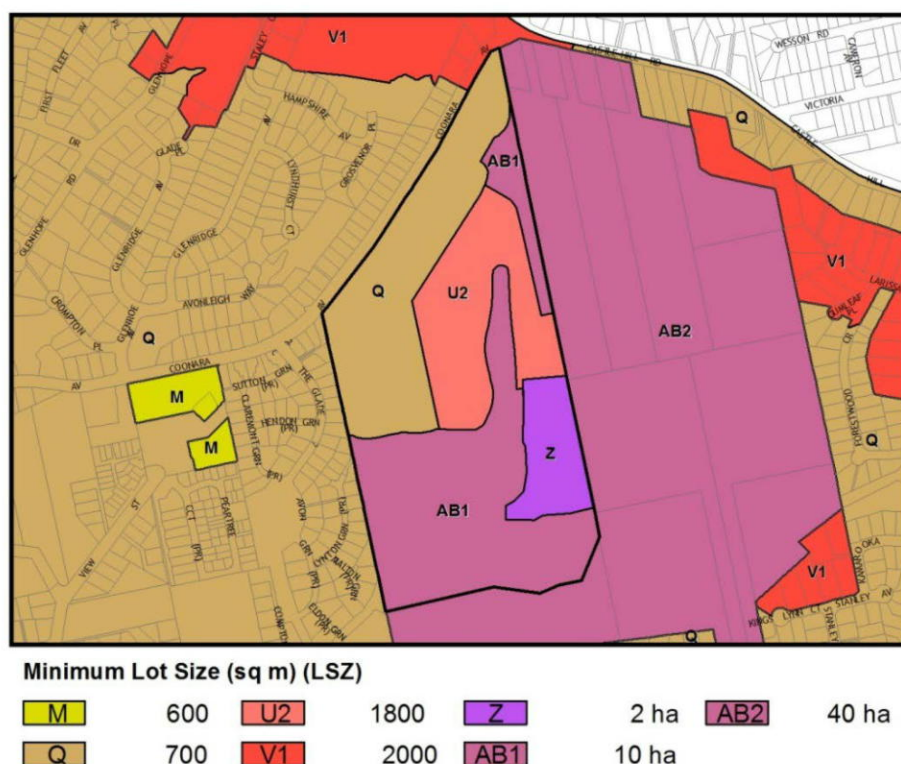


Figure 6
Minimum Lot Size map – Option B

Option C

Alternatively, in order to proceed in accordance with the conditions of the Gateway Determination, Council may consider applying the minimum lot sizes described in Figure 6 and rely on existing Clause 4.1B of LEP 2012 to provide flexibility for small lot housing. Clause 4.1B currently permits exceptions to minimum lot size for certain residential developments to a minimum of 240m² where applications propose both subdivision and a dwelling design. This approach would effectively prohibit the proposed micro terraces as anticipated in the planning proposal and would impact on the ability to deliver 200 medium density dwellings within the bounds of the proposed R3 Medium Density Residential area.

c) Height of Buildings

The proponent's design concept illustrates that the residential flat building precinct will have a maximum height of six (6) storeys and the mixed housing precinct will have a maximum height of three (3) storeys with the housing product along the Coonara Avenue frontage of the site limited to a height of two (2) storeys. The Gateway Determination requires the planning proposal to be amended to include a height of buildings map.

The current maximum height applying to the site under LEP 2012 is 22 metres. Council's approach to the original Gateway Determination was to apply heights of 9m, 10m and 19m. It was felt that these heights would facilitate the proposed number of storeys for each dwelling type. In some instances, due to the slope of the site, there may have been cause for variation to these heights.

The amended Gateway Determination does not support an approach which is likely to necessitate a Clause 4.6 variation request. Based on this advice it is recommended that the height of buildings map be amended to include heights of 9m, 12m and 22m across the site. The proposed heights will add some flexibility in the design of buildings without compromising the anticipated outcomes in regards to density. As a dwelling cap will apply across the site, the proposed increase in height will not result in additional unplanned dwellings.

