

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to re-zone land to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills (1/2018/PLP).

**ADDRESS OF LAND:** 55 Coonara Avenue, West Pennant Hills (Lot 61 DP737386).

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	NET CHANGE
Dwellings	0	600	+600
Jobs	1200-1700	0	-1200-1700

### SUPPORTING MATERIAL:

<b>Attachment A</b>	Assessment against State Environment Planning Policies
<b>Attachment B</b>	Assessment against Section 117 Local Planning Directions
<b>Attachment C</b>	Revised Gateway Determination – Council Report and Minute, 25 September 2018
<b>Attachment D</b>	Gateway Determination - Council Report and Minute, 12 December 2017
<b>Attachment E</b>	Previous Council Report and Minute, 25 July 2017
<b>Attachment F</b>	Draft The Hills Development Control Plan 2012 Part D Section 19 – Residential
<b>Attachment G</b>	Development Concept and Supporting Assessments July 2018 <ul style="list-style-type: none"><li>• Urban Design Report (July 2018)</li><li>• Traffic Assessment (July 2017)</li><li>• Bushfire Letter (April 2017)</li><li>• Ecological Letter (April 2017)</li><li>• Geo-technical and Utility Infrastructure Review (April 2017)</li><li>• Economic Assessment (January 2016)</li><li>• Bushfire Assessment ( March 2016)</li><li>• Ecological Assessment (March 2016)</li></ul>
<b>Attachment H</b>	Traffic Assessment Review (August 2018)

### BACKGROUND:

At its Ordinary Meeting of 25 July 2017, Council resolved to proceed with the planning proposal to facilitate a medium to high density residential development comprising a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills. To provide certainty of key outcomes relating to the number of dwellings, building heights and apartment size, mix and car parking provision it was recommended that the revised concept be enabled through an 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 (refer Attachment E).

On 31 October 2017 a Gateway Determination was received enabling the proposal to proceed to public exhibition. However, the Gateway Determination required that the proposal be amended to delete reference to Schedule 1 and instead enable the proposed development outcome through amendments to the zoning, minimum lot size map, floor space ratio map and height of buildings map.

At its meeting of 12 December 2017 Council considered the Gateway Determination (refer Attachment D) and concerns that it did not meet Council's intent in resolving to proceed with the planning proposal, did not provide Council or the community with any certainty and did not align with the intent of the agreed methodology for housing mix and diversity within the Sydney Metro Northwest Corridor. It was resolved that Council write to the Department of Planning and Environment and request that a revised Gateway Determination be issued for the planning proposal.

On 13 June 2018 a revised Gateway Determination was received (Attachment C). Whilst the revised Gateway Determination addressed some of Council's previous concerns, including the application of a dwelling cap, it did not fully align with Council's resolution from 12 December 2017. The conditions of the

revised Gateway Determination required the use of the R4 High Density Residential Zone, R3 Medium Density Residential Zone, RE1 Public Recreation Zone and an appropriate environmental management zone. The conditions also require amendments to the minimum lot size map, floor space ratio map and height of buildings map. Whilst most of the proposal is able to be suitably accommodated within the revised conditions, the matter of subdivision for the proposed micro-lot housing, on lots of a minimum 86 square metres was not able to be suitably accommodated within the revised gateway conditions.

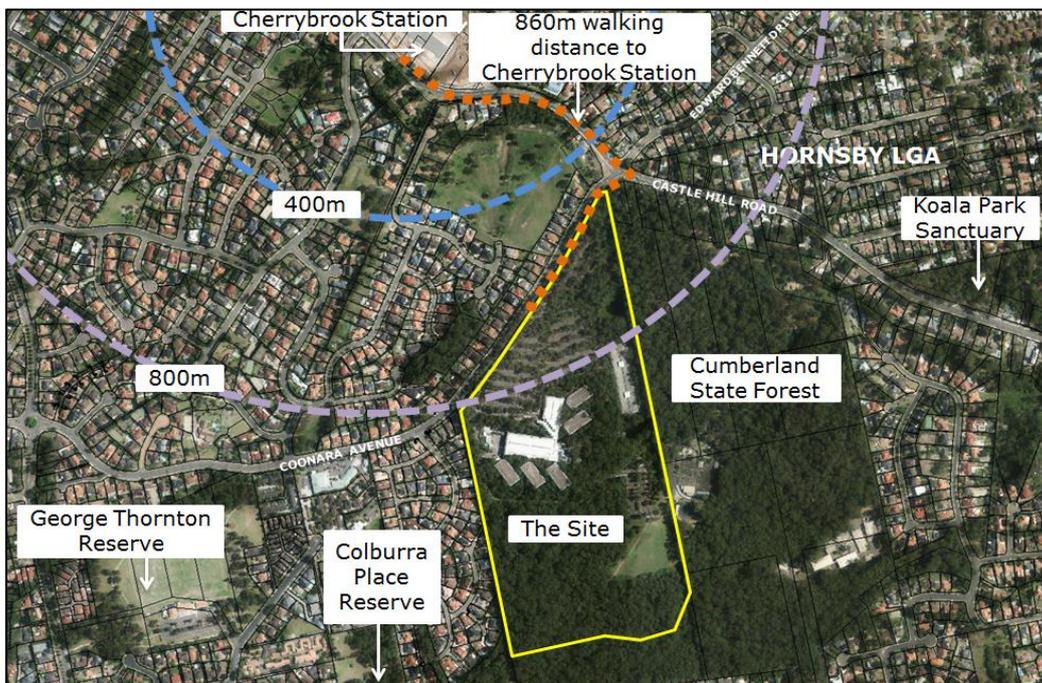
At its meeting of 25 September 2017 Council resolved to write to the Department of Planning to request endorsement of an alternative approach under the revised Gateway Determination, to facilitate a local provision containing a 600 dwelling cap and a mechanism to facilitate micro-lot housing and associated subdivision (refer Attachment C).

The approach will allow amendments to the minimum lot size map to reflect minimum lot sizes in other areas of the Shire such that should the subject development not proceed, outcomes for the site will reflect built form and density in the locality. It will also ensure that subdivision for micro-lot housing is considered as an integrated product, linked to an approved built form outcome.

