

THE HILLS SHIRE COUNCIL

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Internal Memorandum

TO: GENERAL MANAGER – MICHAEL EDGAR

FROM: ACTING MANAGER FORWARD PLANNING - JANELLE ATKINS

SUBJECT: REQUEST FOR MAKING OF THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 – TO PERMIT RESIDENTIAL FLAT BUILDINGS AS AN ADDITIONAL PERMITTED USE, INCREASE THE MAXIMUM PERMISSIBLE BUILDING HEIGHT AND FLOOR SPACE RATIO TO LAND AT 6 MCCAUSLAND PLACE, KELLYVILLE (AMENDMENT NO. 45)

DATE: 4 SEPTEMBER 2017

On 7 July 2017, the Parliamentary Counsel's Office issued an Opinion that The Hills Local Environmental Plan (Amendment No. 45) can be legally made. The Instrument will amend LEP 2012 in relation to land at 6 McCausland Place, Kellyville in the following manner:

At this meeting Council resolved as follows:

- Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map to permit 'residential flat buildings' on land at 6 McCausland Place, Kellyville with a maximum yield of 20 dwellings;
- Increase the maximum building height to 14 metres for the south-eastern portion of the site (where residential flat buildings are anticipated); and
- Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 1.6:1 to the south-eastern portion of the site (where residential flat buildings are anticipated).

In accordance with the requirements set out by the Department of Planning and Environment, a Section 59 Planning report has been prepared and is attached to this memo. The Section 59 Report (Attachment 2) includes Parliamentary Counsel's Opinion (comprising the amending Instrument), the Map Cover Sheet and the amending LEP Map Sheets.

As the plan is entirely consistent with Council's adopted position on the planning proposal, the making of this Plan will comply with your delegation to make draft Local Environmental Plans. The Delegation of Authority sheet has been included as Attachment 1 to this memo.

It is recommended that the Plan be made by signing the Map Cover Sheet, the front cover of the draft Instrument and Council's Delegation of Authority sheet.

The next step will be the forwarding of the Plan to the Department of Planning and Environment for notification on the NSW Legislation website. The Plan will be in force on the date that it is notified on the NSW Legislation website.

If you have any queries in relation to this matter please contact me on extension 5266.



Janelle Atkins

ACTING MANAGER FORWARD PLANNING



Stewart Seale

ACTING GROUP MANAGER STRATEGIC PLANNING

Attachment 1: Delegation of Authority to Make Local Environmental Plans

[Delegation of Authority - Section 59 - 4/2016/PLP](#)

Attachment 2: Section 59 Planning Report and Attachments (Amendment No.

[Section 59 Report - 6 McCausland Place - 4/2016/PLP](#)

DELEGATION OF AUTHORITY**THE HILLS LOCAL ENVIRONMENTAL PLAN 2012
(AMENDMENT NO. 45)**

In accordance with Council's Delegation No 16.7, I certify that the draft Instrument is consistent with Council's adopted position in relation to policy intent, land zoning, floor space ratio, building height, lot size, property acquisition and other relevant controls within the Local Environmental Plan.

Following the making of this Plan, it will be forwarded to the Department of Planning and Environment for notification on the NSW Legislation website.

16.7 To make a draft Local Environmental Plan under Section 59 of the EP&A Act 1979

To undertake the plan making functions of the Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979, where an authorisation has been issued as part of a Gateway Determination and the draft plan is entirely consistent with the planning proposal adopted by Council.

The final legal Plan must be in accordance with the resolution to finalise the Planning Proposal adopted by Council post exhibition in respect of:

- *Policy Intent;*
- *Environmental Heritage; or*
- *Any other element controlled by the Local Environmental Plan.*

SIGNED



DATE:

04.09.2017

NAME:

Michael Edgar

POSITION:

General Manager
The Hills Shire Council

SECTION 59 PLANNING REPORT

Planning proposal details:

Planning Proposal (Department Ref: PP_2016_THILL_010_00) – Amend The Hills Local Environmental Plan 2012 to include a new clause in Schedule 1 – Additional Permitted Uses to permit residential flat buildings, amend the maximum building height and floor space ratio to land at 6 McCausland Place, Kellyville.

Planning proposal summary:

The proposal seeks to facilitate residential development on the site with a total yield of 35 dwellings. The planning proposal seeks to amend Schedule 1 'Additional Permitted Uses' of Local Environmental Plan 2012 to permit a 'residential flat building' on the south east corner of the site. The maximum building height will be increased to 14 metres for the south-eastern portion of the site (where residential flat buildings are anticipated). A base floor space ratio (FSR) of 1:1 and an incentivised FSR of 1.6:1 will be applied to the site (where residential flat buildings are anticipated).

Date of Gateway Determination:

15 November 2016

1.0 SUMMARY

The planning proposal applies to land at 6 McCausland Place, Kellyville (Figure 1) and seeks to facilitate a 'hybrid' residential flat building and townhouse development with a total yield of 35 dwellings. To achieve this, the proposal seeks to amend *The Hills Local Environmental Plan 2012* (LEP 2012) to:

- Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map to permit 'residential flat buildings' on land at 6 McCausland Place, Kellyville with a maximum yield of 20 dwellings;
- Increase the maximum building height to 14 metres for the south-eastern portion of the site (where residential flat buildings are anticipated); and
- Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 1.6:1 to the south-eastern portion of the site (where residential flat buildings are anticipated).

Background

The site was previously known as 1 Arnold Avenue, Kellyville, but following the road renaming to facilitate the realignment of Arnold Avenue, the site was identified as 4 McCausland Place, Kellyville. Since this time, the street numbering of the site address has changed from 4 McCausland Place to 6 McCausland Place due to an application to alter the property number being approved on 21 September 2016.

The site is irregular in shape and has an area of 5,670m². The site has frontage to McCausland Place (38 metres), Memorial Avenue (112 metres) and the realigned Arnold Avenue (53 metres). The land is currently occupied by an uninhabited fibro single storey dwelling house.

Approximately 1,315m² (23.2%) of the site is required to construct the Arnold Avenue realignment, the intersection of Arnold Avenue and Memorial Avenue and McCausland Place turning circle.

The site is surrounded by a townhouse development to the north, The Hills Clinic to the west and stormwater management land to the east. To the south of the site, across Memorial Avenue, there is vacant land zoned B2 Local Centre and R4 High Density Residential, which is expected to be developed as a local centre (refer to Figures 1 and 2). A strategic bus route runs adjacent to the site on Memorial Avenue, which provides high frequency bus services to Parramatta, Macquarie Park and the city.

The site is identified in the North West Rail Link Corridor Strategy Kellyville Station Structure Plan, but it is not earmarked for increased density as part of the Department of Planning and Environment's Priority Precinct Proposal that was exhibited December 2015.



Figure 1

Aerial view of the site and surrounding locality

It is noted that the exhibited planning proposal sought to include a new local provision which ensures that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements. However, as a result of recent amendments to Council's LEP associated with the planning proposal for 2-6 and 7 Maitland Place, Baulkham Hills (5/2016/PLP), this clause has already been inserted into LEP 2012 and as such, the insertion of this clause is no longer required as part of this planning proposal.

2.0 GATEWAY DETERMINATION

Council received a Gateway Determination from the Department of Planning and Environment on 2 November 2016 (this was subsequently re-issued on 15 November 2016). The Gateway Determination allowed for the proposal to proceed to public exhibition subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - a) be consistent with the attached methodology for Local Residential Development Clause at Tab A. Please note that the planning proposal should be amended to state that clause attached to the methodology is indicative only and may be subject change as a result of legal drafting.

Comment: In accordance with Condition No. 1 as a result of recent amendments to Council's LEP associated with the planning proposal for 2-6 and 7 Maitland Place, Baulkham Hills (5/2016/PLP), this clause has already been inserted into LEP 2012 and as such, the insertion of this clause is no longer required as part of this planning proposal. Additionally, all references to have been amended to be consistent with the above.

- b) Correct the reference to increase in the maximum building height to 12 metres.

Comment: This was addressed in the Alteration of Gateway Determination issued on 15 November 2016, specifically condition 3 which required the deletion of condition 1(b).

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
- a) the planning proposal must be made publicly 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 material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

Comment: The planning proposal and supporting documents were publicly exhibited for a period of 30 days from Thursday 19 January 2017 to Friday 17 February 2017.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- Office of Environment and Heritage
 - Transport for NSW
 - Transport for NSW – Roads and Maritime Services
 - Integral Energy
 - Sydney Water

Each public authority 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.

Comment: The planning proposal was referred to the listed public authorities within the **21 day** timeframe given for comments. The views of public authorities are outlined in Section 4.0 of this report.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) 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).

Comment: No public hearing was held in relation to the planning proposal.

5. The timeframe for completing the Plan is to be **12 months** from the week following the date of the Gateway determination.

Comment: The date of authorisation is 4 September 2017, being within 12 months of the date of the Gateway Determination (15 November 2016). The planning proposal will be finalised within the specified timeframe.

Concurrent with the Gateway Determination, the Acting Executive Director, Regions, Planning Services Delegate of the Greater Sydney Commission, issued a Written Authorisation for Council to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* for the subject planning proposal. The date of the authorisation is 15 November 2016.

3.0 COMMUNITY CONSULTATION

In accordance with the Gateway Determination, community consultation was required under section 56(2)(c) and 57 of the EP&A Act.

The planning proposal and associated draft DCP was placed on public exhibition from Thursday 19 January 2017 to Friday 17 February 2017. The documentation was made available for viewing at Castle Hill Library, Vinegar Hill Memorial Library (Rouse Hill Town Centre), Baulkham Hills Library, Council's administration building and on Council's website. The public exhibition was advertised in The Hills News and The Rouse Hill Courier and all landowners in the vicinity of the site were notified by letter of the exhibition and invited to comment.

As a result of consultation with the public authorities and public exhibition, Council received a total of six (6) submissions comprising of five (5) public authority submissions (Sydney Water, Office of Environmental and Heritage, Roads and Maritime Services, Endeavour Energy and Transport for NSW) and one (1) submission from the proponent.

The key concerns raised were potential flooding constraints, appropriate future development that is in line with road works for the surrounding area and the proposed common open space dimension requirement. These issues are discussed further below with planning comments in response to each.

Council received one (1) submission from the proponent. This submission focused solely on the inability of future development to meet the proposed common open space dimensions within the draft Development Control Plan. Further detail on this submission is provided below.

Several concerns were raised regarding the proposed common open space control within the draft Development Control Plan which requires 'a single common open space area to be provided with a minimum dimension of 12m'. In addition, the proponent raised the following main concerns:

- The draft control is 'inflexible' and does not align with the pedestrian paths planned for the site;
- Future development will provide 559m² of common open space, which will meet the total area of common open space required (550m²);
- There is sufficient open space planned for in the private landscape courtyards and landscape buffers to adjacent roads;
- The creation of a regular shape for common open space would require the deletion, reduction of size or relocation of a dwelling;
- The proposed common open space is designed to respond to land dedication and road construction and meets the usability and recreational objectives of the Council's controls; and
- The Apartment Design Guide (ADG) requires a minimum dimension of 3 metres and therefore the proposed design complies.

In light of these comments, the submission requested that the draft DCP be amended to:

- Delete the proposed common open space control which requires 12 metre x 12 metre minimum dimension; and

- Instead require compliance with the proposed common open space layout as shown on concept plans submitted by the applicant.

Comment: Given the unique hybrid nature of the proposal and constraints to development of the site as a result of road construction and land dedication, it is considered that the request made by the applicant to delete the proposed dimension control for common open space is appropriate. Council has sufficient controls under Part B Sections 4 and 5 (Multi Dwelling Housing and Residential Flat Buildings) of the DCP to ensure that the common open space proposed as part of the development has good solar access, pedestrian access and a high recreational value. These controls would be used to assess the future development application.

Importantly, the proposed control requiring the provision of at least 550m² of common open space will remain to ensure there is a sufficient area and quantum of common open space for future residents.

Following a review of the exhibited proposal and consideration of the proponent's submission, it is recommended that the following post-exhibition amendments be made to the draft Development Control Plan:

- Amend all references of '4 McCausland Place' to '6 McCausland Place' to reflect the new site numbering of the property;
- Refinement of words in 9.13.2 (b) – 'Built Form' ;and
- Delete Clause 9.13.4(a) - 'Common Open Space', which requires a minimum dimension of 12m of common open space.

4.0 VIEWS OF PUBLIC AUTHORITIES

In accordance with the Gateway Determination, Council consulted with five (5) public authorities:

1. Sydney Water;
2. Office of Environmental and Heritage;
3. Roads and Maritime Services;
4. Endeavour Energy;
5. Integral Energy (Origin Energy);and
6. Transport for NSW.

As a result of consultation with the public authorities and public exhibition, Council received a total of six (6) submissions comprising of five (5) public authority submissions (Sydney Water, Office of Environmental and Heritage, Roads and Maritime Services, Endeavour Energy and Transport for NSW) and one (1) submission from the proponent.

(a) Sydney Water

Sydney Water raised no formal objection to the planning proposal. Sydney Water noted that any amplifications or extensions to the water mains near the site may be required depending on the size and scale of development. The submission also advised that a Sydney Water Servicing and Building Plan Approval will be a requirement for any future development application for the development.

Comment: Sydney Water will need to be consulted and the relevant approvals (including a Section 73 Compliance Certificate) must be obtained as part of any future Development Application.

(b) Office of Environment and Heritage

Office of Environment and Heritage raised no formal objection to the planning proposal however provided recommendations to floodplain risk management for the site and the existing Rouse Hill Flood Study. Office of Environment and Heritage recommended the Rouse Hill Flood Study be used to provide justification that the site is not affected by the

1% Annual Exceedance Probability (AEP) Local Flood and preliminary analysis be requested to identify the Probable Maximum Flood (PMF) Flood Extent.

Comment: The site is located adjacent to land zoned SP2 Stormwater Management System which is owned and managed by Sydney Water. Information available to Council from Sydney Water's most recent flood study identifies a portion of the subject site as being flood affected at the 100 year Average Recurrence Interval (ARI) (or 1% AEP) flood event. The flood affectation is located along the north eastern edge of the site (in the area where the Arnold Ave road work extension is proposed). The proponent may need to seek further flood related information from Sydney Water to assist in the preparation of the detailed development application.

Section 117 Direction 4.3 – Flood Prone Land applies to the site as it is identified within a flood prone area. The objective of this Direction is to ensure that future development in flood prone areas appropriately address potential flood impacts both on and off the subject land. The potential for flooding on site has not been adequately considered by the proposal, particularly in the north eastern portion of the site where the flood affectation is located. However, potential flooding impacts may be mitigated as part of the construction of the extension of Arnold Avenue and through the development application process.

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). The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and applies controls to guide the management of flood risk associated with development.

(c) Roads and Maritime Services

Roads and Maritime Services raised no formal objection to the proposal subject to consideration of the following:

- Appropriate development setback consistent with the future road widening requirements for the upgrade of Memorial Avenue and the construction of a four-way signalised intersection at Memorial Avenue/Arnold Avenue/Hector Court;
- As agreed previously with the property owner, the proposed earthworks (batter) may go beyond the road corridor boundary if the road upgrade works commence prior to the proposed development;
- Consideration of the current road design for Memorial Road upgrade; and
- Future road levels of RL59.9 at the back of the shared path to the north-west of the Memorial Avenue and Arnold Avenue intersection.

Comment: The proposed development concept has been designed to have regard to the proposed road works and intersection upgrade. These comments have been forwarded to the proponent and will need to be addressed as part of any future development application for the site. Roads and Maritime services will need to be consulted as part of the assessment of any future development application and may provide relevant conditions to be imposed within any consent issued.

(d) Endeavour Energy

Endeavour Energy raised no formal objection to the proposal but did provide a number of comments for consideration. It is imperative that work within the vicinity of overhead power lines is done with reference to 'Electrical Safety for Urban Workers'. Additionally, the proponent will need to contact Endeavour Energy's Network Connection's Branch regarding any requirements for connecting their new development to the electricity supply network.

Comment: Further consultation with Endeavour Energy will occur at the development application stage. This will ensure an appropriate development outcome is achieved and that development work is appropriately distanced from electricity infrastructure and

easements. Endeavour Energy will have opportunity to request the imposition of any relevant conditions of consent at this time.

(e) Transport for NSW

A submission was received from Transport for NSW (TfNSW) and no formal objection was raised. TfNSW concurred with Roads and Maritime Services advice on this planning proposal and therefore no further comment was provided.

Comment: Transport for NSW (TfNSW) raised no objection or concerns.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

• A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

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

A key principle for growth includes increasing the housing choice around centres by accelerating the housing supply and renewal and improving housing choice. Directions 2.1, 2.2 and 2.3 relate to housing supply, urban renewal, providing jobs closer to home and improving housing choice to suit different needs and lifestyles. The planning proposal is consistent with these Directions since it will facilitate new housing opportunities close to existing public transport and a planned local centre.

• Draft West Central District Plan

The Draft West Central District Plan was prepared by the Greater Sydney Commission and proposes a 20 year vision for the West Central District, which includes the local government areas of Blacktown, Cumberland (parts of the former Auburn, Parramatta and Holroyd), Parramatta and The Hills.

The draft Plan identifies 'liveability' priorities and actions for the West Central District which respond to improving housing choice, diversity and affordability. The draft plan identifies a five-year housing supply target and predicts that The Hills will require an additional 8,550 dwellings by 2021. This planning proposal will help ensure this target is met (Liveability Priority 1). Additionally, the draft Plan proposes to improve housing choice for people to live within walking distance to transport services with easy access to jobs. The draft Plan proposes to improve housing diversity and affordability by providing a mix of different housing types that people need. The planning proposal intends to provide a mix of 15 x 4 bedroom townhouses and 20 apartments comprising of 3 x 1 bedroom units, 12 x 2 bed units and 5 x 3 bedroom units. The development will also provide sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. To deliver housing diversity, the draft Plan urges planning authorities to consider the needs of the local population base to deliver high quality design outcomes for both buildings and places (Liveability Priority 2).

This planning proposal is also a response to people's need for services, not just in its proximity to local infrastructure, but the services needed at all stages of life, as The Hills Clinic is located adjacent to the proposed development site. The proposed hybrid design mix of townhouses and apartments facilitates shared spaces and shared resources, along with the B2 Local Centre zoned adjacent to the site (Liveability Priority 9).

The planning proposal is considered to be consistent with the objectives of the draft Plan by supporting planning for housing choice, diversity and affordability, as well as supporting the provision of shared resources and spaces. As the planning proposal addresses the need for additional housing stock, it is considered consistent with the draft Plan.

- **North West Rail Link Corridor Strategy**

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

The Kellyville Station Structure Plan establishes a vision for Kellyville as a major residential area for Sydney's North West. The future train station is set to provide further impetus for Kellyville to evolve as a transit oriented, predominately residential area offering high, medium and low density housing options as well as a local shopping centre. It includes a target of 4,400 additional dwellings and 800 additional jobs within the precinct.

The subject site falls within the boundaries of the Kellyville Station Precinct and is identified for low density detached house living and low/medium density townhouse living (refer to Figure 5). The Structure Plan envisages a low to medium density townhouse outcome on the site, with a potential yield of 15 townhouses. The recently exhibited Priority Precinct Proposal for the Kellyville Precinct did not indicate any change to zone, floor space ratio or height for this location.

It is noted that the subject site is located approximately 1.9 km from the Kellyville Station and the planning proposal does not seek the increase in density based on proximity to the future Station. Rather the strategic justification is based on the site's proximity to a local centre and strategic bus route as well as the site specific circumstances related to land taken for road construction.

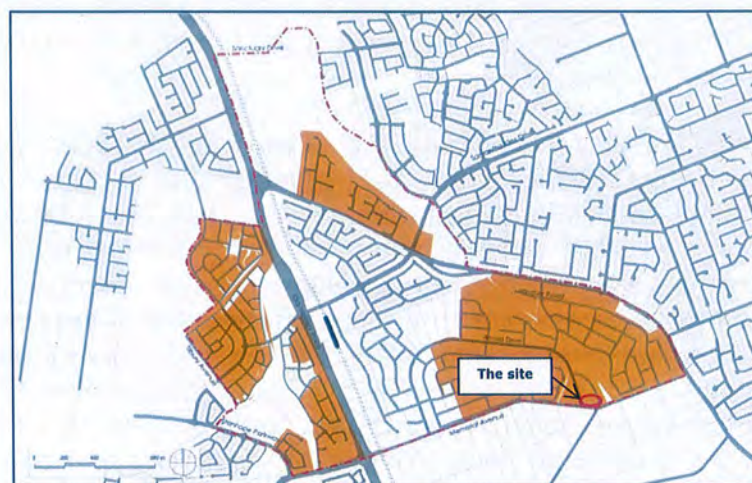


Figure 5

Kellyville Structure Plan locations for low/medium density townhouse living

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction 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 planning proposal will assist in the realisation of The Hills Future outcome of balanced urban growth through the provision of well-located housing, employment and facilities to serve existing and future Hills Shire residents.

- **Local Strategy**

Council's Local Strategy was adopted in 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The 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 was adopted in 2008 to guide 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 development concept is consistent with this Direction as it concentrates high density development adjacent to the planned local centre. Locating the residential flat building outcome on the south east corner of the site responds to the future expected local centre activity to the south of the site and the sensitive interface of the adjoining townhouse development to the north.

- *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 adjacent to a planned local centre and is serviced by the existing bus routes operating along Memorial Avenue. The proposal to increase the residential density of the site is consistent with this Direction given the sites location adjacent to a planned centre and public transport.

- **State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)**

The planning proposal is consistent with the aims and objectives of this SEPP given it will facilitate the redevelopment of existing urban land for 'hybrid' development with a mix of townhouses and apartments. The proposal will also ensure additional housing provision close to an existing local centre, transport corridor and will increase opportunities for people to live in a locality which is close to employment, leisure and other opportunities.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

There may be potential for land contamination on the subject site due to previous agricultural land uses. The proponent has submitted a Contamination Report for the site and concluded natural soils are free of contamination, however also suggests that it may be possible contaminated soils may be present between sampling locations and do not present a risk to human health or the environment. Accordingly the proposal is considered to be satisfactory with respect to this SEPP.

- **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

The planning proposal is considered to be consistent with SEPP No. 65 given it will facilitate a high quality development on the site with positive design and amenity outcomes. The proposal provides a maximum dwelling yield if the developer complies with Council's apartment size/mix and car parking controls given these controls are considered by Council to better suit the family demographic expected for the Shire into the future. However, the proposal does not prevent future development from utilising the mandatory controls under the SEPP and therefore is not considered to conflict with the SEPP.

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

- Direction 3.1 – Residential Zones;
- Direction 3.4 – Integrating Land Use and Transport;
- Direction 4.3 – Flood Prone Land;
- Direction 5.9 – North West Rail Link Corridor Strategy;
- Direction 6.1 – Approval and Referral Requirements;
- Direction 6.3 – Site Specific Provisions; and
- Direction 7.1 – A Plan for Growing Sydney.

- **Direction 3.1 Residential Zones**

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone (and the facilitation of residential development on land not previously identified for residential development). The objectives of the Direction are:

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

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market such as

townhouses and apartments. The provision of townhouses and apartments capitalises on the planned local centre and transport corridor on Memorial Avenue.

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

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

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

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

The proposal is considered to be consistent with this Direction given it will provide both housing nearby public transport including the existing North West Transitway and the future Sydney Metro Northwest currently under construction. The proposal will contribute to the growth and development of the Kellyville Station Precinct and the viability of the future railway.

- **Direction 4.3 - Flood Prone Land**

The objectives of this direction are to:

- (a) 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*
- (b) 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. The development component of the planning proposal involves a residential zone outcome.

(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" (Floodplain Development Manual 2005).

A portion of the subject site is identified as being flood affected at the 100 year Average Recurrence Interval (ARI) (or 1% AEP) flood event. The flood affectation is located along the north eastern edge of the site (in the area where the Arnold Ave road work extension is proposed). The proponent may need to seek further flood related information from Sydney Water to assist in the preparation of the development application.

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

The intent of the planning proposal will provide a hybrid development that provides sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. The current overland flow paths are the result of existing development. The potential for flooding on site has not been adequately considered by the proposal, particularly in the north eastern portion of the site where the flood affectation is located. However, potential flooding impacts may be mitigated as part of the construction of the extension of Arnold Avenue through the development application process.

(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 in addition to providing land for road works relating to the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. 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*.

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

The objectives of Direction 5.9 – North West Rail Link Corridor Strategy are to promote transit-oriented development, manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. The Direction requires that a planning proposal that applies to land located within the NWRL corridor must:

- a) *give effect to the objectives of this direction;*
- b) *be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts; and*
- c) *promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.*

The subject site falls within the boundaries of the Kellyville Station Precinct and is identified for low density detached house living and low/medium density townhouse living, with a potential yield of 15-17 townhouses. This is based on that the Corridor Strategy assumption and variables assuming a 250 sqm lot size for townhouse developments. The recently exhibited Priority Precinct Proposal for the Kellyville Precinct did not indicate any change to zone, floor space ratio or height for this location.

