

THE HILLS SHIRE COUNCIL

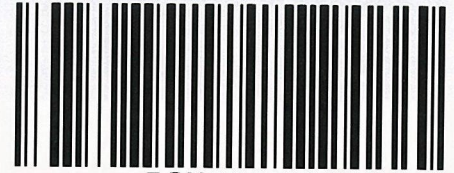
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PCU063473

23 December 2015

Ms Rachel Cumming
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 18/2015/PLP

Dear Ms Cumming

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No. (#)) – to amend the Land Zoning Map and Minimum Lot Size Map at 39-55 Oratava Avenue and 570 Pennant Hills Road, West Pennant Hills (18/2015/PLP)

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration. It would be appreciated if all queries by the Panel could be directed to Council's Principal Forward Planner Janelle Atkins on 9843 0266.

The planning proposal seeks to amend the Land Zoning Map from part E4 Environmental Living and Part R2 Low Density Residential to wholly R2 Low Density Residential and to amend the Minimum Lot Size map from part 2,000m² and part 700m² to wholly 700m².

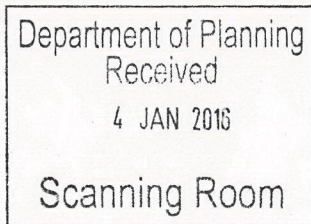
Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 18/2015/PLP. Should you require further information please contact Brent Woodhams, Forward Planning Coordinator on 9843 0443.

Yours faithfully

Megan Munari
ACTING MANAGER FORWARD PLANNING

Enclosed CD containing:

1. Planning Proposal – 18/2015/PLP (Including Attachments A and B)
2. Attachment C – Council Report and Minute (15 December 2015)
3. Attachment D – Easement Explanation, Craig & Rhodes, May 2015
4. Attachment E – Statement of Heritage Impact, Rappoport Pty Ltd, June 2015
5. Attachment F – Residential Feasibility Assessment, Craig & Rhodes, June 2015
6. Attachment G – Concept Design, Design Cubicle, November 2015
7. Attachment H – Preliminary Civil Engineering Plans, Carig & Rhodes, June 2015
8. Attachment I – Traffic Assessment, Peopletrans Pty Ltd, July 2015
9. Attachment J – Geotechnical Report, Davies Geotechnical Pty Ltd, June 2015
10. Attachment K – Geotechnical Review Panel Report, September 2015
11. Attachment L – Proponent's Application – 18/2015/PLP



PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend the zoning of the site to R2 Low Density Residential and to reduce the minimum lot size to 700m²

ADDRESS OF LAND: 39-55 Oratava Avenue (Lot 8 DP 1191647) and part of 570 Pennant Hills Road (Lot 3 DP1096405), West Pennant Hills.

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	1	21	21
Jobs	0	0	0

Note: that there is currently one (1) dwelling on the 570 Pennant Hills Road. 39-55 Oratava Avenue is vacant. Under the existing controls approximately 8-10 residential lots could be achieved.

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions.
Attachment C	Council Report and Minute (15 December 2015)
Attachment D	Easement Explanation, Craig & Rhodes, May 2015
Attachment E	Statement of Heritage Impact, Rappoport Pty Ltd, June 2015
Attachment F	Residential Feasibility Assessment, Craig & Rhodes, June 2015
Attachment G	Concept Design, Design Cubicle, November 2015
Attachment H	Preliminary Civil Engineering Plans, Carig & Rhodes, June 2015 (based on 500m ² minimum lot size)
Attachment I	Traffic Assessment, Peopletrans Pty Ltd, July 2015 (based on 500m ² minimum lot size)
Attachment J	Geotechnical Report, Davies Geotechnical Pty Ltd, June 2015
Attachment K	Geotechnical Review Panel Report, September 2015
Attachment L	Proponent's Application

THE SITE:

The site is an irregular 'L' shaped parcel of land with an area of 22,595m² and a 65 metre frontage to Oratava Avenue. The site is located approximately 800 metres, walking distance, from the shopping facilities at Thompsons Corner. The eastern portion of the site is flanked by a steep ridge side slope which wraps around the southern boundary of 570 Pennant Hills Road. The land is mainly cleared with the exception of the steeper sloped areas which generally contain exotic species with only the occasional native species.

The property known as 570 Pennant Hills Road contains a heritage item known as "Stoneleigh" which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. The area surrounding "Stoneleigh" includes landscaped gardens, a swimming pool, storage shed and workshop.

The site is identified as being subject to geotechnical constraints. Extensive engineering (including specialised construction methods and remediation works) is required to stabilise sites in order to facilitate residential development. The planning proposal will need to be reviewed by the Geotechnical Review Panel. The Panel has prepared a report on the geotechnical study (submitted with the proposal) and has provided comments/recommendations which will be considered as part of the assessment of the proposal. An aerial photograph of the site is included below.



Figure 1
Locality Plan

BACKGROUND:

In June 2015 Council received a planning proposal which sought to rezone the site from part E4 Environmental Living and part R2 Low Density Residential to wholly R2 Low Density Residential zone. It was also proposed to reduce the minimum lot size from part 2,000m² and part 700m² to 500m². Approximately 2,324m² of land, containing the existing heritage item, will retain a minimum lot size of 700m².

The original proposal would facilitate approximately 31 lots on the site. However, as discussed within the Council Report of 15 December 2015 (Attachment C) it was considered that a reduction in the minimum lot size to 500m² would not be consistent with the character for the area which is generally characterised by single detached dwellings on lots of at least 700m². Accordingly, the proposal was amended to increase the proposed minimum lot size from 500m² to 700m². This would facilitate approximately 21 lots, in addition to the existing heritage cottage. Under the current controls approximately 8-9 residential lots could be achieved. Concepts of the proposed lot layout are included below.



