
ITEM-4	PLANNING PROPOSAL - COMPREHENSIVE REVIEW OF THE HILLS LOCAL ENVIRONMENTAL PLAN (FP250)
THEME:	Shaping Growth.
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	26 NOVEMBER 2019 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	PRINCIPAL PLANNER JANELLE ATKINS
RESPONSIBLE OFFICER:	MANAGER – LSPS AND LEP REVIEW STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to review The Hills Local Environmental Plan (LEP) be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.

Forwarding the planning proposal for Gateway Determination is a significant milestone in the accelerated plan making process and addresses requirements under the *Environmental Planning and Assessment Act, 1979* to keep local environmental plans under regular and periodic review and also to give effect to the Central City District Plan.

Council's current LEP was first notified in October 2012 and has since been amended more than 80 times. The planning proposal for a new LEP, referred to as LEP 2020, will reset the regulatory basis for decisions surrounding land use planning and management, as seen through the lens of the new Local Strategic Planning Statement (LSPS) and the Region and District plans. It follows the exhibition of the *Hills Future 2036* Local Strategic Planning Statement, Implementation Plan and supporting strategies in July 2019 which were endorsed by Council on 22 October 2019 and forwarded to the Greater Sydney Commission for assurance.

The LSPS and Implementation Plan were considered at meeting of the Greater Sydney Commission Assurance Panel on 6 November. The Housing Strategy has been provided to the Department of Planning, Environment and Industry as the relevant approval agency. At the date of preparing this report, no feedback had been provided on the outcome of the assurance meeting and it is unknown at this stage whether any terms or conditions will be imposed or if they will specifically affect the current LEP review.

Forwarding the planning proposal for Gateway Determination, as recommended, will progress the planning proposal to exhibition (to allow the community to comment on the

proposed amendments) and public authority consultation and will assist in meeting the finalisation timeframe of 30 June 2020 under the Accelerated LEP Review Funding Program. Should the assurance process result in any significant or material changes being required to the planning proposal, further consideration can be given to any such amendments following Gateway Determination.

The key proposed amendments to the LEP arising from the strategic work seek to:

- Include an additional aim and local provision to demonstrate the relationship between the LEP and the hierarchy of strategic plans.
- Protect the role and function of strategic centres by:
 - managing serviced apartment outcomes in employment zones;
 - applying the prevailing approved controls for Castle Towers and Rouse Hill centre as an interim measure pending owner initiated planning proposals or completion of precinct planning scheduled for 2021.
- Grow productive capacity, support services and tourism in rural zones by introducing new permitted land uses and inserting a local clause that requires consideration of land use conflict between existing and proposed development when considering applications for subdivision or dwellings.
- Manage impacts on character and amenity in the RU6 Transition zone by adding a local objective and prohibiting public administration buildings and certain more intensive rural industries.
- Recognise prevailing character and manage future character in residential zones by introducing a Local Character Map for Showground Station Precinct, rezoning certain land in the Kellyville/Rouse Hill locality from R3 Medium Density Residential to R2 Low Density Residential and increasing minimum lot size mapping for two locations in West Pennant Hills.
- Facilitate land uses consistent with the small scale nature of the B1 Neighbourhood Centre zone by removing shops from permissible uses (neighbourhood shops and neighbourhood supermarkets will remain permitted) and allowing artisan food and drink industries.

Noting that LEP 2012 has been in place since October 2012 a raft of administrative and housekeeping changes are proposed that primarily update the LEP zones and controls to reflect changed cadastre, correct anomalies and ensure publicly owned land is correctly zoned and classified. Notable housekeeping changes include:

- Revert to underlying zoning in the deferred matters area of Showground Station Precinct while precinct planning for the Cattai Creek West area is being finalised;
- Amend clause 5.3 (rubber band clause) to exclude residential zones and the E4 Environmental Living zone from the operation of the clause to prevent inappropriate use or enable higher density development than intended;
- Adjust the zoning of some land zoned SP2 Infrastructure (stormwater management) to the relevant adjacent zone to match cadastral boundaries of land acquired by Sydney Water;
- Remove Land Reservation Acquisition mapping from open space, drainage and certain road reservation land where it is now in public ownership;
- Rezone two parcels RE1 Public Recreation that form part of Council's reserves;

- Rezone land and amend relevant controls in Grey Gums Estate North Kellyville to reflect built form; and
- Amend Schedule 2 to introduce additional exempt development for boundary retaining walls.

Further detail on each of the proposed changes is included in the report and Attachments 1 and 2. In addition, consideration is given to consistency with relevant State policies and Ministerial directions and the need for similar review of Box Hill and North Kellyville precincts under the Growth Centres State Policy.

The report also outlines the intended community engagement strategy and addresses the likelihood of site specific requests being received for uplift should the planning proposal proceed to Gateway Determination and exhibition (section 5).

The current LEP review process should not be seen as an alternative pathway for consideration of active planning proposals or site specific proposals for uplift. In such circumstances the normal planning proposal process will continue, including consultation, full investigation of a site's capability to accommodate uplift and consideration of all impacts. Where site specific requests are received as part of the exhibition process, guidance can be provided on whether a proposal is clearly inconsistent with policy and unlikely to warrant change or whether it has some merit but requires further investigation either by way of precinct planning or a planning proposal.

APPLICANT

Council initiated proposal.

HISTORY

01/03/2018	Amendments to the <i>Environmental Planning & Assessment Act 1979</i> came into force which required councils to prepare a Local Strategic Planning Statement (LSPS), review their Local Environmental Plan and prepare a planning proposal to give effect to the District Plan.
23/10/2018	Council resolved to accept a funding offer of up to \$2.5 million under the then Department of Planning and Environment's Accelerated LEP Review Program.
18/09/2019	Referral of planning proposal for comprehensive review of The Hills LEP to Local Planning Panel for advice.
01/10/2019	Councillors briefed on the exhibition of the draft LSPS and items being considered for a future planning proposal to implement the LSPS.
22/10/2019	Council considered the draft LSPS, Implementation Plan and supporting strategies and resolved: <ol style="list-style-type: none">1. <i>Hills Future 2036 Local Strategic Planning Statement and Implementation Plan be endorsed by Council and forwarded to the Greater Sydney Commission for assurance.</i>

2. *Authority be delegated to the General Manager to make the Hills Future 2036 Local Strategic Planning Statement and Implementation Plan with minor amendments, following receipt of a letter of support from the Greater Sydney Commission.*
3. *The Housing Strategy be forwarded to the Department of Planning, Industry and Environment for approval.*
4. *Council's Community Participation Plan be adopted, as exhibited alongside the Hills Shire Plan.*
5. *The Productivity and Centres Strategy, Integrated Transport and Land Use Strategy, Recreation Strategy, Rural Strategy and Environment Strategy be adopted.*

06/11/2019

The draft Hills Future 2036: Local Strategic Planning Statement was considered by the Greater Sydney Commission Assurance Panel.

REPORT

The purpose of this report is to consider a proposal for comprehensive review of The Hills Local Environmental Plan. It provides the following information:

- Legislative requirements for review;
- Overview of relevant Local Strategic Planning Statement actions;
- Description of the planning proposal;
- Consideration of consistency with strategic framework, State policies, Ministerial requirements and Local Planning Panel advice;
- Consideration of approach for Growth centres precincts; and
- Outline of community engagement strategy and an approach for site specific requests.

It is noted that the review of LEP 2012 applies to a major part of the Shire (excluding the growth centres of North Kellyville and Box Hill) and therefore requires consideration of the pecuniary interest disclosure requirements under Council's Code of Conduct. A memorandum of advice on this matter has been provided to Councillors on 24 September and on 15 November 2019.

1. LEGISLATIVE REQUIREMENTS

Under the provisions of Section 3.8 of the *Environmental Planning and Assessment Act, 1979* Council is required to review its Local Environmental Plan (LEP) to give effect to the Central City District Plan. In addition, Section 3.21 requires councils to keep their LEPs under regular and periodic review for the purpose of ensuring the objects of the Act are achieved.