In August 2014, Council previously granted development consent for the construction of fifteen (15) Multi Dwelling Housing Units comprising 4 x 3 bedroom and 11 x 4 bedroom dwellings at the subject site. This development outcome was consistent with the Kellyville Structure Plan. In February 2015 Roads and Maritime Services informed the applicant they would require an additional 181m² of land for the Arnold Avenue and Memorial Avenue intersection. Given the additional land required for the Memorial Avenue intersection and the McCausland Place turning circle, the development is no longer viable and is unable to be delivered.

Additionally, it is considered that the inconsistency of the proposal is justified and appropriate on the basis that:

- The Structure Plan did not account for site specific circumstances and the applicant has sought an increase in development yield, beyond that envisioned in the Structure Plan, to facilitate a viable development outcome on the land, given the land take needed for construction of adjacent roads, facilitate local road network and access to arterial road network.
- The site's location adjacent to a planned local centre and an existing public transport route, warrant an increase in density consistent with the principles of transit-oriented development.

- It is noted that the subject site is located approximately 1.9 km from the Kellyville Station and the planning proposal does not seek the increase in density based on proximity to the future Station. Rather the strategic justification is based on the site's proximity to a local centre and strategic bus route.

While the planning proposal does not deliver the specific outcomes envisaged for the site under the Corridor Strategy, it does facilitate the redevelopment of a short term opportunity site with site specific constraints, is nearby Kellyville Rail Station and promotes transit-oriented development in a manner consistent with the Corridor Strategy.

Following the issue of the Gateway Determination it is noted the inconsistency with the Direction is considered minor.

- **Direction 6.1 Approval and Referral Requirements**

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

- **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:

- allow that land use to be carried out in the zone the land is situated on, or*
- 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*
- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. To enable higher density residential development to occur on the site, a planning proposal is required to amend Local Environmental Plan 2012. The purpose of the proposed amendment is to facilitate a 'hybrid' innovative mixture of townhouses and apartments that have a population density greater than that permitted for apartments. Given this outcome, it was expected that full compliance with relevant requirements under the Development Control Plan may be difficult as this type of mixed development was not anticipated. In this circumstance it is considered the maximum dwelling number contained within the Local Environmental Plan, containing apartment size and mix controls, is required to provide sufficient certainty as to the yield of the site.

The Development Control Plan has been prepared to address the following key issues surrounding site layout, population density, common open space and provide for an attractive and cohesive residential development that responds to the surrounding residential areas and provides a high level of amenity for future residents.

Following the issue of the Gateway Determination the proposal has been updated to reflect the new methodology for providing housing mix and diversity within the Sydney Metro Northwest Corridor. The approach taken for the site is to apply the base and incentivised Floor Space Ratio to the component of the site identified for the residential flat building.

This results in a base FSR of 1:1 and an incentivised FSR (FSI) of 1.6:1 over the part of land earmarked for residential flat building development.

The Gateway Determination notes a condition for the planning proposal to be amended to be consistency with the agreed methodology for residential development as discussed below and therefore the inconsistency was considered to be of minor significance.

- **Direction 7.1 Implementation of A Plan for Growing Sydney**

The planning proposal is consistent with the policies, outcomes and actions of the A Plan for Growing Sydney. Specifically, it contributes to the provision housing supply and diversity of housing choice to suit different needs and lifestyles.

6.0 PARLIAMENTARY COUNSEL OPINION

Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, The Hills Shire Council sent a request to Parliamentary Counsel on 27 May 2017 to prepare a draft instrument in regard to the planning proposal. The information supplied to Parliamentary Counsel was in accordance with 'A guide to preparing local environmental plans' and included the following:

- Email notification to Parliamentary Counsel;
- Finalised planning proposal updated following completion of exhibition;
- Gateway Determination issued 15 November 2016;
- Council Report and Resolution dated 9 May 2016; and
- Delegated plan making reporting template.

A copy of the documentation sent to Parliamentary Counsel was also sent to the Department of Planning and Environment. Council received an Opinion from Parliamentary Counsel on 7 July 2017 that the plan may be legally made. A copy of the opinion is included as an attachment to this report.

7.0 OTHER RELEVANT MATTERS

No other relevant Matters.

8.0 MAPPING

The maps provided in support of the planning proposal are consistent with those previously endorsed by Council at its meeting of 09 May 2017 and have been prepared in the format compliant with the Standard Instrument LEP Mapping Guidelines. The maps were sent to the Department of Planning and Environment on 22 May 2017 to review and no amendments have been requested.

9.0 RECOMMENDATION

In accordance with the authorisation issued by the Department of Planning and Environment, Council has delegation to make the plan. It is recommended that the Plan be made.

ATTACHMENTS:

- | | |
|---------------------|---|
| Attachment A | Parliamentary Counsel Opinion, 7 July 2017 |
| Attachment B | Map Cover Sheet and Supporting Maps |
| Attachment C | Gateway Determination, 15 November 2017 |
| Attachment D | Council Report and Minute (Post Exhibition), 9 May 2017 |
| Attachment E | Planning Proposal and Attachments |



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed The Hills Local Environmental Plan 2012 (Amendment No 45)

Your ref: (PP_2016_THILL_010_00)
Our ref: CEG e2017-126.d04

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel
7 July 2017



New South Wales

The Hills Local Environmental Plan 2012 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Greater Sydney Commission

The Hills Local Environmental Plan 2012 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *The Hills Local Environmental Plan 2012 (Amendment No 45)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lot 1001, DP 1172742, being 6 McCausland Place, Kellyville.

4 Maps

The maps adopted by *The Hills Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

5 Amendment of The Hills Local Environmental Plan 2012

Schedule 1 Additional permitted uses

Insert after clause 6:

7 Use of certain land at 6 McCausland Place, Kellyville

- (1) This clause applies to land at 6 McCausland Place, Kellyville, being Lot 1001, DP 1172742, shown as "Item 10" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a residential flat building is permitted with development consent.
- (3) Development consent under subclause (2) may only be granted if the number of dwellings contained, or proposed to be contained, in the residential flat building does not exceed 20.

Environmental Planning and Assessment Act 1979

The Hills Local Environmental Plan 2012 (Amendment No 45)

The Hills Shire Council
PO Box 7064
Baulkham Hills BC 2153

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Additional Permitted Uses Map APU_015	0500_COM_APU_015_020_20140918
Height of Buildings Map HOB_015	0500_COM_HOB_015_020_20150327
Floor Space Ratio Map FSR_015	0500_COM_FSR_015_020_20150327

The following map sheets are adopted:

Map Sheet	Map Identification Number
Additional Permitted Uses Map APU_015	7420_COM_APU_015_020_20170509
Height of Buildings Map HOB_015	7420_COM_HOB_015_020_20170509
Floor Space Ratio Map FSR_015	7420_COM_FSR_015_020_20170509
Floor Space Ratio Incentive Map FSI_015	7420_COM_FSI_015_020_20170509



MICHAEL EDGAR
GENERAL MANAGER
THE HILLS SHIRE COUNCIL

04.09.2017

Certified

[Title of Council Delegate]

[Date] Minister for Planning

[Date]



The Hills Local Environmental Plan 2012

THE HILLS
SHIRE COUNCIL

Additional Permitted Uses Map Sheet APU_015

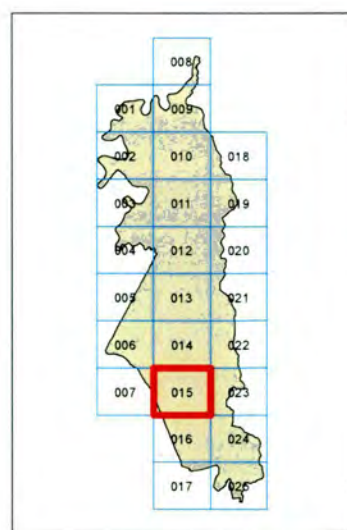
Additional Permitted Uses

 refer to Schedule 1

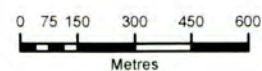
Cadastre

 Cadastre 02/03/2017 © THSC

 SEPP (Sydney Region Growth Centres) 2006



Projection GDA 94
MGA Zone 56



Scale: 1:20,000 @ A3

Map Identification Number:
7420_COM_APU_015_020_20170509





THE HILLS
SHIRE COUNCIL

The Hills Local Environmental Plan 2012

Height of Buildings Map Sheet HOB_015

Maximum Building Height (m)

G	7.0	R2	22.0
I	8.0	S	23.0
J	9.0	T1	25.0
K	10.0	T2	27.0
M1	12.0	T3	28.0
M2	12.5	U1	30.0
N	14.0	V1	36.0
O	16.0	V2	37.0
P1	17.0	X1	45.0
P2	18.0	X2	46.0
Q1	19.0	Y1	50.0
Q2	20.0	Y2	54.0
R1	21.0	AA	68.0

Heights shown on map in RL(m)

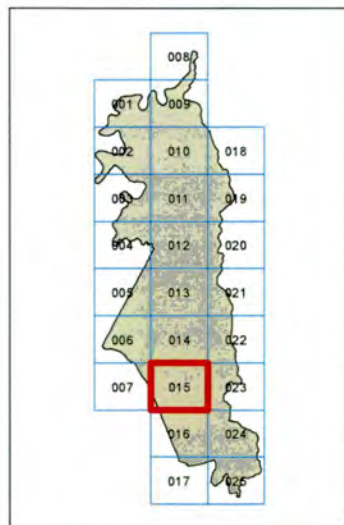
108
116
143.2

Area A

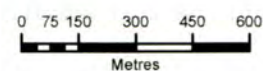
Cadastral

Cadastral 02/03/2017 © THSC

SRGC SEPP (Sydney Region Growth Centres) 2006

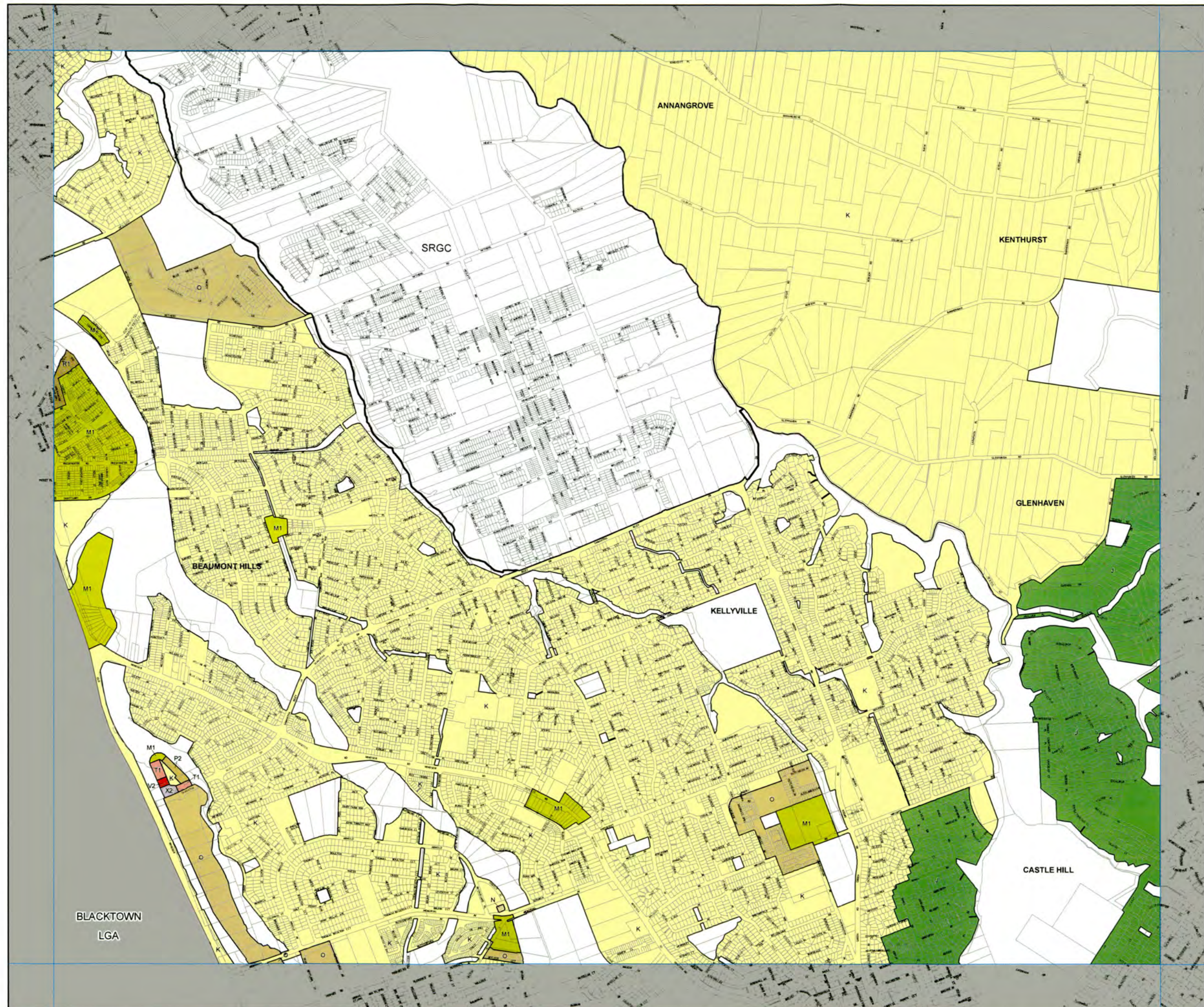


Projection GDA 94
MGA Zone 56



Scale: 1:20,000 @ A3

Map Identification Number:
7420_COM_HOB_015_020_20170509





THE HILLS
SHIRE COUNCIL

The Hills Local Environmental Plan 2012

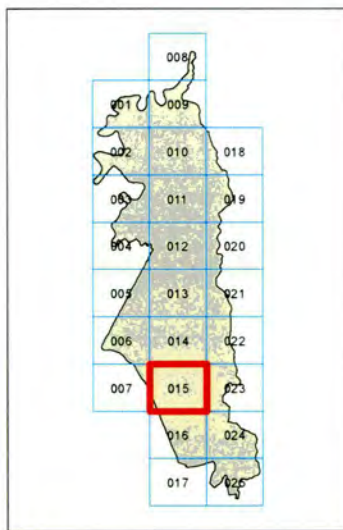
Floor Space Ratio Incentive Map Sheet FSI_015

Maximum Floor Space Ratio (n:1)

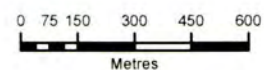
S	1.6
V	3.0

Cadastral

	Cadastral 02/03/2017 © THSC
SRGC	SEPP (Sydney Region Growth Centres) 2006



Projection GDA 94
MGA Zone 56



Scale: 1:20,000 @ A3

Map Identification Number:
7420_COM_FSI_015_020_20170509





THE HILLS
SHIRE COUNCIL

The Hills Local Environmental Plan 2012

Floor Space Ratio Map Sheet FSR_015

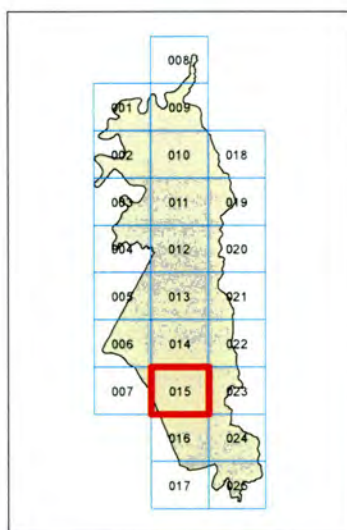
Maximum Floor Space Ratio (n:1)

A	0.2
F	0.6
I	0.75
N	1.0
R1	1.4
R2	1.49
S1	1.5
S2	1.99
T1	2.0
T2	2.1
U1	2.6
U2	2.7
V1	3.0
V2	3.2
W	3.8
X	4.0
Z2	5.5
AA	6.4
Area A	

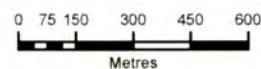
Cadastre

Cadastre 02/03/2017 © THSC

SRGC SEPP (Sydney Region Growth Centres) 2006



Projection GDA 94
MGA Zone 56



Scale: 1:20,000 @ A3

Map Identification Number:
7420_COM_FSR_015_020_20170509





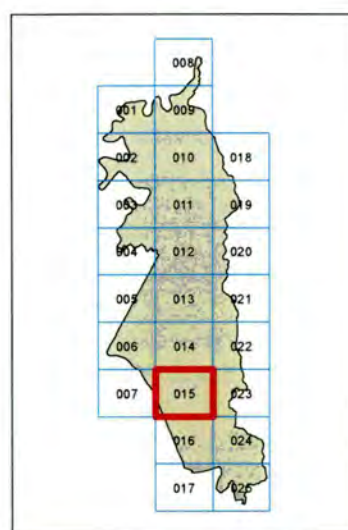
The Hills Local Environmental Plan 2012 (Amendment No. 45)

Site Identification Map - Sheet _015
7420_COM_SIM_015_020_20170509

Site Identification Map

-  Subject Land
 Cadastre
Cadastre 02/03/2017 © THSC

This map is for explanation purposes only.
This map is not a legal document.



Projection GDA 94
MGA Zone 56

0 75 150 300 450 600
Metres

Scale: 1:20,000 @ A3

Map Identification Number:
7420_COM_SIM_015_020_20170509





BATCH NO.
TIME

Our ref: 16/14456

Mr David Walker
General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

21 NOV 2016

THE HILLS SHIRE COUNCIL

Dear Mr Walker

**Alteration of Gateway Determination - 6 McCausland Place, Kellyville
(PP_2016_THILL_010_00)**

I refer to Council's request for alteration of the Gateway determination for land at 4 McCausland Place, Kellyville to correct the maximum height of buildings sought by the proposal and update the site address to 6 McCausland Place, Kellyville.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 2 November 2016 for Planning Proposal PP_2016_THILLS_010_00. The Alteration of Gateway Determination and amended Written Authorisation to Exercise Delegation are enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely

A. W. Albury 15-11-2016

Ashley Albury
Acting Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl:
Alteration to Gateway Determination
Written Authorisation to Exercise Delegation

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_THILL_010_00)

I, the Acting Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 2 November 2016 for the proposed amendment to *The Hills Local Environmental Plan 2012* as follows:

1. Include the site address in the description of the planning proposal:

Add: "for land at 6 McCausland Place, Kellyville" at the end of the first paragraph.

2. Change the description of the planning proposal:

Delete: references to "12 metres"

and replace with "14 metres."

3. Delete: condition 1(b).

Dated 15th day of November 2016.



Ashley Albury
Acting Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

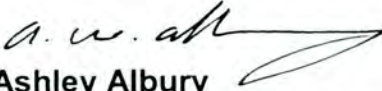
Written Authorisation to Exercise Delegation

The Hills Shire Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act* 1979 that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_THILL_010_00	Planning proposal to amend <i>The Hills Local Environmental Plan 2012</i> to include a new clause in Schedule 1 – Additional Permitted Uses to permit residential flat buildings, increase the maximum building height to 14 metres and the inclusion of a new local incentives provision at 6 McCausland Place, Kellyville.

In exercising the Commission's functions under section 59, the Council must comply with the Department's "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

Dated 15th day of *November* 2016.


Ashley Albury
Acting Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_THILL_010_00
Date Sent to DP&E under s56	25 October 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	19/01/17-17/02/17	
Date of public hearing (if held)		
Date sent to PCO seeking Opinion	27/05/17	
Date Opinion received	07/07/17	
Date Council Resolved to Adopt LEP	09/05/17	
Date LEP made by GM (or other) under delegation	04/09/17	
Date sent to DP&E requesting notification	08/09/17	

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ITEM-2	POST EXHIBITION - PLANNING PROPOSAL 6 MCCAUSLAND PLACE, KELLYVILLE (4/2016/PLP)
THEME:	Balanced Urban Growth.
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	9 MAY 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER PATRICE GRZELAK
RESPONSIBLE OFFICER:	ACTING MANAGER – FORWARD PLANNING JANELLE ATKINS

EXECUTIVE SUMMARY

This report recommends that the planning proposal to facilitate a residential flat building and townhouse development at 6 McCausland Place, Kellyville proceed to finalisation.

The planning proposal will facilitate development on the site comprising of a residential flat building with up to 20 apartments in the south eastern portion and 15 townhouses on the remainder of the site. The development of the site will provide a mix of high and medium density housing adjacent to a local centre and on an existing public transport route. It will also facilitate the delivery of the Arnold Avenue realignment and connection to the planned signalised intersection with Memorial Avenue.

It is also recommended that draft amendments to the Balmoral Road Release Area section of The Hills Development Control Plan 2012 be adopted with the planning proposal to provide for an attractive and cohesive residential development that responds to the surrounding residential areas and provides a high level of amenity for future residents.

The planning proposal, supporting documentation and draft Development Control Plan amendments were publicly exhibited from Thursday 19 January 2017 to Friday 17 February 2017. Council received a total of six (6) submissions comprising of five (5) public authority submissions and one (1) submission from the proponent.

The proponent has raised concern in relation to the minimum open space dimension requirement in the draft Development Control Plan. Given the hybrid design nature of the proposal and Council's existing controls that protect amenity of future residents it is considered that removing the proposed common open space dimension control is reasonable in this instance.

APPLICANT

Chris Young Planning Pty Ltd

OWNERS

Pearce Holdings (Aust) Pty Limited

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	<i>Existing</i>	<i>Proposed</i>
Zone:	R3 Medium Density Residential	R3 Medium Density Residential
Additional Permitted Use:	N/A	Amend Schedule 1 'Additional Permitted Uses' of Local Environmental Plan 2012 to permit a 'residential flat building' on the south east corner of the site.
Maximum Height of Buildings:	10 metres	Part 10 metres and part 14 metres (14 metres to be applied to the area identified for residential flat buildings).
Maximum Floor Space Ratio:	N/A	1:1 (Base Floor Space Ratio) 1.6:1 (Incentivised Floor Space Ratio - to be applied to the area identified for Residential Flat Buildings).

POLITICAL DONATIONS

Nil disclosures by the proponent.

HISTORY**26/04/2016**

Council considered a planning proposal to include 'residential flat buildings' as an additional permitted use on the site (under Schedule 1 - Additional Permitted Uses), amend the maximum building height and include a new local provision that incentivises compliance with Councils apartment size, mix and car parking requirements and limits the maximum dwelling yield to 35 dwellings. Council resolved that:

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 to:

- a. Include a new clause in Schedule 1 - Additional Permitted Uses in LEP 2012 to permit 'residential flat buildings';*
- b. Increase the maximum building height to 14 metres for the portion of land where residential flat buildings will be permitted; and*
- c. Include a new local provision that incentivises compliance with Councils apartment size, mix and car parking requirements and limits the maximum dwelling yield to 35 dwellings.*

2. The draft Development Control Plan amendments as set out in Attachment 1 be exhibited concurrently with the planning proposal.

02/11/2016

Gateway Determination issued by Department of Planning and Environment with delegation for Council to make the plan.

**19/01/2017-
17/02/2017**

Public exhibition of the planning proposal and draft Development Control Plan.

REPORT

The purpose of this report is to consider the outcomes of the public exhibition of the planning proposal and associated draft Development Control Plan amendments.

1. SUMMARY OF PROPOSAL

The planning proposal applies to land at 6 McCausland Place, Kellyville (formerly known as 4 McCausland Place, Kellyville) (Figure 1). The proposal seeks to facilitate residential development on the site with a total yield of 35 dwellings. The design concept submitted by the proponent in support of the planning proposal demonstrates 15 x 4 bedroom townhouses and 20 apartments comprising of 3 x 1 bedroom units, 12 x 2 bed units and 5 x 3 bedroom units. The design concept provides sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle.

To achieve this, the proposal seeks to amend LEP 2012 to:

- Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map in LEP 2012 to permit ‘residential flat buildings’ on the site with a maximum yield of 20 dwellings;
- Increase the maximum building height to 14 metres for the portion of land where residential flat buildings will be permitted;
- Apply a “base floor space ratio” of 1:1 and an “incentivised floor space ratio” of 1.6:1 to the south eastern portion of the site (where residential flat buildings will be permitted); and
- Include a local provision which ensures that the “incentivised floor space ratio” can only be achieved where the proposed development complies with Council’s apartment size, mix and car parking requirements.