Figure 2
Amended Site Layout Massing (based on 700m² minimum lot size)



Figure 3
Amended Lot Layout (based on 700m² minimum lot size)

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate residential development by rezoning the site from part E4 Environmental Living and part R2 Low Density Residential to wholly R2 Low Density Residential zone. It is also proposed to reduce the minimum lot size from part 2,000m² and part 700m² to wholly 700m². The amended minimum lot size would facilitate approximately 21 dwellings on the site.

The site is identified as being subject to geotechnical constraints. The principal justification for the amendment is that redevelopment of the site under the existing controls would be uneconomical due the costs associated within the civil and drainage works needed to render the site stable for development. The additional yield would assist in offsetting the costs associated with stabilising the slope.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- An amendment to the Land Zoning Map to rezone the site from part E4 Environmental Living and part R2 Low Density Residential to wholly R2 Low Density Residential zone; and
- An amendment to the Lot Size Map to reduce the minimum lot size from part 2,000m² and part 700m² to wholly 700m².

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 principal justification for the amendment is that redevelopment of the site under the existing controls would be uneconomical due to the costs associated with the civil and drainage works needed to render the site stable for development. The additional yield would assist in offsetting the costs associated with stabilising the slope.

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 best means of stabilising the slope is through redevelopment. However, at this location, the existing 2,000m² minimum lot size is considered to be uneconomical. It is considered that a reduction in the minimum lot size at this location will facilitate a higher residential yield which will assist in offsetting the engineering costs associated with stabilising the slope.

The proposed minimum lot size is considered to be appropriate as it is consistent with the minimum lot size requirement currently applying to adjoining land zoned R2 Low Density Residential. The proposal will facilitate the stabilisation of the site through development which is in keeping with the existing character of the area. Unlike the other geotechnical constrained land to the north, the subject site has reasonable access to open space, bus routes, and to the shops along Castle Hill Road. For this reason a higher yield on this site is considered to be appropriate.

It is recognised that detached dwellings are a permitted land use within both the E4 Environmental Living zone and the R2 Low Density Residential zone. However it is noted the E4 Environmental Living zone is generally applied to constrained land where larger lots are anticipated. This is reflected in the zone objectives which are to:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

The R2 Low Density Residential is considered to be more appropriate for the site as it will facilitate a typical 700m² subdivision pattern with a minimum lot width of 18 metres and a minimum lot depth of 27 metres. Setback controls for buildings would need to comply with the general front setback control of 7.5m, rear setback control of 4m and side setback control of 900mm.

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 Sydney Metropolitan Strategy and exhibited draft strategies)?*

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.

The key principles for growth include increasing the housing choice around the centres by accelerating the housing supply and renewal and by improving housing choice. The planning proposal seeks to facilitate the delivery of housing close to open space, shopping facilities and public transport services. The additional yield will also assist in meeting the regional and local housing targets.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

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

- Vibrant Communities – A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing; and
- Balanced Urban Growth – Responsible planning facilitates a desirable living environment and meets growth targets.

- **Local Strategy**

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies capacity for 36,000 dwellings to meet the Shire's needs by 2031.

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

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

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

The key directions and objectives of the Local Strategy relating to residential outcomes include the following:

- R1 – Accommodation of population growth;
- R2 – Respond to changing housing needs; and
- R4 – Facilitate quality housing outcomes.

The proposal will achieve the above objectives as it will facilitate additional housing supply to accommodate population growth, and will do so in a manner which is sensitive to the existing built form character of the location within which the site is located. As the site is located within close proximity to open space, shopping facilities and public transport services which will be accessible to the future population within the development. Accordingly, the proposal will represent balanced urban growth.

Additionally redevelopment of the site will facilitate the stabilisation of land which is subject to landslip constraints which will be a significant public benefit. Accordingly, the Residential Direction is the relevant component of the Local Strategy to be considered in assessing this application.

Future development on the site will also facilitate the delivery of a residential product which will reflect the family demographic of The Hills Shire.

- Residential Direction

The North West Subregional Strategy sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects. However future redevelopment at this location is considered appropriate as it would facilitate the stabilisation of the site which is considered to be a significant public benefit. The housing product which is also proposed will suit the needs of the existing and future demographic of the area which is predominately family households. As future development will contribute to additional housing supply close to employment, services and transport infrastructure the proposal is considered to be consistent with the Residential Direction.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

State Environmental Planning Policy No 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by:

- (a) specifying when consent is required, and when it is not required, for a remediation work;
- (b) specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
- (c) requiring that remediation work meet certain standards and notification requirements.

The Policy requires a planning authority to consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

Based on a review of historic aerial photography from 1943, it is evident that the site has primarily been used for rural residential purposes. However, there is evidence that some surrounding properties were used for agricultural activities. Whilst agricultural activities are identified within Table 1 of the Contaminated Land Planning Guidelines as a 'possible activity that may cause contamination', given the low intensity of these uses within the precinct the risk of contamination is considered to be low. Accordingly, a contamination assessment is not considered to be necessary at this stage of the plan preparation process.

Prior to any construction, and as a requirement of any detailed development consent, the site would be appropriately remediated to make it suitable for residential development.

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

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

- **Direction 2.1 Environmental Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction requires that a planning proposal which applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

It is noted that the site is currently zoned part E4 Environmental Living which is an 'environmental protection zone'. As the planning proposal seeks to amend the land zoning from E4 Environmental Living to R2 Low Density Residential, it is considered to be inconsistent with this Direction.