The initial timeframe for completion of amendments to the LEP to give effect to the district plan was three years; however The Hills was successful in obtaining funding as part of the NSW Government's Accelerated LEP Review Funding Program. This funding is subject to contractual conditions and includes a timeframe of June 2020 for submission of a final planning proposal to the Department of Planning, Industry and Environment to be made.

In efforts to reach the June 2020 timeframe, the following milestones have been identified:

Report to Council on draft LEP (seeking referral to Gateway)	26/11/2019
Gateway Determination for draft LEP (subject to Department timing)	Feb 2020
Exhibition of draft LEP 2020	Mar 2020
Report to Council – Post exhibition draft LEP 2020	May 2020
Send planning proposal to Department for finalisation	June 2020

It should be noted that timely receipt of Gateway Determination from the Department of Planning, Industry and Environment is necessary to enable exhibition and consideration of submissions prior to the proposal being returned to the Department for finalisation. With this timeline in mind, a request has been made for the Department to consider a 'fast track' process for Gateway Determination.

2. LOCAL STRATEGIC PLANNING STATEMENT

At its meeting of 22 October 2019 Council resolved to forward the Hills Future 2036 – Local Strategic Planning Statement to the Greater Sydney Commission for the final stage of assurance. The Assurance Panel met on the 6 November 2019. At the date of preparing this report, no feedback had been provided to Council.

Notwithstanding, as part of the Accelerated LEP Review Funding Program, Council is required to submit the planning proposal for LEP review to the Department for finalisation by the 30 June 2020. Forwarding the planning proposal for Gateway Determination will assist in progressing the proposal to exhibition and public authority consultation and respond to the necessary timeframes. Further consideration can be given to any necessary amendments to the proposal following the receipt of Gateway Determination, should significant or material change result from the assurance process and/or any conditions imposed on the issuing of a Gateway Determination.

The Local Strategic Planning Statement, as considered by Council, establishes 23 planning priorities and related actions for the next 5 years grouped around the themes of Council's Community Strategic Plan (refer Figure 1). It will support future planning decisions and how population, housing and economic growth is managed in the Shire.

When Council considered the LSPS and supporting strategies on 22 October there were five speakers, being land owners or consultants representing the development industry, questioning whether the LSPS allows for sufficient residential growth particularly within station precincts. Concern was also raised about the deliverability of commercial floor space and job targets without complementary residential uses and the need for greater flexibility for review of industrial/urban services land. One speaker also requested allowance for subdivision of rural lots below the minimum lot size to assist older residents to continue living in the family home. A detailed response to the particular matters raised is included in Attachment 4 for information.

Together with the associated strategies, the LSPS demonstrates sufficient capacity to provide 38,500 dwellings over the timeframe of 2016 - 2036. This is a long term target based on expected dwelling completions that would average around 1,900 dwellings per year. If further housing is required before 2036, there is sufficient capacity in existing zoned and strategically identified land for a further 38,100 dwellings. The focus is now on planning for a diversity of housing in the right locations, ensuring sufficient physical and social infrastructure to meet needs, protecting residential character and creating desirable neighbourhoods and places.

Where the LSPS identifies growth potential at strategic centres, station precincts and rural villages, further detailed planning and infrastructure investigations are required to inform changes to zonings, amendments to development controls and the preparation of developer contribution plans. This precinct planning work is expected to be completed over the next 5 years. This does not prevent consideration of site specific planning proposals however any proposal seeking further residential uplift than that already planned for, in advance of precinct planning work, would need to make a compelling case for change.

To maintain the current ratio of jobs per resident worker, an extra 50,000 jobs will be required to 2036. Whilst there is capacity to accommodate this growth, market uptake is likely to be inhibited by a range of factors including land cost, transport constraints and fragmented ownership (strata titling). The focus therefore, is on completing precinct planning, advocating for regional transport connections, targeting businesses that suit the skills of residents and discouraging conversion of employment lands for residential purposes.



Figure 1
Planning Priorities Hills Future 2036.

For rural locations the LSPS identifies the biodiversity, scenic and productive qualities of the locality and establishes an urban growth boundary.

In planning for rural areas, Council works within a framework of higher level strategic planning documents including the Greater Sydney Region Plan and the Central City District Plan as well as the regulatory framework provided by State Policies and Ministerial Directions. In general terms, any increase in the density of land in rural zones is not supported under this framework and requires considerable strategic justification, be it a single property or wider area. In this regard, development is limited by a range of factors including environmental characteristics, bushfire hazard, vegetation, slope and flooding as well as the capacity of utility services and the regional transport network.

Notwithstanding the foregoing, opportunities will continue to be available in rural areas for a range of housing including, secondary dwellings, dual occupancy and rural cluster subdivision in addition to larger lot rural residential development. The Rural Strategy also flags preliminary investigation areas at Glenorie, Annangrove and Kenthurst for expansion of rural villages which may ultimately provide a housing option for younger people or families who would like to remain in the area.

There are a number of LSPS actions that do not require precinct planning or further investigations that are relevant to the current comprehensive review of Council's LEP, including:

- Protect the extent, role and function of strategic centres and employment lands through land use zones and objectives (Planning Priority 1 and 3).
- Investigate and implement measures to manage serviced apartment outcomes in employment zones (Planning Priority 2).
- Review our planning controls and permissible uses in rural zones to minimise land use conflict and maintain desired character (Planning Priority 4).
- Investigate use of the optional Standard Instrument Local Environmental Plan clause 5.16 to ensure consideration of existing rural uses when assessing applications for rural subdivision (Planning Priority 4).
- Review planning controls and permissible uses in rural zones to facilitate land uses that will support and serve rural industry and encourage tourism in appropriate locations (Planning Priority 5).
- Review residential zonings, objectives and provisions to ensure the planning framework effectively provides for a diversity of housing in the right locations, with a specific focus on the capacity of land currently zoned R3 Medium Density Residential (Planning Priority 8).
- Investigate and implement a mechanism for local character in the Local Environmental Plan (Planning Priority 9).
- Review permissible uses in the B1 Neighbourhood Centre zone to ensure they are in keeping with the small scale objective of neighbourhood centres (Planning Priority 9).

3. DESCRIPTION OF PLANNING PROPOSAL

The key amendments to the LEP arising from strategic work relate to the relationship with higher level strategic plans, the role of our strategic centres, rural zones, residential zones and neighbourhood centres. There are also a number of changes that are more administrative or housekeeping in nature.

Attachment 1 provides a marked up version of Draft The Hills LEP 2020 with changes highlighted yellow. Whilst suggested new clauses have been drafted, changes will be subject to legal review and drafting.

The mark ups have been made to Draft The Hills LEP 2019 which is currently with the Department of Planning, Industry and Environment for finalisation. The LEP 2019 proposal

is for the administrative split of planning controls from the City of Parramatta following the State wide council boundary review process. This process has been considerably delayed as the approval of the Governor is required to include clause 1.9 which suspends covenants and agreements for the purpose of enabling development on land in any zone, however finalisation is expected imminently. There are a number of planning proposals ready to be finalised that will amend LEP 2019 following the Governor's approval. These amendments (when completed) will also need to be incorporated into draft LEP 2020 prior to exhibition.

Attachment 2 provides information on the range of mapping changes proposed to the LEP. Should Council resolve to proceed with the proposal, it is intended that Attachments 1 and 2 will support the request for Gateway Determination to the Department of Planning, Industry and Environment.

The following information is provided on the key proposed written instrument and mapping changes:

a. Relationship with strategic plans

It is proposed that the aims of the LEP (Clause 1.2) are updated to better reflect the themes of The Hills Shire Plan and the Draft Local Strategic Planning Statement. An additional aim is proposed that acknowledges the relationship of the LEP with the LSPS, the regional and district plan.

In addition, a proposed new local provision (Clause 7.14) seeks to ensure implementation of the priorities of the LSPS by requiring that before determining a development application the consent authority must have regard to whether the applicant has demonstrated consistency with the priorities of the LSPS. This change recognises that the LSPS provides the strategic justification for the planning controls thereby assisting in decision making on development applications.

b. Strategic Centres

The draft LSPS contains a Structure Plan for each strategic centre to indicate where jobs and housing will be focussed. They are informed by 'Principles for Greater Sydney Centres' contained in the region and district plans. They set out desired land uses, accessibility and public domain responses to grow the strategic centres to realise their potential.