### 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

### DEVELOPMENT CONCEPT:

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.

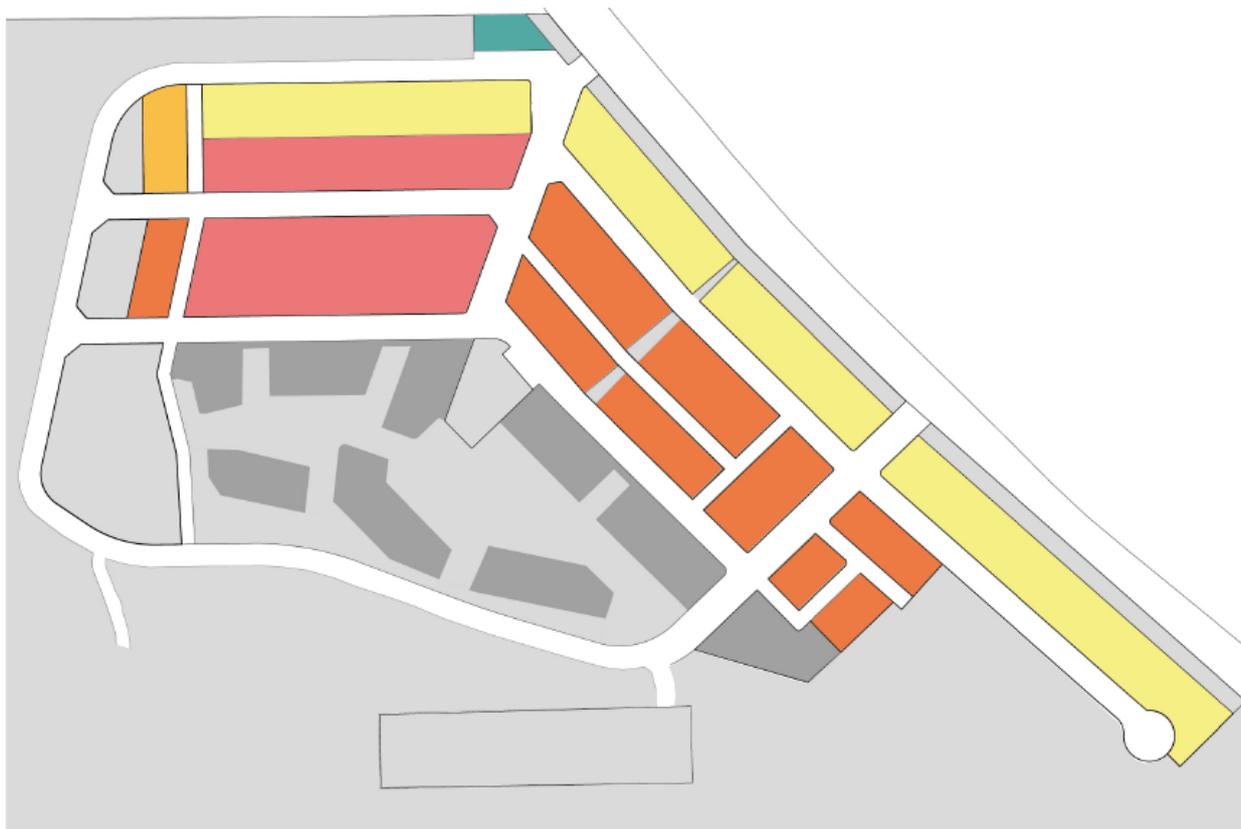


**Figure 2**  
Indicative development concept submitted by the proponent

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.

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>).



#### Indicative Housing Types

	2 Storey Front Loaded, Detached		3 Storey, Front Loaded, Attached, Semi-Detached
	2 Storey Front Loaded, Attached, Semi-Detached		3 Storey Rear Loaded, Attached
	2 Storey Rear Loaded, Attached		

**Figure 3**

Proposed Housing Products for Housing Precinct

The concept includes the dedication of 2.49ha for a new public park and an adjoining open air carpark. The proponent has offered to enter into a Voluntary Planning Agreement for the dedication of open space, construction of a synthetic playing field and construction of a public perimeter road to provide access to the playing field.

The concept provides for an appropriate density of residential development, transitioning from the higher densities expected close to the future Cherrybrook Rail Station. It proposes to retain existing roadways through the site that will give a good 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, having regard to the difficulties in maintaining the site as a stand-alone employment use and the opportunity to secure protection of significant environmental lands.

#### PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings (400 units and 200 houses).

#### PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes, consistent with the intent of Council and the Gateway Determination, will be achieved by the following amendments to The Hills Local Environmental Plan 2012 (LEP 2012):

1. Rezone the site from B7 Business Park to R3 Low Density Residential (mixed housing precinct), R4 High Density Residential (residential flat building precinct & common areas), E2 Environmental Conservation and RE1 Public Recreation:
2. Apply a minimum lot size of 700m<sup>2</sup> across the Mixed Housing Precinct, 1,800m<sup>2</sup> across the Residential Flat Building Precinct, 2ha across the public open space precinct and 10ha across the forested areas of the site;
3. Introduce a maximum height of buildings of nine (9) metres applied to the Coonara Avenue frontage, forested areas and open space, 12 metres for the remaining part of the proposed mixed housing precinct and 22 metres for the proposed residential flat buildings location;
4. Include a local provision to facilitate the following;
  - a. Dwelling cap of 600 dwellings; and
  - b. Mechanism to facilitate small lot housing requiring submission of a single application for both subdivision and a dwelling design resulting in a minimum lot size of:
    - i. Detached Dwellings – 180 square metres
    - ii. Attached or semi-detached dwellings – 86 square metres
5. Include a satisfactory arrangements provision for contributions to State infrastructure. LEP 2012 currently includes provision within Part 6 for arrangements for designated State public infrastructure and public utility infrastructure. Mapping the developable parts of the site (residential zoned land) on the Urban Release Area Map will ensure these provisions apply to the site.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement which seeks to provide the following;

- Dedication of 2.49ha land for public open space and associated car parking;
- Construction of a synthetic playing field;
- Construction and dedication of a public perimeter access road.