The site is zoned E4 Environmental Living due to the geotechnical constraints which are present on the site. It is considered that the best means of stabilising the slope at this location is through redevelopment. However the existing 2,000m² minimum lot size is considered to be uneconomical. A reduction in the minimum lot size at this location will facilitate a higher residential yield which will assist in offsetting the engineering costs associated with stabilising the slope.

It is recognised that detached dwellings are already a permitted land use within both the E4 Environmental Living zone and the R2 Low Density Residential zone. However it is noted the E4 Environmental Living zone is generally applied to constrained land where a larger lot is anticipated. This is reflected in the zone objectives which are to:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

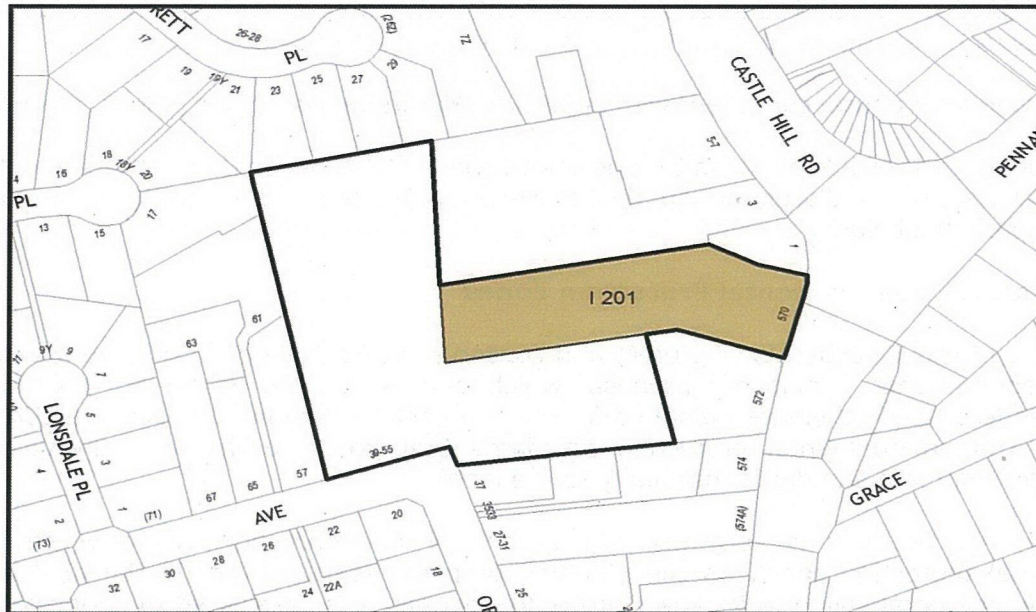
The R2 Low Density Residential zone is considered to be more appropriate for the site as it will facilitate a typical 700m² subdivision pattern with a minimum lot width of 18 metres and a minimum lot depth of 27 metres. Setback controls for buildings would need to comply with the general front setback control of 7.5m, rear setback control of 4m and side setback control of 900mm.

As the planning proposal seek to resolve the geotechnical issues which currently affect the site the inconsistency with this Direction is considered to be justified in this instance. Concurrence of the Department of Planning and Environment is requested in this regard.

- **Direction 2.3 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. It is considered that this planning proposal is consistent with this Direction.

A heritage cottage at 570 Pennant Hills Road (Lot 3 DP 1096405) is listed as an item of environmental heritage under Schedule 5. The cottage is known as 'Stoneleigh'. An extract of the Heritage Map of LEP 2012 is included below.



Heritage (HER)
 Item - General
 Item - Archaeological

The following statement of significance is provided for the item:

'Evidence of early orcharding/ farming activities of this area and is in a prominent position on the City side of the Shire. Connection with two of the most prominent West Pennant Hills families, the Bellamys and Smiths'.

In recognition of the heritage constraints of the site a Statement of Heritage Impact (prepared by Rappoport Pty Ltd, dated June 2015) was submitted with the proposal (Attachment E). The assessment found that the potential impact of the subdivision would be neutral given that no heritage fabric would be affected and that a generous curtilage would be retained around the primary house.

Clause 5.1 Heritage conservation of LEP 2012 requires that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. The existing heritage provisions of LEP 2012 will ensure that the heritage significance of the site is appropriately considered as part of the assessment of any future development application for the site. Concurrence of the Department of Planning and Environment is requested in this regard.

• **Direction 3.1 Residential Zones**

The key objectives of this 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.

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 the proposal affects land within a zone in which significant residential development is permitted or proposed to be permitted. 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 make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe. In addition to the provision of additional housing options, the redevelopment will facilitate the stabilisation of the site, which will be a significant public benefit.

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

This Direction aims to ensure that development improves access to housing, jobs and services, increases choice of available transport, reduces travel demand, and provides 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 will facilitate a residential outcome within close proximity to existing facilities. The proposal is considered to be consistent with this Direction as it will facilitate development which meets the following key objectives:

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

- **Direction 4.2 Mine Subsidence and Unstable Land**

This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:

- (a) is within a mine subsidence district, or
- (b) has been identified as unstable in a study, strategy or other assessment undertaken:
 - (i) by or on behalf of the relevant planning authority, or
 - (ii) by or on behalf of a public authority and provided to the relevant planning authority.

The Direction requires that a planning proposal must not permit development on unstable land which has been identified in a study, strategy or other assessment.

The site is identified as being subject to geotechnical constraints. An extract of the Landslip Risk Map of LEP 2012 and a contour map of the site (showing 1m contours) are included below.