These plans represent the 20 year vision to be considered at the strategic planning level and will ultimately be implemented through precinct planning work to guide built form, improvements to transport, connectivity and accessibility and necessary infrastructure to support growth.

The strategic centres of Norwest, Castle Hill and Rouse Hill are targeted for considerable growth and change with a focus on investment, business and job opportunities. In planning for these centres, care is needed to ensure the right mix of land uses is achieved and residential development does not detract from commercial functions and the opportunities for business investment.

Council is currently assessing planning proposals for locations in Norwest where a mix of residential and commercial uses has been sought. The current review of LEP 2012 does not negate the need for full investigation of urban capability and consideration of all impacts and current proposals will continue to be assessed and progressed where appropriate. Should the review of LEP 2012 proceed to exhibition, a clear response will be needed for new site

specific requests. An approach similar to that used for the consideration of submissions to LEP 2012 is suggested in section 5 of this report, being:

- i. If a matter is clearly inconsistent with the policy framework the approach will be not to pursue change to the draft LEP.
- ii. If a matter has merit, is in line with policy and is a minor correction with minimal impact, consideration can be given to changes.
- iii. If a matter raised has some merit, but needs more investigation, consultation and consideration of impacts this can be noted as a potential future change either by way of precinct planning or a planning proposal.

For the current LEP review the proposed changes seek to protect the intended role and function of the strategic centres, pending more detailed precinct planning investigations. The changes aim to manage serviced apartment outcomes and put in place the current approved controls for Castle Towers and Rouse Hill town centre.

No additional changes are proposed for the strategic centres at this time to enable holistic consideration of traffic, commercial and retail market demand, urban design and built form analysis and infrastructure investigations as part of the precinct planning process.

The proposed changes are:

New local provision – serviced apartments

The proposed clause 7.15 would apply to land zoned B4 Mixed Use and B7 Business Park and seeks to encourage employment opportunities in higher order employment areas by ensuring that a minimum proportion of the available floor space is provided for commercial purposes. It also seeks to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building where permitted (B4 zone).

Castle Hill strategic centre

It is proposed to amend maximum height and floor space ratio mapping for Castle Hill to reflect the approval for Stage 3 expansion of Castle Towers (864/15/JP/B). The current mapped maximum floor space ratio is 1:1 and the maximum height is 12 metres. The proposed maximum floor space ratio is 1.9:1 and the maximum height is 46 metres (refer Figures 2-5).

Existing buildings on the Castle Towers development site exceed the current maximum floor space ratio and height controls, requiring considerable regulatory process and cost for even minor changes to the shopping centre. The approved Stage 3 development has a maximum floor space ratio of 1.86:1 and a maximum height of 46 metres. Amending the LEP to reflect the existing development consent brings the controls for this site up to date and recognises the role and function of the centre, pending further detailed planning.