Figure 1
Site Locality

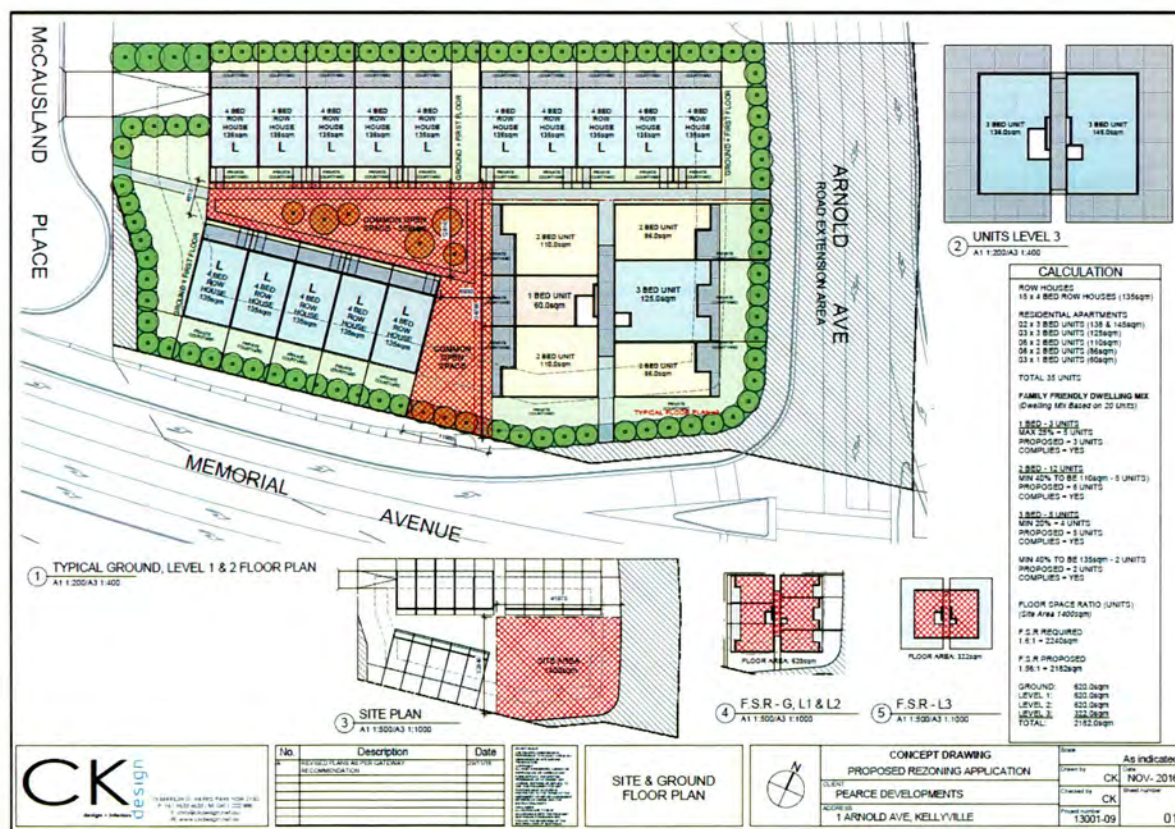


Figure 2
Proposed Site Plan

2. SUMMARY OF THE DRAFT DEVELOPMENT CONTROL PLAN

A draft amendment to the DCP (Attachment 1) has been prepared and was exhibited in association with the planning proposal to address the following key issues:

- Provide a site layout control which ensures the location of the apartment development is limited to the south eastern corner of the site;
- Remove population density requirements for the site;
- Establish a requirement for a common open space area that is centrally located and accessible to residents of both the apartments and townhouses, has a minimum dimension of 12 metres and an area equal to 10m² per townhouse and 20m² per apartment; and
- Establish a maximum height of buildings of four (4) storeys for the apartments and two (2) storeys for the townhouses.

3. GATEWAY DETERMINATION

Council received a Gateway Determination from the Department of Planning and Environment on 2 November 2016 (this was subsequently re-issued on 15 November 2016). The Gateway Determination allowed for the proposal to proceed to public exhibition subject to the following conditions:

1. The planning proposal be amended to be consistent with the methodology for Local Residential Development;
2. Community consultation for a minimum of 28 days; and
3. Consultation with Sydney Water, Office of Environmental and Heritage, Roads and Maritime Services, Transport for NSW and Integral Energy.

The Gateway Determination authorised Council to exercise delegation to finalise the plan.

Following the necessary amendments, the planning proposal, supporting documentation and draft DCP were forwarded for consultation with the relevant public authorities and placed on public exhibition. All of the conditions of the Gateway Determination have been complied with.

4. EXHIBITION DETAILS AND SUBMISSION SUMMARY

In accordance with the Gateway Determination, the planning proposal and draft Development Control Plan were publicly exhibited from Thursday 19 January 2017 to Friday 17 February 2017. The documentation was made available for viewing at Castle Hill Library, Vinegar Hill Memorial Library (Rouse Hill Town Centre), Baulkham Hills Library, Council's administration building and on Council's website. The public exhibition was advertised in The Hills News and The Rouse Hill Courier and all landowners in the vicinity of the site were notified by letter of the exhibition and invited to comment.

During this time, consultation with the following public authorities was also undertaken:

1. Sydney Water;
2. Office of Environmental and Heritage;
3. Roads and Maritime Services;
4. Endeavour Energy;
5. Integral Energy (Origin Energy); and
6. Transport for NSW.

As a result of consultation with the public authorities and public exhibition, Council received a total of six (6) submissions comprising of five (5) public authority submissions

(Sydney Water, Office of Environmental and Heritage, Roads and Maritime Services, Endeavour Energy and Transport for NSW) and one (1) submission from the proponent.

The key concerns raised were potential flooding constraints, appropriate future development that is in line with road works for the surrounding area and the proposed common open space dimension requirement. These issues are discussed further below with planning comments in response to each.

5. PUBLIC AUTHORITY SUBMISSIONS

(a) Sydney Water

Sydney Water raised no formal objection to the planning proposal. Sydney Water noted that any amplifications or extensions to the water mains near the site may be required depending on the size and scale of development. The submission also advised that a Sydney Water Servicing and Building Plan Approval will be a requirement for any future development application for the development.

Comment

Sydney Water will need to be consulted and the relevant approvals (including a Section 73 Compliance Certificate) must be obtained as part of any future Development Application.

(b) Office of Environment and Heritage

Office of Environment and Heritage raised no formal objection to the planning proposal however provided recommendations in regards to floodplain risk management for the site and the existing Rouse Hill Flood Study. Office of Environment and Heritage recommended the use of the Rouse Hill Flood Study to provide justification that the site is not affected by the 1% Annual Exceedance Probability (AEP) Local Flood and requested preliminary analysis to identify the Probable Maximum Flood (PMF) Flood Extent.

Comment

The site is located adjacent to land zoned SP2 Stormwater Management System which is owned and managed by Sydney Water. Information available to Council from Sydney Water's most recent flood study identifies a portion of the subject site as being flood affected at the 100 year Average Recurrence Interval (ARI) (or 1% AEP) flood event. The flood affectation is located along the north eastern edge of the site (in the area where the Arnold Ave road work extension is proposed). The proponent may need to seek further flood related information from Sydney Water to assist in the preparation of the detailed development application.

Section 117 Direction 4.3 – Flood Prone Land applies to the site as it is identified within a flood prone area. The objective of this Direction is to ensure that future development in flood prone areas appropriately address potential flood impacts both on and off the subject land. The submitted planning proposal has not considered the impact of flooding on the north eastern portion of the site. However, potential flooding impacts may be mitigated as part of the construction of the extension of Arnold Avenue and through the development application process.

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). The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and applies controls to guide the management of flood risk associated with development.

(c) Roads and Maritime Services

Roads and Maritime Services raised no formal objection to the proposal subject to consideration of the following:

- Appropriate development setback consistent with the future road widening requirements for the upgrade of Memorial Avenue and the construction of a four-way signalised intersection at Memorial Avenue/Arnold Avenue/Hector Court;
- As agreed previously with the property owner, the proposed earthworks (batter) may go beyond the road corridor boundary if the road upgrade works commence prior to the proposed development;
- Consideration of the current road design for Memorial Road upgrade; and
- Future road levels of RL59.9 at the back of the shared path to the north-west of the Memorial Avenue and Arnold Avenue intersection.

Comment

The proposed development concept has been designed to have regard to the proposed road works and intersection upgrade. These comments have been forwarded to the proponent and will need to be addressed as part of any future development application for the site. Roads and Maritime services will need to be consulted as part of the assessment of any future development application and may provide relevant conditions to be imposed within any consent issued.

(d) Endeavour Energy

Endeavour Energy raised no formal objection to the proposal but did provide a number of comments for consideration. It is imperative that work within the vicinity of overhead power lines is done with reference to 'Electrical Safety for Urban Workers'. Additionally, the proponent will need to contact Endeavour Energy's Network Connection's Branch regarding any requirements for connecting their new development to the electricity supply network.

Comment

Further consultation with Endeavour Energy will occur at the development application stage. This will ensure an appropriate development outcome is achieved and that development work is appropriately distanced from electricity infrastructure and easements. Endeavour Energy will have opportunity to request the imposition of any relevant conditions of consent at this time.

(e) Transport for NSW

A submission was received from Transport for NSW (TfNSW) and no formal objection was raised. TfNSW concurred with Roads and Maritime Services advice on this planning proposal and therefore no further comment was provided.

Comment

Transport for NSW (TfNSW) raised no objection or concerns.

6. PUBLIC SUBMISSIONS

Council received one (1) from the proponent. This submission focussed solely on the inability of future development to meet the proposed common open space dimensions within the draft Development Control Plan. Further detail on this submission is provided below.

(a) Proponent's request to amend the draft Development Control Plan:

The submission raised several concerns regarding the proposed common open space control within the draft Development Control Plan which requires 'a single common open

space area to be provided with a minimum dimension of 12m'. The proponent raised the following main concerns:

- The draft control is 'inflexible' and does not align with the pedestrian paths planned for the site;
- Future development will provide 559m² of common open space, which will meet the total area of common open space required (550m²);
- There is sufficient open space planned for in the private landscape courtyards and landscape buffers to adjacent roads;
- The creation of a regular shape for common open space would require the deletion, reduction of size or relocation of a dwelling;
- The proposed common open space is designed to respond to land dedication and road construction and meets the usability and recreational objectives of the Council's controls; and
- The Apartment Design Guide (ADG) requires a minimum dimension of 3 metres and therefore the proposed design complies.

In light of these comments, the submission requested that the draft DCP be amended to:

- Delete the proposed common open space control which requires 12 metre x 12 metre minimum dimension; and
- Instead require compliance with the proposed common open space layout as shown on concept plans submitted by the applicant.

Comment:

Given the unique hybrid nature of the proposal and constraints to development of the site as a result of road construction and land dedication, it is considered that the request made by the applicant to delete the proposed dimension control for common open space is appropriate. Council has sufficient controls under Part B Sections 4 and 5 (Multi Dwelling Housing and Residential Flat Buildings) of the DCP to ensure that the common open space proposed as part of the development has good solar access, pedestrian access and a high recreational value. These controls would be used to assess the future development application.

Importantly, the proposed control requiring the provision of at least 550m² of common open space will remain to ensure there is a sufficient area and quantum of common open space for future residents.

7. POST-EXHIBITION AMENDMENTS

Following a review of the exhibited proposal and consideration of the proponent's submission, it is recommended that the following post-exhibition amendments be made to the draft Development Control Plan:

- Amend all references of '4 McCausland Place' to '6 McCausland Place' to reflect the new site numbering of the property;
- Refinement of words in 9.13.2 (b) – 'Built Form' ;and
- Delete Clause 9.13.4(a) - 'Common Open Space', which requires a minimum dimension of 12m of common open space.

It is noted that the exhibited planning proposal sought to include a new local provision which ensures that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements. However, as a result of recent amendments to Council's LEP associated with the planning proposal for 2-6 and 7 Maitland Place, Baulkham Hills (5/2016/PLP),

this clause has already been inserted into LEP 2012 and as such, the insertion of this clause is no longer required as part of this planning proposal.

NEXT STEPS

Should Council resolve to adopt the planning proposal, a request will be made to the Parliamentary Counsel's Office for the drafting of the legal instrument.

Following the issue of an Opinion from the Parliamentary Counsel's Office the Plan will be finalised under the General Manager's delegation to make draft local environmental plans under section 59 of the Environmental Planning and Assessment Act 1979.

CONCLUSION

The increased residential density beyond a townhouse/medium-density outcome is considered appropriate in this instance given the site is strategically located adjacent to a local centre and existing transport route along Memorial Avenue. The planning proposal will contribute a mix of medium and high density housing in an appropriate location and will facilitate the delivery of Arnold Avenue realignment and connection to the planned signalised intersection with Memorial Avenue.

The planning proposal and associated DCP amendments were publicly exhibited in satisfaction of the conditions of the Gateway Determination and consultation with relevant public authorities was undertaken.

Following consideration of the proponent's submission it is considered that minor post-exhibition amendments to the draft DCP are warranted. Specifically, it is considered that the deletion of the control mandating minimum dimensions for common open space areas is justified given the site's constraints and Council's existing controls that ensure common recreational spaces are appropriately designed and delivered, with adequate solar and pedestrian access.

IMPACTS**Financial**

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

Any future development on the site will be subject to Section 94 contribution requirements under Contributions Plan No.12 - Balmoral Road Release Area.

The Hills Future Community Strategic Plan

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will create a desirable place to live and provides a built form that responds appropriately to the surrounding area. The strategic location of the site, adjacent to a local centre and public transport route, makes it an appropriate location for increased density.

RECOMMENDATION

1. The planning proposal be progressed to finalisation to amend The Hills Local Environmental Plan 2012 as follows:
 - a. Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map to permit 'residential flat buildings' on land at 6 McCausland Place, Kellyville with a maximum yield of 20 dwellings;

- b. Increase the maximum building height to 14 metres for the south-eastern portion of the site (where residential flat buildings are anticipated); and
 - c. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 1.6:1 to the south-eastern portion of the site (where residential flat buildings are anticipated).
2. Draft amendments to The Hills Development Control Plan Part D Section 7 – Balmoral Road Release Area as outlined in this report and provided as Attachment 1 (ECM No.15793560) be adopted.

ATTACHMENTS

- 1. Draft The Hills Development Control Plan Part D Section 7 – Balmoral Road Release Area - with post-exhibition amendments (40 pages)

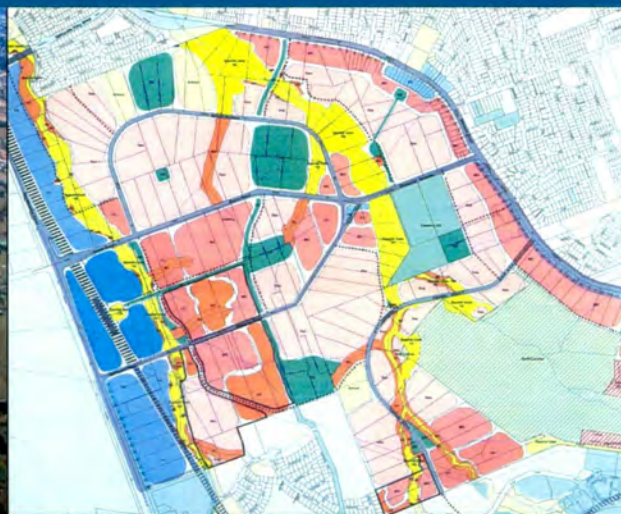
ATTACHMENT 1

The Hills Development Control Plan (DCP) 2012

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DRAFT



Part D Section 7
Balmoral Road Release Area

D7

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1. INTRODUCTION

This Section of the DCP must be read in conjunction with Part A – Introduction of this DCP.

1.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the Development Control Plan consists of this written document and one accompanying map (referred to as the "BRRA map"), and applies to land within the Balmoral Road Release Area (BRRA) as outlined by a bold black line shown on the BRRA map and in Figure 1.

1.2 AIM AND OBJECTIVES OF THIS SECTION OF THE DCP

The aim of this Section of the DCP is to identify Council's objectives for development within the BRRA and provide relevant controls to ensure the vision and objectives are achieved.

Vision

"To create a high quality, integrated and ecologically sustainable urban environment integrated with good public transport accessibility, open space, community facilities and employment opportunities."

OBJECTIVES

Council's objectives for development within BRRA, in addition to those specified in Part A of this DCP are:

- (i) *To create sustainable residential neighbourhoods consisting of a mix of housing types including single detached dwellings, dual occupancies, multi dwelling housing, shop top housing and residential flat buildings; and*
- (ii) *To support those residential neighbourhoods and the future population with a range of urban support uses/services including employment areas, transport, public open space, commercial, educational and utility services; and*
- (iii) *To protect, rehabilitate and conserve areas of environmental sensitivity or significance.*

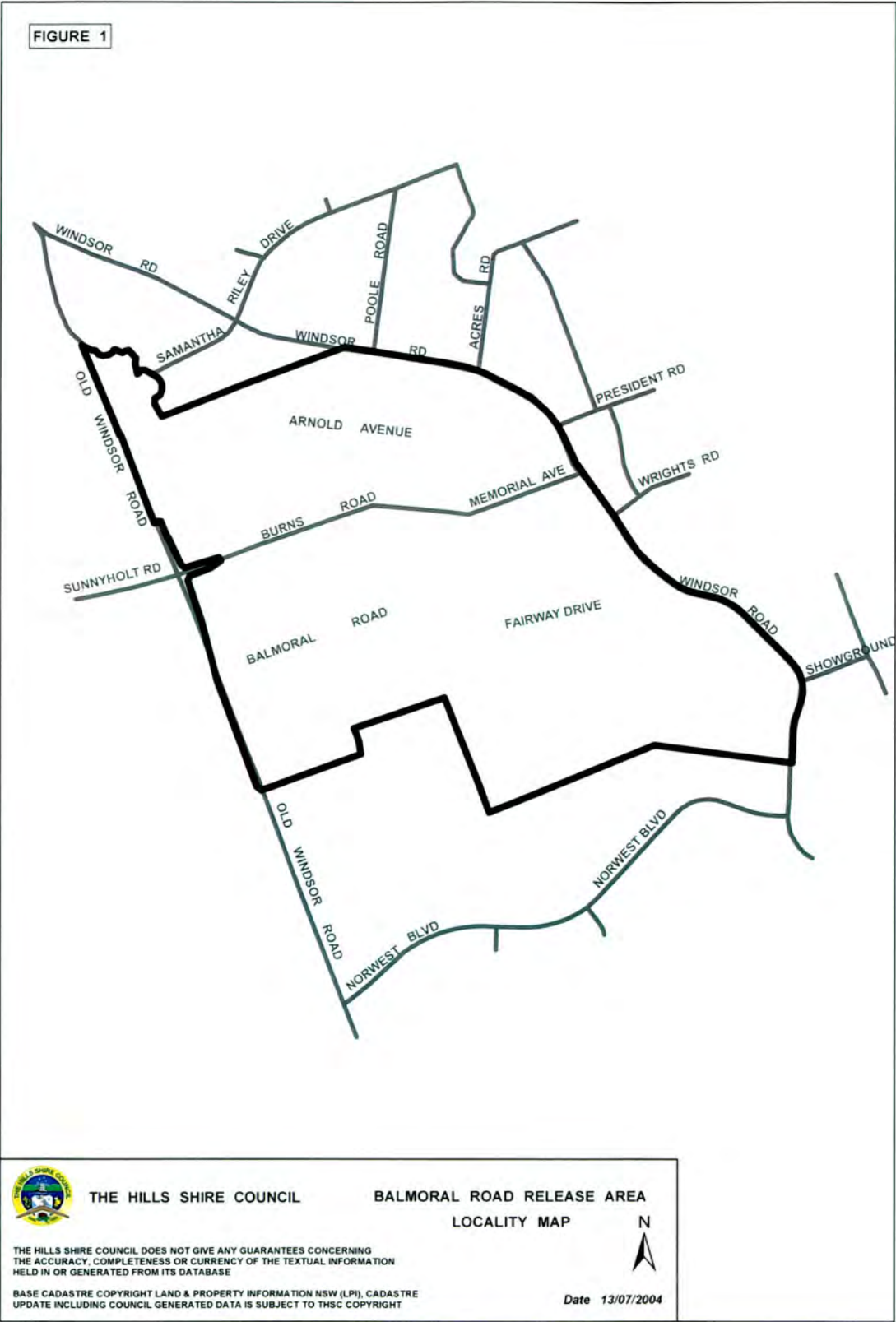


Figure 1 Land to which this plan applies

2. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives and development controls for development in the Balmoral Road Release Area are set out in the following sections.

In addition to those documents listed in Section 1.4 of Part A - Introduction, this Balmoral Road Release Area Section of the DCP is to be read in conjunction with relevant clauses contained within other Sections of this DCP including:

- Part B Section 2 – Residential
- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part B Section 7 – Industry
- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land

2.1 DEVELOPMENT CONTROL PLAN MAP

OBJECTIVE

- (i) *To ensure that the release area develops in an orderly and co-ordinated manner consistent with the identified land use structure and current zoning framework.*

DEVELOPMENT CONTROL

- (a) Applications for development, particularly subdivision, should conform to the land use structure and pre-planned road layout as shown on the accompanying development control plan map.

SUBMISSION REQUIREMENTS

- All residential subdivision development applications that propose to create residue parcels of land for future subdivision shall include a plan demonstrating how these residue lots are to be subdivided in accordance with DCP requirements and consideration of site constraints.

2.2 SITE ANALYSIS

OBJECTIVES

- (i) *To encourage a comprehensive approach to site planning, design and assessment of development.*
- (ii) *To facilitate assessment of how future buildings relate to their immediate surroundings and to each other.*
- (iii) *To facilitate development of a design that minimises the negative impacts on the amenity of adjoining development in accordance with Council's ESD objective 7.*
- (iv) *To ensure development is compatible with land capability*
- (v) *To minimise adverse impacts on the environment in accordance with Council's ESD objectives 3 and 4.*

DEVELOPMENT CONTROLS

- (a) Development should be designed to respect site characteristics such as topography, drainage, soil, landscapes, flora, fauna, salinity and bushfire hazard.
- (b) Disturbance to existing natural vegetation and landforms is to be minimised and disturbance to watercourses, wetlands and overland flow paths should be avoided.
- (c) Development on land adjoining bushland reserves should incorporate measures (such as setbacks and buffers) to prevent any impact on the reserves.
- (d) Development should be sited on the area of land requiring minimal earthworks.
- (e) Development should be sited away from steep slopes (particularly those containing natural vegetation) so that, where possible, these features can be kept in a natural state.

SUBMISSION REQUIREMENTS

- Site Analysis Plan
- For subdivision applications the Site Analysis must include:
 - A statement explaining how design and development has regard to the site analysis carried out above;

- Demonstration of how lot and dwelling locations and dimensions respond to topography, site characteristics and achieve solar orientation; and
- The results of the tree survey/assessment and identification of trees and/or bushland to be protected and/or removed.
- For all applications proposing more than one dwelling, the site analysis must include:
 - Site Analysis;
 - Site Plan;
 - A statement explaining how design and development has regard to the Site Analysis; and
 - A demonstration of how lot and dwelling locations and dimensions respond to topography, site constraints and achieve solar orientation.
- Applications for all other development types are to include a Site Analysis plan.

2.3 DEVELOPER CONTRIBUTIONS

- (a) Applicants should refer to Council's Section 94 Contribution Plan No. 12 - Balmoral Road Release Area.
- (b) All land required for urban development within the Balmoral Road Release Area will be required to make land release contributions to the State government towards regional transport infrastructure. This is in accordance with the Department of Planning Interim Land Release Contribution Policy (Oct 2003) or as amended.

All applicants should consult with the Department of Planning to determine the current contribution rate applicable to any development proposal, obtain a Certificate from the Director General of the Department of Planning and provide the Certificate to Council prior to determination of a development application.

3. SUBDIVISION – ALL ZONES

3.1 TREE AND BUSHLAND PROTECTION

OBJECTIVES

- (i) *To ensure significant bushland is substantially retained and protected and that development enhances and complements this bushland.*
- (ii) *To conserve and protect the biodiversity of the release area including habitats of threatened flora and fauna species and communities.*
- (iii) *To ensure through appropriate protection mechanisms that development and subdivision adjacent to bushland do not detrimentally affect the continued survival of that bushland.*
- (iv) *Provide a basis for increasing lot areas and altering lot shapes to enable the retention of trees and bushland.*

DEVELOPMENT CONTROLS

Where it is likely that mature trees will be removed either through the creation of a residential lot or through its subsequent development Council will require:

- (a) The lot boundaries to be rearranged to ensure mature tree(s) are retained

SUBMISSION REQUIREMENTS

- Prior to submission of a development application for the purposes of subdivision, the applicant is to prepare an Arborist Report utilising the services of a qualified arborist. This report will ensure an understanding of the condition of existing trees, which will assist in analysing the site opportunities, and is to be submitted at subdivision application stage. The Arborist Report must incorporate a survey of all trees as defined under Council's Tree Management Plan and all bushland, as defined by SEPP 19 - Bushland in Urban Areas.
- The Arborist Report must also include:
 - A rating of the condition of all existing trees, their health, aesthetic value and life expectancy as a basis for ascertaining their value for retention;

- Definition of tree protection zones and measures consistent with the requirements outlined below;
- Details indicating the position of trees/bushland in relation to lot boundaries, proposed roads and building platforms; and
- Identification of trees and bushland to be retained or removed following subdivision.

The Arborist Report may also include any other vegetation that the arborist considers may contribute to the landscape if retained, particularly where the survey includes bushland or regenerating bushland.

- Details of those trees or bushland nominated for removal or retention and any proposed protection measures are to be submitted with the subdivision application and shown on the Site Analysis plan.

Protection mechanisms must include:

- Protective fencing is to be provided around trees and bushland to be retained to prevent damage. Fences are to be constructed at the drip-line of existing vegetation as a minimum to prevent damage within the drip-line/protection zone by limiting access into it (Refer to Figure 2).
- Applications should include a Flora and Fauna Assessment in accordance with Section 5A of the Environmental Planning & Assessment Act, 1979. If there is likely to be significant effect on threatened species, populations, or ecological communities or their habitats a Species Impact Statement will be required.

Where threatened species or communities are identified and are to be conserved the following actions should be undertaken:

- Protection measures in accordance with the requirements of the relevant recovery plan under the Threatened Species Conservation Act;
- Identification on site of the extent of the community to be retained;
- Plan of management for the land outlining how the land is proposed to be managed in the future; and
- The provision of chain wire/protective fencing (min 1.2 metres in height) round areas where rare flora and fauna are to be retained and

fencing to remain in place for the duration of the subdivision and building construction.