The following wording is suggested for the local provision outlined in item 4 above which accommodates a dwelling cap and exception to minimum lot size:

**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, semi-detached 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.

It is noted that the local provision will be subject to legal drafting by Parliamentary Counsel.

## PART 3 JUSTIFICATION

### SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not the result of any strategic study or report. The planning proposal has been initiated by a private landowner.

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

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

### SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

Yes, a discussion of consistency is provided below.

- **Greater Sydney Region Plan – A Metropolis of Three Cities**

The Region Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. The Region Plan replaces A Plan for Growing Sydney as a means of delivering the Greater Sydney Commission's vision for Greater Sydney by 2056.

Objectives 10 and 11 of the Region Plan aim to provide ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Sydney's growing population. The planning proposal seeks to facilitate the delivery of medium and high density housing options close to the Cherrybrook Railway Station. The planning proposal would provide for higher density development on the site than that which could be achieved under the current planning controls in order to better capitalise on the strategic location of the site with access to transport.

To create great places, the Plan states that the mechanisms for delivering public benefits need to be agreed early in the planning process so that places provide good design and built form, with the right mix of fine grain urban form and land use mix to facilitate a sense of belonging and social opportunities. To achieve this, development should be designed with open space and the public realm in mind.

- **Central City District Plan**

The Central City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters; working to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

*Planning Priority C3 - Providing services and social infrastructure to meet people's changing needs*

The Plan states that planning must recognise the changing composition in population groups in local places and provide social infrastructure and services accordingly. Additionally, the Plan aims to provide the right local mix of services, programs and social infrastructure at the heart of walkable neighbourhoods to support them to live socially connected, active and healthy lives.

The Hills Shire Council's residents are predominately families with children. To cater to this demographic, The Hills is dedicated to providing family friendly apartments and local services that cater to their needs. Accordingly, the planning proposal is considered to be consistent with this Priority as it would provide a variety of dwelling sizes and configurations, suitable for existing and expected household types. The proposal includes consideration of the social infrastructure needs of future residents through the provision of public open space.

*Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs and services*  
The Plan sets out five-year housing targets of 8,550 additional dwellings and, while the planning proposal does contribute to housing supply and choice, The Hills is well on track to exceed these targets. Accordingly, excessive yield on the site is not required to meet the Plan's housing targets. Notwithstanding, the proposal will contribute to the provision of housing supply and choice in the vicinity of the Cherrybrook Station Precinct. It is noted that the majority of new dwellings in the Cherrybrook Station Precinct are expected to be high density apartments. The proposed development offers an alternative to this housing form, providing increased choice in housing to reflect the needs to existing and expected households.

*Planning Priority C15 – Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.*  
The Plan aims to protect and enhance biodiversity and attempts to strengthen the protection of bushland in urban areas. The Plan states that conservation outcomes can be delivered more effectively and efficiently through strategic planning, rather than on a site-by-site basis. This is because strategic planning can consider opportunities to connect areas of biodiversity, the relationship between different areas and threats to natural features. The Plan states that strategic conservation planning will be a key strategy for balancing conservation outcomes with growth and development. The planning proposal attempts to balance these competing land uses by delivering additional housing while retaining the significant vegetation on the site.

*Planning Priority C17 – Delivering high quality open space.*

The Plan notes that access to high quality open space is becoming increasingly important as higher housing densities, more compact housing and changing work environments develop. Where land for additional open space is difficult to provide, innovative solutions will be needed, as well as a strong focus on achieving the right quality and diversity of open space. The planning proposal seeks to provide 2.49ha of public open space within a precinct undergoing urban transformation where land for recreation purposes is scarce. The proposed open space will contribute towards addressing an identified need within the West Pennant Hills area.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

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 allows the wider public to enjoy recreational benefits.

- **Local Strategy**

Council's Local Strategy is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for an additional 36,000 dwellings and 47,000 jobs to meet the Shire's needs by 2031.

The Local Strategy is supported by seven Strategic Directions, those of relevance to this proposal being the Residential Direction, Centres Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below.

- *Residential Direction*

The Residential Direction guides the planning, protection and management of the Shire's residential development and growth to 2031. A key focus of the Strategy is the location of higher densities close to centres and associated jobs, transport and services.

Council has maintained a planned and deliberate approach to managing urban growth within the Shire by ensuring high residential density land uses are strategically located close to centres and public transport. This approach focuses on the management of potential conflicts between more intense land uses and the amenity of low density residential environments.

The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide a mix of housing products within reasonable proximity to the future Cherrybrook station. Additionally, the housing products are considered to provide an appropriate interface and transition of building height to the existing amenity of low density dwellings located on the adjacent side of Coonara Avenue.

- *Integrated Transport Direction*

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

The subject site is located within the Cherrybrook Rail Precinct and is serviced by the existing bus routes operating along Coonara Avenue and Castle Hill Road. The proposal to increase the residential density and provide a masterplanned development outcome on the site is consistent with this Direction given the site's location within a rail corridor precinct and proximity to local bus route services.

- *Employment Direction*

The Employment Lands Direction demonstrates that there is capacity to meet targets for employment growth with capacity for 55,574 additional jobs to 2031. The Direction recognises the site as employment land and is occupied by IBM with a business focus on information technology services. The site is classified as one of the only 'high technology' commercial functions of the employment precincts within The Hills Shire. The Direction also noted at the time that the land has been developed at a low floor space ratio, recognising the environmental constraints of the site and that generation of additional jobs beyond current capacity are not feasible unless the current planning framework is reviewed.

It is acknowledged that the planning proposal will not contribute to employment growth and the provision employment within the Cherrybrook Rail Precinct. 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. An Economic Assessment submitted with the planning proposal (Hill PDA, January 2016) concluded that the site will face considerable challenges in maintaining commercial office uses once the current tenants vacate the site. Additionally, other employment generating opportunities along the rail corridor are better located and less constrained than the subject site and provides the potential to offset the loss of employment land. Therefore, it is considered that the inconsistency of the proposal with the Employment Lands Direction is justifiable.