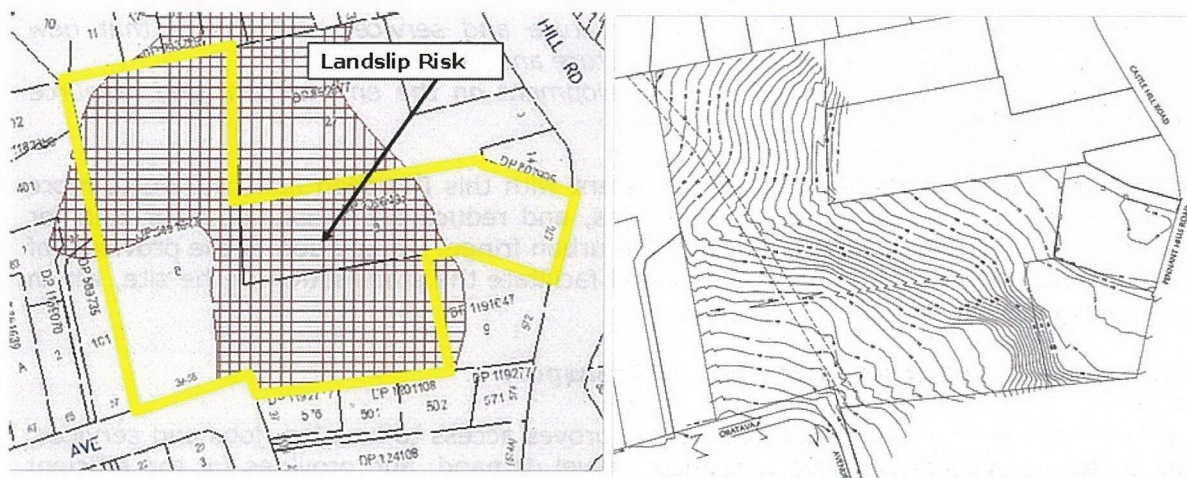


Figure 4
Geotechnical Constraint

The principal justification for the amendment is that redevelopment of the site under the existing controls would be uneconomical due to the costs associated with the civil and drainage works needed to render the site stable for development. The additional yield would assist in offsetting the costs associated with stabilising the slope.

In recognition of the geotechnical constraints of the site a Geotechnical Study (prepared by Davies Geotechnical Consulting Engineers dated June 2015) was submitted with the proposal (Attachment J). The purpose of the study was to provide data for a geotechnical assessment of the slope stability issues for the site and to provide a preliminary scheme for site drainage improvements that could be incorporated into the design of the proposed subdivision and residential developments. The findings of the Study identify that stabilisation of the landslip affected areas of the site is feasible and practical by means of sub-surface drainage. Preliminary designs have been prepared and improvements will include trench drains and chimney drains. A total length of sub-surface drainage trenching of 640 lineal metres would be required.

The planning proposal and geotechnical assessment have been reviewed by Council's Geotechnical Review Panel. The purpose of the Panel is to provide expert advice to the Council on geotechnical issues that may affect proposed future development in the area. The Panel within its joint assessment report (dated 1 September 2015), considers that the geotechnical studies undertaken to date adequately demonstrate that the proposed subdivision as outlined in the planning proposal is feasible with respect to landslide risk issues (Attachment K).

Whilst the planning proposal does seek to reduce the minimum lot size applicable to the site and increase the potential residential yield, it would not alter the existing Landslip Risk Map of LEP 2012. Accordingly Clause 7.6 Landslip Risk of LEP 2012 will continue to apply to the site. Clause 7.6 requires the following:

7.6 Landslip Risk

- (1) *The objective of this clause is to ensure that development is commensurate to the underlying geotechnical conditions and to restrict development on unsuitable land.*
- (2) *This clause applies to land identified as "Landslip Risk" on the Landslip Risk Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether the development's design is responsive to the constraints of landslide risk, including:*
 - (a) *site layout, including access,*
 - (b) *the building's design and construction methods,*
 - (c) *the amount of cut and fill that will be required,*
 - (d) *waste water management, stormwater and drainage across the site,*
 - (e) *the specific geotechnical constraints of the site.*

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is designed, sited, constructed and will be managed to avoid any landslide risk and potential adverse impact on the development or on land in the vicinity of the development, and*
 - (b) *will appropriately manage waste water, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.*

Whilst the planning proposal is considered to be inconsistent with Direction 4.2, the inconsistency is considered to be justified in this instance as the proposal is supported by a Study which demonstrates the proposed measures to stabilise the site and facilitate safe redevelopment of the site. The assessment has also been peer reviewed by Council's Geotechnical Review Panel which found the proposed stabilisation measures to be appropriate.

It is noted that any future subdivision application for the site will also need to be reviewed by the Geotechnical Review Panel and would need to address Clause 7.6 of LEP 2012.

As the planning proposal seek to resolve the geotechnical issues which currently affect the site the inconsistency with this Direction is considered to be justified in this instance. Concurrence of the Department of Planning and Environment is requested in this regard.

• **Direction 7.1 Implementation of 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.

The key principles for growth include increasing the housing choice around the centres by accelerating the housing supply and renewal and by improving housing choice. The planning proposal seeks to facilitate the delivery of housing close to open space, shopping facilities and public transport services. The additional yield will also assist in meeting the regional and local housing targets.

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?

Council's vegetation mapping shows vegetation on site to be "Gardens/Modified Vegetation Communities".

A site inspection found that the vegetation that currently exists on the site is predominantly exotic with only the occasional native species observed. Dominant species include broad and small leaved privet, lantana, camphor laurel, radiata pine, kikuyu, farmers friend, crofton weed, asparagus fern, green cestrum and bamboo. Non indigenous native plants include *Grevillea robusta* and *Corymbia citriodora*. The only native locally indigenous tree species observed were *Acacia melanoxylon* and *Acacia decurrens*.