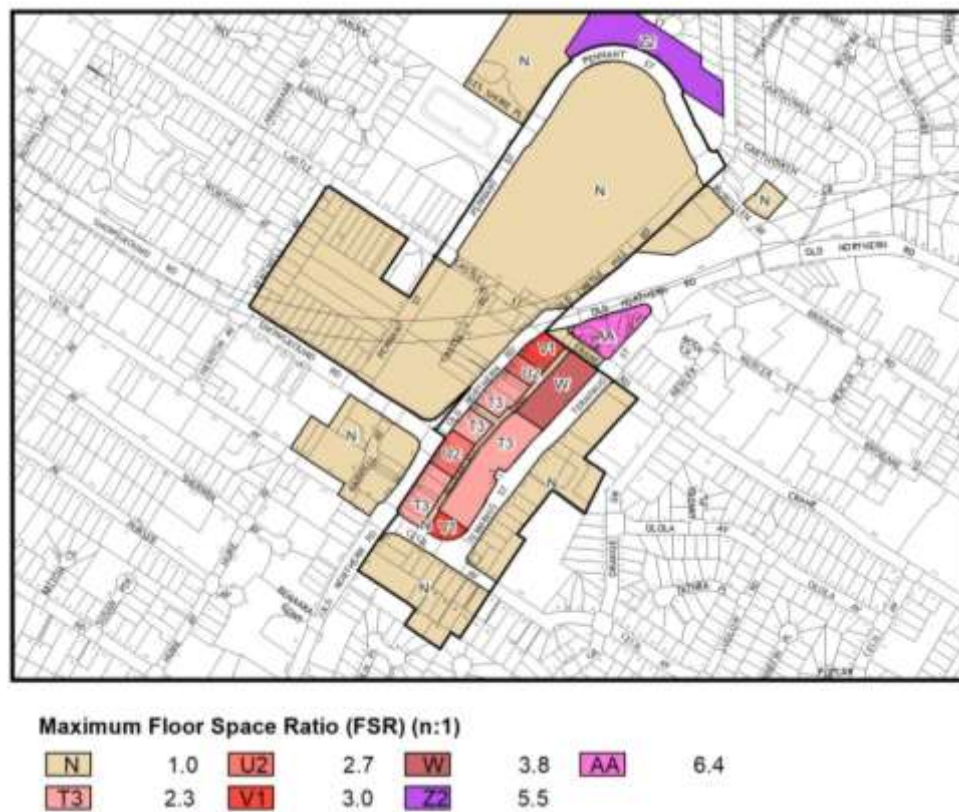


Figure 2
Existing Floor Space Ratio Map - Castle Hill

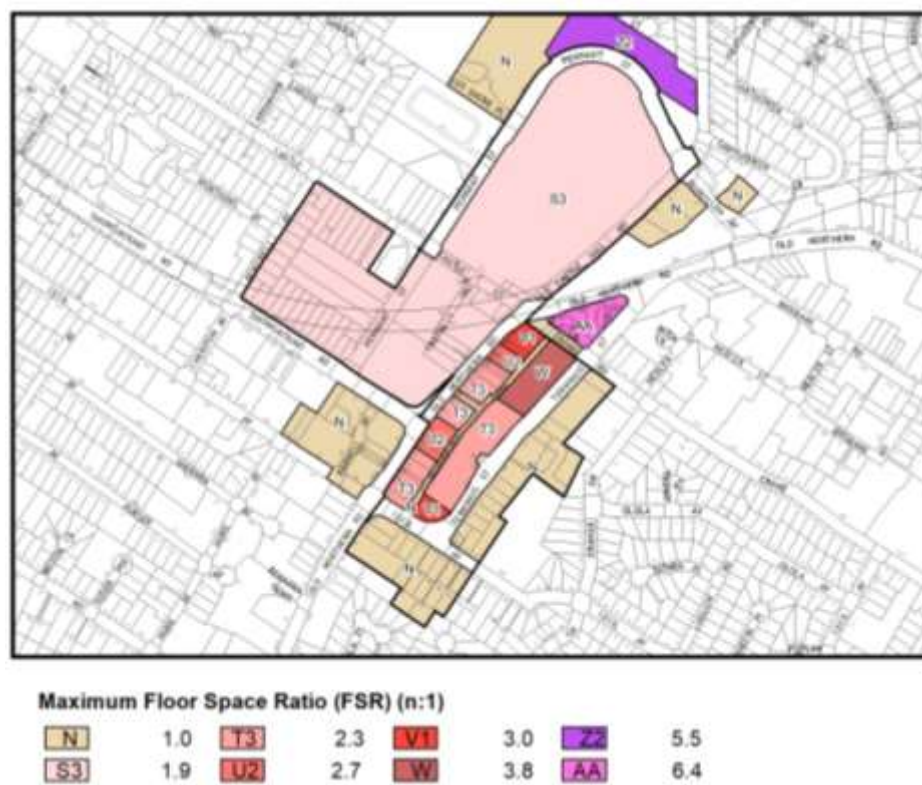


Figure 3
Proposed Floor Space Ratio Map - Castle Hill

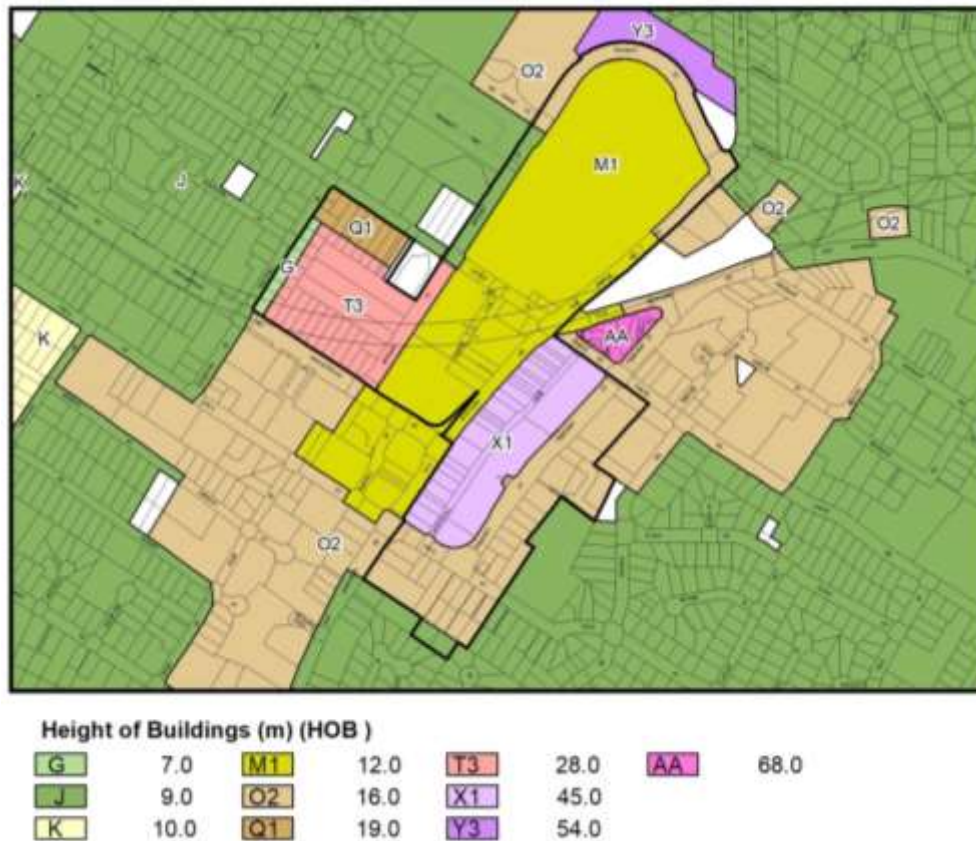


Figure 4
Existing Height of Buildings Map – Castle Hill

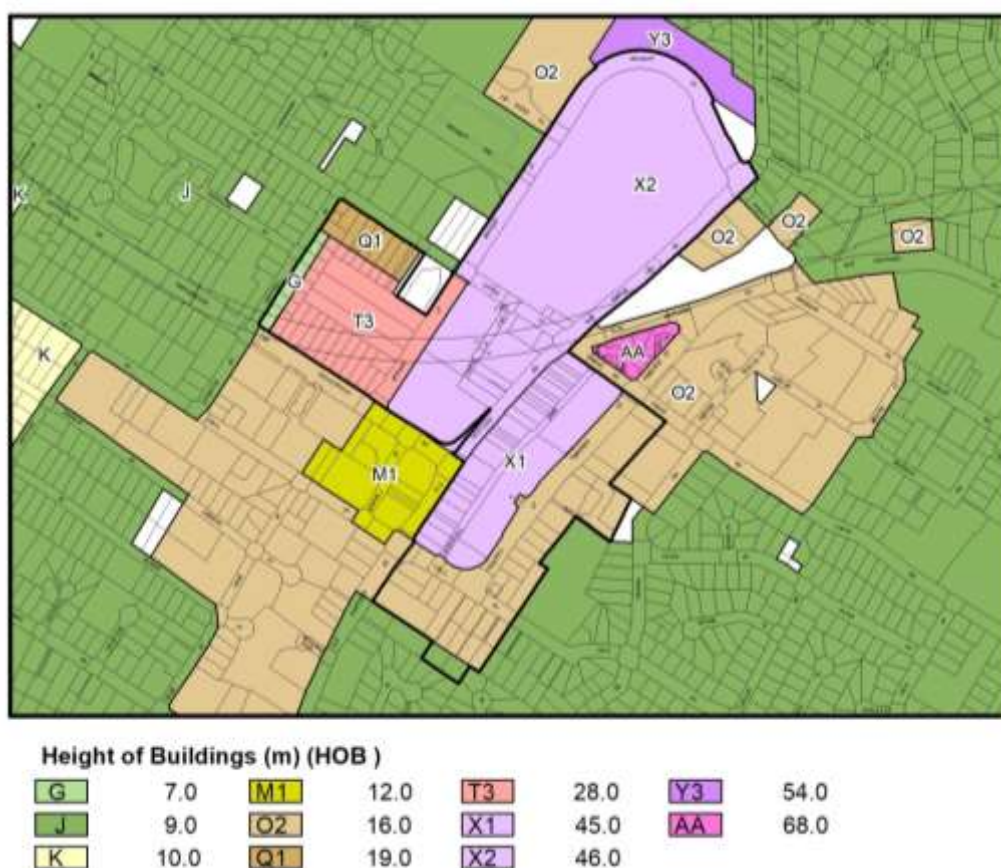


Figure 5
Proposed Height of Buildings Map – Castle Hill

Rouse Hill strategic centre

Since its planning in the early 2000s the approval for Rouse Hill Regional Centre has been a tiered process involving Level 1, Level 2 and Level 3 development applications. Level 1 is the Master Plan which sets the broad parameters for development of the centre, Level 2 is the Precinct Plan which provides further detail regarding the development of specific precincts and Level 3 applications are for specific sites and allow physical works to be undertaken. This framework was intended to provide certainty with respect to development outcomes, whilst also enabling some degree of flexibility to achieve optimal design outcomes as part of individual built form development applications.

A concept development application (1614/2019/JP) has been lodged for a revised Master Plan and Precinct Plan that proposes significant change to the built form and land use outcomes identified under the approved plans relating to the Northern Precinct. Whilst it is recognised that there is opportunity for Rouse Hill to build on its role as a strategic centre, given the proximity to the new Rouse Hill station and the planned Rouse Hill hospital, further detailed investigations are needed to determine the appropriate outcomes in terms of residential density, employment potential, built form, and infrastructure and services to support growth.

A planning proposal is the most effective pathway for consideration of changes proposed for this location and is engaging in discussions with Council officers as to the planning proposal requirements. Should such a proposal not come to fruition, the current LEP review process offers an opportunity to put in place the maximum building height and dwelling numbers

envisaged under the tiered approval process. In this circumstance the following changes would be considered:

- Introduction of a Key Sites Map and local provision (clause 7.16) applying to the Northern Precinct of Rouse Hill that caps the number of dwellings at 375, consistent with the scale of development approved under the process for the regional centre (refer Figure 6).
- Application of Height of Buildings Map for Rouse Hill regional centre. The proposed maximum heights reflect those approved for the Northern Precinct Plan (354/2013/HB) and the Town Core Precinct Plan (1581/05/HB) (refer Figure 7-8).