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

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

• **State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

The general aim of this Policy is to protect and preserve bushland within the urban areas because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

As the site is located within an environmental corridor, the policy is considered to apply. Site specific controls within The Hills Development Control Plan require future development on the site to be consistent with the aims of the SEPP:

- *To protect the remnants of plant communities which were once characteristic of land now within an urban area;*
- *To retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;*
- *To protect rare and endangered flora and fauna species;*
- *To protect wildlife corridors and vegetation links with other nearby bushland;*
- *To protect bushland for its scenic values, and to retain the unique visual identity of the landscape;*
- *To maintain bushland in locations which are readily accessible to the community; and*
- *To promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

It is proposed to apply the E2 Environmental Conservation zone to approximately 12ha of forested area between the R4 High Density Residential zone and the rear boundary of the site. This zoning will provide the highest level of protection possible over privately owned land within the constraints of the suite of zones available. Site specific development controls will further ensure that future development on the site is consistent with the aims of this Policy and that the wildlife corridor, significant vegetation and endangered species on the site and in the vicinity are not impacted as a result of the development.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The consistency of the planning proposal with the s.9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

The objective of this Direction is to encourage employment growth, protect employment lands and support the viability of strategic centres. This Direction is relevant given the planning proposal would reduce the area of land zoned B7 Business Park on the site. Additionally, this direction requires 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.

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.

Accordingly, the planning proposal is inconsistent with this Direction as it reduces the area of an existing business zone and reduces the total potential floor space area for employment uses. 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 2.1 Environmental Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction states that a planning proposal that applies to land within an environmental protection zone must not reduce the environmental protection standards that apply to the land, unless justified by a strategy or study. This is 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 Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999.

Through the establishment of clear zoning boundaries within the site, the proposal will provide greater certainty as to the type and scale of development that will be delivered. The planning proposal provides that the forested areas be zoned E2 Environmental Conservation in order to apply the highest protections possible to privately owned land for environmental protection purposes. This represents an increase in protections available under the current zoning and is therefore considered to be consistent with the direction.

- **Direction 2.3 Heritage Conservation**

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The subject site adjoins heritage item A26 titled 'Bellamy Quarry and Sawpit' within Cumberland State Forest. The planning proposal is considered to be consistent with this Direction as it will not adversely impact the adjoining heritage item due to topography and existing mature vegetation on the site.

- **Direction 3.1 Residential Zones**

This Direction encourages a variety and choice of housing types to provide for existing and future housing needs. The Direction also requires that future residential development should ensure that new housing has appropriate access to infrastructure and services. As the site is located in an established residential area with sufficient access to public transport, the planning proposal is considered to be consistent with this Direction.

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

The site is within reasonable distance to the future Cherrybrook Station and is serviced by bus services along Coonara Avenue and Castle Hill Road surrounded by well-maintained footpaths and is within 250 metres of north- and south-bound bus stops connecting the site to Round Corner Town Centre and Castle Hill Town Centre. The site is considered to be well connected to jobs and services and public transport. The proposal is considered consistent with Direction 3.4 Integrated Land Use and Transport as it improves access to housing, jobs and services in close proximity to walking, cycling and public transport.

- **Direction 4.3 Flood Prone Land**

*The objectives of this direction are to:*

- to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

An assessment of the proposal against the Direction is provided below:

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

The proposal does not change the existing flood related development controls. Any future development on the site will be subject to the relevant development controls in The Hills Local Environmental Plan 2012 and The Hills DCP 2012. The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

The planning proposal does not rezone the land from Special Use, Special Purpose Zone, Recreation, Rural or Environmental Protection.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:

(a) permit development in floodway areas,

A floodway area is defined as “those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels” in the Floodplain Development Manual 2005.

The site 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 6.



**Figure 4**

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. Additionally, the Gateway process provides for more detailed consideration and consultation with relevant public authorities to occur to ensure consistency with this Direction.

*(b) permit development that will result in significant flood impacts to other properties,*

The intent of the planning proposal is to providing a mix of medium and high density on the site. The overland flow paths are existing on site. Potential flooding impacts may be addressed through consultation with public authorities and further through the development application process to ensure greater consistency.

*(c) permit a significant increase in the development of that land,*

The planning proposal will provide additional opportunities for increased residential development and increased housing choice by providing apartments and townhouses. 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).

*(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

The proposal will not result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

*(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

The planning proposal will not permit development to be carried out without development consent.

*(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

The planning proposal does not change the flood related development controls applicable to the land.

*(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

The planning proposal does not impose a flood planning level on the subject site.

The planning proposal is consistent with this direction as detailed above. The provisions that are being amended will still require any future application within the Precinct to address Council's development controls related to flood controlled land and the *Floodplain Development Manual 2005*.

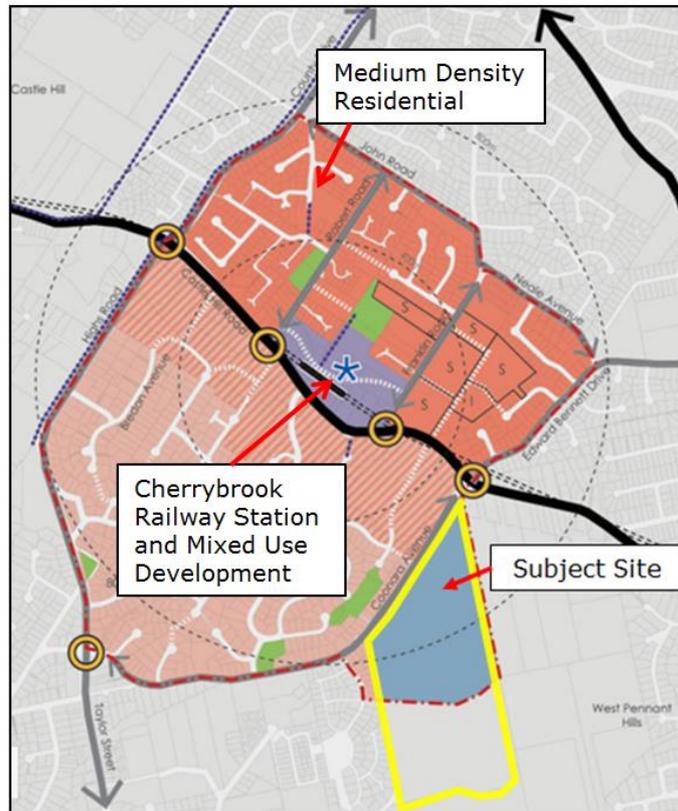
It is intended to refer the application to the Office of Environment and Heritage and the Office of Water for consultation.