No significant habitat features for threatened fauna species were observed on the site. The vegetation on site does not represent a native vegetation community nor is it likely to provide habitat for threatened fauna.

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

Geotechnical Constraint

Matters relating to the geotechnical constraints affecting the site, and the measures proposed to stabilise the slope are discussed above under question 6.

Traffic Generation

The additional traffic volume from the development would be slightly less than 30 vehicles per hour during the peak which is not significant. There is considered to be sufficient capacity in Oratava Avenue and at each intersection to accommodate the additional vehicle movements.

All internal roads would be no-through roads with turning circles to enable vehicles to enter and leave in a single direction. All internal roads are proposed to be 9 metres wide (6 metre carriageway with 1.5 metre verge on each side). These roads would be private roads which would form part of a community title scheme. Examples of other private roads in the Shire which have a similar width include Skylark Circuit, Ibis Place and Linden Way which form part of a community title subdivision in Bella Vista, south of Norwest Boulervarde.

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

Economic Feasibility

The geotechnical solution required to stabilise the land would be the same whether the land is developed under the existing minimum lot size of 2,000m² or whether the land is developed as smaller lots. Based on figures supplied by the proponent the cost of stabilising the slope would be \$545,693 which equates the following:

- \$68,212 per lot for an 8 lot development (current controls);
- \$17,603 per lot for a 31 lot development (500m² Minimum Lot Size as per original proposal).

Based on the amended yield of 21 lots, the cost of stabilisation would equate to approximately \$25,985 per lot. Whilst this is marginally higher than the average cost for a 31 lot development, it is still a substantial improvement than what would be required under the current controls.

Open Space and Recreation

It is noted the site is adjacent to Mount Wilberforce Reserve and is also located within 400 - 500 metres of three local parks with playgrounds and 2km of George Thornton Reserve (Local Sports Fields). Accordingly therefore the proposed houses would be adequately served for open space. The additional population would not significantly impact upon Council level of service in this district.

Pedestrian and Cycle Access

The site is approximately 800 metres from the shopping facilities at Thompsons Corner. There is a sealed pedestrian footpath on one side of Oratava Avenue, however it stops around 100 metres from the site (towards Pennant Hills Road) necessitating pedestrians to walk on the verge or on the road (the sealed footpath continues again further west of the site). Overall there is a gap of around 500 metres where there is no sealed footpath on Oratava Avenue which includes the site frontage.

Pedestrian and cycle access needs to be provided from the site back to the main road system. The only viable route would be to Mt Wilberforce Reserve and as a result, a 5 metre wide public access lane would need to be included in the concept with a new concrete path around 2.5 metres wide leading from the estate up to the pedestrian bridge along Castle Hill Road. This access will provide a link to the open space, bus routes, and to the shops along Castle Hill Road. A map of the location of the proposed link is shown in red on the following figure.

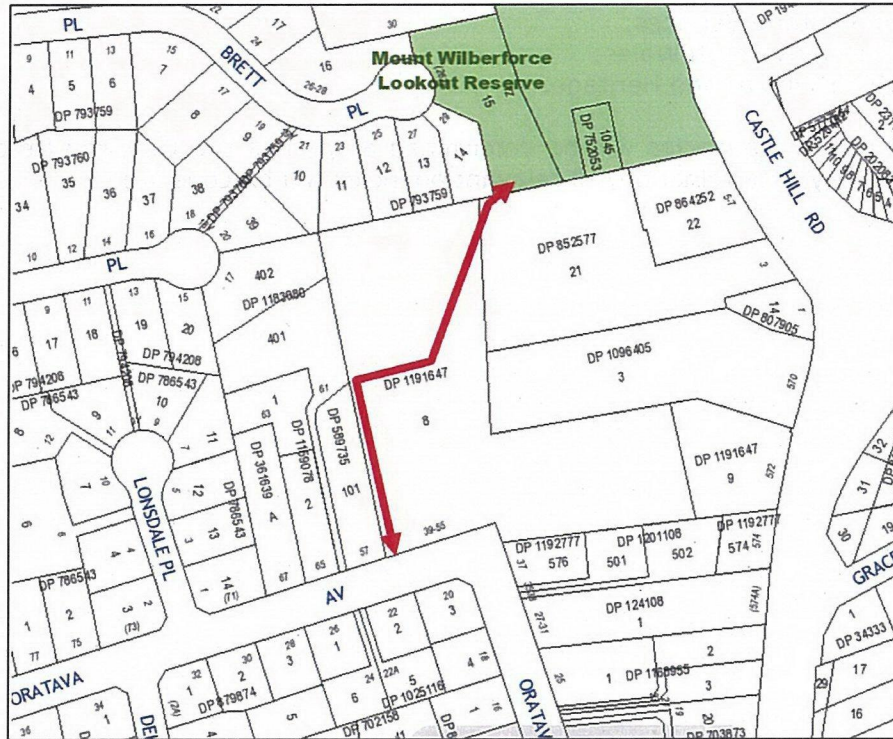


Figure 5
Location of Proposed Pedestrian and Cycle Link

A new controls is proposed to be included within DCP 2012 (Part B Section 2 – Residential) to ensure that the pedestrian and cycle link is provided as part of future redevelopment of the site.