- Applicants may be required to submit a Species Impact Statement (SIS) for development likely to significantly affect threatened species, populations and ecological communities. Reference should be made to the requirements of the Environmental Planning & Assessment Act, 1979 and the Threatened Species Conservation Act, 1995.
- Any new tree plantings are to be consistent with the tree species selection shown on Council's Street Tree Planting map (Refer to section 4.2 and Figure 4). Refer to Part C Section 3 – Landscaping for appropriate street tree planting on Access Streets.

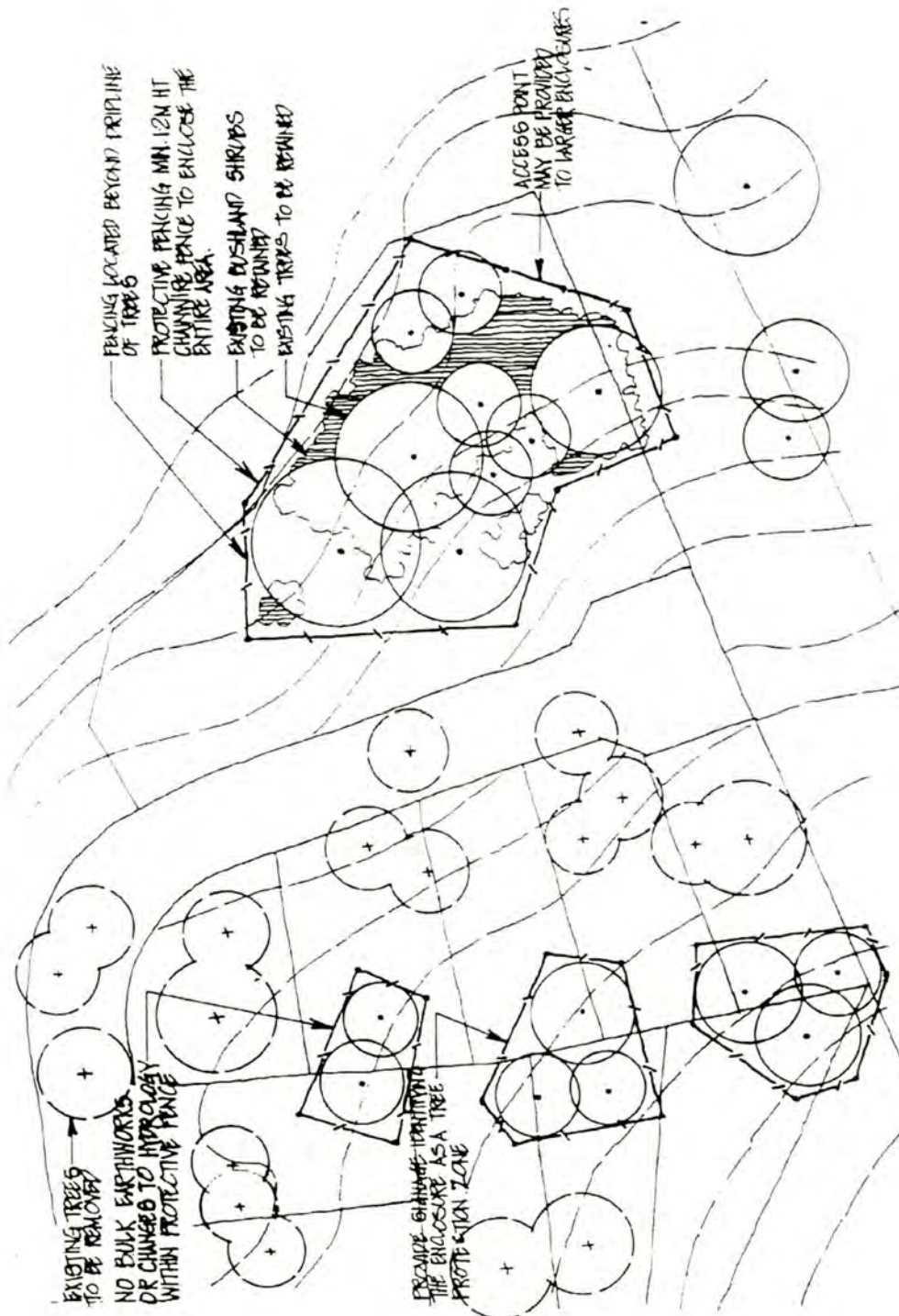


Figure 2 Tree survey/assessment

3.2 RESIDENTIAL DEVELOPMENT SITES

3.2.1 DWELLINGS

3.2.1.1 MINIMUM LOT SIZE

- (a) Refer to Clause 4.1 *Minimum subdivision lot size* in The Hills Local Environmental Plan 2012.

3.2.1.2 MINIMUM LOT DEPTH, WIDTH AND VEHICULAR ACCESS

OBJECTIVES

- (i) *To provide lots of a size conducive to residential living, having regard to any development constraints or environmental qualities of that land.*
- (ii) *To ensure lots have sufficient area to provide adequate access, open space, a sufficient building platform and attractive presentation to the street.*

DEVELOPMENT CONTROLS

- (a) Minimum depth: 30 metres
- (b) Minimum frontage: 18 metres
- (c) For irregular-shaped lots the average width shall not be less than the minimum frontage.
- (d) For battle-axe-shaped lots and lots served by a right-of-way, the minimum lot size, excluding the access corridor, shall not be less than the minimum lot size identified in The Hills Local Environmental Plan 2012; and
- (e) The minimum width for the battle-axe handle on battle-axe-shaped lots is:

Number of lots to be accessed	Minimum Width
One lot	4 metres
2 to 4 lots	6 metres
Greater than 4 lots	Public road

- (f) Allotments fronting roads adjacent to land zoned RE1 Public Recreation or SP2 Infrastructure

(Trunk Drainage) are to address the road as the primary frontage.

- (g) Development of land for the purpose of residential development should not render any allotment adjoining the site of the proposed development incapable of development for the purpose of residential development because the allotment would not meet the identified minimum lot size in The Hills Local Environmental Plan 2012 minimum lot depth and width.
- (h) Council may accept dedication of residential zoned land located adjacent to land zoned SP2 Infrastructure (Trunk Drainage) to address the issue of residential land separated by an access road.

3.2.1.3 BUILDING PLATFORM

OBJECTIVE

- (i) *To ensure lots have a suitable area for the erection of a dwelling and associated structures, free of constraints or restrictions.*

DEVELOPMENT CONTROLS

- (a) The lot must be capable of providing a building platform of at least 20 metres by 15 metres clear of any restrictions or building line setbacks. The building platform shall be sited in an accessible and practical location suitable for residential building construction.
- (b) Suitable graded vehicle access shall be provided from a public road to the identified building platform in accordance with Councils minimum driveway requirements.

SUBMISSION REQUIREMENT

- The subdivision plans must clearly indicate where the building platforms can be located on each lot and indicate the proposed access paths to the platforms, free of any restrictions or building line setbacks.

3.2.1.4 RESTRICTION ON ACCESS

OBJECTIVE

- (i) *To ensure that public lands are not compromised by uncontrolled and informal*

pedestrian, bicycle and vehicular access from adjoining residential lots.

DEVELOPMENT CONTROL

- (a) No residential lot created in the R2 Low Density Residential zone shall be permitted to have direct pedestrian, bicycle or vehicular access to any existing or future public land other than to a public road that is not a classified road. "Public land" in this case includes public open space, greenway links, trunk drainage and local drainage areas.

3.2.1.5 SUBDIVISION EARTHWORKS

OBJECTIVE

- (i) *To minimise topsoil and vegetation removal and "land-shaping" on land where residential subdivisions are being constructed.*

DEVELOPMENT CONTROLS

- (a) Earthworks shall be minimised to locations where the construction of roads require earthworks to be undertaken.

Such earthworks may extend into the proposed allotments for the purpose of providing suitable vehicle access to the identified building platform referred to in section 3.2.1.3.

- (b) Vegetation and topsoil are not to be removed or disturbed in areas outside of the above areas of proposed construction.
- (c) All proposed public open space areas are to be fenced and are not to be disturbed or used for any purpose during the construction of a subdivision. Fencing specifications are provided in section 7.1(g).

SUBMISSION REQUIREMENTS

- Subdivision applications must provide a plan showing the existing pre-development and proposed finished ground levels to enable an assessment of the extent of earthworks proposed and assessment of the relationship between the finished road levels and proposed building platform levels.

3.2.2 MULTI DWELLING HOUSING / RESIDENTIAL FLAT BUILDINGS

3.2.2.1 MINIMUM LOT DIMENSIONS AND ROAD PATTERN

In addition to the minimum lot size for multi dwelling housing and residential flat building, developments are required to demonstrate compliance with the road pattern shown on the BRRA map.

3.2.2.2 MINIMUM LOT WIDTH & LOT ROAD FRONTAGE

OBJECTIVE

- (i) *To ensure that development lots have sufficient areas to provide adequate access, parking, landscaping and building separation.*

DEVELOPMENT CONTROLS

- (a) Minimum width for multi dwelling housing is 30 metres (average).
- (b) Minimum road frontage for multi dwelling housing is 28 metres
- (c) The maximum lot size for residential flat buildings is 5000m².

3.2.2.3 RESTRICTION ON ACCESS

OBJECTIVE

- (i) *To ensure that public lands are not compromised by uncontrolled and informal pedestrian, bicycle and vehicular access from adjoining residential lots.*

DEVELOPMENT CONTROL

- (a) No development lot created in the residential zones shall have direct pedestrian, bicycle or vehicular access to any existing or future public land other than to a public road that is not classified road unless Council consent is granted. "Public land" in this case includes public open space, greenway links, trunk drainage and local drainage areas.

4. ROADS

4.1 LOCAL ROAD HIERARCHY

OBJECTIVES

- (i) *To provide an acceptable level of access, safety and convenience for all street and road users within the release area, while ensuring acceptable levels of amenity, and minimising the negative impact of traffic.*
- (ii) *To provide a legible and permeable movement network for pedestrians and cyclist along streets and paths to points of attraction within and adjoining any development.*
- (iii) *The road network is to be based on a hierarchy of five local road/street types, as shown in Figure 3, and includes:*
 - *Access Street: is a street providing local residential access with shared traffic and pedestrian use;*
 - *Collector Road: is a road that collects traffic from access streets and carries higher volumes of traffic. A reasonable level of amenity and safety is to be maintained by restricting vehicle speeds through traffic-calming devices and intersection design;*
 - *Enhanced Collector Road: is a collector road that has a wider pavement to facilitate bus movements;*
 - *Employment Area: is a road specifically designed and located to provide access to the proposed employment areas; and*
 - *Arterial Road: carry major regional traffic flows and are largely the responsibility of the State Government.*

The specific objectives of locating roads adjacent to open space, trunk drainage and other public areas are:

- (iv) *To facilitate the orientation of lots and dwellings to front the open space and drainage areas.*
- (v) *To enhance the outlook, setting and amenity of subdivisions adjoining open space, drainage areas and other public areas.*
- (vi) *To increase pedestrian accessibility to those public areas.*
- (vii) *To promote passive surveillance of publicly accessible areas thereby increasing safety.*

DEVELOPMENT CONTROLS

- (a) The street and road network should conform to the pre-planned road layout as shown on the accompanying development control plan map.
- (b) Internal intersections are to be T-junctions, roundabouts or controlled by other appropriate traffic management treatments to slow and control traffic.
- (c) An Acoustic Report prepared by a suitably qualified consultant is to be submitted with all development applications for land adjacent to existing or proposed arterial roads or bus transit way and should comply with the Department of Environment Climate Change and Water publication "Environmental Criteria for Road Traffic Noise" (May, 1999).
- (d) For roads that cross natural drainage lines, the construction of bridges with raised approaches is preferred to culverts in order to maintain stream corridor function. Any works within, or alterations to, natural drainage systems will require the necessary approvals of the Office of Water as well as consideration of the Fisheries Management Act 1944 for dredging or reclamation works.
- (e) Roads constructed across waterways are to be designed and constructed with reference to the Department of Primary Industries preferred waterway crossing design documented in "Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossing" (NSW Fisheries 2003).
- (f) Where culverts are required to be constructed across natural drainage lines, light wells are to be provided in the centre of the road.
- (g) Direct vehicular access to arterial roads will not be permitted where alternate access is available. Access will not be restricted to any property with existing access from arterial roads until such time as alternate access is available.
- (h) Wherever shown on the BRRA map and wherever else possible, roads are to be located along and adjacent to public open space, drainage lands or other public lands. Where roads front open space, drainage land or riparian corridor land, the costs associated with their construction is the responsibility of the developer.

- (i) Driveway access should be avoided within 30 metres of signalised intersections.
- (j) Street networks are to conform to the requirements set out in Table 1: Street Types.

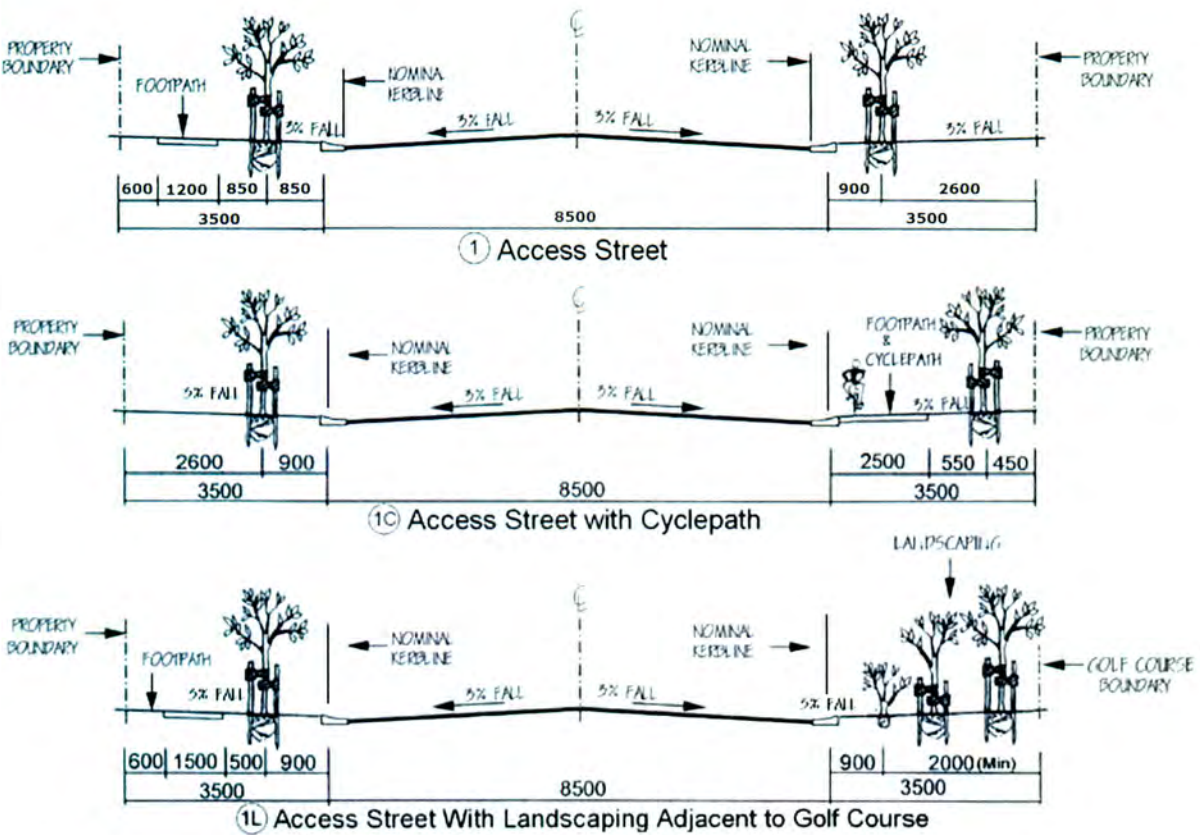
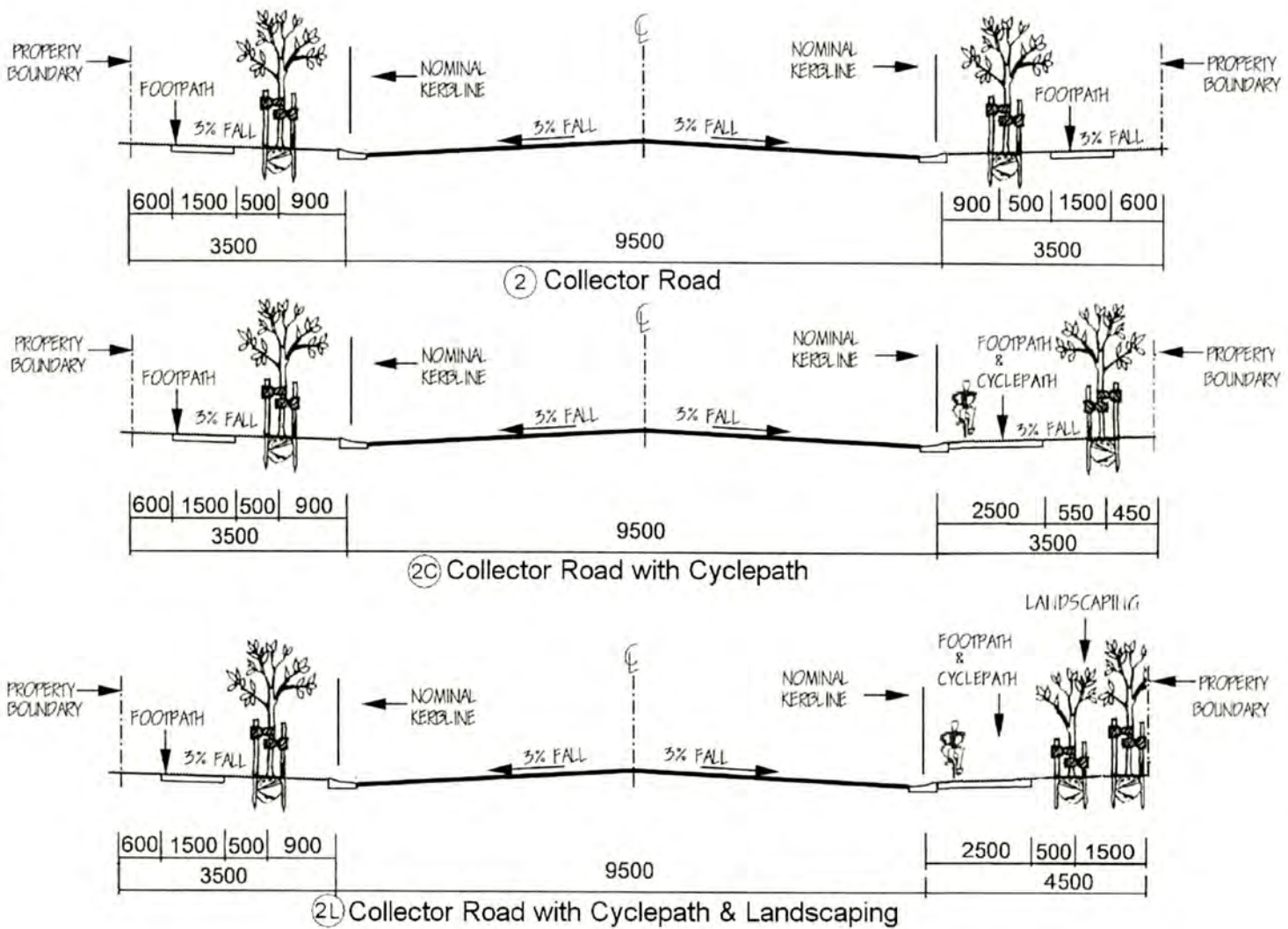


Figure 3 Road hierarchy



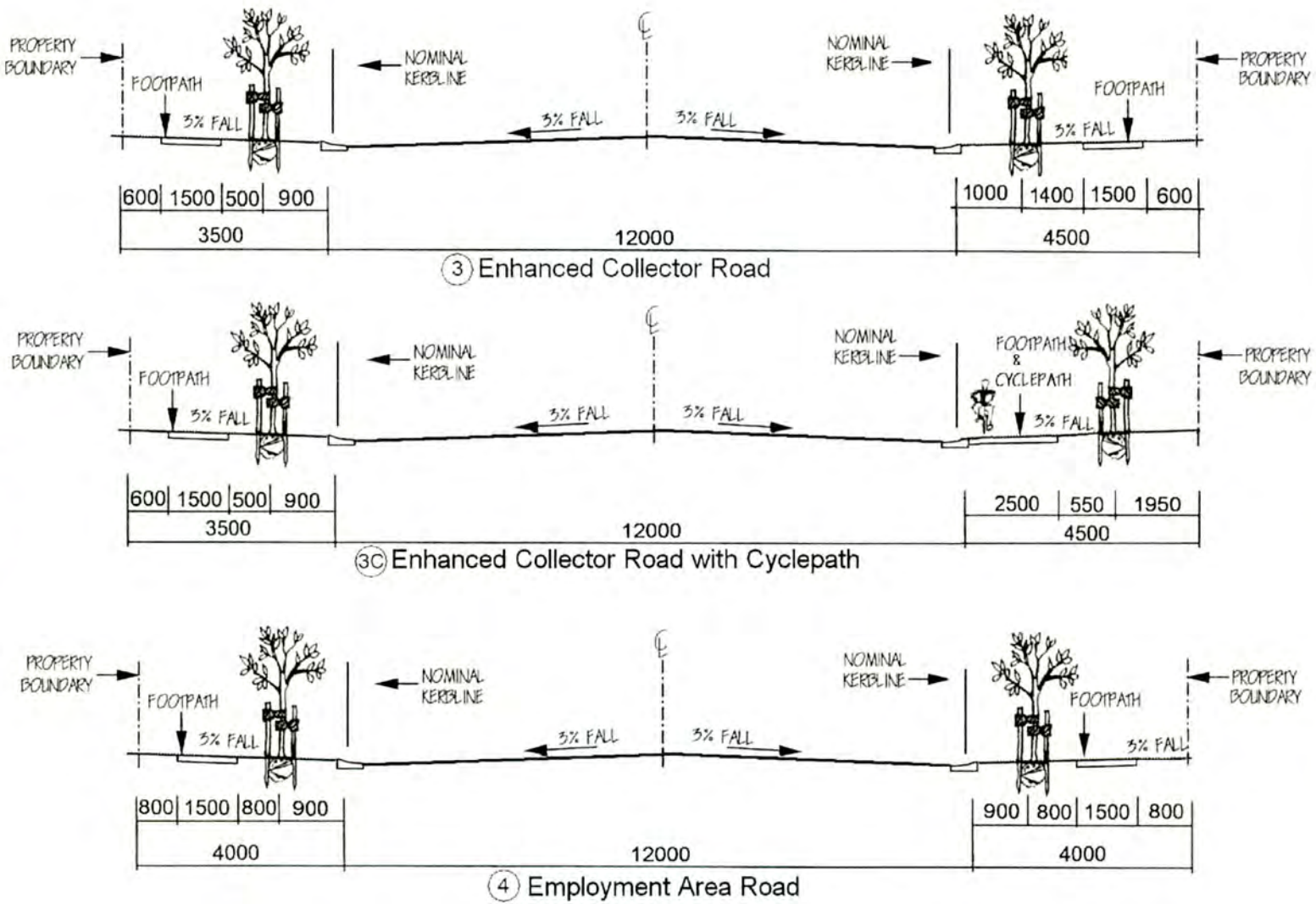


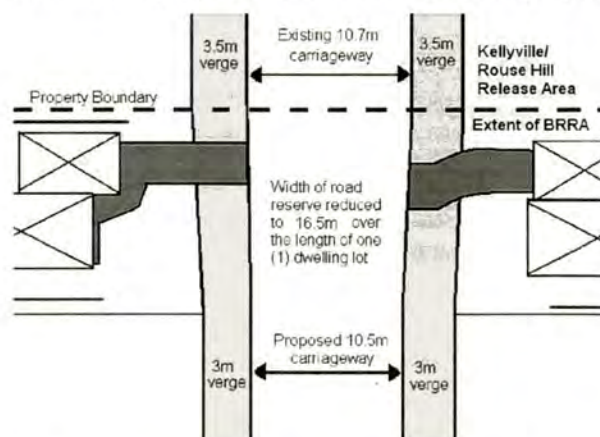
Figure 3 Road hierarchy (cont.)

Table 1 Street types

No	Street Type	Carriageway Width (metres)	Verge Widths	Road Reserve	Footpath Required
	Access Street	8.5 metres	3.5 metres	15.5 metres	1.2 metres one side
1	Access Street with cyclepath	8.5 metres	3.5 metres	15.5 metres	2.5 metres one side
2	Collector Road	9.5 metres	3.5 metres	16.5 metres	1.5 metres one side
2*	Collector Road	10.5 metres	3.0 metres	16.5 metres	1.5 metres one side
2c	Collector Road with cyclepath	9.5 metres	3.5 metres	16.5 metres	1.5 metres one side and 2.5 metres other side
2L	Collector Road with cyclepath and landscaping	9.5 metres	3.5 metres/4.5 metres	17.5 metres	1.5 metres one side and 2.5 metres other side**
3	Enhanced Collector Road	12.0 metres	3.5 metres/4.5 metres	20 metres	1.5 metres both sides
3c	Enhanced Collector Road with cyclepath	12.0 metres	3.5 metres/4.5 metres	20 metres	1.5 metres one side and 2.5 metres other side
4	Employment Area Road	12.0 metres	4 metres	20 metres	1.5 metres both sides

* **Note.** Carriageway width to be constructed at 10.5 metres as a continuation of existing pavement width in Gainsford Drive with a transition distance of one lot (see diagram below).