Key Sites Map

 Area P

Figure 6

Proposed key sites map – location for dwelling cap Rouse Hill

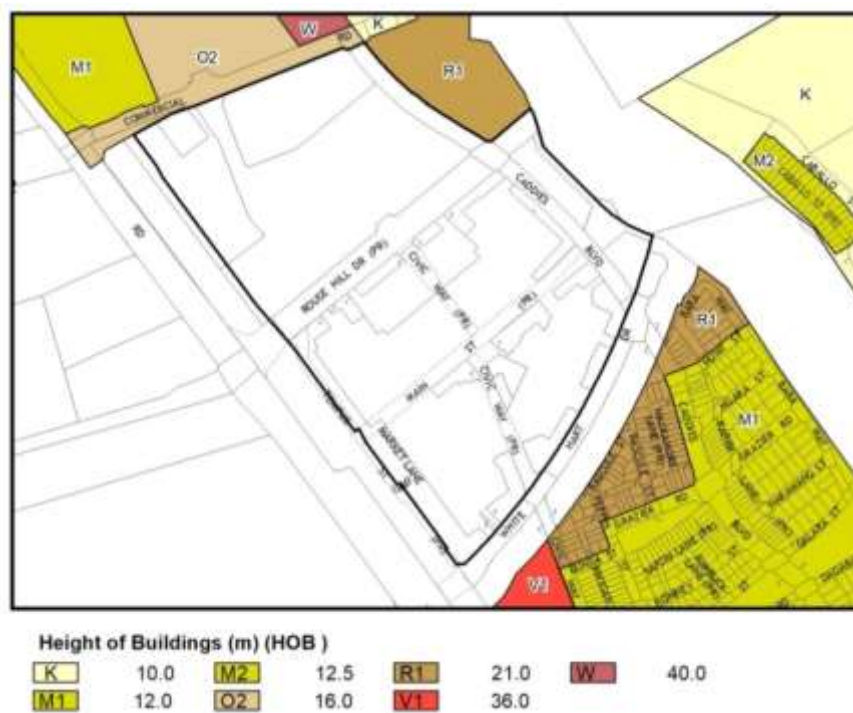


Figure 7
Existing Height of Buildings Map - Rouse Hill

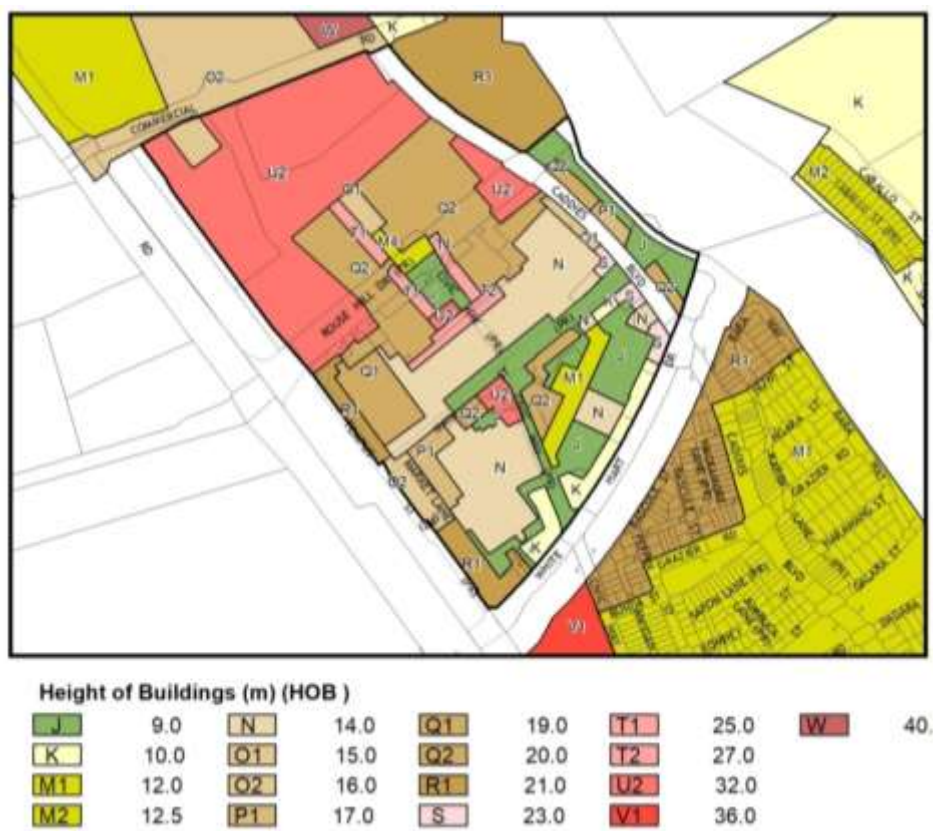


Figure 8
Proposed Height of Buildings Map - Rouse Hill

c. Changes for rural zones

The LSPS and Rural Strategy include a focus on the Shire's rural productive capacity, noting that there is opportunity to play an increasingly important role in the region with strategic connections planned south to the Western Sydney International Airport and north to the Central Coast. There is also opportunity to grow rural support services and tourism to grow the local economy. At the same time it is recognised that the character and amenity offered by rural areas is highly valued and there is need to carefully manage land use outcomes.

To address the issues and opportunities in rural locations changes are proposed to the permitted uses in each of the zones as set out below.

RU1 Primary Production zone

It is proposed to insert artisan food and drink industries, rural industries and service stations as permitted uses in the land use table.

It is noted that 'rural industry' is a group term under the Standard Instrument LEP that covers the separately defined uses of agricultural produce industries, livestock processing industries and stock and sale yards. These land uses, whilst removed from the land use table, will continue to be permitted under the group term.

RU2 Rural Landscape zone

It is proposed to insert artisan food and drink industries and markets as permitted land uses in the land use table. This change seeks to encourage tourism in the rural area as well as the provision of farm produce directly to the public.

RU6 Transition zone

It is proposed to add a local objective to ensure that development does not have a detrimental impact on the rural and scenic character of the land. Proposed changes to the land use table are to insert rural industries, markets, cellar door premises and artisan food and drink industry as permitted uses and prohibit places of public worship (current planning proposal), public administration buildings, livestock processing industries, sawmill or log processing works and stock and sale yards.

These changes are to clarify the types of land uses that are consistent with prevailing character, as well as encouraging rural support industries and tourism.

Inclusion of optional Standard Instrument clause 5.16

This clause (Part 5) seeks to minimise potential land use conflict between existing and proposed residential land uses and other rural land uses, and would apply to applications for dwellings or subdivision for dwellings in the rural and environmental zones.

The clause would require consideration of existing and approved surrounding land uses, as well as whether the proposal would significantly impact or be incompatible with land uses that predominate. The changes seek to better manage the Shire's rural productive capacity.

Whilst there is interest in the community regarding the potential for rural subdivision beyond the opportunities offered by current minimum lot size requirements or rural cluster development, the draft LEP review does *not* include any amendments to facilitate additional rural subdivision. As set out in section 2 of this report, any such amendments are limited by the strategic framework together with the environmental characteristics and the capacity of utility services and the transport network.

d. Changes for residential zones

The Hills is responding to a period of significant change as urban renewal occurs along the corridor of the Sydney Metro Northwest whilst greenfield development occurs in the North Kellyville and Box Hill release areas. In responding to the residential growth proposed there is a focus at both State and local level on place making and the character of urban areas. Council's LSPS and Housing Strategy seek to renew and create great places whilst delivering a diversity of housing in the right locations.

To address the issues and opportunities in residential locations changes are proposed that respond to the prevailing character of certain areas and to provide a mechanism that will assist with maintaining existing and guiding anticipated future character as outlined below.

Introduction of Local Character Map

This proposed change would initially introduce a new Local Character Map for Showground Station Precinct which could ultimately be applied in other suitable locations throughout the Shire. Character areas nominated on the map would be subject to a clause containing place specific objectives related to existing or desired future character.

For Showground Precinct the proposed objectives have been adapted from the character articulated in the Precinct Planning and the adopted development control plan and give greater weight to the intended outcomes. This map is a new mechanism, flagged by the Department of Planning, Industry and Environment in an exhibited Discussion Paper in May 2019 and will assist in bringing about desired built form and public domain outcomes.