The control will be contained under 2.13.3 Pedestrian Access, Safety and Security and would require the following:

- *Future residential subdivision on 39-55 Oratava Avenue (Lot 8 DP 1191647), 570 Pennant Hills Road (Lot 3 DP1096405), and 3 Castle Hill Road (Lot 21 DP 852577), West Pennant Hills shall provide a pedestrian connection from the site to Mt Wilberforce Reserve. Refer to Part B Section 2 - Sheet 20 - West Pennant Hills.*

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, future development on the site would need to be supported by the necessary services including electricity, telecommunication, water, sewer and stormwater drainage. The required services are available to the site.

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

A preliminary list of agencies that would be consulted as part of the exhibition of the proposal is included below.

- Endeavour Energy;
- Telstra;
- Sydney Water;

- Roads and Maritime Services;
- Transport for New South Wales;
- Office of Environment and Heritage.

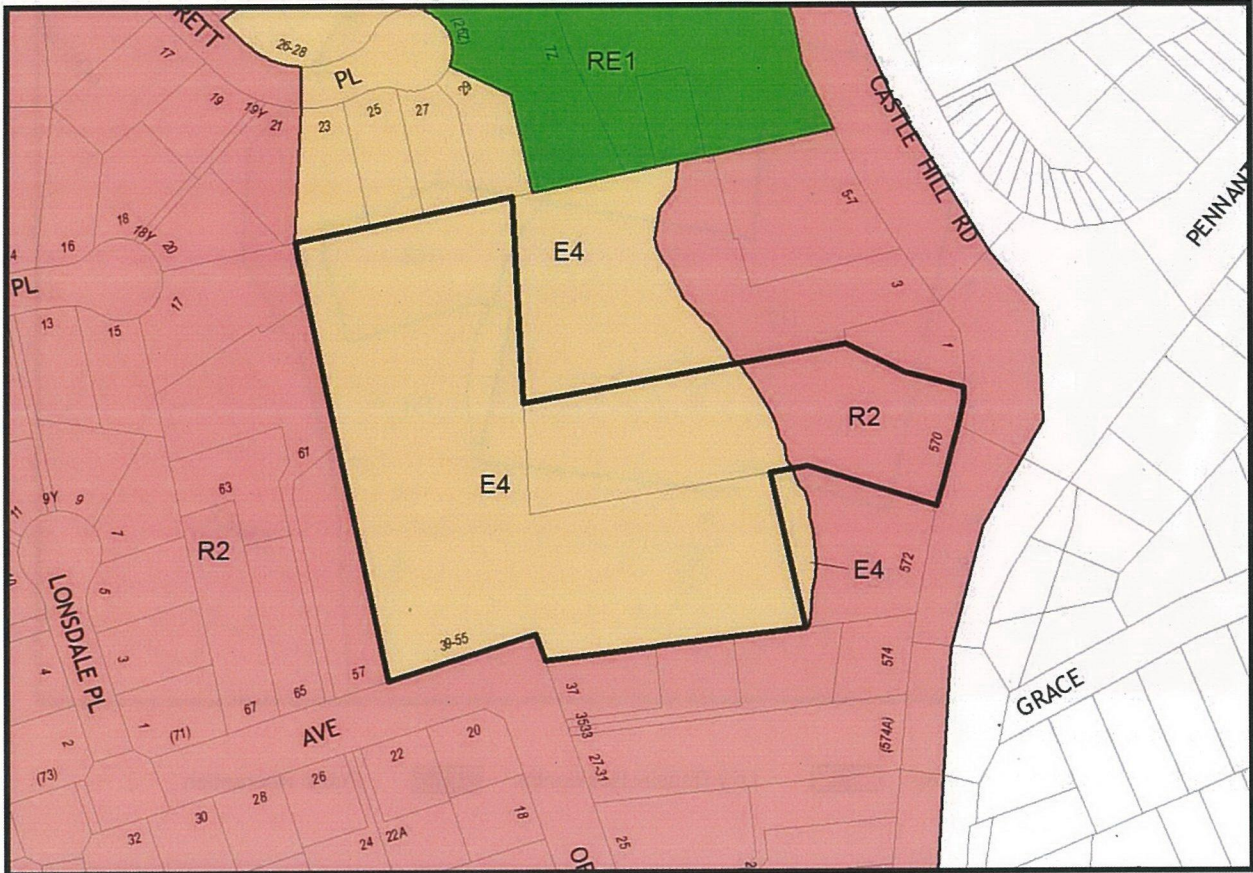
A final list of all relevant agencies will be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the Land Zoning Map and Lot Size Map of *The Hills Local Environmental Plan 2012*.

Existing Land Zoning Map

The site currently zoned part E4 Environmental Living and Part R2 Low Density Residential.



Land Zoning (LZN)