** **Note.** Includes 1 metre wide verge required on one side of carriageway to accommodate 2 metre wide landscaping adjacent to Castle Hill Country Club Golf Course and 2.5 metre cyclepath.



Design of Collector Road 2* Transitioning from Existing Collector Road

4.2 ROAD DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) *To ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network and to accommodate public utilities and drainage systems.*
- (ii) *To encourage the use of streets by pedestrians and cyclists, and to allow cars, buses and other users to proceed safely without unacceptable inconvenience or delay.*
- (iii) *To provide street geometry that is consistent with the needs of the street function, physical land characteristics and safety.*
- (iv) *To encourage efficient and orderly development by providing for partial and temporary road construction.*

DEVELOPMENT CONTROLS

- (a) Any development connecting to Memorial Avenue is to have regard to the Roads and Maritime Services Strategic Design Plan (draft concept) for the upgrade of Memorial Avenue as contained in Appendix A.
- (b) On collector roads that function as two-way bus routes, a travelled way allowing unobstructed movements in both directions is required. Safety at bus stops, particularly the overtaking of stationary buses, is also an important design consideration. Speed control through design is a fundamental principle of this Section of the DCP. The alignment and geometry of all collector roads are to be designed for the efficient and unimpeded movement of buses.
- (c) On access streets there will be only light traffic and the travelled way should allow for unobstructed movement in one lane as well as passing opportunities.
- (d) The design of the carriageway is to discourage motorists from travelling above the intended speed by reflecting the functions of the street in the network. In particular the width and horizontal and vertical alignment is not to be conducive to excessive speeds.
- (e) Roundabouts, street cross falls, longitudinal gradient, vehicle-turning movements and sight

distances are to comply with Council's Design Guidelines Subdivisions/Developments (June 1997)

- (f) Carriageway widths for each type of street are to be as specified in Table 1: Street Types.
- (g) Minimum verge widths for each street type and footpath links are to be as specified in Table 1: Street Types.
- (h) Any allotment created on Lot 1 DP 261750 adjacent to Memorial Avenue is to be accessed via a minimum 4 metre wide access handle constructed parallel to Memorial Avenue from the proposed cul-de-sac road. Access to allotments immediately adjoining Memorial Avenue is prohibited from the enhanced collector road.
- (i) Construction of roads and footpath/cycle paths fronting Open Space or Trunk Drainage as shown on the BRRA map are at the developer's expense.
- (j) No retaining walls are to be constructed along the edge of roads fronting future or existing public open space, drainage areas or riparian corridor land.
- (k) Street trees are to be provided in all subdivisions and will be required to be planted at the time of subdivision construction. Street trees will be protected with tree guards and a 12-month bond will be imposed for each tree.
- (l) Street tree planting is to be provided to all streets with a spacing of between 7 and 10 metres, with a minimum of one tree per lot frontage. Corner lots will have a minimum of two street trees and normally three trees. The location of street trees must complement proposed driveway locations.
- (m) Street tree planting will only be permitted, within roads that are to be dedicated to Council as public road.
- (n) Street tree species must be in accordance with Council's Street Tree Planting map as shown in Figure 4. Refer to Part C Section 3 – Landscaping for appropriate street tree species along 'Access Streets'. Also refer to Part C Section 3 – Landscaping for general guidance on street tree planting.
- (o) All enhanced collector roads are to be planted with a consistent species of tree in order to provide a boulevard treatment of the streetscape.

- (p) All plans documenting proposed street tree planting must indicate the location of Sydney Water sewer and water pipes including where they enter a public road reservation.
- (q) Landscape works in roundabout islands may include low-maintenance groundcover planting and native grasses with a mature height of up to 0.5 metres as well as clear-stemmed tree planting. A metered water supply point and subsurface drainage is required in all small island planter beds.
- (r) Access streets located adjacent to arterial roads are to include landscape treatment of the verge adjoining the arterial road. Road verges provide opportunities for unifying the appearance and landscape character of the area and should be provided as a continuous design feature along the length of the arterial road.
- (s) Partial width road construction is permitted subject to the following criteria being satisfied:
 - The site(s) located opposite the proposed partial road are zoned for residential use and are not in public ownership or identified for acquisition, that is, the site(s) opposite are not zoned for Open Space, Trunk Drainage, Transport Corridor or Educational Establishment;
 - A minimum trafficable road width of 6.0m is provided to cater for two-way traffic, and a 3.5m verge on one side as a minimum;
 - The development potential of all adjoining allotments is maintained. The proposed development shall not, in the opinion of the consent authority, render any allotment adjoining or opposite the site of the proposed development incapable of development for the purpose of residential development because the allotment would not meet minimum DCP or LEP development standards;
 - The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the proposed partial road construction; and
 - The final road configuration is consistent with the pre-planned road layout and road type as shown on the accompanying development control plan map.

Note. In some circumstances where proposed partial width roads straddle existing boundaries, the alignment of the road may need to be slightly offset to ensure the partial road is wholly contained on the applicant's land.

- (t) Temporary public roads are permitted subject to the following criteria being satisfied:
 - The temporary public road is to be constructed upon a minimum of two (2) residential development lots, except as provided for below;
 - The temporary public road is not to be constructed upon land zoned for Business, Open Space, Trunk Drainage, Transport Corridor or Educational Establishment, except where the land zoned Open Space is in private ownership. Where a temporary public road is proposed to be constructed on private land zoned Open Space, the applicant will be required to enter into an agreement with Council that the temporary public road be removed and the land reinstated when alternate road access becomes available;
 - A minimum trafficable width of 6.0m is provided to cater for two-way traffic with 3.5m wide verges on both sides;
 - The allotment layout associated with temporary public road construction does not result in the creation of undevelopable residue allotments;
 - The temporary public road does not compromise the safety of all road users including service and passenger vehicles, pedestrians and cyclists;
 - The temporary public road is to be constructed to a standard in accordance with BHSC Design Guidelines for Subdivisions/Developments (section 5.07); and
 - The final road configuration is consistent with the pre-planned road layout and road type as shown on the accompanying development control plan map.

SUBMISSION REQUIREMENTS

Partial Width Roads

- An engineering design for the partial and full width road works must be submitted including details of any necessary drainage and service utility provision requirements.
- A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.

Temporary Roads

- An engineering design for the proposed road works, as well as plans demonstrating the future road configuration after closure of the temporary road must be submitted including details of any necessary drainage and service utility provision requirements.
- A traffic safety report prepared by an appropriately experienced professional must be submitted demonstrating how the temporary road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.
- Written evidence demonstrating that an attempt to cooperate with adjacent landowners has been undertaken must be submitted. Such evidence could be in the form of letters and responses (if applicable).

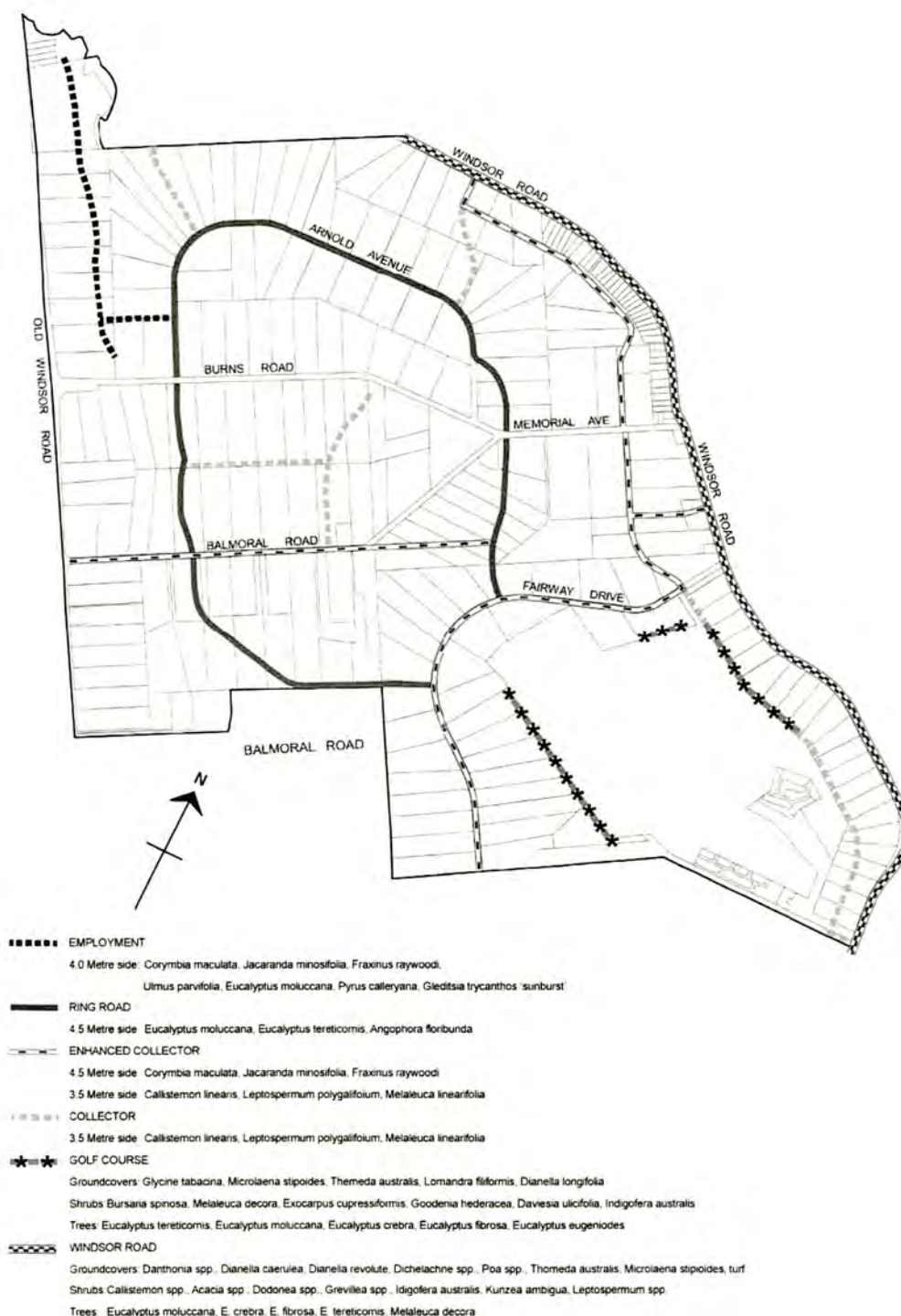


Figure 4 Street tree planting

5. STORMWATER

5.1 STORMWATER MANAGEMENT

OBJECTIVES

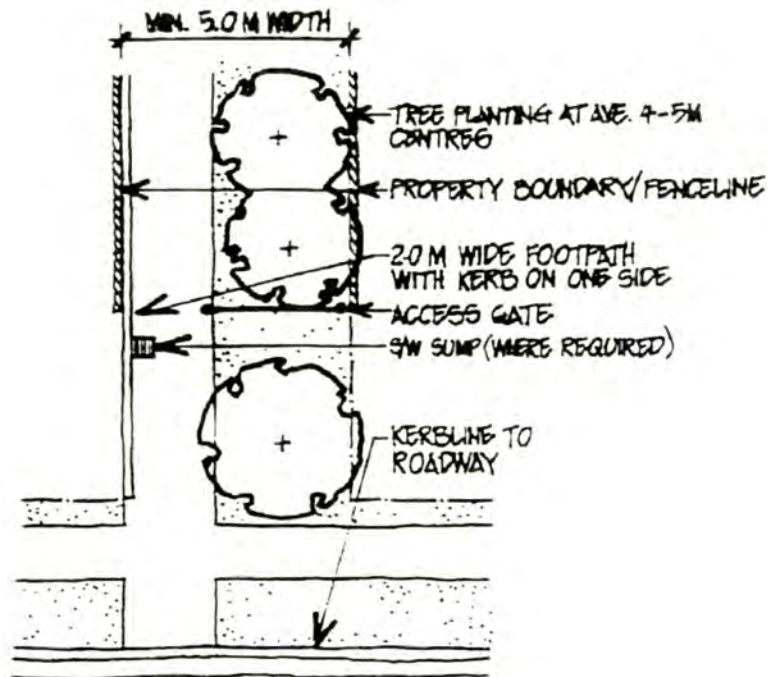
- (i) *To prevent stormwater and flood damage to properties arising from the subdivision and development of land.*
- (ii) *To ensure that stormwater quality and quantity issues are addressed at the point source.*
- (iii) *To ensure that stormwater is treated as a valuable resource.*
- (iv) *To contain nuisance floods to a level that is acceptable to the community and to ensure that the street system operates adequately during and after major storm events.*

DEVELOPMENT CONTROLS

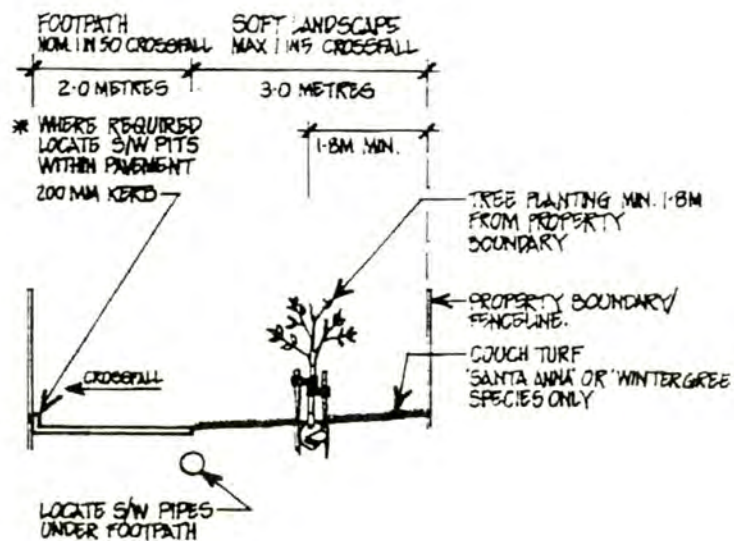
- (a) The minor drainage systems minimum design standard is to capture and convey flows produced by a 10-year Average Recurrence Interval (ARI) design storm.
- (b) Trapped sag points are not to be created.
- (c) Drainage reserves or local drainage links are required to discharge gap flows (the difference between the 100 year ARI storm event and half design pipe flow, allowing for blockage, maximum pipe design 100 year ARI) from all ARI runoffs to the generally accepted maximum of the 100-year ARI storm event.
- (d) Local drainage links within subdivisions are to be a minimum of 5 metres in width designed in accordance with details indicated in Figure 5. The developer is required to dedicate to Council at no cost to Council, the land, all associated drainage works, erosion control planting, pathways and tree planting. Details are to be submitted with the engineering designs.
- (e) Drainage facilities are to be of a standard acceptable to Council.
- (f) All drainage pits shall have access from the ground surface. Buried junction pits shall not be permitted.
- (g) All pipes to be dedicated to Council are to be located within public land.
- (h) The drainage system is to be designed by a qualified person in accordance with the

requirements of the responsible drainage authority.

- (i) All owners of properties adjoining trunk drainage land are required to contact Council or Sydney Water to confirm the inundation line prior to the lodgement of subdivision applications.
- (j) Identification of the 1 in 100 year level of inundation are to be detailed on the 88B Instrument accompanying the final plan of subdivision calculated at Australian Height datum (AHD) and certified by a Registered Surveyor.
- (i) All drainage designs, excluding minor drainage systems, are to comply with Council's Design Guidelines Subdivisions/Developments (June 1997). Design criteria are to be confirmed by Council.
- (j) Any discharge to, or construction within Sydney Water trunk drainage land will require the approval of Sydney Water.
- (k) Individual connections into Sydney Water or Council's trunk drainage land is not permitted. Subdivision plan should therefore minimise the number of connections.
- (l) All residential, employment and commercial developments will be required to provide rainwater tanks. Specific details for each type of land use are provided in section 8.



PLAN VIEW



SECTION VIEW

Figure 5 Local drainage links

5.2 STORMWATER QUALITY

The importance of soil and water management for developing urban areas and established urban systems has increased significantly over the last decade. With the advent of industry standards, legislation and community expectations, the regulation of erosion and sedimentation controls is now required throughout the urban development industry.

The water quality discharging from the BRRA can have a significant impact upon water quality in the lower Hawkesbury-Nepean River system. The development of the release area presents an opportunity to implement Total Catchment Management principles.

The trunk drainage system for the release area is an integrated system, owned and managed by Sydney Water. The proposed system will consist of dry detention basins and the natural creek system.

OBJECTIVES

- (i) *To protect downstream waters during construction activities within the release area.*
- (ii) *To assist in the long-term protection and enhancement of stream health.*

Note. Specific development standards relating to stormwater quality will be added to this Section of the DCP in the near future.

6. PROVISION AND LOCATION OF UTILITIES

The provision of utilities is usually controlled by several separate authorities and in general, no formal attempts are made to combine installation or maintenance tasks other than agreements of the preferred location of each service within the street reserve, or within common easements. This Section of the DCP seeks to promote shared trench practices.

Advantages of shared trenches include:

- Elimination of a number of single trenches each with its own construction, settlement and reinstatement problems;
- Accurate location of services for possible repair or maintenance;

- Less conflict between services as depth relativities are known;
- More efficient use of construction equipment;
- Reduced verge and footpath disturbance enables earlier site development.

OBJECTIVES

- (i) *To maximise the opportunities for shared (common) trenching and reduce constraints on landscaping within road reserves.*
- (ii) *To ensure the provision of public utilities is undertaken in accordance with the requirements of both Council and the relevant servicing authority.*

DEVELOPMENT CONTROLS

- (a) Gas and water services may be located in a shared trench on one side of the street and electricity power and telephone located in a shared trench on the other side of the street. The BRRA is also to be serviced with a recycled water supply, which will require an increase in Sydney Water's service allocation.
- (b) The Council requires underground electricity reticulation and telecommunications for all urban development.
- (c) Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines.
- (d) Where agreement to develop shared trench practices cannot be met, or location of services are unable to be limited to one side of the road, the alignment of services shall be to a standard acceptable to Council.
- (e) Council requires the provision of street tree planting within all verge areas and service authorities are expected to cooperate to ensure this is achieved.
- (f) Utilities and services are to be supplied and constructed in accordance with the requirements of the relevant authority.
- (g) Details of the location of all sewer reticulation mains are to be supplied to Council for assessment of environmental and property considerations.

- (h) Pipes and conduits through bushland areas and areas with significant vegetation cover are to be avoided. Where it cannot be avoided, pipes are to be laid by hand with the aid of small machinery, causing minimal disturbance to vegetation and exposed rock outcrops.
- (i) Development is to have a water supply for fire-fighting purposes in accordance with the NSW Rural Fire Service's "Planning for Bushfire Protection 2006" or as amended.
- (j) Concurrence from the relevant electricity authority is required for all development applications where the property is affected by electricity easements.
- (k) Road verge widths are to be in accordance with Table 1.

7. PUBLIC RECREATION, TRUNK DRAINAGE AND RIPARIAN CORRIDORS

7.1 PUBLIC RECREATION

OBJECTIVE

- (i) *To ensure that land identified on the BRRA map for public open space is adequately protected during the subdivision and dwelling construction stage.*

DEVELOPMENT CONTROLS

- (a) Proposed plans of subdivision are required to set aside the area of land for public open space identified on the BRRA map.
- (b) The maximum gradient of cycle-paths is not to be greater than the adjacent road pavement and is required to provide adequate sight distances at crossings.
- (c) Where local public pathway links are required they are to be a minimum 5 metres width. All local public pathway links are to be constructed by the developer and the land dedicated to Council at no cost to Council.
- (d) No retaining walls are to be constructed adjacent to existing or proposed open space parks, open space links, riparian corridors or trunk drainage land.

- (e) No filling is permitted within proposed open space areas, open space links riparian corridors or trunk drainage land.
- (f) This development control plan requires the provision of a minimum 2 metre high, temporary chain-wire fence round proposed open spaces with access provided by a lockable gate, at the developer's expense.
- (g) Details of fence construction are to be provided by the proponent with the submission of the engineering designs.
- (h) The fence must be sited in such a way as to limit access into the open space area, ensuring protection of the area for the duration of subdivision and building construction.

8. BUILDING DESIGN – ALL ZONES

The following development control provisions relate to the development of land for buildings in all zones.

8.1 DWELLINGS

The provisions of Part B Section 2 – Residential Development will also apply and should therefore be read in conjunction with the following.

8.1.1 BUILDING SETBACKS

OBJECTIVES

- (i) *To provide setbacks that complement the streetscape and protect the privacy and sunlight to adjacent dwellings in accordance with ESD objective 7.*
- (ii) *To ensure that new development is sensitive to the landscape setting, site constraints and desired future character of the street and locality.*
- (iii) *To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

DEVELOPMENT CONTROLS

- (i) Minimum classified road frontage setback: 10m.
- (j) Minimum non-classified primary road frontage setback: 6m
- (k) Corner Lots: Primary road: 6 metres

Secondary road: 4 metres

- (l) Minimum side setback from classified road: 10 metres.

- (m) Rear building setback: 4 metres (1 storey)

Rear building setback: 6 metres (2 or more storeys).

8.1.2 SITE COVERAGE

OBJECTIVES

- (i) To maximise the provision of private open space.
- (ii) To avoid the creation of drainage and salinity problems, through minimising the amount of impervious area in accordance with Council's ESD objective 3.
- (iii) To facilitate spatial separation between buildings.
- (iv) To provide adequate landscaped area.
- (v) Maintain the character of existing areas by retaining vegetation.

DEVELOPMENT CONTROLS

- (a) Maximum site coverage:

- Single storey	65%*
- Two storey or more	60%*

*The maximum site coverage calculations must include areas containing garage, carports, outbuildings, decks, patios, tennis courts, driveways, swimming pools, paved areas but excludes rainwater tanks.

- (b) Where dwellings achieve the minimum side setback requirements on both sides of the dwelling, the second storey of the dwelling is to be either:

- setback a minimum of 1 metre from the ground floor on at least one side of the dwelling, for a minimum distance of half the length of the first floor; or
- a proportion of 85% in size than the ground floor to enable reduced bulk and scale of the dwelling and enhanced solar access and articulation between buildings.

Dwellings are to demonstrate architectural merit through skilful massing and composition of the building's elements, height, proportion, roof design

and window/door/garage openings to create an integrated whole of building design which looks aesthetically appealing from all angles and which relates to its site and topography.

8.1.3 BUILDING FORM AND HEIGHT

OBJECTIVES

- (i) To ensure the height of dwellings is compatible with adjoining residential development and the overall streetscape.
- (ii) To minimise the impact of overshadowing, loss of privacy on adjoining properties and open space areas.
- (iii) To minimise bulk and scale of residential development.
- (iv) To provide articulation in building form and design.

DEVELOPMENT CONTROL

- (a) Refer to Clause 4.3 Height of buildings of The Hills LEP 2012.

8.1.4 CUT AND FILL

OBJECTIVES

- (i) To ensure that dwellings are designed with regard to the site conditions and minimise the impact on landform.
- (ii) To reduce the risk that potentially saline soils may affect dwellings.
- (iii) To maintain topsoil and endemic plant species seed bank.

DEVELOPMENT CONTROLS

- (a) Maximum filling above natural ground level: 0.5 metres.
- (b) Maximum cut below natural ground level: 0.5 metres.
- (c) Where a proposed dwelling design requires cut or fill in excess of 0.5 metres, the dwelling shall be redesigned and alternative designs, such as split level, and timber floor construction will be employed.
- (d) Where site conditions warrant, Council will consider dwelling designs that provide for cut in excess of 0.5 metres for the creation of a single,

in-ground two car garage with maximum dimensions of 6 metres by 6 metres excluding stairway access to dwelling or storage requirements.

8.1.5 CORNER LOTS

OBJECTIVES

- (i) To ensure that dwellings sited on corner lots take advantage of their visually prominent location whereby the design addresses both street frontages.
- (ii) To ensure that the dwelling façade along the secondary street frontage provides architectural relief to the streetscape.

DEVELOPMENT CONTROLS

- (a) On corner lots a minimum of three of the following design elements are to be included along the secondary frontage:
 - Verandahs;
 - Gables;
 - Vertical elements to reduce the horizontal emphasis of the façade;
 - Entry feature or portico;
 - Balcony/window boxes or similar elements;
 - Landscaping/fencing compatible with the frontage status of the elevation; and
 - Windows.
- (b) The following features are not to occur along either façade:
 - Blank walls without relief;
 - Windows or doors of utility rooms exposed to view; and
 - Hot water services, air conditioning machinery or similar utility installations.
- (c) Fencing on each road frontage boundary will be limited to a maximum of 25% of the length of that boundary. Any such fencing will be located a minimum of 1 metre behind the closest wall of the building to that boundary (See Figure 6).