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

This Direction requires planning proposals to 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.

The Department of Planning and Environment has produced a Corridor Strategy (September 2013) to guide future development around the eight (8) new stations of the North West Rail Link. The Cherrybrook Railway Station Precinct is bisected by Castle Hill Road, with the land to the north within the Hornsby Shire LGA and land to the south within The Hills Shire LGA. The Cherrybrook Structure Plan projects that within the Norwest

Station Precinct, an additional 3,200 dwellings will be provided by 2036, 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.

- **Direction 6.1 Approval and Referral Requirements**

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

- **Direction 6.3 Site Specific Provisions**

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

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

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. To enable medium and high density housing on the site, a planning proposal is required to amend Local Environmental Plan 2012.

The following land uses are currently prohibited on land zoned B7 Business Park;

- Attached dwellings;
- Dwelling houses;
- Multi dwelling and semi-detached dwellings; and
- Residential flat buildings.

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. As such, a planning proposal seeks to rezone the land to permit these uses.

### **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

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

The site is heavily vegetated and is identified as Blue Gum High Forest and Sydney Turpentine Ironbark Forest, which is identified a Critically Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999. Additionally, the site and the adjoining Cumberland State Forest provide known breeding and roosting habitat for the threatened Ninox Strenua Powerful Owl. The site also provides habitat for several threatened fauna species from the locality.

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

An amended Ecological Report has been submitted which gives additional detail in regards to the potential impacts of the development.

Based on the current development concept, the proposal would result in the net loss of approximately 0.2ha of Blue Gum High Forest and approximately 0.95ha would be modified or partially cleared for bushfire asset protection purposes. Approximately 12ha of forest comprising Blue Gum High Forest and Sydney Turpentine Ironbark forest will not be directly impacted by the proposed development. This area is proposed to be zoned E2 – Environmental Conservation, restricting any development potential for the site.

The ecological report indicates that the proposal is likely to have some impact on the ecological values on the site. The Biodiversity Conservation Act suggests a hierarchical approach to biodiversity conservation, wherever possible impact should be avoided, where it cannot be avoided it should be minimised and mitigated and as a last resort compensated or off-set.

The subject planning proposal seeks to avoid and minimise impact to the forested areas of the site, by locating the bulk of the footprint for development within the existing footprint of buildings and car park areas on the site. Approximately 12ha of forested area will not be developed as part of the proposal. This area will be protected through the application of the E2 Environmental Conservation zone to restrict development of the site.

The areas of vegetation to be removed or modified are located within areas of the site which were planted as part of the development of the IBM campus. Most trees are 35 years old or less. Whilst this vegetation contributes to potential habitat, it lacks important habitat features including hollows and structural complexity, limiting its overall contribution towards habitat provision at this time.

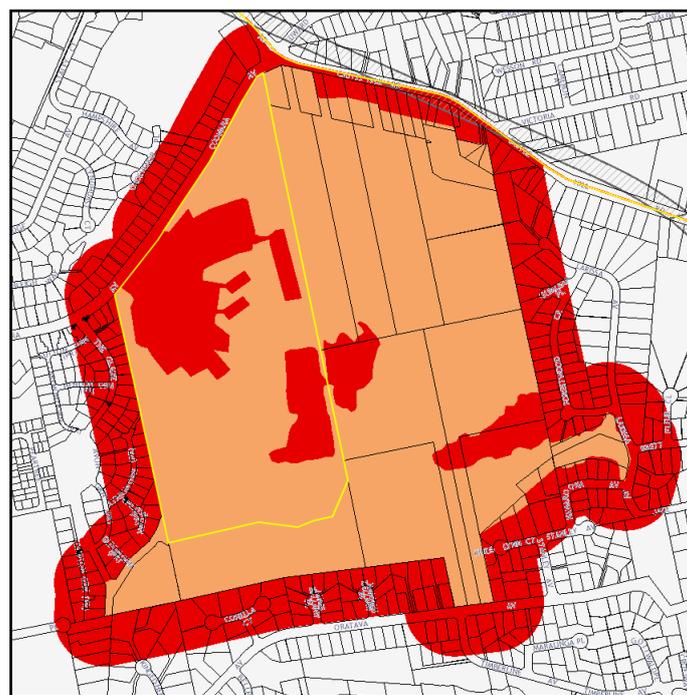
The report identifies a number of nesting trees for the Powerful Owl population, most of which are located within the remnant forest nominated for retention and protection. All nesting trees are proposed to be retained and protected.

The ecological report suggests that 12ha of remnant forest is proposed to be contained within a stewardship site, in accordance with the provisions of the Biodiversity Conservation Act 2016. This would ensure that ongoing funds are available for the protection and management of the remnant forest. Entering into a stewardship agreement requires separate detailed ecological investigation and reporting and is expected to be undertaken as part of a development application. Site specific controls have been included in the draft development control plan to support this approach, including the preparation of a vegetation management plan to specify what measures will be undertaken for the long term management of the site.

The planning proposal will be referred to the Office of Environment and Heritage for comment during the exhibition period. It is likely that the Office of Environment and Heritage will provide further advice in regards to the operation of the Biodiversity Conservation Act 2016 and associated off-sets scheme and whether a species impact statement is required for either flora or fauna species on site.

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

The site is bushfire prone with the developable area noted as both Category 1 bushfire risk (orange in map below) Bushfire Prone Land Vegetation Buffer 100m and 30m (red in map below). Bushfire Asset Protection Zones are to be excluded from owl nest and roost trees and buffers, riparian habitat and corridors.



**Figure 6**  
Bushfire Risk Map

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 amended ecological assessment was forwarded to the NSW Rural Fire Service for comment in accordance with the conditions of the Gateway Determination. The NSW RFS raised no objection in regards to the ecological assessment. Should the planning proposal progress to exhibition, it would be referred to the NSW Rural Fire Service for further comment.