Environmental Living



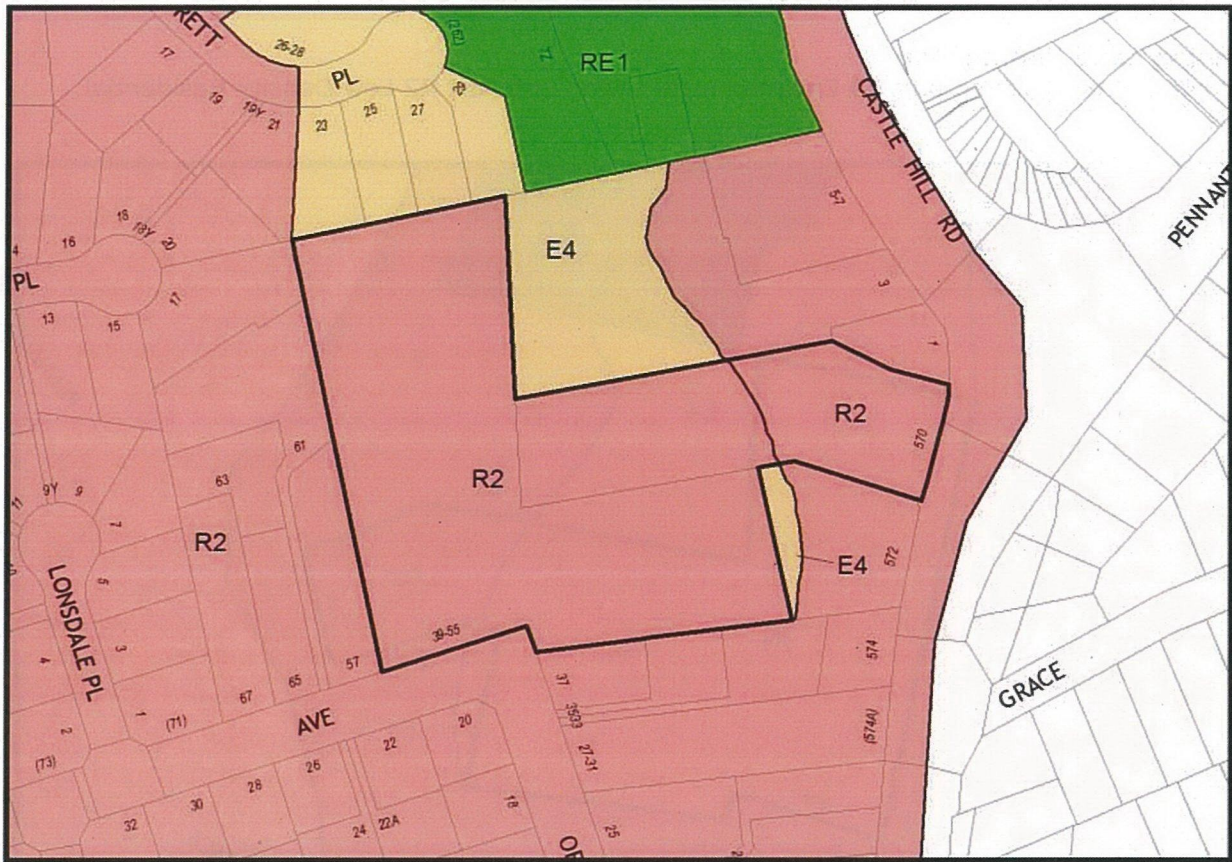
Low Density Residential



Public Recreation

Proposed Land Zoning Map

The planning proposal seeks to rezone the site to wholly R2 Low Density Residential.

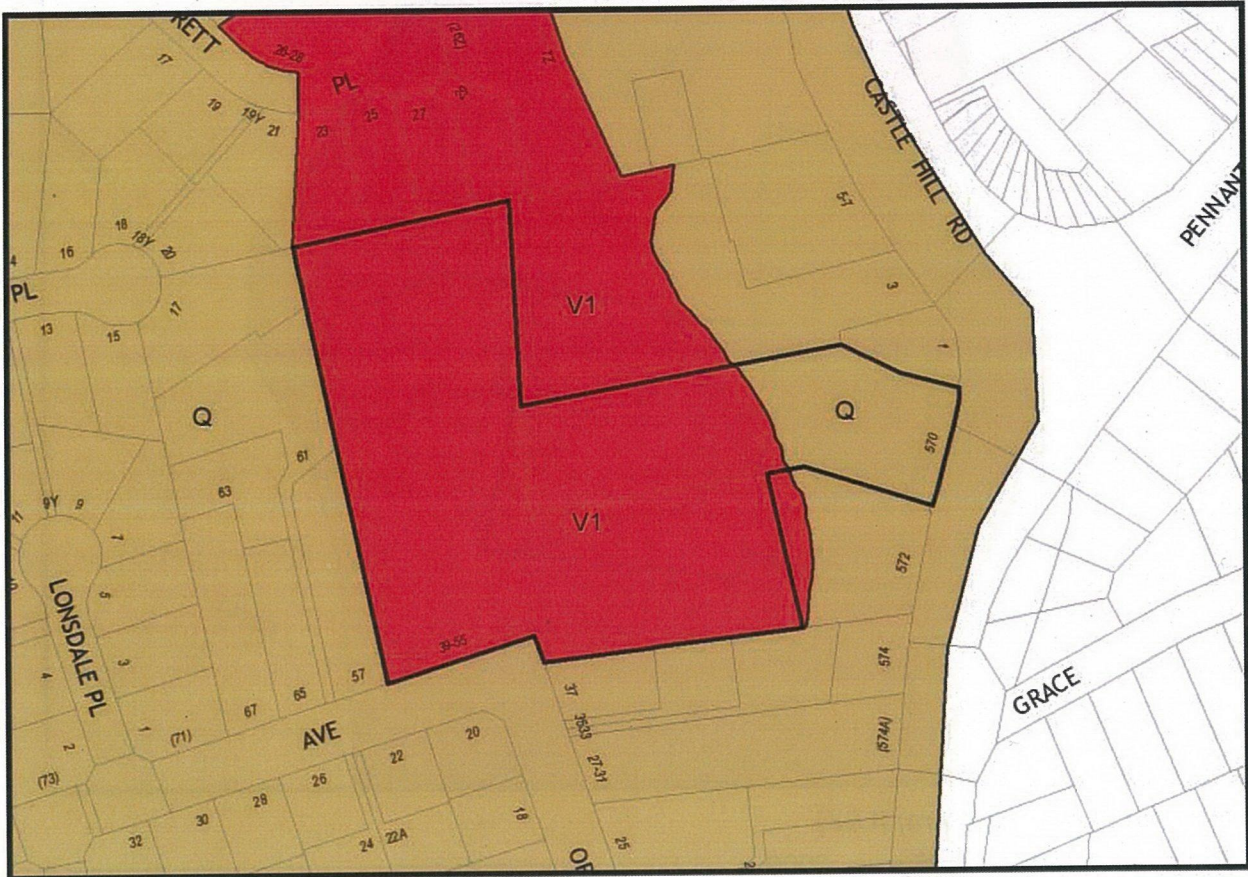


Land Zoning (LZN)

- E4 Environmental Living
- R2 Low Density Residential
- RE1 Public Recreation

Existing Lot Size Map

The site currently has a minimum lot size requirement of part 700m² (applying to land zoned R2 Low Density Residential) and part 2,000m² (applying to land zoned E4 Environmental Living).