8.1.6 STORMWATER MANAGEMENT

OBJECTIVES

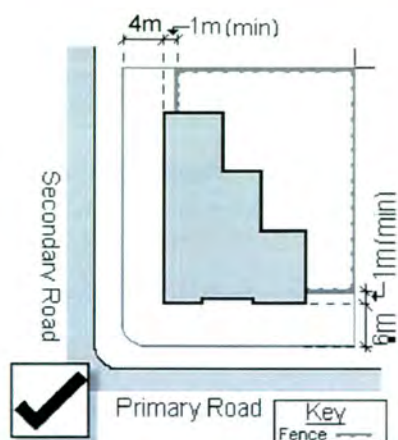
- (i) To ensure that stormwater is utilised as a resource.
- (ii) To control stormwater and to ensure that dwelling developments do not increase down

stream drainage flows or adversity impact adjoining and downstream properties.

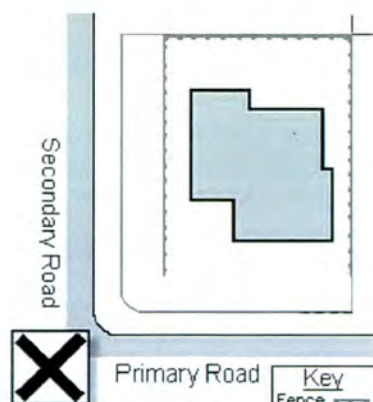
- (iii) To ensure that stormwater does not detrimentally impact on the health of streams and the integrity of water courses is protected and enhanced in accordance with Council's ESD objective 4.
- (iv) To provide for the disposal of stormwater from the site in an efficient, equitable, environmentally sensitive way in accordance with Council ESD objective 3.

DEVELOPMENT CONTROLS

- (a) Each dwelling shall have a minimum 9,000 litre rainwater tank (or equivalent volume of multiple above-ground tanks) connected to its guttering.
- (b) The rainwater tank may be connected to laundries as well as being available for outdoor use including filling of swimming pools.
- (c) The rainwater tank is to have an overflow pipe connected to the stormwater drainage system.



**SET BACKS FOR CONER SITES
AND STREET FRONTAGE TREATMENT**



**DESIGN ADDRESSES ONLY ONE
FRONTAGE WITH SURROUNDING
HIGH FENCES**



**VERTICAL ELEMENT THAT
HELPS TO DEFINE THE CORNER**



**DESIGN SUCCESSFULLY ADDRESSES
BOTH STREET FRONTAGES**



**DESIGN SUCCESSFULLY ADDRESSES
BOTH STREET FRONTAGES**



**FAILS TO ADDRESS THE SECONDARY
STREET FRONTAGE WITH BLANK WALL
AND HOT WATER SERVICE LOCATED
ALONG THE SECONDARY STREET
FACADE**

Figure 6 Corner lots

8.2 MULTI DWELLING HOUSING

The following development control provisions relate to the development of land for multi dwelling housing. The provisions of Part B Section 4 – Multi Dwelling Housing of this DCP will also apply and should therefore be read in conjunction with the following.

8.2.1 STORMWATER MANAGEMENT

OBJECTIVES

- (i) To control stormwater and to ensure that town house developments do not increase downstream drainage flows or adversely impact adjoining and downstream properties.
- (ii) To ensure the integrity of watercourses is protected and enhanced in accordance with Council's ESD objective 4.
- (iii) To provide for the disposal of stormwater from the site in efficient, equitable and environmentally sensible ways in accordance with Council's ESD objective 3.

DEVELOPMENT CONTROLS

- (a) The development controls in section 5.17, Part B Section 4 – Multi Dwelling Housing and Appendix B of this DCP shall apply except for the following changes to the requirement of Appendix B.
- (b) The minimum storage capacity of this system must be 3,000 litres per proposed dwelling;
- (c) Rainwater tanks may be connected to laundries as well as being available for outdoor use including filling of swimming pools; and
- (d) No reticulated water back-up system is to be connected to the tanks.

8.3 RESIDENTIAL FLAT BUILDINGS

The following development control provisions relate to the development of land for residential flat buildings. The provisions of Part B Section 5 – Residential Flat Buildings of this DCP will also apply and should therefore be read in conjunction with the following.

8.3.1 BUILDING HEIGHTS

Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012.

8.3.2 STORMWATER MANAGEMENT

OBJECTIVES

- (i) To control stormwater and to ensure that residential flat buildings do not increase downstream drainage or adversely impact adjoining and downstream properties.
- (ii) To ensure the integrity of watercourses is protected and enhanced in accordance with Council's ESD objective 4.
- (iii) To provide for the disposal of stormwater from the site in efficient, equitable and environmentally sensible ways in accordance with Council's ESD objective 3.

DEVELOPMENT CONTROLS

- (a) The development controls in section 5.19, Part B Section 5 – Residential Flat Buildings and Appendix B of this DCP shall apply except for the following changes to the requirements of Appendix B:
- (b) The minimum cumulative storage capacity of this system must be 20,000 litres per residential flat building;
- (c) The tanks are to be used for external uses only other than for laundry purposes; and
- (d) A reticulated water back-up system is not to be connected to the tanks.

8.4 B7 BUSINESS PARK ZONE

8.4.1 INDUSTRIAL AND COMMERCIAL BUILDINGS

The following controls in this section apply to both industrial and commercial buildings and uses.

Unless otherwise provided for in this Section of the DCP, Part B Section 7 – Industry will apply to industrial buildings irrespective of section 1.1 (land to which this Section of the Plan Applies) of Part B Section 7 – Industry.

Unless otherwise provided for in this Section of the DCP, Part B Section 6 – Business will apply to

commercial buildings irrespective of section 1.1 (Land to which this Section of the Plan Applies) of Part B Section 6 - Business.

OBJECTIVES

- (i) Provide for the special requirements of industry and business, particularly in the areas of advanced technology, computer facilities and communications.
- (ii) To provide commercial services for employment and residential areas.

8.4.1.1 BUILDING SETBACKS

- (a) Minimum building setback to classified road: 20 metres
- (b) Minimum building setback to non-classified road: 20 metres
- (c) Corner lots primary non-classified road frontage setback: 20 metres
- (d) Secondary non-classified road frontage: 10 metres
- (e) Side property boundaries: 10 metres

8.4.1.2 FLOOR SPACE RATIO

Refer to Clause 4.4 *Floor space ratio* of The Hills LEP 2012.

8.4.1.3 HEIGHT

Refer to Clause 4.3 *Height of buildings* of The Hills LEP 2012.

8.4.1.4 SITE COVERAGE

OBJECTIVE

- (i) To ensure that building are kept to a satisfactory scale in relation to the land upon which they are built.

DEVELOPMENT CONTROL

- (a) The maximum site coverage: 50%

8.5 EXHIBITION VILLAGE

These provisions set out specific requirements and variations that apply to exhibition villages located within the Balmoral Road Release Area.

OBJECTIVES

- (i) To facilitate the orderly development of exhibition villages;
- (ii) To ensure the range of housing options that will suit a variety of lot sizes responds to the streetscape, privacy, solar access and landscaping; and
- (iii) To ensure that exhibition village developments provides an appropriate interface with adjoining development in the Balmoral Road Release Area.

8.5.1 BUILDING SETBACKS

This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, alfresco dining areas, terrace or verandah that is attached to the dwelling house (a **building**).

Classified Road Frontages (10 metre Landscape Corridor)

- (b) Buildings will be considered within the 10m Landscape Corridor providing acoustic and visual treatment is incorporated into the design to limit the impact of a Classified Road on any bedrooms and other habitable areas within the building.
- (c) A minimum 3m wide landscape buffer shall be provided between any temporary parking area and the residential development, and shall remain in place after the cessation of exhibition village and removal of the temporary parking.

Note. Refer to -

- Department of Planning Guidelines – Development near Rail Corridors and Busy Roads for information on Acoustic Treatment of Residences; and
- Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.

Non-classified Road Frontages

- (d) Minimum non-classified primary road frontage setback: 4.5m (5.5m to garage). An articulation zone of 1.0m may be provided.
- (e) Corner Lots:
 - Primary road: 4.5m (5.5m to garage) with articulation zone as above.

- Secondary road: 2m (lots < 600m²) or 3m (lots > 600m²).
- (f) Where a lot (corner or otherwise) shares a street frontage with land outside the boundary of the exhibition village, the front and side setbacks shall be an average of the minimum setback allowed by this control, and the setback of the adjoining dwelling, or, should the adjoining site be vacant, the minimum setback permitted by the relevant setback controls in this Section of the DCP.
- (g) Minimum Rear Setback (including a Classified Road):
 - 1 storey - 4m
 - 2 storeys - 6m (4m to single storey component).
- (h) Side Setback:
 - Any point of a building, that has a height of 3.8m or less on its building line from natural ground level at that point must have a setback from the side boundary nearest to that point of at least 900mm;
 - Any point of a building that has a height of more than 3.8m on its building line from natural ground level at that point must have a setback from the side boundary nearest to that point of at least the sum of:
 - 900mm, and
 - A distance that is equal to one-quarter of the additional building height above 3.8m.

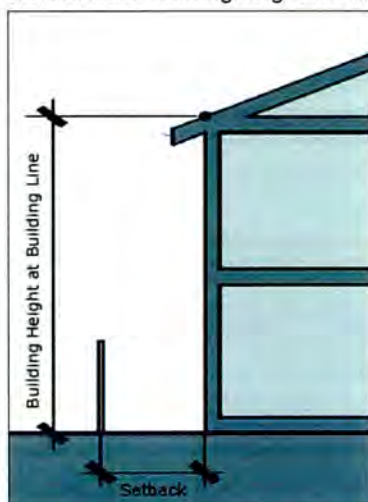


Figure 7 Building Height at Building Line

- Notwithstanding the above, for the Homeworld V exhibition village, Lots 210, 213 & 239 are permitted to have a zero (0m) side setback. Development on Lots 209, 214 and 238 shall

provide for a 1m wide easement for access and maintenance in favour of lots 210, 213 and 239 in accordance with the 88B instrument.

8.5.2 SITE COVERAGE (LOT SIZE OF <450m²)

- (i) The site coverage of the dwelling house and all ancillary development on a lot must not be more than:
 - For single storey dwellings, 60 per cent of the area of the lot; and
 - For two storey dwellings, 50 per cent of the area of the lot.
- (j) For the purpose of calculating the site coverage in subclause (a), the area of any of the following is not included:
 - an access ramp,
 - that part of an awning, blind or canopy that is outside the outer wall of a building,
 - a balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
 - an eave,
 - a driveway,
 - a farm building,
 - a fence or screen,
 - a pathway or paving,
 - a rainwater tank that is attached to the dwelling house,
 - a swimming pool or spa pool.
- (k) The landscaped area of the lot must not be less than:
 - For single storey dwellings, 30 per cent of the area of the lot; and
 - For two storey dwellings, 35 per cent of the area of the lot.
- (l) For the purpose of calculating the landscaped area in subclause (c), the landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

8.5.3 STORMWATER MANAGEMENT

Each dwelling shall be fitted with a rainwater tank, in accordance with the size specified for each individual lot in the 88B instrument.

8.6 MEMORIAL AVENUE VILLAGE CENTRE, KELLYVILLE

This Section of the Development Control Plan applies to land at the junction of Memorial Avenue, Hector Court and Severn Vale Drive as show in Figure 8 below.

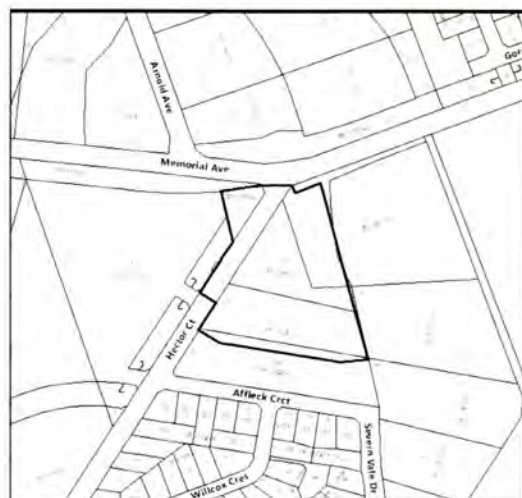


Figure 8 Memorial Avenue Village Centre location

This Section is to be read in conjunction with other relevant Sections of The Hills DCP including Part D Section 7 – Balmoral Road Release Area and Part B Section 6 – Business.

Village centres are an important part of the overall hierarchy of centres in the Shire. The objectives of such centres is to provide a range of retail and other uses to meet the weekly convenience shopping needs of residents. The scale of such centres is to be in keeping with surrounding residential character. The village centre environment should provide residents with a place to meet. It should be easily walkable, located close to dwellings and accessible by public transport.

The following objectives and controls aim to promote retail/commercial development that focus on creating a vibrant and connected village centre.

8.6.1 SITE REQUIREMENTS

OBJECTIVE

- (i) *To provide for orderly and cohesive development of the village centre in a manner that prevents isolation of business zoned land.*

DEVELOPMENT CONTROLS

- (a) The village centre is to be developed as a single amalgamated site, incorporating the entire land zoned B2 Local Centre as outlined in Figure 8.
- (b) Consent may not be granted to an application that isolates an area of land that is not capable of being developed in a manner that achieves a cohesive outcome for the centre.
- (c) Where a development application seeks to develop only part of the village centre land evidence will need to be submitted to demonstrate:
 - All reasonable attempts have been made to secure the entire land; and
 - Land not included in the development proposal will not be isolated and is capable of being developed in a manner that achieves a cohesive outcome for the centre.

8.6.2 FUNCTION AND USES

OBJECTIVES

- (i) *To develop and promote a vibrant, mixed use village centre that provides a range of low-medium scale retail and business uses which serve the daily and weekly convenience needs of the local population.*
- (ii) *To ensure that the street environment is active and inviting and emphasizes the pedestrian where practicable and possible.*

DEVELOPMENT CONTROLS

- (a) Provision of a range of supporting commercial uses is encouraged within the village centre such as child care, health care, ATM.
- (b) Retail uses are to be located on ground level and primarily fronting Severn Vale Drive. A reduced setback to a minimum of 2 metres will be considered to activate the Severn Vale drive frontage.
- (c) Ground level uses must provide active frontages with facades glazed in a 'shop front' manner. The following are also encouraged in these locations:
 - Café or restaurant
 - Outdoor dining

- Active office uses such as reception on ground floor.

8.6.3 ACCESSIBILITY

OBJECTIVES

- To ensure that safe and efficient vehicular access is provided in a timely manner in line with development of the retail centre.
- To integrate the centre with adjoining residential development, open space, pedestrian and cycleway linkages to encourage a range of users and local activity.

DEVELOPMENT CONTROLS

- The development connecting to Memorial Avenue is to have regard to the Roads and Maritime Services Strategic Design Plan (draft concept) for the upgrade of Memorial Avenue as shown below and in Appendix A:



Figure 9 Extract RMS Strategic Design Plan in vicinity of village centre.

- The development is required to demonstrate that adequate arrangements have been made to the satisfaction of Council and the Roads and Maritime Services to assist the provision of traffic signals at the Memorial Avenue and Severn Vale Drive intersection.

- A pedestrian connection is to be established through the development between Hector Court and Severn Vale Drive. The development is also to incorporate pedestrian connection to the open space link alongside Hector Court and the cycle way link alongside the storm water management land to the east.

8.6.2 PUBLIC DOMAIN

OBJECTIVES

- To develop a centre with a strong local identity influenced by features of the site.

DEVELOPMENT CONTROLS

- A central space should be incorporated into the design to encourage social interaction.
- Development shall capitalise on views across the site, particularly to Kellyville Memorial Park.
- Public domain elements such as street trees, paving, street furniture, lighting and signage are to be consistent and create local character.

9. SPECIAL PROVISIONS

9.1 DEVELOPMENT WITHIN VICINITY OF NORTH WEST RAIL LINK CORRIDOR

- The following controls and requirements will apply to all land and developments within 60 metres of the proposed North West Rail Corridor (rail alignment); and any development or land use that may have a detrimental impact on the rail corridor or may be detrimentally impacted upon by the rail corridor.
- All development shall comply with rail noise and vibration attenuation standards as provided in "Consideration of Rail Noise and Vibration in the Planning Process: Interim Guidelines for Councils" (State Rail Authority, November 2003) with submission of an acoustic report prepared by a suitably qualified consultant.
- Proposed development incorporates appropriate noise attenuation measures.
- Proposed development incorporates appropriate vibration minimisation measures.

- (h) The design and location of the development is such that it will not interfere with the operation of the rail line and associated facilities.
- (i) The development is designed and constructed to accommodate settlement caused by future excavation of the rail corridor.
- (j) The development shall dispose of its stormwater in an appropriate manner without interfering with the operation of the rail corridor and associated facilities.
- (k) The placement of buildings and structures should enable continued access for maintenance of the rail facilities.
- (l) Balconies and windows in proposed developments must be designed to prevent objects being thrown onto any rail facility. Balcony and window design should meet relevant Australian Standards and the Rail Corporation NSW Electrical Standards. Noise sensitive uses (i.e. bedrooms) should be located away from the noise source.
- (m) Stormwater diversion onto the rail corridor will not be permitted unless prior approval has been obtained from Rail Corporation NSW. Drainage from developments adjacent to the rail corridor must be adequately disposed of or managed.
- (n) All developments shall be designed so that they do not result in the rail alignment and tunnel being impacted upon owing to basement conflicts, particularly in the Employment Areas and the Transit Centre Precinct.
- (o) Any development proposed within 60 metres of the rail corridor must be designed so that they:
 - Do not affect the rail corridor and its structures through foundation design; and
 - Are not affected by the operation of the rail corridor through the establishment of noise- and vibration-sensitive uses.
- (p) All building foundation designs will be in accordance with the requirements of the Department of Planning.
- (q) All proposed development, including infrastructure and utilities, are to be designed to accommodate settlement that may be caused by future excavation of the corridor. The criteria to be adopted are:

Beneath Structure/Facility	Maximum Settlement	Maximum Angular Distortion
Buildings		
Low or non-sensitive buildings (i.e. < 2 levels and car parks.	30mm	1 in 350
High or sensitive buildings (i.e. > 3 levels and heritage buildings	20mm	1 in 500
Roads and Parking Areas	40mm	1 in 250
Parks	50mm	1 in 250
Identified Utilities	To be determined by relevant authorities	To be determined by relevant authorities.

The above criteria should be confirmed with Rail Corporation NSW.

9.2 LAND ADJOINING EXISTING GOLF COURSE

- (r) Any development proposed on land immediately adjoining the existing golf course shall address the issue of safety (golf balls). This applies to all land within a development regardless of whether or not that land will become public land as a result of that development.
- (s) Any development proposed on land immediately adjoining the existing golf course requiring landscape as shown on the BRRA map, is to provide landscaping for a depth of 2 metres from edge of property boundary towards the road carriageway in accordance with Figure 4 - Street Tree Planting requirements.
- (t) All land downstream of the existing golf course shall make adequate provision for receiving stormwater from the golf course.
- (u) Any residential development proposed within the noise attenuation buffer as identified on the development control plan map as 50 metres

adjacent to the existing golf course car park and club house is to include suitable noise attenuation mechanisms to comply with the Department of Environment and Climate Change standards. An acoustic report is to be submitted demonstrating suitable internal noise levels to a maximum level of 50dB(A) are achieved.

9.3 EXCISION OF EXISTING DWELLINGS

Council will permit the excision of existing dwellings:

- (v) On any existing property other than those identified in:
 - A Cumberland Plain Woodland Development Site; or
 - The Transit Centre Development Site.
- (w) Where the excised lot does not include any land that is to be acquired by Council or dedicated to Council.
- (x) Where the proposed excision does not hinder the implementation of the development control plan map.
- (y) Where the excised lot complies with any applicable minimum or maximum development controls in relation to lot area, width, depth and road frontage.
- (z) Where satisfactory arrangements for the provision of services and public road vehicular access to the proposed lot are made.

9.4 SALINITY

- (aa) The Balmoral Road Release Area has been identified as an area of moderate to high potential for soil salinity. All subdivision and development applications must be accompanied by a soil salinity assessment report that is consistent with the advice contained in Department of Land and Water Conservation's, (now Department of Water and Energy), publications "Site Investigations for Urban Salinity" and "Building in a Saline Environment" produced in 2002.

9.5 LAND IN VICINITY OF EXISTING RETIREMENT VILLAGE

- (bb) Any development within the area identified on the DCP map as upstream of the existing Castle

Pines Retirement Village shall be required to provide on-site stormwater detention facilities. These facilities will be such that post-development 1-in-100-year stormwater flows are no greater than the predevelopment 1-in-100-year stormwater flows.

- (cc) In addition, any development on land adjoining the boundary of the Castle Pines Retirement Village in the area shown on the DCP map will specifically address the issues of privacy and overshadowing of the village in the development's design.

9.6 NOISE ATTENUATION

- (dd) Any residential development proposed within the noise attenuation buffer identified on the BRR map within 50 metres of B2 Local Centre or B1 Neighbourhood Centre zoned lands is to submit an acoustic report prepared by a suitably qualified person and include noise attenuation mechanisms if required to comply with the Department of Climate Change standards.

9.7 LANDSCAPE CORRIDORS

- (ee) A landscape corridor is shown on the BRR map and shall only be used for landscaping and passive private open space purposes.
- (ff) No signs of any type or for any purpose will be permitted within the landscape corridors.
- (gg) Masonry sound-attenuation walls will be permitted, but will be set back a minimum of two metres from the boundary.
- (hh) No structures other than as described in (c) above will be permitted within the landscape corridor.

9.8 PUBLIC ROAD CLOSURES

- (a) Where the BRR map proposes that an existing public road reservation be closed and the land developed Council shall not grant consent to the development of any adjoining land unless it is satisfied the proposed road closure will not be isolated and the closed road's development potential constrained.
- (b) Where Council determines that the land's development potential will be constrained it shall require the land to be included in the development of the adjoining land.

9.9 ABORIGINAL HERITAGE

- (c) Council shall require all subdivision development applications to include an Aboriginal Cultural/ Archaeological Assessment. The heritage assessment shall be prepared by a suitably qualified person.
- (d) Where the Aboriginal Assessment identifies a site as significant, submission of a letter from the relevant Aboriginal Lands Council is required expressing support or recommendations for the subdivision proposal.

9.10 LAND ADJOINING WINDSOR ROAD

- (e) Existing properties fronting Windsor Road and zoned R3 Medium Density Residential shall have alternate public road access arrangements made available as shown on the BRR map.

9.11 LAND ADJOINING OLD WINDSOR ROAD

- (f) A high standard of landscaping and fencing is to be provided on land adjacent to Old Windsor Road.

9.12 WASTE MANAGEMENT

- (g) Applications for development consent shall be accompanied by a Waste Management Plan in relation to the proposed development.

9.13 LAND AT 4-6 MCCAUSLAND PLACE, KELLYVILLE

This section of the Development Control Plan applies to land at 4-6 McCausland Place, Kellyville (Figure 10).

The controls within this section apply in addition to other relevant controls within Part B Section 5 – Residential Flat Building of this DCP, Part B Section 4 – Multi Dwelling Housing of this DCP and controls within this DCP, however where there is any inconsistency the provisions of this section shall apply.



Figure 10 The site

The objectives and development controls outlined in this section aim to:

- (i) Facilitate a high quality residential mixed development that incorporates both a residential flat building and townhouses that responds appropriately to its context in terms of built form and scale.
- (ii) Ensure that the future development provides amenity to residents within and surrounding the site.

9.13.1 SITE LAYOUT

OBJECTIVES

- (i) To achieve a site layout that maximises the development opportunity whilst delivering ample, quality open spaces.
- (ii) To ensure the residential flat building is developed on the south east corner of the site.
- (iii) Ensure a suitable interface is provided between the development and lower scale residential interface.

DEVELOPMENT CONTROLS

- (a) The location of the future residential flat building shall be generally in accordance with Figure 11.



Figure 11 – Location of residential flat building development

9.13.2 BUILT FORM

OBJECTIVES

- (iv) To promote an attractive residential development that transition from the residential flat building at the south east corner of the site and two (2) storey townhouses located on the remainder of the site.

DEVELOPMENT CONTROLS

- (a) Development shall consist of a four (4) storey residential flat building situated on the south east corner.
- (b) The bulk and scale of the development is to be minimised through the use of setbacks and a transition of height from the south east corner down to the northern boundary and use of setbacks.

9.13.3 BUILDING HEIGHTS

OBJECTIVES

- (i) To enable building heights that respond to surrounding development, particularly lower density forms of residential development.
- (ii) To minimize the bulk and scale of a development when viewed from surrounding residential areas.

DEVELOPMENT CONTROLS

- (a) Development of a residential flat building should have a maximum of four (4) storeys.
- (b) Development of multi dwelling housing should have a maximum of two (2) storeys.

9.13.4 DENSITY

OBJECTIVES

- (i) To ensure townhouses and residential flat building development does not over-tax existing services and facilities.
- (ii) To provide opportunities for suitable housing form that is compatible with the existing surrounding development.

DEVELOPMENT CONTROLS

- (a) Refer to Part 7 Additional Local Provision under The Hills Local Environmental Plan 2012.

9.13.5 COMMON OPEN SPACE

OBJECTIVES

- (i) To provide recreational opportunities for all residents of the development
- (ii) To ensure access to common open spaces is efficient from both townhouses and residential flat buildings.