9. *How has the planning proposal adequately addressed any social and economic effects?*

## Housing Size and Mix

The proposal undertakes to provide a range of housing types that have been considered by Council in terms of the anticipated demographic within the Shire. The proposed mix and range of sizes, is supported in this instance, given the ability of studios and one bedroom dwellings to provide an affordable option for younger persons wishing to stay in the area.

It is considered that the dwelling mix and size proposed within the proponent's development concept is acceptable and consistent with Council's desire to secure a diversity of housing suitable to larger households, typical of the Shire's population.

Council's original intent was to include a local provision which specified the desired dwelling mix and size outcomes. As this is not possible under the revised Gateway Conditions, it is proposed to include the negotiated dwelling size and mix provisions within a site specific Development Control Plan. The desired dwelling size and mix provisions are as follows:

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>.

## Traffic Impact

The proponent supplied a traffic study prepared by ARC Traffic + Transport dated July 2017. Based on traffic surveys completed for that report, the use of the site at the time of the study generated 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 use of the site for commercial purposes.



**Figure 7**  
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>, at the time of the study this space was 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 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 likely 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 8**  
Directional and Arrival/Departure Distribution – Residential Use of the Site

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 will 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.

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 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 engaged GTA Consultants to prepare a traffic report to investigate the impact of the proposed development on the surrounding local street network (Attachment H). The report notes that should the full commercial potential of the site be realised, it would generate significantly higher amount of traffic as compared to what is currently being proposed.

The report indicates that the site could potentially generate 339 vehicle movements in the AM peak hour and up to 347 vehicle movements in the PM peak hour. It tests three different trip distribution scenarios and assesses the impacts on intersections of:

- Highs Road/Castle Hill Road/County Drive
- Coonara Ave/Highs Road/Taylor Street
- Coonara Ave/Castle Hill Road/Edward Bennett Drive
- Aiken Road/Oakes Road

The existing capacity constraints at Castle Hill Road, Oakes Road and Aiken Road are noted. The report indicates that additional traffic generated by the proposed development is likely to have a marginal impact on the performance of the existing network.

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.

As part of the exhibition process, the proposal will 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.

### **Public Benefit**

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:

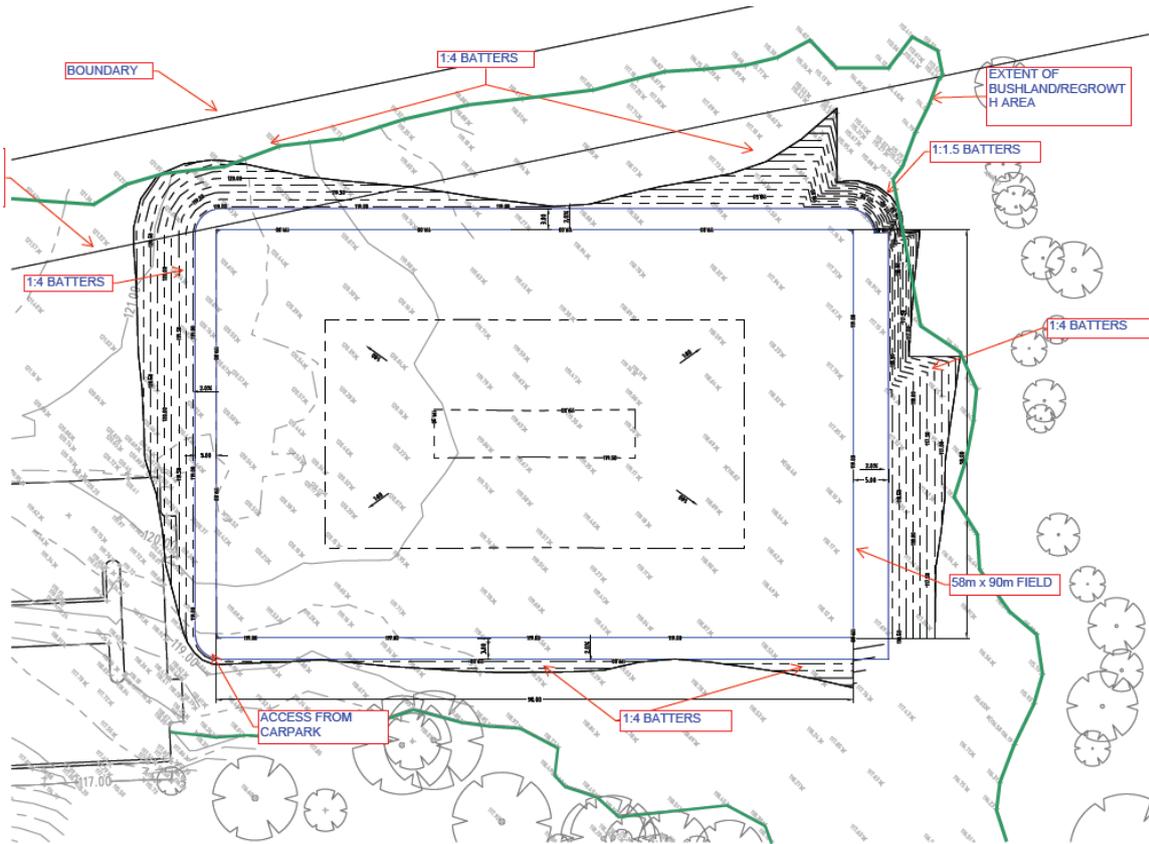
- a) Dedication of public open space (24,943m<sup>2</sup>);
- b) Construction of a synthetic turf playing field; and
- c) Construction and dedication of a public road to access the public open space.

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.

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.



**Figure 9**  
Preliminary Concept – Synthetic Playing Field

The proposed public access road will ensure that suitable access can be provided to the proposed public open space. The public access road will include some sections of on-street parking where environmental constraints permit sufficient widening to achieve an adequate width. The remainder of the public access road will facilitate two-way traffic and restrict parking to ensure minimal impact to environmental values adjoining the road.