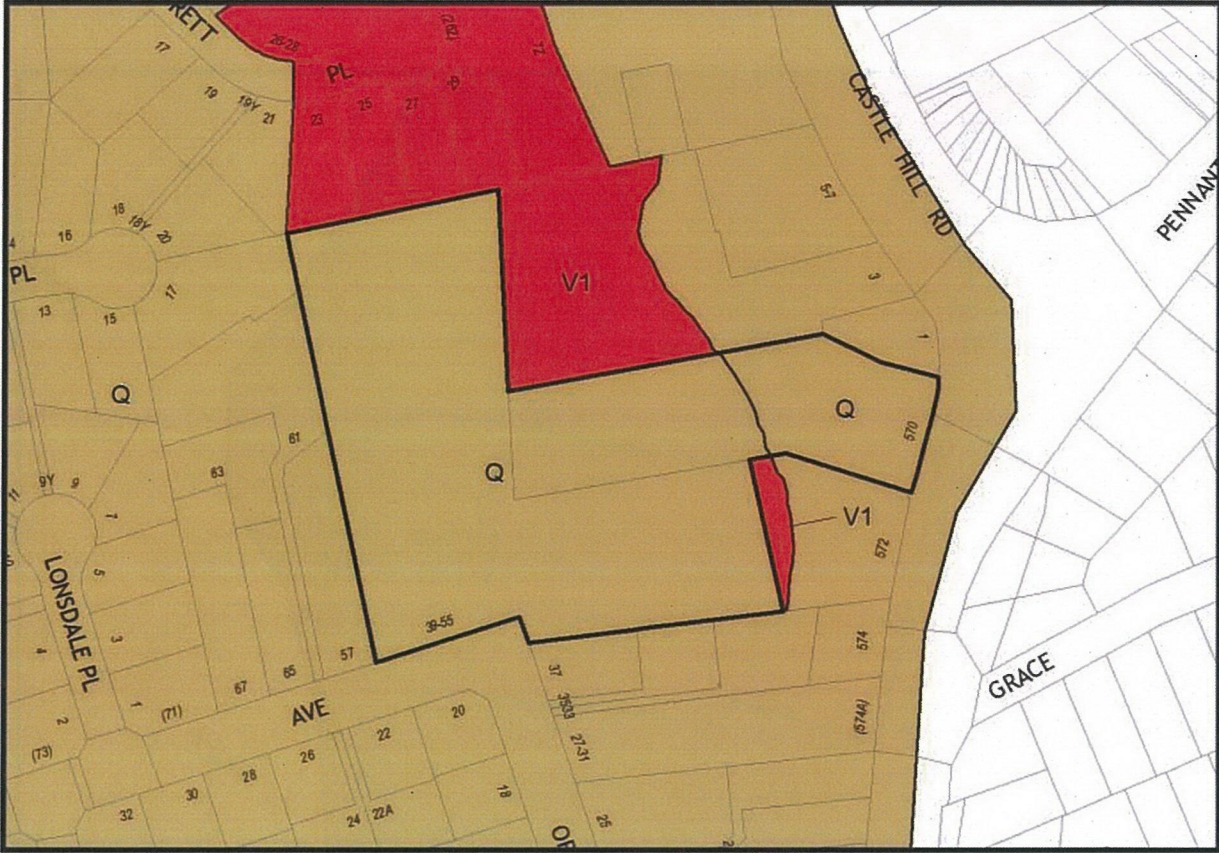


Minimum Lot Size (sq m) (LSZ)

Q	700	V1	2000
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Proposed Lot Size Map

The planning proposal seeks to apply a minimum lot size of 700m² to the entirety of the site.



Minimum Lot Size (sq m) (LSZ)

Q	700	V1	2000
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PART 5 COMMUNITY CONSULTATION

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

PART 6 PROJECT TIMELINE

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

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	NO	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 Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
	Affordable Rental Housing (2009)	YES	NO	-
	Building Sustainability Index: BASIX 2004	YES	NO	-
	Exempt and Complying Development Codes (2008)	YES	NO	-
	Housing for Seniors or People with a Disability (2004)	YES	NO	-
	Infrastructure (2007)	YES	NO	-
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Major Development (2005)	YES	NO	-
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
	Miscellaneous Consent Provisions (2007)	YES	NO	-
	Penrith Lakes Scheme (1989)	NO	-	-
	Port Botany and Port Kembla (2013)	NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	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)	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)	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	YES	NO	-
1.4	Oyster Aquaculture	YES	NO	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	YES	INCONSISTENT See Part 3 Question 6
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	YES	CONSISTENT
2.4	Recreation Vehicle Area	YES	NO	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
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
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	YES	YES	INCONSISTENT See Part 3 Question 6
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Creek			
5.9	North West Rail Link Corridor Strategy	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	YES	YES	CONSISTENT