DEVELOPMENT CONTROLS

- (a) A common open space area with the minimum dimension of 12m within the site.
- (b) The total common area space is to be a minimum of 550m².
- (c) Common open space areas should be accessible to all residents of the site.

9.13.6 UNIT LAYOUT AND DESIGN

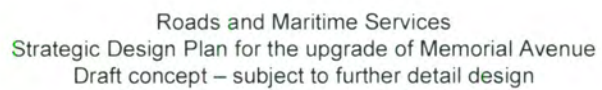
Refer to Part B Section 5 – Residential Flat Building of this DCP.

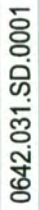
Refer to Part B Section 4 – Multi Dwelling Housing of this DCP.



APPENDIX A

**ROADS AND MARITIME SERVICES
STRATEGIC DESIGN PLAN FOR THE UPGRADE OF MEMORIAL AVENUE**





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MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 9 May 2017

3. A large portion of the residents of the estate are members, or eligible to be members, of the Norwest Community Association. This is the same Association in which the residents who currently reside in Bella Vista are members. This indicates that residents of our estate identify with and are active members of the local community in Bella Vista.

Mr Chircop made reference to a document on Council's Website from the meeting held on 13 December 2016 which was Strategic Planning reasons for moving the current boundary line between Kellyville and Bella Vista.

"Bella Vista Station Precinct is currently partly within Bella Vista and partly within Kellyville suburb. It is expected that the residents of new development in the vicinity of the station will identify more readily with the Bella Vista Station".

This reinforces the unjustness of the current proposal by using Strategic Planning's own words *"in the vicinity of the station"* in which our estate falls in, especially considering the corridor earmarked for change to Bella Vista suburb along Old Windsor Road and up to Memorial Avenue is 1.2kms from the station.

The Group will would like to meet with the Councillors to discuss their proposal in detail and thanked the Councillors they have already met with and who have given their time to listen to their concerns.

**ITEM-2 POST EXHIBITION - PLANNING PROPOSAL 6
MCCAUSLAND PLACE, KELLYVILLE (4/2016/PLP)**

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

188 RESOLUTION

1. The planning proposal be progressed to finalisation to amend The Hills Local Environmental Plan 2012 as follows:
 - a. Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map to permit 'residential flat buildings' on land at 6 McCausland Place, Kellyville with a maximum yield of 20 dwellings;
 - b. Increase the maximum building height to 14 metres for the south-eastern portion of the site (where residential flat buildings are anticipated); and
 - c. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 1.6:1 to the south-eastern portion of the site (where residential flat buildings are anticipated).
2. Draft amendments to The Hills Development Control Plan Part D Section 7 – Balmoral Road Release Area as outlined in this report and provided as Attachment 1 (ECM No.15793560) be adopted.

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

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 9 May 2017

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr Byrne
Clr Hay OAM
Clr Harty OAM
Clr Tracey
Clr Dr Gangemi
Clr Dr Lowe

VOTING AGAINST THE MOTION

None

ABSENT

Clr Thomas
Clr Haselden

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR DR LOWE AND SECONDED BY COUNCILLOR PRESTON THAT Items 3, 4, 5, 6, 7, 9 and 10 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

189 RESOLUTION

Items 3, 4, 5, 6, 7, 9 and 10 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-3

LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS - APRIL 2017

190 RESOLUTION

Council adopt the recommendations of the Local Traffic Committee for April 2017 as detailed in the report.

ITEM-4

LEASE OF PART FRED CATERSON RESERVE, GILBERT ROAD, CASTLE HILL TO HILLS DISTRICT BASKETBALL ASSOCIATION

191 RESOLUTION

Council enter into a lease with Hills District Basketball Association Inc. over part Lot 28 DP610074, Gilbert Road, Castle Hill under the terms outlined in this report with the lease authorised for execution under seal.

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: To facilitate a 20-unit residential flat building on part of the land at 6 McCausland Place, Kellyville, Kellyville (4/2016/PLP)

ADDRESS OF LAND: 6 McCausland Place, Kellyville (Lot 1001, DP 1172742) (formerly known as 4 McCausland Place, Kellyville).

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	1	35	34
Jobs	Nil	Nil	Nil

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environmental Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions
Attachment C	Council Report and Minute (9 May 2017)
Attachment D	Amended Gateway Determination (15 November 2016)
Attachment E	Gateway Determination (2 November 2016)
Attachment F	Council Report and Minute (26 April 2016)
Attachment G	Proponent's Application (Amended Planning Report, May 2016)
Attachment H	Proponent's Application (Amended Planning Report, April 2016)
Attachment I	Proponent's Application (Original Planning Report, December 2015)

THE SITE:

The site was previously known as 1 Arnold Avenue, Kellyville, but following the road renaming to facilitate the realignment of Arnold Avenue, the site was identified as 4 McCausland Place, Kellyville. Since this time, the street numbering of the site address has changed from 4 McCausland Place to 6 McCausland Place due to an application to alter the property number being approved on 21 September 2016.

The site is irregular in shape and has an area of 5,670m². The site has frontage to McCausland Place (38 metres), Memorial Avenue (112 metres) and the realigned Arnold Avenue (53 metres). The land is currently occupied by an uninhabited fibro single storey dwelling house.

Approximately 1,315m² (23.2%) of the site is required to construct the Arnold Avenue realignment, the intersection of Arnold Avenue and Memorial Avenue and McCausland Place turning circle.

The site is surrounded by a townhouse development to the north, The Hills Clinic to the west and stormwater management land to the east. To the south of the site, across Memorial Avenue, there is vacant land zoned B2 Local Centre and R4 High Density Residential, which is expected to be developed as a local centre (refer to Figures 1 and 2). A strategic bus route runs adjacent to the site on Memorial Avenue, which provides high frequency bus services to Parramatta, Macquarie Park and the city.

The site is identified in the North West Rail Link Corridor Strategy Kellyville Station Structure Plan, but it is not earmarked for increased density as part of the Department of Planning and Environment's Priority Precinct Proposal that was exhibited December 2015.



Figure 1
Aerial view of the site and surrounding locality

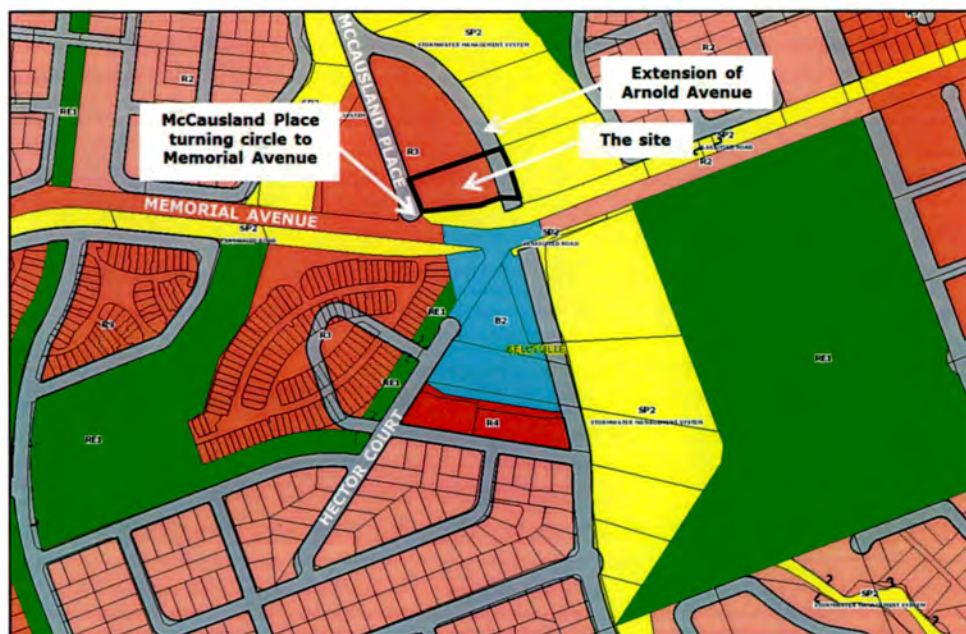


Figure 2
Existing Land Zoning and Proposed Road Layout

PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal seeks to facilitate a residential flat building and townhouse development on the site.

In support of the planning proposal, the applicant has submitted a design concept showing a total yield of 35 dwellings. The design concept includes 15 townhouses and 20 apartments comprising of 6 x 1 bedroom units, 9 x 2 bed units and 5 x 3 bedroom units. The design concept provides sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle.



Figure 3
Proposed development concept site plan



Figure 4
Proposed development concept perspective

PART 2 EXPLANATION OF THE PROVISIONS

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

1. Amend Schedule 1 – Additional Permitted Uses and the associated Additional Permitted Uses Map in LEP 2012 to permit 'residential flat buildings' on the site with a maximum yield of 20 dwellings. The clause is drafted below;

7 Use of certain land at 6 McCausland Place, Kellyville

(1) This clause applies to certain land at Kellyville, being:

(a) 6 McCausland Place, Kellyville comprising Lot 1001 DP 1172742, shown as "Item 10" on the Additional Permitted Uses Map.

(2) Development for the purposes of a residential flat building is permitted with development consent.

(3) Development consent under subclause (2) may only be granted if there is no more than 20 dwellings in the form of a residential flat building.

It is noted that the above clause is indicative only and may be subject to change as a result of legal drafting.

2. Increase the maximum building height to 14 metres for the portion of land where residential flat buildings will be located;
3. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 1.6:1 to be applied to the area identified for a Residential Flat Building; and
4. Identify the site as "Area A" within the Floor Space Ratio Map.

In accordance with Condition 1 of the Gateway Determination, the above local provision as well as the proposed floor space ratio and floor space ratio incentive maps are consistent with the agreed methodology for securing housing mix and diversity within the Sydney Metro Northwest Corridor. Specifically, the 'base' floor space ratio has been calculated having regard to the walking distance of the site from the station.

This will ensure that development consent cannot be granted for development which seeks to achieve the "incentivised floor space ratio" but fails to comply with the proposed local provision.

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 a result of any strategic study or report.

The planning proposal is the result of an application made to Council additional, to facilitate a viable development outcome on the land, given the land take needed for construction of adjacent roads.

The planning proposal is considered a practical solution to facilitate the development of a hybrid townhouse and apartment development outcome and will enable the delivery of Arnold Avenue realignment and connection to the planned signalised intersection within Memorial Avenue.

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

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

The planning proposal will facilitate a 'hybrid' innovative mixture of townhouses and apartments on site, provision of housing adjacent to a local centre and existing transport route along Memorial Avenue. The proposal will allow the delivery of a number of road projects that form part of the Memorial Road upgrade.

The proposal seeks to retain the R3 Medium Density zone whilst providing mix of medium and high density housing. Townhouses are permissible on the site under the current planning framework and no change is recommended to the LEP in relation to that component of the development. However, given the overall development of the site resulting in a hybrid townhouse and apartment outcome, changes are recommended to development controls to provide clear direction in relation to the location of the apartments on the site, population density, common open space and height in storeys.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

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

A key principle for growth includes increasing the housing choice around centres by accelerating the housing supply and renewal and improving housing choice. Directions 2.1, 2.2 and 2.3 relate to housing supply, urban renewal, providing jobs closer to home and improving housing choice to suit different needs and lifestyles. The planning proposal is consistent with these Directions since it will facilitate new housing opportunities close to existing public transport and a planned local centre.

- **Draft West Central District Plan**

The Draft West Central District Plan was prepared by the Greater Sydney Commission and proposes a 20 year vision for the West Central District, which includes the local government areas of Blacktown, Cumberland (parts of the former Auburn, Parramatta and Holroyd), Parramatta and The Hills.

The draft Plan identifies 'liveability' priorities and actions for the West Central District which respond to improving housing choice, diversity and affordability. The draft plan identifies a five-year housing supply target and predicts that The Hills will require an additional 8,550 dwellings by 2021. This planning proposal will help ensure this target is met (Liveability Priority 1). Additionally, the draft Plan proposes to improve housing choice for people to live within walking distance to transport services with easy access to jobs. The draft Plan

proposes to improve housing diversity and affordability by providing a mix of different housing types that people need. The planning proposal intends to provide a mix of 15 x 4 bedroom townhouses and 20 apartments comprising of 3 x 1 bedroom units, 12 x 2 bed units and 5 x 3 bedroom units. The development will also provide sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. To deliver housing diversity, the draft Plan urges planning authorities to consider the needs of the local population base to deliver high quality design outcomes for both buildings and places (Liveability Priority 2).

This planning proposal is also a response to people's need for services, not just in its proximity to local infrastructure, but the services needed at all stages of life, as The Hills Clinic is located adjacent to the proposed development site. The proposed hybrid design mix of townhouses and apartments facilitates shared spaces and shared resources, along with the B2 Local Centre zoned adjacent to the site (Liveability Priority 9).

The planning proposal is considered to be consistent with the objectives of the draft Plan by supporting planning for housing choice, diversity and affordability, as well as supporting the provision of shared resources and spaces. As the planning proposal addresses the need for additional housing stock, it is considered consistent with the draft Plan.

- **North West Rail Link Corridor Strategy**

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

The Kellyville Station Structure Plan establishes a vision for Kellyville as a major residential area for Sydney's North West. The future train station is set to provide further impetus for Kellyville to evolve as a transit oriented, predominately residential area offering high, medium and low density housing options as well as a local shopping centre. It includes a target of 4,400 additional dwellings and 800 additional jobs within the precinct.

The subject site falls within the boundaries of the Kellyville Station Precinct and is identified for low density detached house living and low/medium density townhouse living (refer to Figure 5). The Structure Plan envisages a low to medium density townhouse outcome on the site, with a potential yield of 15 townhouses. The recently exhibited Priority Precinct Proposal for the Kellyville Precinct did not indicate any change to zone, floor space ratio or height for this location.

It is noted that the subject site is located approximately 1.9 km from the Kellyville Station and the planning proposal does not seek the increase in density based on proximity to the future Station. Rather the strategic justification is based on the site's proximity to a local centre and strategic bus route as well as the site specific circumstances related to land taken for road construction.

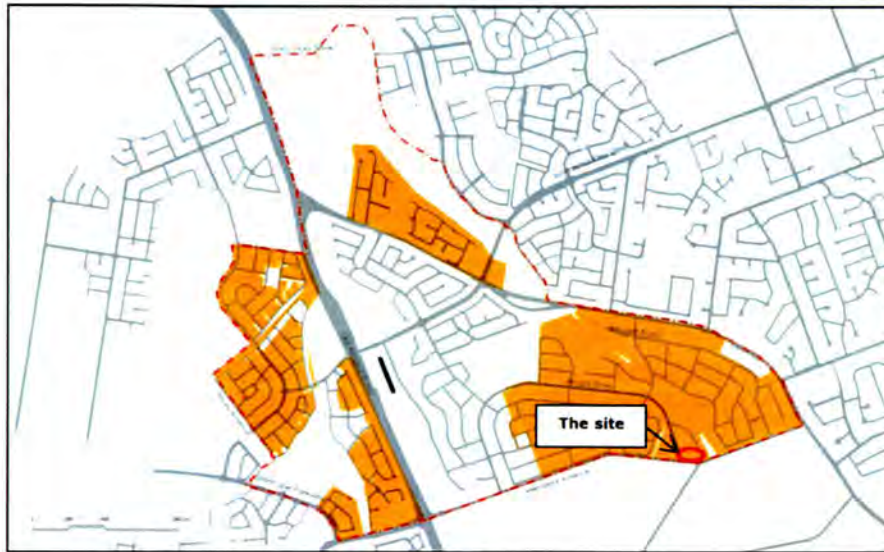


Figure 5

Kellyville Structure Plan locations for low/medium density townhouse living

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

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction 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 planning proposal will assist in the realisation of The Hills Future outcome of balanced urban growth through the provision of well-located housing, employment and facilities to serve existing and future Hills Shire residents.

- **Local Strategy**

Council's Local Strategy was adopted in 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The 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 was adopted in 2008 to guide 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 development concept is consistent with this Direction as it concentrates high density development adjacent to the planned local centre. Locating the residential flat building outcome on the south east corner of the site responds to the future expected local centre activity to the south of the site and the sensitive interface of the adjoining townhouse development to the north.

- *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 adjacent to a planned local centre and is serviced by the existing bus routes operating along Memorial Avenue. The proposal to increase the residential density of the site is consistent with this Direction given the sites location adjacent to a planned centre and public transport.

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. 32 – Urban Consolidation (Redevelopment of Urban Land)**

The planning proposal is consistent with the aims and objectives of this SEPP given it will facilitate the redevelopment of existing urban land for 'hybrid' development with a mix of townhouses and apartments. The proposal will also ensure additional housing provision close to an existing local centre, transport corridor and will increase opportunities for people to live in a locality which is close to employment, leisure and other opportunities.

• **State Environmental Planning Policy No. 55 – Remediation of Land**

There may be potential for land contamination on the subject site due to previous agricultural land uses. The proponent has submitted a Contamination Report for the site and concluded natural soils are free of contamination, however also suggests that it may be possible contaminated soils may be present between sampling locations and do not present a risk to human health or the environment. However, the Gateway Determination may require that a further report be prepared to ensure that the site is suitable for the proposed increased residential uses. Accordingly the proposal is considered to be satisfactory with respect to this SEPP.

• **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

The planning proposal is considered to be consistent with SEPP No. 65 given it will facilitate a high quality development on the site with positive design and amenity outcomes. The proposal provides a maximum dwelling yield if the developer complies with Council's apartment size/mix and car parking controls given these controls are considered by Council to better suit the family demographic expected for the Shire into the future. However, the proposal does not prevent future development from utilising the mandatory controls under the SEPP and therefore is not considered to conflict with the SEPP.

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

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

- **Direction 3.1 Residential Zones**

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone (and the facilitation of residential development on land not previously identified for residential development). The objectives of the Direction are:

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

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market such as townhouses and apartments. The provision of townhouses and apartments capitalises on the planned local centre and transport corridor on Memorial Avenue.

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

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

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

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

The proposal is considered to be consistent with this Direction given it will provide both housing nearby public transport including the existing North West Transitway and the future Sydney Metro Northwest currently under construction. The proposal will contribute to the growth and development of the Kellyville Hill Station Precinct and the viability of the future railway.

- **Direction 4.3 - Flood Prone Land**

The objectives of this direction are to:

- (a) 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*
- (b) 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. The rezoning component of the planning proposal involves rezoning from one residential zone to another.

- (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" (Floodplain Development Manual 2005).

A portion of the subject site as being flood affected at the 100 year Average Recurrence Interval (ARI) (or 1% AEP) flood event. The flood affectation is located along the north eastern edge of the site (in the area where the Arnold Ave road work extension is proposed). The proponent may need to seek further flood related information from Sydney Water to assist in the preparation of the detailed development application.

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

The intent of the planning proposal will provide a hybrid development that provides sufficient land for the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. The existing overland flow paths are the result of existing development. The submitted planning proposal has not considered the impact of flooding on the north eastern portion of the site. However, potential flooding impacts may be mitigated as part of the construction of the extension of Arnold Avenue through the development application process.

(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 in addition to providing land for road works relating to the Arnold Avenue realignment, the intersection between Arnold Avenue and Memorial Avenue and the McCausland Place turning circle. 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. The proposed upgrades to the local pipe network and upgrade works to stormwater drainage are intended to facilitate the redevelopment of high density housing within the precinct and will be privately developed and managed and partly funded through Section 94 Contributions. The government is not required to deliver any infrastructure or works as a result of this planning proposal.

(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*.

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

The objectives of Direction 5.9 – North West Rail Link Corridor Strategy are to promote transit-oriented development, manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. The Direction requires that a planning proposal that applies to land located within the NWRL corridor must:

- a) *give effect to the objectives of this direction;*
- b) *be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts; and*
- c) *promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.*

The subject site falls within the boundaries of the Kellyville Station Precinct and is identified for low density detached house living and low/medium density townhouse living, with a potential yield of 15-17 townhouses. This is based on that the Corridor Strategy assumption and variables assuming a 250 sqm lot size for townhouse developments. The recently exhibited Priority Precinct Proposal for the Kellyville Precinct did not indicate any change to zone, floor space ratio or height for this location.

In August 2014, Council previously granted development consent for the construction of fifteen (15) Multi Dwelling Housing Units comprising 4 x 3 bedroom and 11 x 4 bedroom dwellings at the subject site. This development outcome was consistent with the Kellyville Structure Plan. In February 2015 Roads and Maritime Services informed the applicant they would require an additional 181m² of land for the Arnold Avenue and Memorial Avenue intersection. Given the additional land required for the Memorial Avenue intersection and the McCausland Place turning circle, the development is no longer viable and is unable to be delivered.

Additionally, it is considered that the inconsistency of the proposal is justified and appropriate on the basis that:

- The Structure Plan did not account for site specific circumstances and the applicant has sought an increase in development yield, beyond that envisioned in the Structure Plan, to facilitate a viable development outcome on the land, given the land take needed for construction of adjacent roads, facilitate local road network and access to arterial road network.
- The site's location adjacent to a planned local centre and an existing public transport route, warrant an increase in density consistent with the principles of transit-oriented development.
- It is noted that the subject site is located approximately 1.9 km from the Kellyville Station and the planning proposal does not seek the increase in density based on proximity to the future Station. Rather the strategic justification is based on the site's proximity to a local centre and strategic bus route.

While the planning proposal does not deliver the specific outcomes envisaged for the site under the Corridor Strategy, it does facilitate the redevelopment of a short term opportunity site with site specific constraints, is nearby Kellyville Rail Station and promotes transit-oriented development in a manner consistent with the Corridor Strategy.

Following the issue of the Gateway Determination it is noted the inconsistency with the Direction is considered minor.

• **Direction 6.1 Approval and Referral Requirements**

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

- **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 higher density residential development to occur on the site, a planning proposal is required to amend Local Environmental Plan 2012. The purpose of the proposed amendment is to facilitate a 'hybrid' innovative mixture of townhouses and apartments that have a population density greater than that permitted for apartments. Given this outcome, it was expected that full compliance with relevant requirements under the Development Control Plan may be difficult as this type of mixed development was not anticipated. In this circumstance it is considered the maximum dwelling number contained within the Local Environmental Plan, containing apartment size and mix controls, is required to provide sufficient certainty as to the yield of the site.

The Development Control Plan has been prepared to address the following key issues surrounding site layout, population density, common open space and provide for an attractive and cohesive residential development that responds to the surrounding residential areas and provides a high level of amenity for future residents.

Following the issue of the Gateway Determination the proposal has been updated to reflect the new methodology for providing housing mix and diversity within the Sydney Metro Northwest Corridor. The approach taken for the site is to apply the base and incentivised Floor Space Ratio to the component of the site identified for the residential flat building. This results in a base FSR of 1:1 and an incentivised FSR (FSI) of 1.6:1 over the part of land earmarked for residential flat building development.

The Gateway Determination notes a condition for the planning proposal to be amended to be consistency with the agreed methodology for residential development as discussed below and therefore the inconsistency was considered to be of minor significance.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

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

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

Other likely environmental impacts of the proposal relate to density/built form, traffic and access which are considered below.

- Density and Character

The subject site is currently zoned part R3 Medium Density Residential and as such, development for the purpose of townhouses as is already permissible under the current controls.

The design concept submitted includes a four (4) storey residential flat building at the south east corner of the site and two (2) storey townhouses located adjacent to the north and west boundaries. The proposal facilitates an increase in residential yield from 15 townhouses to 35 dwellings in total, comprising 15 townhouses and 20 apartments.

The planning proposal would allow for increased intensity of development of a future residential flat building on a selected portion of the site (by way of applying the additional permitted use) however it is considered that the site is appropriately located and is capable of accommodating a higher density form of development without any unacceptable environmental effects (subject to further investigations through the Gateway Process as well as any subsequent Development Assessment process). The proposed character of development on the site is consistent with the adjacent local centre and transport corridor along Memorial Avenue.

It is considered the proposed amendments to *The Hills Local Environmental Plan 2012* do not result in any additional likely environment effects that would not already be anticipated under the current controls applicable to the site.

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

- Traffic and Delivery of Memorial Avenue Upgrade

A traffic assessment was submitted in support of the original application, where the concept indicated a dwelling yield of 50 apartments. The report concluded that the proposed traffic volumes would not affect the level of service on Memorial Avenue and nearby intersections. Given the revised proposal of 35 dwellings is less than that included in the traffic report, the traffic impacts on the surrounding road network are unlikely to be significant.

The site is located within the Balmoral Road Release Area. A number of road projects require land from the subject site in order to be completed. In particular, the realignment of Arnold Avenue, the intersection connecting Arnold Avenue to Memorial Avenue, the McCausland Place turning circle and associated road closure, and the widening of Memorial Avenue by Roads and Maritime Services all require land from the subject site.

Memorial Avenue is a classified road that provides direct access to bus stops and the local centre. It is a main link that connects Windsor Road to Old Windsor Road. The Memorial Avenue upgrade by Roads and Maritime Services will increase the capacity of the road to manage the expected increases in traffic due to development in the Balmoral Road Release Area as well as through traffic.

Arnold Avenue is a two lane road that provides access to the surrounding residential release area development. The realignment of Arnold Avenue to meet the future extension of Severn Vale Drive at Memorial Avenue is identified in DCP 2012 and will result in a four-way signalised intersection, following the upgrade of Memorial Avenue by Roads and Maritime Services.