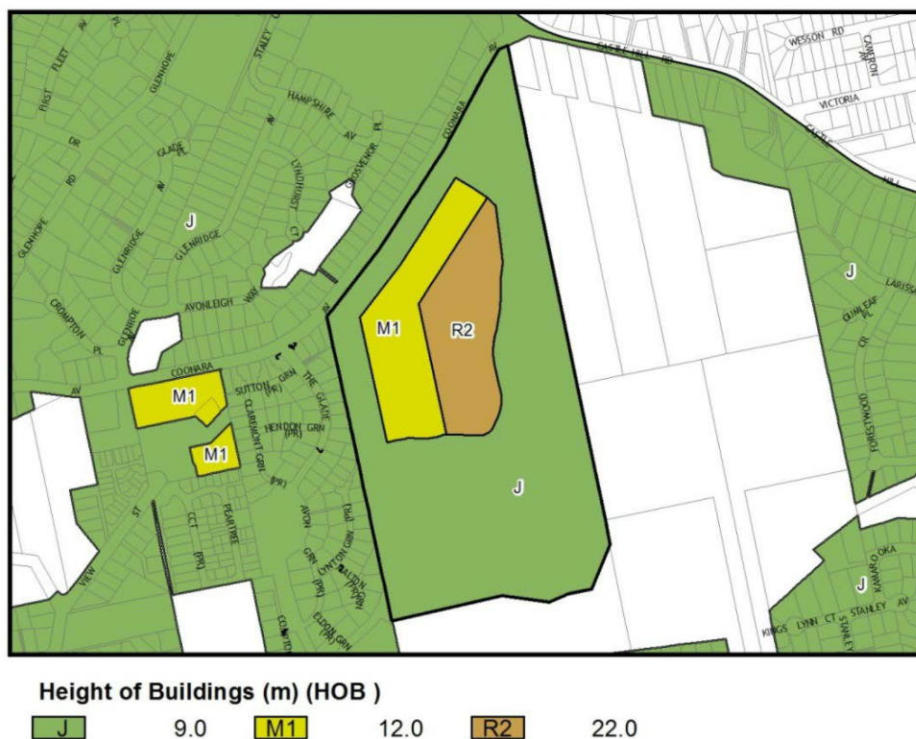


Figure 7
Height of Buildings Map

d) Floor Space Ratio

The amended Gateway Determination includes a direction to Council to make amendments to the Floor Space Ratio map. Under the current B7 Business Park zoning, the site has an applicable floor space ratio of 0.2:1 for the whole of the site. Consideration has been given to a floor space ratio that would be appropriate for the proposed R3 Medium Density Residential and the proposed R4 High Density Residential components of the development. In this regard an FSR of 1:1 and 0.75:1 respectively would reflect the agreed masterplan concept.

Notwithstanding, it is noted that the Gateway Determination supports the inclusion of a local provision to cap dwelling numbers at 600. A floor space ratio is often used in conjunction with a building height as mechanism to manage building bulk, scale and density on a given

site. As the density of dwellings across the site will be capped at 600 and there will be a building height control, it is not considered necessary to impose a specific floor space ratio to the subject site.

In fact, the removal of the floor space ratio may result in the proponent achieving a greater level of larger apartments due to the ability to create a final design that is not restricted to a finite quantum of floor area. This approach is also supported by the Proponent.

Therefore, it is recommended that the Floor Space Ratio map be amended to remove any reference to a Floor Space Ratio across the site as per figure 8 below:



Figure 8
Floor Space Ratio Map

e) New Local Provision

After Council's initial approach of including the development of the site as an additional permitted use in schedule 1 of LEP 2012 was rejected by the Department, Council sought to include a new local provision which would deliver the 'master-planned' outcome envisaged for the site. The local provision proposed included a dwelling cap including dwelling size and mix, as well as a requirement for development of the site to be undertaken by a single owner/developer. The provision also included a mechanism for supporting minimum lot sizes smaller than the minimum lot size map and specified car parking requirements for the site.