- ■ ■ ■ ■  
**Primary Street**  
Public Road  
2 way, Parking on 1 side  
16.5m Street Reserve Width  
9.5m Carriageway width
- ■ ■ ■ ■  
**Primary Street**  
Public Road- Sensitive Bushland  
2 way, No Parking  
16.5m Street Reserve Width  
8m Carriageway width



**Figure 10**  
Preliminary Concept – Public Access Road

## SECTION D - STATE AND COMMONWEALTH INTERESTS

### 10. Is there adequate public infrastructure for the planning proposal?

It is considered that the existing and planned local infrastructure within the locality in combination with the proposed public road to be provided by the developer as part of the Voluntary Planning Agreement will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

### 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The revised Gateway Determination notes the following public authorities to be consulted:

- Transport for NSW;
- Transport for NSW – Roads and Maritime Services;
- Office of Environment and Heritage;
- NSW Rural Fire Service;
- UrbanGrowth NSW;
- Hornsby Shire Council; and
- Relevant authorities for supply of water, electricity and the disposal and management of sewage.

## PART 4 MAPPING

The planning proposal seeks to amend the following maps:

### a) Land Use Zoning Map

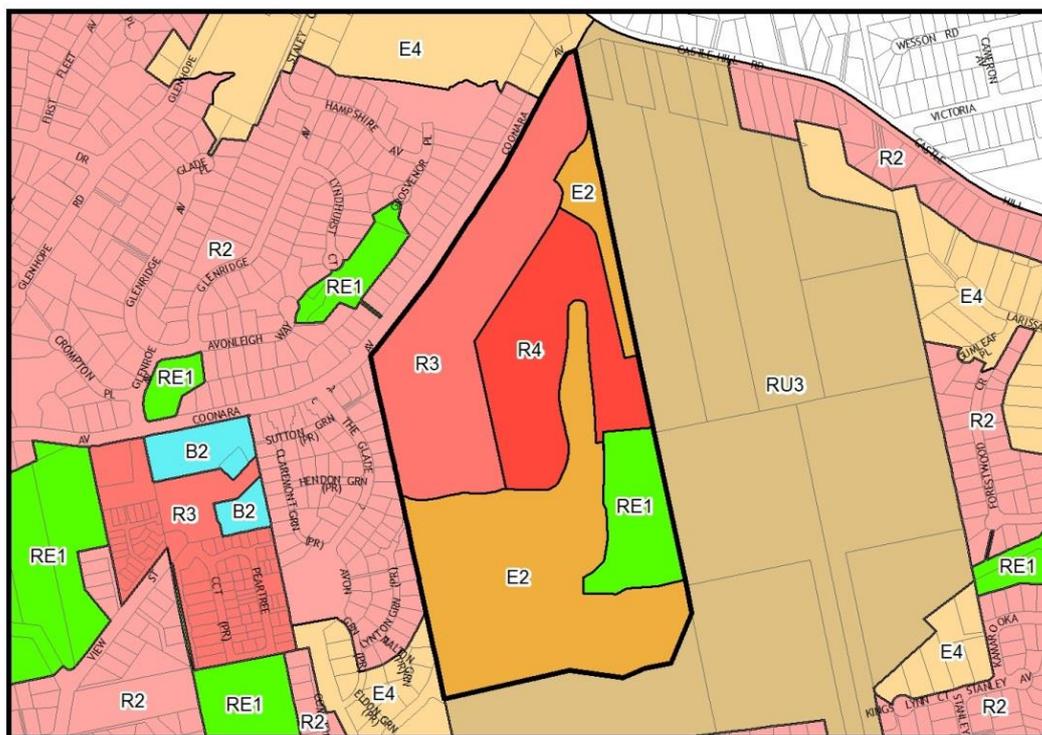
The amended Gateway Determination nominates the use of R4 High Density Residential, R3 Medium Density Residential, RE1 Public Recreation and 'appropriate environmental zones' such as E4 Environmental Living, E3 Environmental Management or E2 Environmental Conservation.

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. To allay any concerns, the proponent has sought to include an additional clause in the draft Voluntary Planning Agreement allowing Council to purchase the E2

zoned land for a nominal cost should any acquisition liability result from re-zoning. 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. Therefore Council supports the application of the E2 Environmental Conservation Zone for the forested areas of the site. This zoning will provide the highest level of protection available to the land.

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 as 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. As this approach was not supported in the revised Gateway Determination, it is proposed to zone the open space as RE1 Public Recreation, pending the successful execution of the Voluntary Planning Agreement for the site. However, should the Voluntary Planning Agreement not proceed to execution for any reason, it is requested that the area of open space be zoned E2 Environmental Conservation, consistent with the proposed zoning of the surrounding forested area.

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.



**Land Zoning (LZN)**

<b>B2</b>	Local Centre	<b>R3</b>	Medium Density Residential
<b>E2</b>	Environmental Conservation	<b>R4</b>	High Density Residential
<b>E4</b>	Environmental Living	<b>RE1</b>	Public Recreation
<b>R2</b>	Low Density Residential	<b>RU3</b>	Forestry

**Proposed Land Use Zoning Map**

## **b) Minimum Lot Size Map**

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 700m<sup>2</sup> in the R3 Medium Density Residential zone and 1,800m<sup>2</sup> 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 700m<sup>2</sup> in the R3 Medium Density Residential zone subject to submission of a single application for a dwelling and subdivision.

The revised Gateway Determination does not strictly support this approach and instead requests that minimum lot size be applied using the minimum lot size map only.

In order to facilitate the anticipated built form outcomes, which include micro-terrace dwellings on lots as small as 86m<sup>2</sup> and achieve strict compliance with the gateway conditions it would be necessary to map a minimum lot size of 86m<sup>2</sup> 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.