The provision of these road works are crucial to ensure that connectivity in the Balmoral Road Release Area is delivered as expected. These road works will link new development north of Memorial Avenue to the arterial road network, planned local centre and Kellyville Park. The planning proposal and development of the subject site will facilitate the delivery of these projects and contribute to the wider transport network in the Balmoral Road Release Area.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Future development on the site would need to be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage. These services are currently available to the site. Should the proposal warrant any upgrade to the existing services it is envisaged this would be identified through the consultation process with the relevant public authorities.

The developer will also be required to pay Section 94 Contributions under Contributions Plan No. 12 which will contribute to the provision of open space and community facilities within the Balmoral Road East Precinct.

10. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

In accordance with the Gateway Determination, Council consulted with the following public authorities under Section 56(2)(d) of the Act:

- Sydney Water
- Office of Environmental and Heritage
- Roads and Maritime Services
- Transport for NSW and
- Integral Energy

Council received five (5) public authority submissions (Sydney Water, Office of Environmental and Heritage, Roads and Maritime Services, Endeavour Energy and Transport for NSW). The comments are discussed below:

(a) Sydney Water

Sydney Water raised no formal objection to the planning proposal. Sydney Water noted that any amplifications or extensions to the water mains near the site may be required depending on the size and scale of development. The submission also advised that a Sydney Water Servicing and Building Plan Approval will be a requirement for any future development application for the development.

Comment

Sydney Water will need to be consulted and the relevant approvals (including a Section 73 Compliance Certificate) must be obtained as part of any future Development Application.

(b) Office of Environment and Heritage

Office of Environment and Heritage raised no formal objection to the planning proposal however provided recommendations in regards to floodplain risk management for the site and the existing Rouse Hill Flood Study. Office of Environment and Heritage recommended the use of the Rouse Hill Flood Study to provide justification that the site is not affected by the 1% Annual Exceedance Probability (AEP) Local Flood and requested preliminary analysis to identify the Probable Maximum Flood (PMF) Flood Extent.

Comment

The site is located adjacent to land zoned SP2 Stormwater Management System which is owned and managed by Sydney Water. Information available to Council from Sydney Water's most recent flood study identifies a portion of the subject site as being flood affected at the 100 year Average Recurrence Interval (ARI) (or 1% AEP) flood event. The flood affectation is located along the north eastern edge of the site (in the area where the Arnold Ave road work extension is proposed). The proponent may need to seek further flood related

information from Sydney Water to assist in the preparation of the detailed development application.

Section 117 Direction 4.3 – Flood Prone Land applies to the site as it is identified within a flood prone area. The objective of this Direction is to ensure that future development in flood prone areas appropriately address potential flood impacts both on and off the subject land. The submitted planning proposal has not considered the impact of flooding on the north eastern portion of the site. However, potential flooding impacts may be mitigated as part of the construction of the extension of Arnold Avenue and through the development application process.

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). The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and applies controls to guide the management of flood risk associated with development.

(c) Roads and Maritime Services

Roads and Maritime Services raised no formal objection to the proposal subject to consideration of the following:

- Appropriate development setback consistent with the future road widening requirements for the upgrade of Memorial Avenue and the construction of a four-way signalised intersection at Memorial Avenue/Arnold Avenue/Hector Court;
- As agreed previously with the property owner, the proposed earthworks (batter) may go beyond the road corridor boundary if the road upgrade works commence prior to the proposed development;
- Consideration of the current road design for Memorial Road upgrade; and
- Future road levels of RL59.9 at the back of the shared path to the north-west of the Memorial Avenue and Arnold Avenue intersection.

Comment

The proposed development concept has been designed to have regard to the proposed road works and intersection upgrade. These comments have been forwarded to the proponent and will need to be addressed as part of any future development application for the site. Roads and Maritime services will need to be consulted as part of the assessment of any future development application and may provide relevant conditions to be imposed within any consent issued.

(d) Endeavour Energy

Endeavour Energy raised no formal objection to the proposal but did provide a number of comments for consideration. It is imperative that work within the vicinity of overhead power lines is done with reference to 'Electrical Safety for Urban Workers'. Additionally, the proponent will need to contact Endeavour Energy's Network Connection's Branch regarding any requirements for connecting their new development to the electricity supply network.

Comment

Further consultation with Endeavour Energy will occur at the development application stage. This will ensure an appropriate development outcome is achieved and that development work is appropriately distanced from electricity infrastructure and easements. Endeavour Energy will have opportunity to request the imposition of any relevant conditions of consent at this time.

(e) Transport for NSW

A submission was received from Transport for NSW (TfNSW) and no formal objection was raised. TfNSW concurred with Roads and Maritime Services advice on this planning proposal and therefore no further comment was provided.

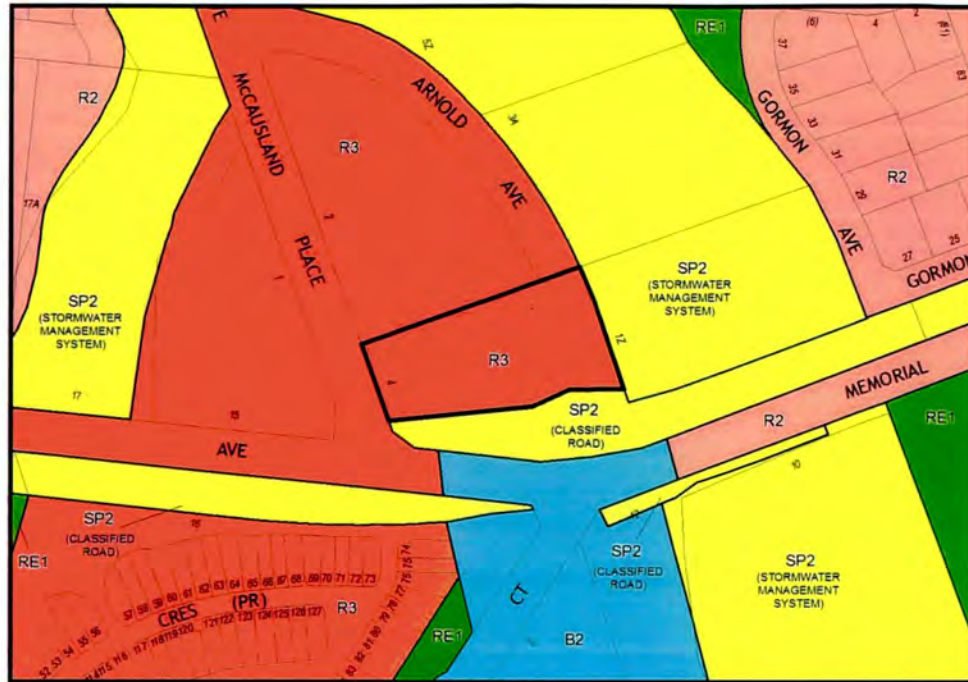
Comment

Transport for NSW (TfNSW) raised no objection or concerns.

PART 4 MAPPING

The planning proposal seeks to amend the Height of Buildings Map, Additional Permitted Uses Map and Floor Space Ratio Map of *The Hills Local Environmental Plan 2012*.

Existing Land Zoning Map (no change)

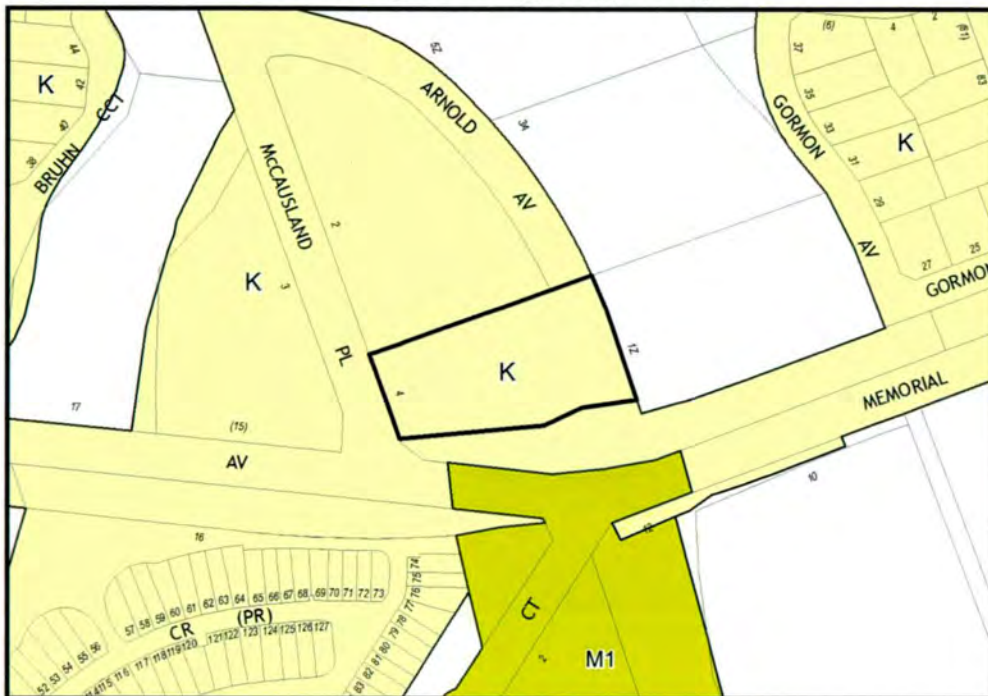


Land Zoning (LZN)

B2 Local Centre	R3 Medium Density Residential	SP2 Infrastructure
R2 Low Density Residential	RE1 Public Recreation	

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

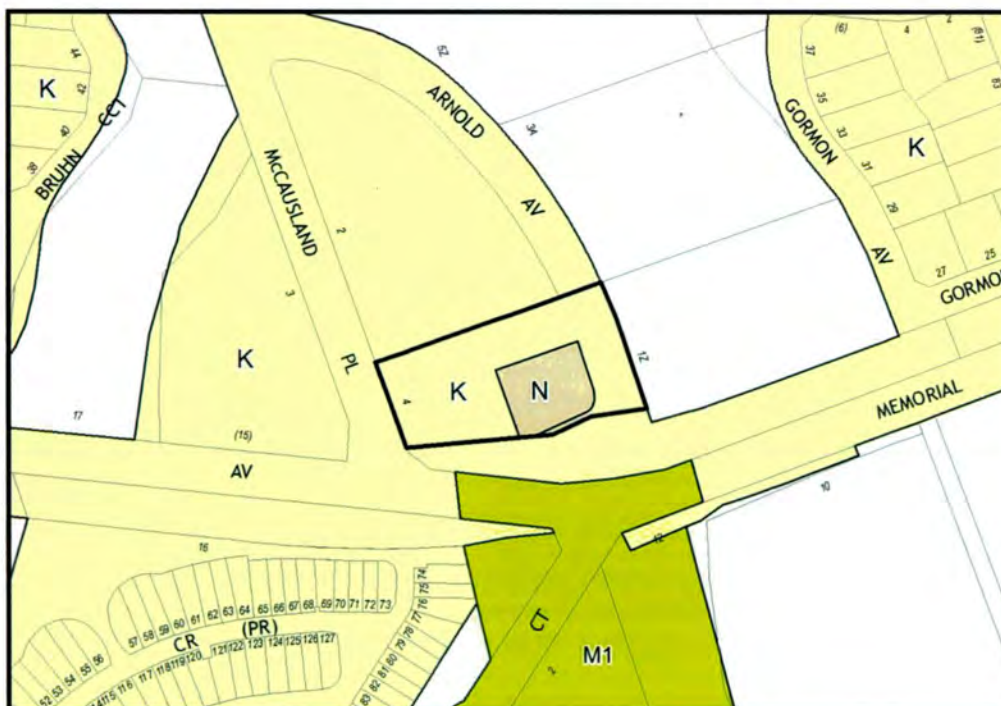
Existing Building Height Map



Height of Buildings (m) (HOB)

K	10.0	M1	12.0
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Proposed Building Height Map

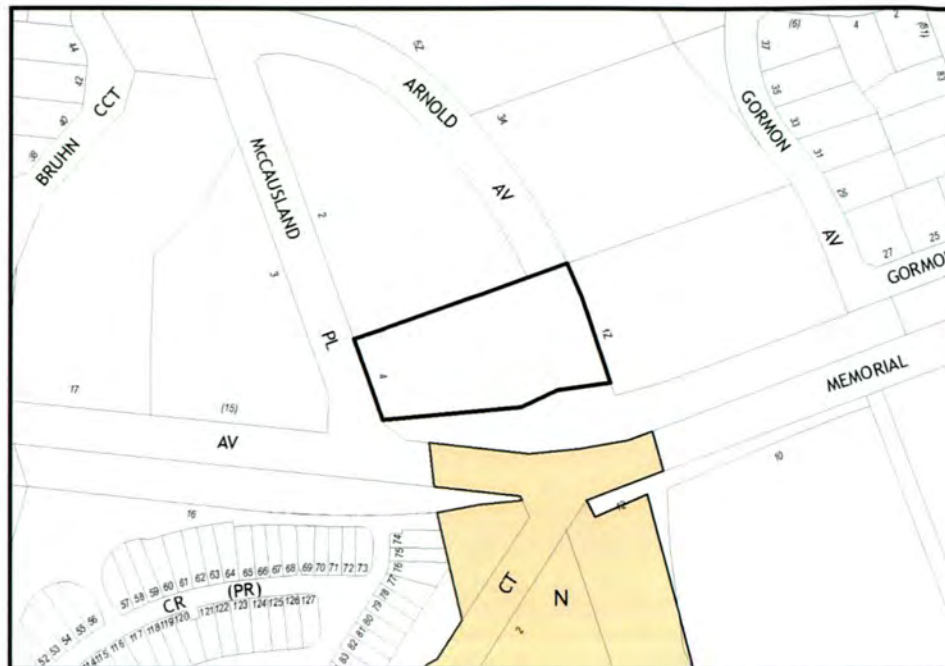


Height of Buildings (m) (HOB)

K	10.0	M1	12.0	N	14.0
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The planning proposal seeks to amend the Floor Space Ratio Map of *The Hills Local Environmental Plan 2012*.

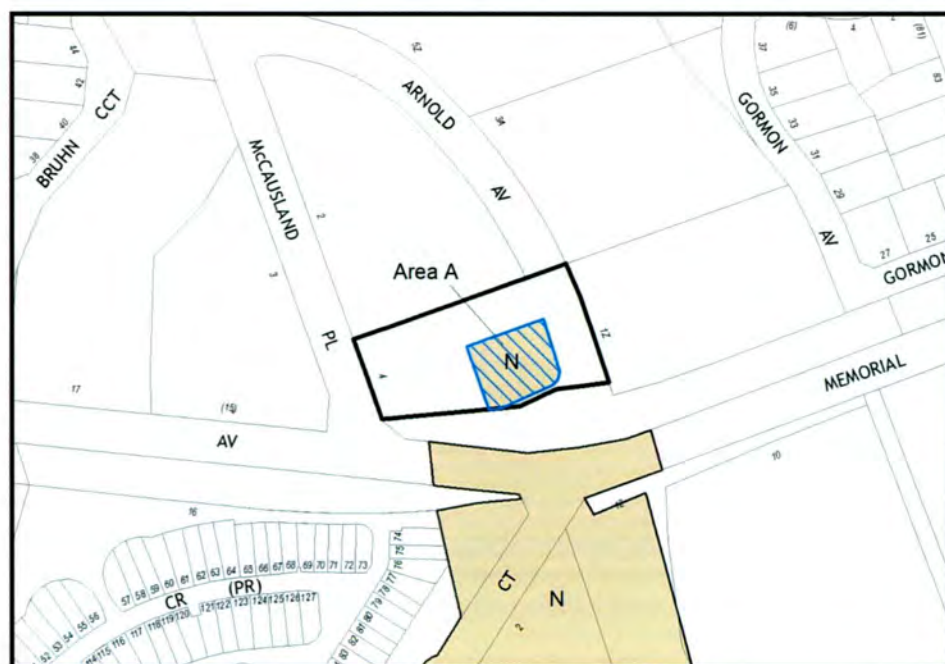
Existing Floor Space Ratio Map



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

N 1.0

Proposed Floor Space Ratio Map

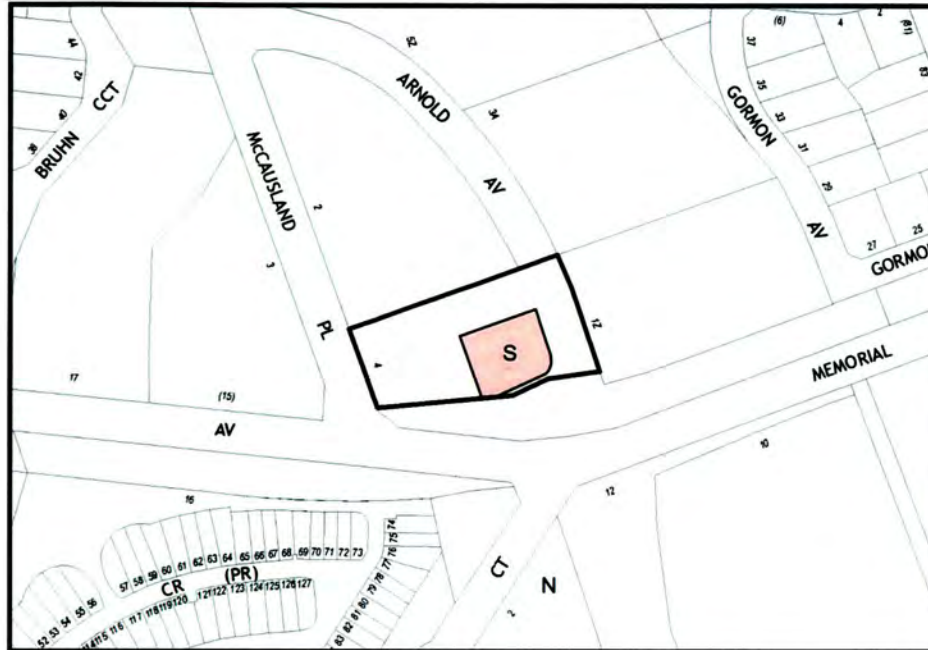


Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

Area A

Proposed Floor Space Ratio Incentives Map

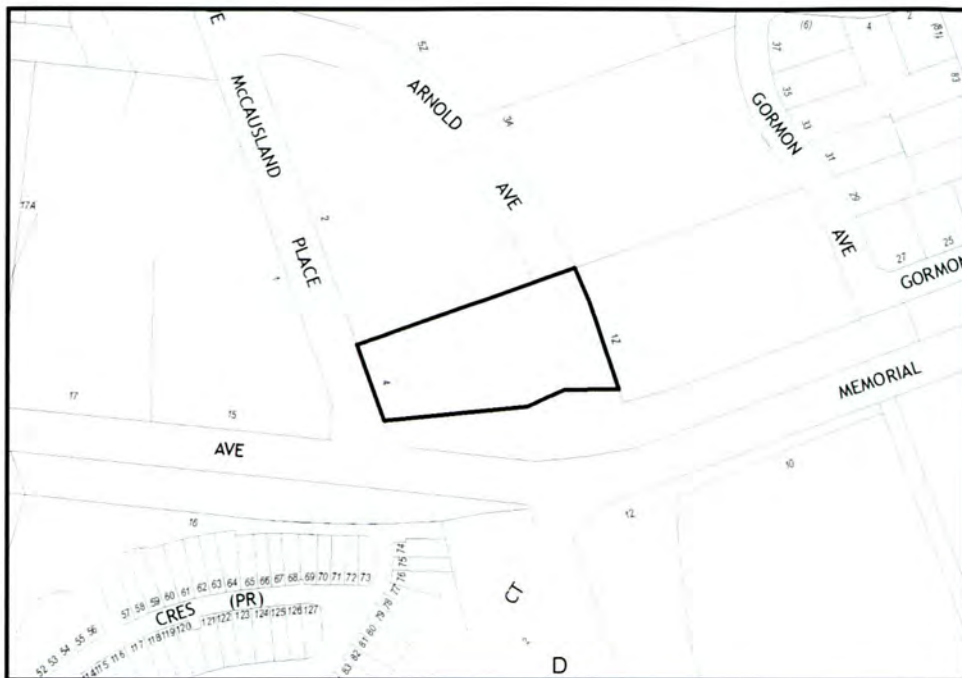


Maximum Floor Space Ratio Incentive (FSI) (n:1)

S 1.6

The planning proposal seeks to amend Schedule 1 'Additional Permitted Uses' of *The Hills Local Environmental Plan 2012*.

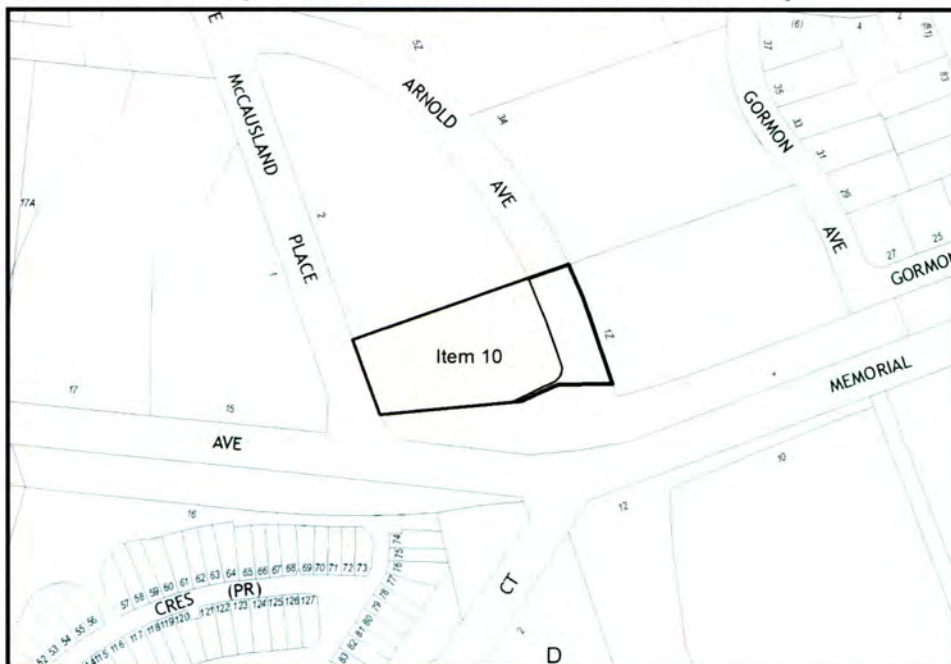
Existing Additional Permitted Uses Map



Additional Permitted Uses (APU)

□ refer to schedule 1

Proposed Additional Permitted Uses Map



Additional Permitted Uses (APU)

□ refer to schedule 1

PART 5 COMMUNITY CONSULTATION

In accordance with the Gateway Determination, the planning proposal and draft DCP were publicly exhibited from Thursday 19 January 2017 to Friday 17 February 2017. The documentation was made available for viewing at Castle Hill Library, Vinegar Hill Memorial Library (Rouse Hill Town Centre), Council's administration building and on Council's website. The public exhibition was advertised in The Hills Shire News and The Rouse Hill Courier and all landowners in the vicinity of the site were notified by letter of the exhibition and invited to comment.

Council received five (5) submissions from the public authorities and (1) from the proponent. This submission focussed solely on the inability of future development to meet the proposed common open space dimensions within the draft Development Control Plan. Further detail on this submission is provided below.

(a) Proponent's request to amend the draft Development Control Plan:

The submission raised several concerns regarding the proposed common open space control within the draft Development Control Plan which requires 'a single common open space area to be provided with a minimum dimension of 12m'. The proponent raised the following main concerns:

- The draft control is 'inflexible' and does not align with the pedestrian paths planned for the site;
- Future development will provide 559m² of common open space, which will meet the total area of common open space required (550m²);
- There is sufficient open space planned for in the private landscape courtyards and landscape buffers to adjacent roads;
- The creation of a regular shape for common open space would require the deletion, reduction of size or relocation of a dwelling;
- The proposed common open space is designed to respond to land dedication and road construction and meets the usability and recreational objectives of the Council's controls; and
- The Apartment Design Guide (ADG) requires a minimum dimension of 3 metres and therefore the proposed design complies.

In light of these comments, the submission requested that the draft DCP be amended to:

- Delete the proposed common open space control which requires 12 metre x 12 metre minimum dimension; and
- Instead require compliance with the proposed common open space layout as shown on concept plans submitted by the applicant.

Comment:

Given the unique hybrid nature of the proposal and constraints to development of the site as a result of road construction and land dedication, it is considered that the request made by the applicant to delete the proposed dimension control for common open space is appropriate. Council has sufficient controls under Part B Sections 4 and 5 (Multi Dwelling Housing and Residential Flat Buildings) of the DCP to ensure that the common open space proposed as part of the development has good solar access, pedestrian access and a high recreational value. These controls would be used to assess the future development application.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	November 2016
Government agency consultation	December 2016
Commencement of public exhibition period (28 days)	January 2017
Completion of public exhibition period	February 2017
Timeframe for consideration of submissions	March 2017
Timeframe for consideration of proposal post exhibition	March 2017
Report to Council on submissions	April 2017
Planning Proposal to PCO for opinion	May 2017
Date Council will make the plan	June 2017
Date Council will forward to department for notification	June 2017

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	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	YES	CONSISTENT
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. 55	Remediation of Land	YES	YES	CONSISTENT
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 Apartment Development	YES	YES	CONSISTENT
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		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	-	-

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

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

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

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