The amended Gateway Determination specifies that a new Local Provision may include a dwelling cap of 600 dwellings, but does not support the remainder of Council's intended inclusions. In discussions with the Department, concern was raised that Council's request to include a requirement for the development to be undertaken by a single owner/developer would be unlikely to be supported by Parliamentary Counsel. Consequently, this

requirement was excluded from the local provision permitted under the Gateway Determination. This is matter that could be included within the Development Control Plan.

In relation to dwelling size and mix the Department considers this outcome can be appropriately handled by the use of existing Clause 7.12 of LEP 2012 which applies to land in the Sydney Metro Northwest Corridor.

Clause 7.12 provides a floor space incentive for delivery of a specified housing mix in apartment buildings. In order to apply the clause to the subject site, Council would need to first determine an appropriate Floor Space Ratio and Incentivised Floor Space Ratio for the site, which as previously discussed, is not the preferred approach given that density is proposed to be managed through a dwelling cap. In addition, the dwelling mix negotiated for the subject site includes both apartment dwellings and medium density dwellings, something which cannot be achieved through the application of Clause 7.12 which applies only to apartment dwellings. A comparison of the mix achieved under Clause 7.12 and the negotiated mix for the subject site is provided below:

The removal of the key elements of the proposed local provision will make it difficult for Council to ensure the final development reflects the desired master-planned outcome. Whilst the proponent has re-iterated their intent to deliver on the development as negotiated, if the key elements of dwelling size and mix are not specified in the local provision it will be very difficult to provide certainty of outcomes.

	Clause 7.12 Apartment dwellings	55 Coonara Ave Apartment dwellings and medium density dwellings
Studio or 1 bedroom dwellings	Max 25% of all dwellings	-
2 bedroom dwellings	-	Min 40% of all dwellings
3 + bedroom dwellings	Min 20% of all dwellings	Min 40% of all dwellings
Floor area of 2 bedroom dwellings	Min 110m ² for 40% of all 2 bedroom dwellings	Min 110m ² for 15% of all 2 bedroom dwellings
Floor area of 3 bedroom dwellings	Min 135m ² for 40% of all 3 bedroom dwellings	Min 135m ² for 50% of all 3 bedroom dwellings
Car parking	1 space per dwelling plus 1 space per every 5 dwellings	1 space per dwelling plus 1 visitor space per every 5 dwellings

Table 2
Comparison of dwelling mix outcomes

In order to comply with the conditions of the Gateway Determination and progress the proposal towards exhibition, it is recommended that the provisions relating to dwelling size and mix and car parking be included in the draft Development Control Plan for the site (Attachment 4). Whilst it would be preferable to include the dwelling size and mix provisions in a local provision, to give the arrangement more statutory weight, inclusion in the Development Control Plan will ensure that a mechanism is in place to guide development towards the desired outcome.

With reference to the previous discussion on minimum lot size, it is considered that any local provision should include as a minimum, both the proposed dwelling cap and a mechanism to consider small lot sizes. This approach is supported by the proponent. The following image details the content of the proposed Local Provision as drafted by Council, the Proponent and the content specified in the Gateway Determination.



Figure 9

Comparison of proposed Local Provision

The Department have indicated that Council may amend the planning proposal prior to endorsement to include any proposed changes to the local provision. This will be considered as part of the endorsement process and the Gateway Determination may be amended as necessary by the Department prior to endorsement and exhibition.