The proposed character areas have been identified based on zone locations and the Structure Plan for the precinct:

- HS_01 – Hills Showground Mixed Use
- HS_02 – Hills Showground Residential
- HS_03 – Hills Showground Residential Terraces
- HS_04 – Hills Showground Light Industrial
- HS_05 – Hills Showground Business

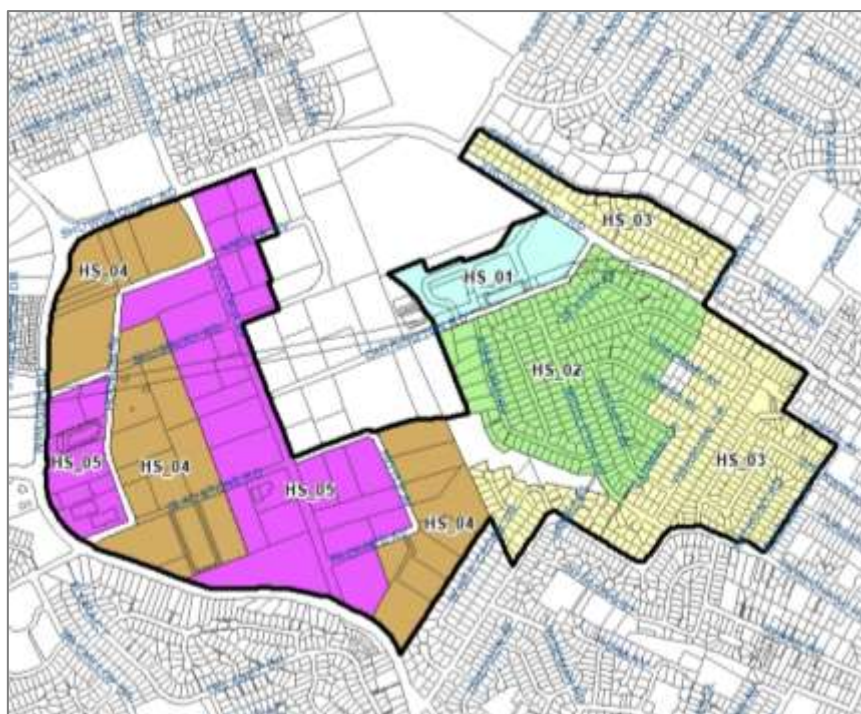


Figure 9

Proposed Character Areas – Showground Station Precinct

Note: to be read in conjunction with draft clause in Part 7 of marked up written instrument (Attachment 1)

Review of land zoned R3 Medium Density Residential

A change of zone from R3 Medium Density Residential to R2 Low Density Residential is proposed in a number of locations throughout Rouse Hill, Beaumont Hills and Kellyville. The proposed changes seek to ensure the planning framework effectively provides for a diversity of housing in the right locations, with a specific focus on the capacity of land zoned R3 Medium Density Residential.

Development that has occurred in a significant part of the land zoned R3 Medium Density Residential in the Kellyville Rouse Hill Development Area is conventional single dwellings best suited to an R2 Low Density Residential zoning. In determining areas where an R2 zoning would be more appropriate, consideration was given to the following criteria:

- Age of existing building stock;
- Distance from centres;
- Prevailing built form and character and protection of amenity for residents; and
- Capacity of existing infrastructure to accommodate significant change.

The average density of residential development in the locations recommended for change is approximately 13 dwellings per hectare, and dwellings are relatively new (compared to R3 locations around Castle Hill and Baulkham Hills).



Figure 10

Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Rouse Hill

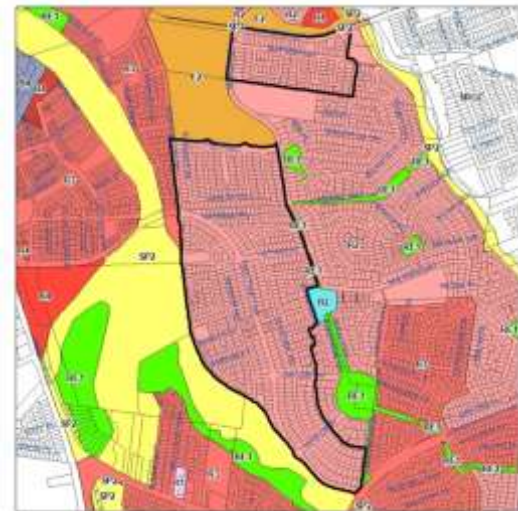
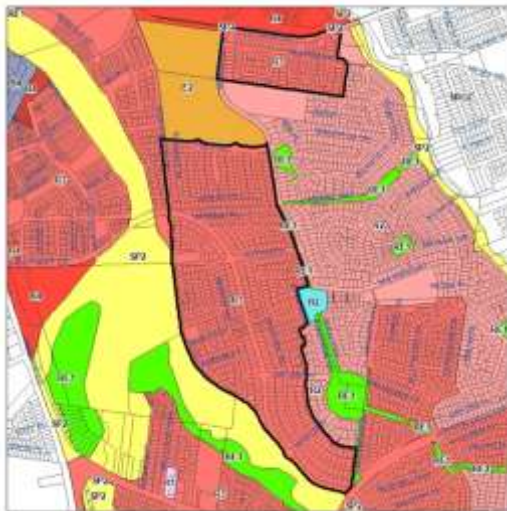
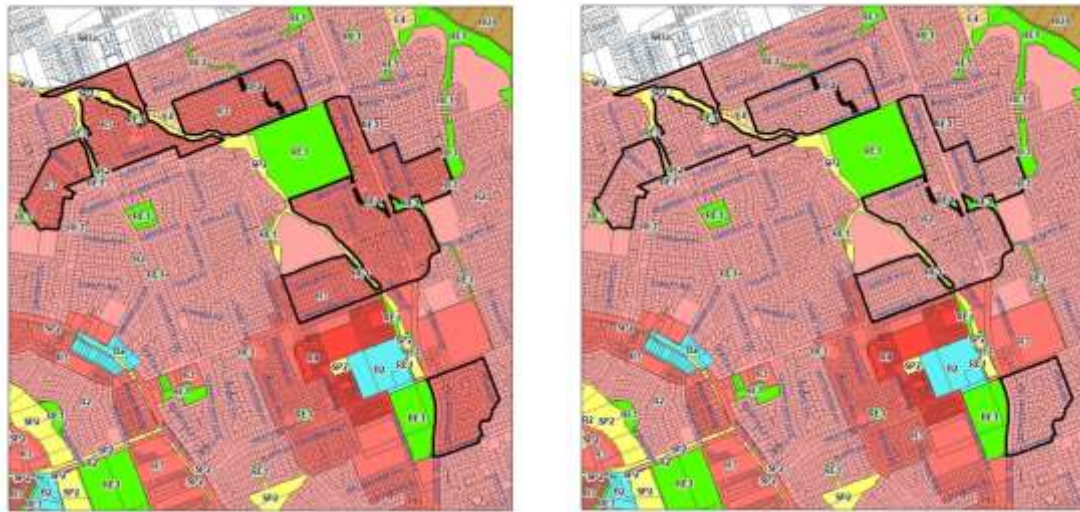


Figure 11

Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Beaumont Hills

**Figure 12**

Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Kellyville

Review of prevailing lot size and character

In July 2017 Council resolved to undertake a review of lot size standards in The Hills LEP 2012 as they relate to streets with prevailing established character, specifically streets with lot sizes larger than the minimum specified in the LEP. The review was in response to the subdivision of land occurring in West Pennant Hills where there is an established, consistent pattern of development that contributes significantly to streetscape character yet the mapped minimum lot sizes permit subdivision into three or more lots which would significantly alter existing streetscape qualities.

The review recommends two locations for change to minimum lot size mapping being Governor Phillip Place and land between Glendale Grove and Crompton Place, West Pennant Hills. These two areas were specifically developed as large lot estates to cater to a specific housing demand and is a housing product which still holds significant appeal in The Hills.

It is therefore proposed to amend the minimum lot size for the identified locations from 700m² to 2,000m² (refer Figures 13-14). The proposed 2,000m² minimum lot size reflects the prevailing lot size at the subject locations and will assist in preserving established streetscape character as well as supporting a diversity of housing types in the established urban area.