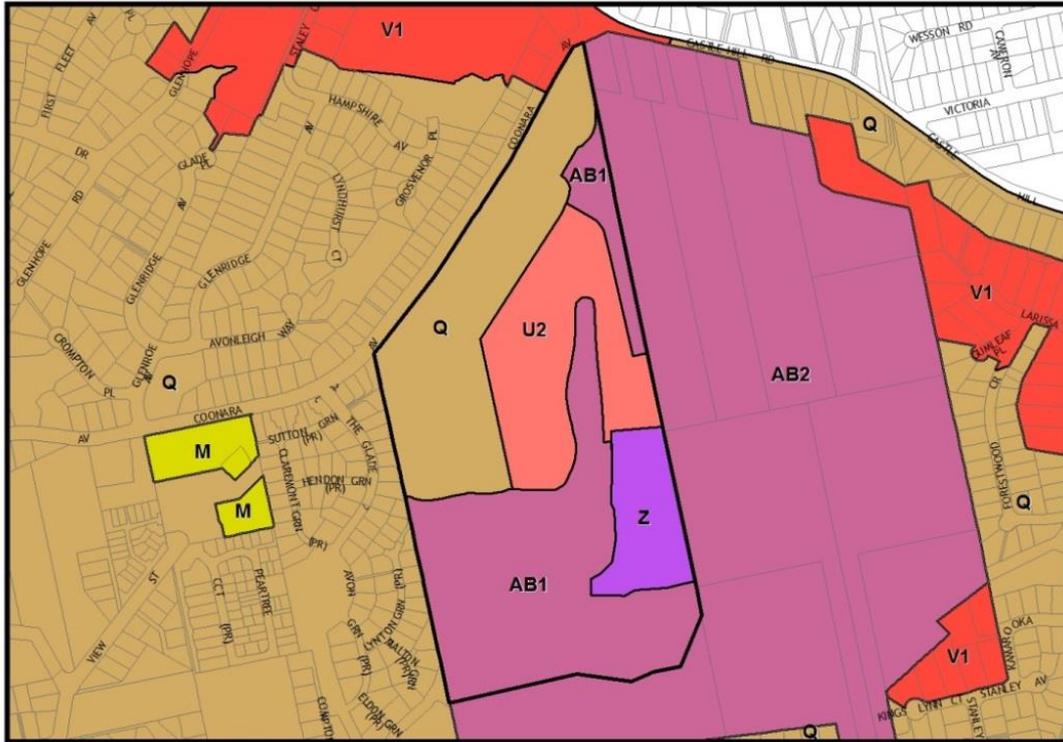
In this regard, the smallest minimum subdivision lot size allowed for in the Shire without an accompanying dwelling is 300m<sup>2</sup> in the Box Hill Precinct and 450m<sup>2</sup> in locations such as Box Hill North and Kellyville/Rouse Hill. For anything smaller than this, the planning framework requires 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 240m<sup>2</sup> where an application is for both subdivision and a dwelling.

The smaller lot sizes, down to 86m<sup>2</sup> 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.

Council's preferred approach therefore is to include a mechanism to achieve micro-lot housing within a site specific local provision which will provide 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 700m<sup>2</sup> will still be capable of facilitating medium density development across the site in a variety of forms.

The approach to minimum lot size is outlined below:

- Minimum lot size of 700m<sup>2</sup> in the R3 Medium Density Residential zone, consistent with the approach in other areas of the Shire;
- Minimum lot size of 1,800m<sup>2</sup> 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.



**Minimum Lot Size (sq m) (LSZ)**

<b>M</b>	600	<b>U2</b>	1800	<b>Z</b>	2 ha	<b>AB2</b>	40 ha
<b>Q</b>	700	<b>V1</b>	2000	<b>AB1</b>	10 ha		

**Proposed Minimum Lot Size Map**

### c) Height of Buildings Map

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 proposed height of buildings map below will facilitate the anticipated built form outcomes, having consideration for the topography of the site. The inclusion of a dwelling cap within a local provision ensures that the proposed heights will not result in the risk of additional dwellings beyond the cap.



Height of Buildings (m) (HOB )					
J	9.0	M1	12.0	R2	22.0

Proposed Height of Building Map

**d) Floor Space Ratio Map**

The revised 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 the map below:



**Proposed Floor Space Ratio Map**

## PART 5 COMMUNITY CONSULTATION

The planning proposal would be advertised in local newspapers and on display at Council's administration building and Castle Hill and Baulkham Hills Libraries. The planning proposal would also be made available on Council's website.

## PART 6 PROJECT TIMELINE

<b>STAGE</b>	<b>DATE</b>
Commencement Date (Gateway Determination revised )	June 2018
Endorsement of Council approach	November 2018
Government agency consultation	November 2018
Commencement of public exhibition period (28 days)	November 2018
Completion of public exhibition period	December 2018
Timeframe for consideration of submissions	January 2019
Timeframe for consideration of proposal post exhibition	February 2019
Report to Council on submissions	March 2019
Planning Proposal to PCO for opinion	April 2019
Date Council will make the plan (if delegated)	N/A
Date Council will forward to department for notification (if delegated)	May 2019

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	YES	CONSISTENT See Section B Question 5
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
	Affordable Rental Housing (2009)	YES	NO	-
	Building Sustainability Index: BASIX 2004	YES	NO	-
	Exempt and Complying Development Codes (2008)	YES	NO	-
	Housing for Seniors or People with a Disability (2004)	YES	NO	-
	Infrastructure (2007)	YES	NO	-
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Major Development (2005)	YES	NO	-
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
	Miscellaneous Consent Provisions (2007)	YES	NO	-
	Penrith Lakes Scheme (1989)	NO	-	-
	Port Botany and Port Kembla (2013)	NO	-	-
	Rural Lands (2008)	NO	-	-
	SEPP 53 Transitional Provisions (2011)	NO	-	-
	State and Regional Development (2011)	YES	NO	-
	Sydney Drinking Water Catchment (2011)	NO	-	-
	Sydney Region Growth Centres (2006)	YES	NO	-
	Three Ports (2013)	NO	-	-
	Urban Renewal (2010)	NO	-	-
	Western Sydney Employment Area (2009)	NO	-	-

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>	<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/CONSISTENT</b>
<b>Deemed SEPPs</b>			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS**

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

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Coast			
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	INCONSISTENT See Section B Question 6
5.10	Implementation of Region Plans	NO	-	-
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT See Section B Question 6
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT See Section B Question 6
<b>7. Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	NO	-	-
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-