Suggested wording for an alternative local provision which accommodates a dwelling cap and exception to minimum lot size is as follows:

7. XX Residential Development Yield and Exception to Minimum Lot Size on land at 55 Coonara Avenue, West Pennant Hills

- (1) *The objective of this clause is to manage density and encourage housing diversity through the redevelopment of the former IBM site at West Pennant Hills.*
- (2) *This clause applies to development on land in the following zones:*
 - (a) *Zone R3 Medium Density Residential,*
 - (b) *Zone R4 High Density Residential.*
- (3) *Despite Clause 4.1, Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) *the subdivision of land into 2 or more lots,*
 - (b) *the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:*
 - i. *for the erection of a dwelling house—180 square metres, or*
 - ii. *for the erection of an attached or semi-detached dwelling—86 square metres.*
- (4) *The consent authority must not grant development consent to development that results in more than 600 dwellings within the boundaries of the development site known as Lot 61, DP737386.*

In order to ensure that the dwelling cap and minimum lot size are not further varied, it is recommended that Clause 4.6(8) of LEP2012 be amended to prohibit any variation to the development standards contained within the proposed local provision. Proposed amendments to Clause 4.6(8) are noted in bold text below:

4.6 Exceptions to development standards

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 6.1 or 6.2,*
 - (cb) *clause 7.12.*
 - (cc) **clause 7.XX**

f) Infrastructure and Traffic

The original Gateway Determination requested additional information in regards to Infrastructure and Traffic. The Departments primary concern was in relation to access to the proposed public open space. The draft Voluntary Planning Agreement submitted with the planning proposal includes construction and dedication of a public road to provide access to public open space. This is considered to satisfactorily address the Department's concerns in regards to access.

The proponent has maintained that the proposal would result in less vehicle movements per day than the previous commercial use and therefore will result in a net improvement in traffic conditions within and around the subject site. Council has engaged GTA Consultants to prepare a traffic report to investigate the impact of the proposed development on the surrounding street network. The results of the report conclude that the planning proposal is likely to result in additional traffic entering the existing road network. The report indicates that there are existing capacity constraints at Castle Hill Road, Oakes Road and Aiken Road. The additional traffic generated by the proposed development is likely to have only a marginal impact on existing conditions.

In regards to Aiken Road in particular, the report notes that the Aiken Road/Oakes Road roundabout is currently performing at capacity and any increase in traffic will lead to long queues and delays, however, the problem is attributed to queues in other areas spilling back all the way to the roundabout. Therefore the poor performance of the roundabout cannot be directly attributed to additional traffic generated by the proposed development.

2. DEVELOPMENT CONTROL PLAN

The draft Development Control Plan previously considered by Council proposed amendments to Part B Section 2 – Residential of DCP 2012 relating to site planning, streetscape, character, access, vegetation and fencing. In response to the revised Gateway Determination the draft DCP has been further amended to include controls relating to the following matters:

Single owner/developer

Given the Gateway Determination did not support the inclusion of a requirement for the land to be owned and developed by a single entity, the draft DCP has been amended to include this requirement, noting that the proponent has re-iterated their intent to deliver on the development as negotiated.

Dwelling Size and Mix

In response to the Gateway Determination which did not support the inclusion of a fixed agreement in relation to dwelling mix and size in the form of a local provision, the draft DCP has been amended to include the agreed dwelling size and mix as follows:

- At least 40% of all dwellings on the land are to be 2 bedroom dwellings.
- At least 40% of all dwellings on the land are to be 3 bedroom dwellings (or larger).
- At least 15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m².
- At least 50% of all 3 bedroom dwellings (or larger) on the land will have a minimum internal floor area of 135m².

The inclusion of the dwelling size and mix in the draft DCP seeks to preserve the intent of Council's previous approach to delivering a negotiated, master-planned outcome for the site.

Car Parking

Section 2.6 of the draft DCP has been amended to include car parking rates for both multi-dwelling housing and residential flat buildings which were previously contained in the proposed local provision.

The controls specify that the car parking rates (which are slightly less than would otherwise be required under Part C Section 1 of the DCP) only apply subject to the development complying with the dwelling mix and size provisions which are now located within the draft DCP.

It is further noted that should the development not comply with the housing size and mix requirements, that car parking rates will revert to those contained in Part C Section 1 – Car Parking of The Hills DCP.

Vegetation Buffer

The proponent has requested that a vegetation buffer of 8 metres in width be provided along the Coonara Avenue frontage of the site. The vegetation buffer will assist in addressing community concerns regarding the threat to vegetation on the site and will maintain the established character of the streetscape. The draft DCP has been amended to include a requirement for the establishment of a vegetation buffer along the Coonara Avenue frontage.