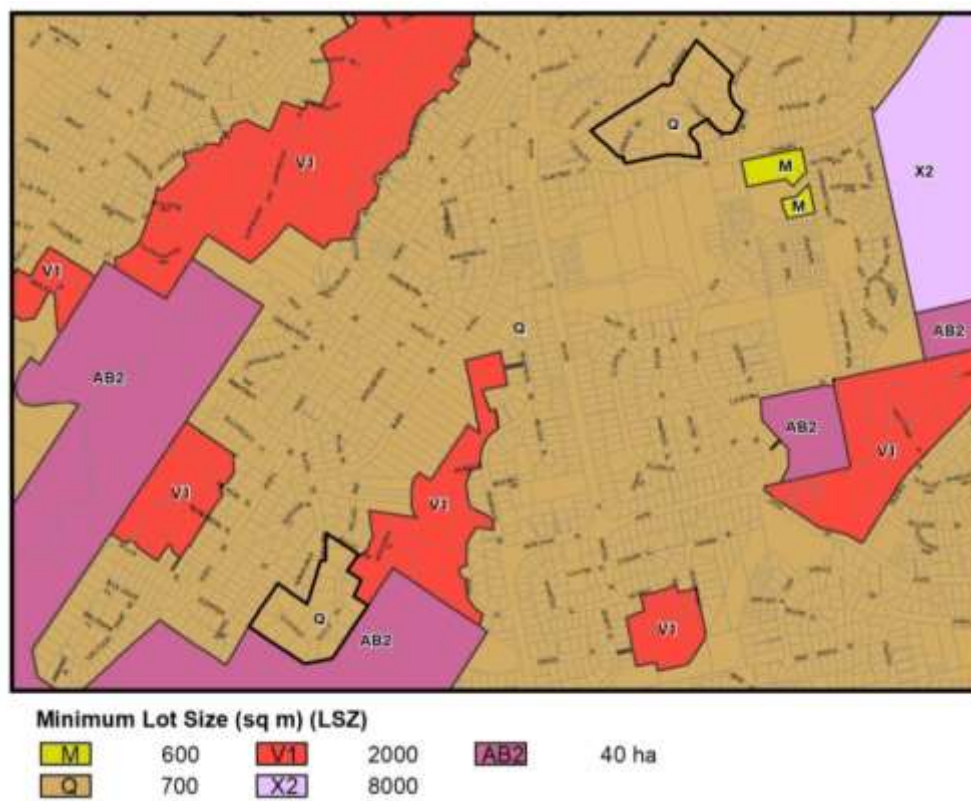


Figure 13
Existing Minimum Lot Size Map – West Pennant Hills

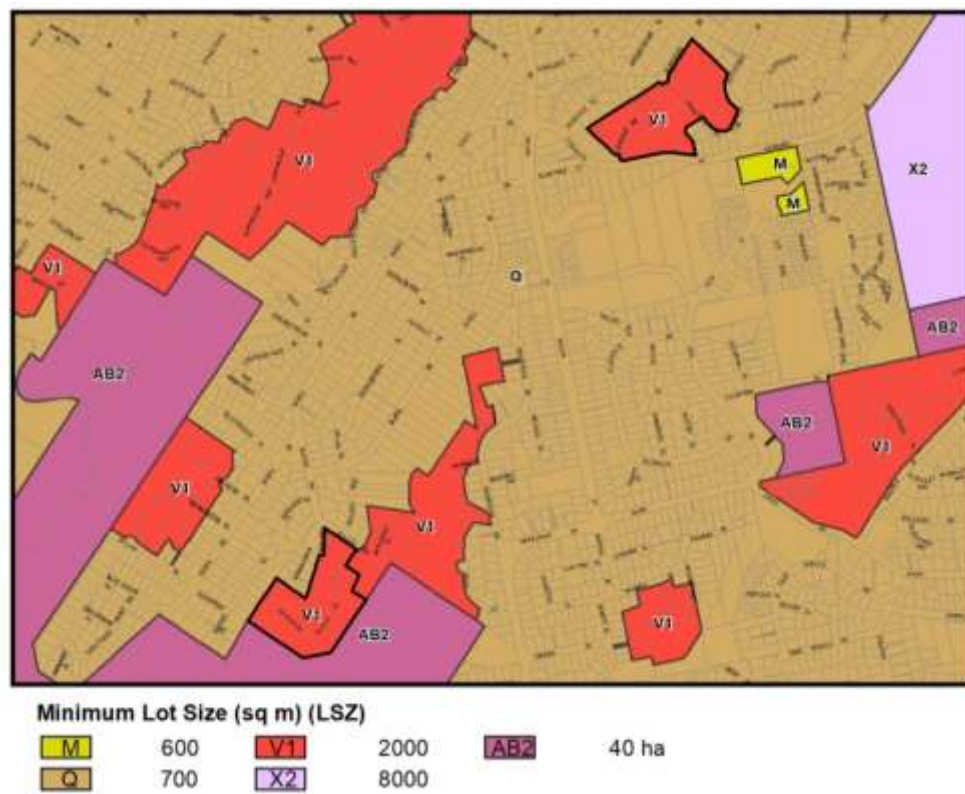


Figure 14
Proposed Minimum Lot Size Map – West Pennant Hills

e. Changes for neighbourhood centres

Changes are proposed to the B1 Neighbourhood Centre zone, to remove shops as a permitted use (neighbourhood shops and neighbourhood supermarkets will remain permitted). This amendment will ensure future development is consistent with the desired scale and character of the zone.

It is also proposed to introduce artisan food and drink industries as a permitted use in this zone. Commercial areas within rural villages are zoned B1 Neighbourhood Centre and could benefit from the introduction of artisan food and drink industries as they are in keeping with the small scale of these centres and could contribute to the vibrancy and appeal of these local centres.

f. Housekeeping changes

A variety of housekeeping or administrative changes are also proposed to both the LEP maps and the written instrument as outlined below:

Cattai Creek West deferred area (Showground Station precinct)

On December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. While the majority of the land has been rezoned an area along Cattai Creek was deferred. This area was deferred to allow further work to ensure a mixed use outcome that will facilitate key public benefits including revitalisation of the Creek and access, to be funded through development.

The master planning process has been led by the Department of Planning, Industry and Environment since 2017 and whilst it is intended to be finalised shortly there is no certain timeframe for completion. Given the time that has elapsed and the need for a new planning proposal process once the work is complete, it is proposed to lift the deferred matter. This means the underlying zoning will continue to apply (refer Figures 15-16).

Should the planning proposal proceed to Gateway Determination, affected land owners will be advised that lifting of the deferred matter does not negate the master planning process and potential for review of zones and development controls applying to the land.