Built Form – Micro Terraces and Small Lot Housing

The proponent maintains that in order to deliver on the agreed dwelling mix, it is necessary for Council to consider alternative building forms to those currently available within The Hills. Specifically, the proponent seeks to deliver small lot housing and micro terraces on lots between 86-300 square metres. These dwellings would comprise a mix of 2 and 3 storey attached, semi-detached and detached dwellings.

The draft DCP contains a suite of controls in relation to built form, required to facilitate the types of micro terraces and small lot housing proposed. Notable differences to existing and proposed controls for small lot housing include:

- Lot widths of 4 metres;
- Lot depths for terrace housing of 20 metres;
- 2 metre front setback;
- Provision for above ground private open space to micro terraces;
- Private open space in the range of 8m² – 15m² for terraces and 25m² for detached small lot housing.

The proponent has provided an example floor plan for a 3 storey dwelling on an 86m² lot. The example provided shows private open space located on the first floor of the dwelling over a stacked car space as demonstrated in figure 10 below:

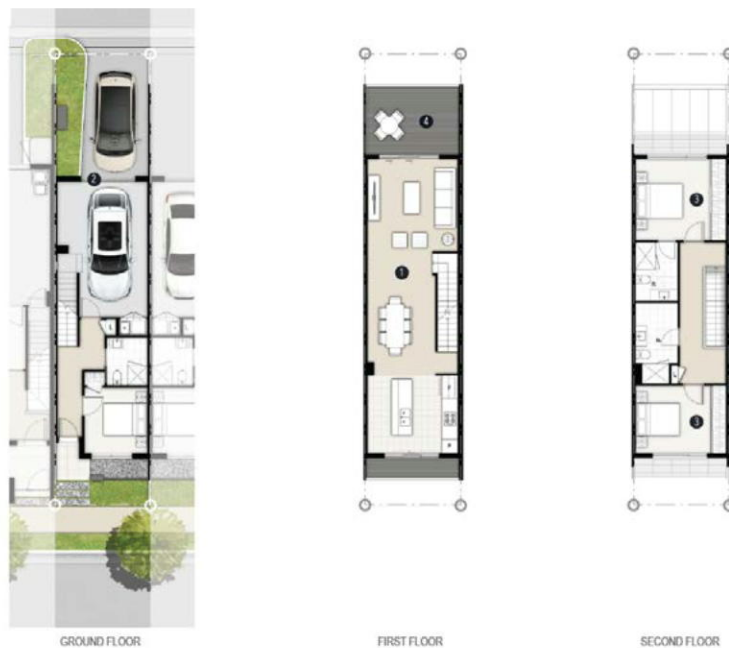


Figure 10
Example micro terrace floor plan

Further to the additional controls proposed, it is recommended that the site specific controls be moved into a standalone site specific section of the DCP. This will assist in ensuring it is more easily located by users and can be repealed once the works have been completed without needing to amend the Residential section of the DCP. An updated copy of the draft DCP amendments is included in Attachment 4.

3. VOLUNTARY PLANNING AGREEMENT

The Proponent has submitted a draft Voluntary Planning Agreement which provides the following obligations in association with any future development of land at 55 Coonara Avenue, West Pennant Hills:

- a) dedication of public open space (24,943m²);
- b) Construction of a synthetic turf playing field; and
- c) Construction and dedication of a public road to access the public open space.

The 600 additional unplanned dwellings sought through the current planning proposal would generate a demand for:

- 30% of a new sports field;
- 30% of a local park;
- 30% of a netball court;
- 30% of a tennis court; and
- 15% of a local community centre.

Public Open Space

Currently, the open space site comprises an unimproved grassed area and established car park. The estimated cost of providing a synthetic playing field is approximately \$2.2M. The VPA offer includes the dedication of land and construction of a synthetic playing field.

The public open space including the construction of a synthetic playing field provides additional public infrastructure that will exceed the demand generated by the planning proposal and assist in meeting existing demand for active open space for the broader West Pennant Hills area.

Should the field not be acquired through the draft VPA, an alternative field would need to be sourced and acquired to satisfy existing demand. The draft VPA, presents an opportunity to satisfy a portion of the demand for active open space at no initial cost to Council.

OPTIONS

Option 1 - Do not proceed with the Planning Proposal

1. Council not proceed with the planning proposal which seeks to facilitate a medium to high density residential development at 55 Coonara Avenue, West Pennant Hills.
2. Council request the Minister for Planning to not proceed with the Planning Proposal (1/2018/PLP).

Comment

The amended Gateway Determination does not align with Council's resolution of the 17 December 2017. The Gateway Conditions do not reflect the unique nature of the site and do not ensure that master-planned, negotiated outcomes can be achieved with any certainty. Revisions to the planning proposal as outlined in the Gateway conditions would mean that there is no certainty of dwelling mix and size and that subdivision for very small lots may occur without a dwelling application. As the Gateway conditions do not align with Council's previous resolution, Council may choose not to proceed with the planning proposal.

Choosing not to proceed with the planning proposal will mean that the playing field, proposed to be constructed and dedicated to Council under the draft VPA, will not be provided. Council would need to source, acquire and undertake improvements to an alternate site.

Should Council choose not to proceed it is open to the proponent to seek an alternate planning proposal authority to be appointed for the proposal. In this regard it is noted that such a request was made for the planning proposal at 360 Windsor Road Baulkham Hills (19/2016/PLP - Bull and Bush site) and the Department of Planning and Environment recently agreed to the request, determining that the Sydney Central City Planning Panel carry out the role of the planning proposal authority.

Option 2 - proceed as per the Gateway Determination conditions

1. Council forward a planning proposal to the Department of Planning and Environment for endorsement that demonstrates compliance with all of the requirements of the Gateway Determination.
2. The Draft Voluntary Planning Agreement, as detailed in Attachment 5, be subject to a legal review at the cost of the proponent, prior to public exhibition.
3. The Draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.
4. The draft Voluntary Planning Agreement as detailed in Attachment 5 and an amended supporting draft Development Control Plan be exhibited concurrently with the planning proposal.

Comment

Under this option the approach for land use zoning, height of buildings and floor space ratio would be as set out in the report (Figures 4, 7 and 8 respectively). This option would also involve minimum lot size mapping down to 86m² for the area to be zoned R3 Medium Density Residential (Figure 5). The local provision would only include a 600 dwelling cap.

To support this option Council would need to rely upon the Development Control Plan to address the key site outcomes (single owner/developer, dwelling mix, size and car parking and micro lot housing as an integrated product).

Option 3 - Council seek an alteration to Gateway Determination

1. Council write to the Department of Planning and Environment requesting that an altered Gateway Determination be issued so that the local provision is able to facilitate the agreed dwelling mix, size and car parking and the suitable assessment of the subdivision and development of micro lot housing, in addition to the maximum 600 dwellings over the site.
2. Should an altered Gateway Determination in line with item 1 be received, the Draft Voluntary Planning Agreement, as detailed in Attachment 5, be subject to a legal review at the cost of the proponent, prior to public exhibition.
3. The Draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.
4. The draft Voluntary Planning Agreement as detailed in Attachment 5 and an amended supporting draft Development Control Plan be exhibited concurrently with the planning proposal.

Comment

Under this option the approach for land use zoning, minimum lot size, height of buildings, and floor space ratio would be as set out in the report (Figures 4, 6, 7 and 8 respectively). The local provision would address the majority of key site outcomes apart from the requirement for a single/owner developer which has been indicated by the Department as a

provision that is as unlikely to be supported by Parliamentary Counsel. This could be included in an amended Development Control Plan.

This option would reflect the desire to ensure that the negotiated master-planned outcomes, particularly dwelling size and mix and a suitable mechanism for micro lot housing, are given certainty through the LEP. However given the Department position on dwelling size and mix as outlined in the Gateway Determination letter, the likelihood of agreement from the Department is minimal.

Option 4 - Request Department of Planning and Environment endorse an alternate approach

1. Council request the Department of Planning and Environment endorse an alternate approach under the current Gateway Determination so that the local provision is able to facilitate suitable assessment of the subdivision and development of micro lot housing, in addition to the maximum 600 dwellings over the site.
2. The Draft Voluntary Planning Agreement, as detailed in Attachment 5, be subject to a legal review at the cost of the proponent, prior to public exhibition.
3. The Draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.
4. The draft Voluntary Planning Agreement and the Draft Hills Development Control Plan Part D Section 19 – 55 Coonara Avenue as detailed in Attachments 4 and 5 be exhibited concurrently with the planning proposal.

Comment

Under this option the approach for land use zoning, minimum lot size, height of buildings, and floor space ratio would be the same as option 3 (Figures 4, 6, 7 and 8 respectively). The local provision would include a 600 dwelling cap and a mechanism for micro lot housing.

To support this option, the remaining items previously requested to be included in a local provision (single owner/developer, dwelling mix, size and car parking) would be incorporated into a Development Control Plan for the site (refer Attachment 4).

This position is a compromise position which would not allow Council to 'lock in' the dwelling size and mix provisions in LEP 2012, but would ensure that development and subdivision of micro lots could occur in an appropriate manner. This is the recommended option. Whilst not the ideal outcome, the Department have indicated that the proposed changes to the local provision can be considered as part of the endorsement of planning proposal. Under this option the planning proposal is likely to proceed in a timely manner, enabling the process of public authority and community consultation to be commenced.

IMPACTS

Financial

This matter includes or may lead to a "Works in Kind" agreement between the developer and Council relating to works included in a voluntary planning agreement and will have no impact on the adopted Budget.

The Voluntary Planning Agreement offer which includes construction and dedication of a synthetic playing field (\$2.2m) along with the associated land and the construction and dedication of a public road is considered reasonable having regard to the incremental

demand for local infrastructure generated by this proposal and the likely cost to Council in providing local infrastructure.

Unfunded costs to Council associated with the above offer include the provision of amenities and lighting to the field should that be required, as well as the ongoing maintenance costs associated with a synthetic playing field. Dependent on the frequency of use, the surface of a synthetic playing field is required to be replaced approximately every ten years. After 20 years both the surface and sub-grade are generally required to be replaced. At present the replacement cost associated with the surface of a synthetic field is approximately \$1.6M.

Impact of maintenance needs for the playing field will be included in a future budget review when the field is constructed and dedicated to Council.

Impact of maintenance needs for the forested area will be included in a future budget review should the land be acquired.

Strategic Plan - Hills Future

The planning proposal is considered to be generally consistent with The Hills Future, community strategic plan. Specifically, the proposal will deliver a well-planned and liveable development which will contribute to meeting the demand for housing associated with population growth whilst maintaining a reasonable level of amenity of existing and future residents.

RECOMMENDATION

1. Council request the Department of Planning and Environment endorse an alternate approach under the current Gateway Determination so that the local provision is able to facilitate suitable assessment of the subdivision and development of micro lot housing, in addition to the maximum 600 dwellings over the site.
2. The Draft Voluntary Planning Agreement, as detailed in Attachment 5, be subject to a legal review at the cost of the proponent, prior to public exhibition
3. The Draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.
4. The draft Voluntary Planning Agreement and the Draft Hills Development Control Plan Part D Section 19 – 55 Coonara Avenue as detailed in Attachments 4 and 5 be exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Council Report 25 July 2017 (31 Pages)
2. Council Report 17 December 2017 (17 Pages)
3. Gateway Determination including composite of Gateway Conditions (5 Pages)
4. Draft The Hills Development Controls Plan – Part D Section 19 (8 Pages)
5. Draft Voluntary Planning Agreement (32 Pages)