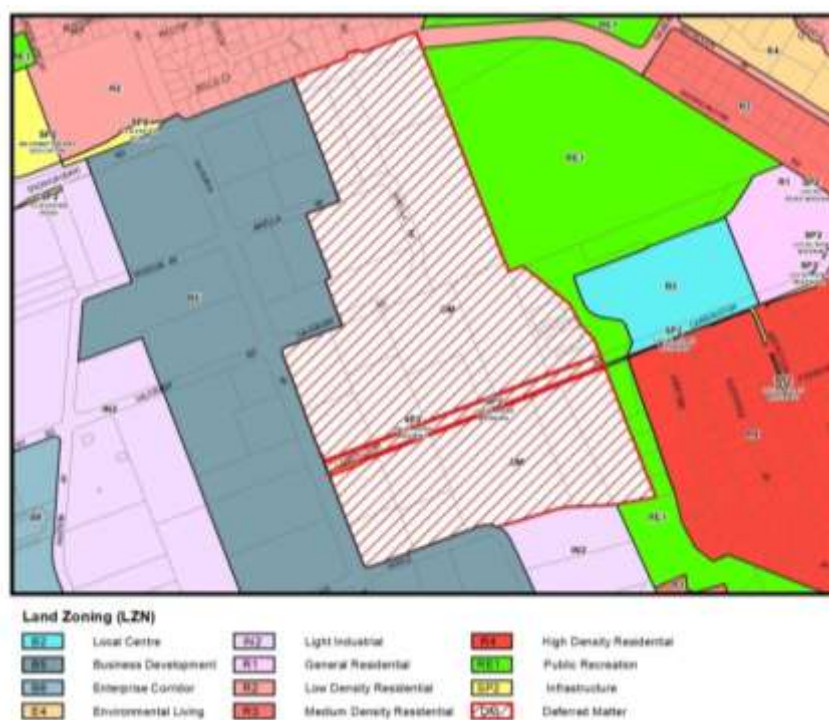


Figure 15
Existing LEP mapping Cattai Creek West

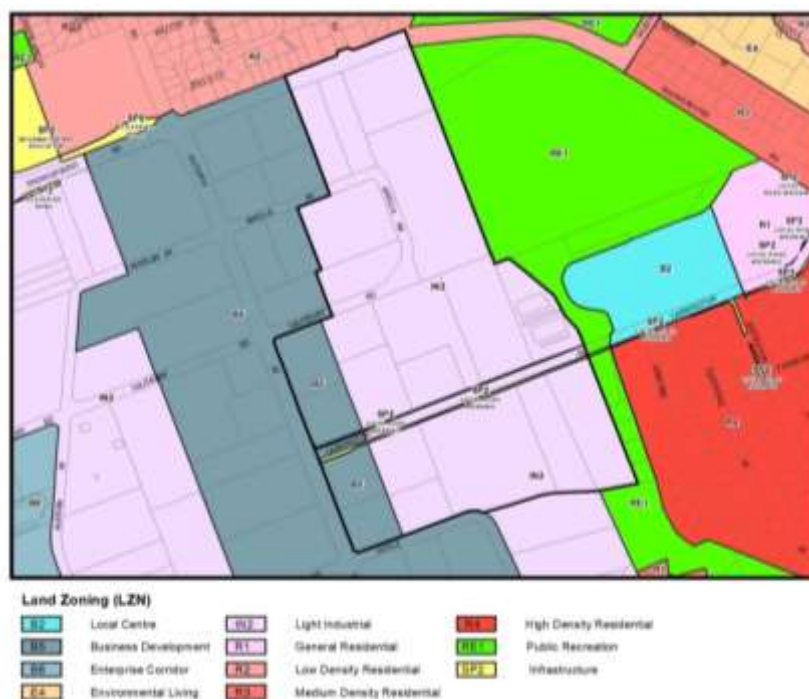


Figure 16
Proposed LEP mapping Cattai Creek West

Amendment of Clause 5.3 Development near zone boundaries

Clause 5.3 of the Standard Instrument LEP is an optional clause, commonly referred to as the 'rubber band' clause. It is intended to provide flexibility where a use allowed on the other

side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

It currently allows the 'stretching' of a zone boundary by a distance of 20 metres which has the effect of allowing land uses, development standards and densities in locations not anticipated or intended for such development. This became apparent in a case defended by Council in 2016 (The Hills Shire Council vts Namul Pty Ltd York Road Kellyville) where the clause was interpreted to allow residential flat buildings with associated density of 175 persons per hectare in the R3 Medium Density Residential zone where a much lesser density of development was expected. The decision has implications for local character and amenity as well as infrastructure capacity and can result in outcomes that are illogical and not accepted by the community.

The clause is therefore proposed to be amended to exclude residential zones and the E4 Environmental Living zone from the application of the clause to prevent inappropriate use of the clause to enable higher density residential outcomes than intended. It will continue to apply to rural, business, industrial and special purpose zones.

Review of land zoned SP2 Infrastructure (Stormwater Management)

The SP2 Infrastructure zone boundaries are proposed to be adjusted to match cadastral boundaries where land has been acquired for stormwater management by Sydney Water. The changes are primarily in the Balmoral Road Release Area and an example is provided in Figures 17 (all locations of proposed change are shown in Attachment 2). Where a zone boundary is adjusted, corresponding changes are also proposed to other relevant map sheets including height of buildings and land reservation acquisition mapping.



Figure 17

Example of changes to SP2 Infrastructure (Stormwater Management) zone
Fairway Drive area (existing on left and proposed on right)

Review of Land Reservation Acquisition Map

A number of lots identified for acquisition, whether by Council or State agencies, have been acquired since gazettal of LEP 2012. Lots that are now in public ownership are proposed to be removed from Land Reservation Acquisition Map.

Review of land zoned RE1 Public Recreation

Review of Council reserves has been completed to ensure the zoning matches the intended open space function and Council ownership. There are two locations where rezoning is proposed from residential to RE1 Public Recreation. This is at Appian Circuit at William Joyce Reserve, Baulkham Hills and Caballo Street, Ironbark Ridge Reserve at Rouse Hill (refer Figures 18-19).

In both cases land was formerly zoned residential to ensure land acquisition liability was not triggered, noting land was intended for dedication. The land at Rouse Hill was identified under the planning agreement for the regional centre and the land at Appian Circuit includes a drainage basin managed by Council and dedicated as part of the larger residential subdivision (1422/2010/ZA). Both parcels are now in Council's ownership and are classified as community land.



Figure 18
William Joyce Reserve



Figure 19
Ironbark Ridge Reserve

Review of zoning and controls Grey Gum Estate North Kellyville

Grey Gums estate resulted from four staged subdivisions eventually resulting in the creation of a residential estate comprising a mix of low density and high density dwellings as well as land reserved for environmental conservation. The two lots created for environmental conservation are subject to a biobanking agreement and are owned and managed by Council.

At the time that the applications for the creation of individual residential lots were being considered, preparation of draft LEP 2010 (now LEP 2012) was well underway. At that time whilst the site had been provisionally zoned as R4 High Density Residential, it was acknowledged that this would be reviewed subject to the approval and development of the subdivision.

The site is almost fully developed. All of the low density residential lots have been developed and only a small number of high density lots remain, with approvals having been either granted for development or currently under assessment. An opportunity therefore exists to amend the zoning of the site to reflect built form and make subsequent amendments to height of building and lot size maps (refer Figures 20-21). The proposed changes reflect existing and approved built form and recognise the function of the site in delivering a diversity of housing types.

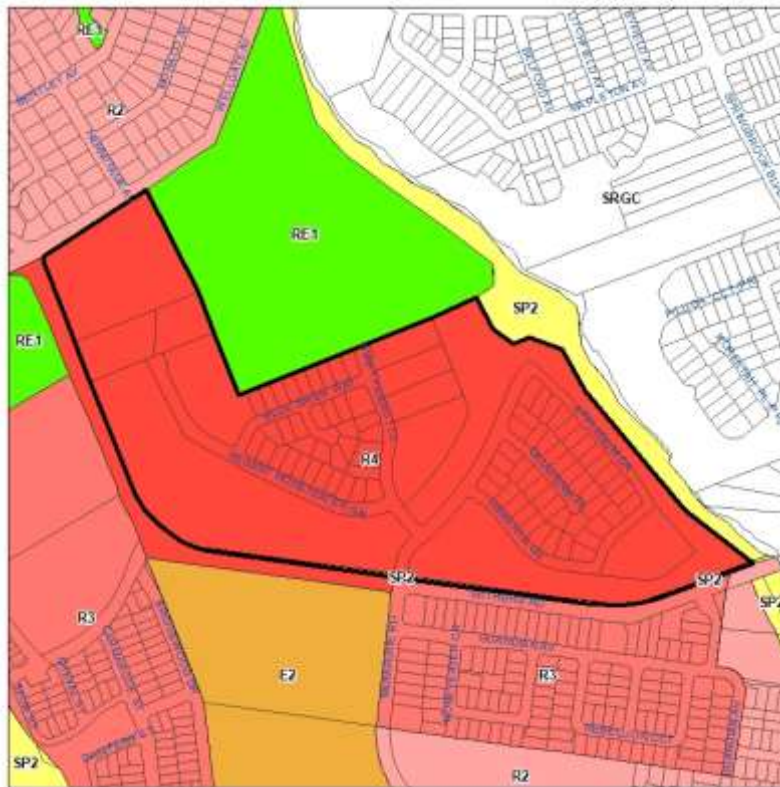


Figure 20
Existing Land Zoning Map – Grey Gums Estate

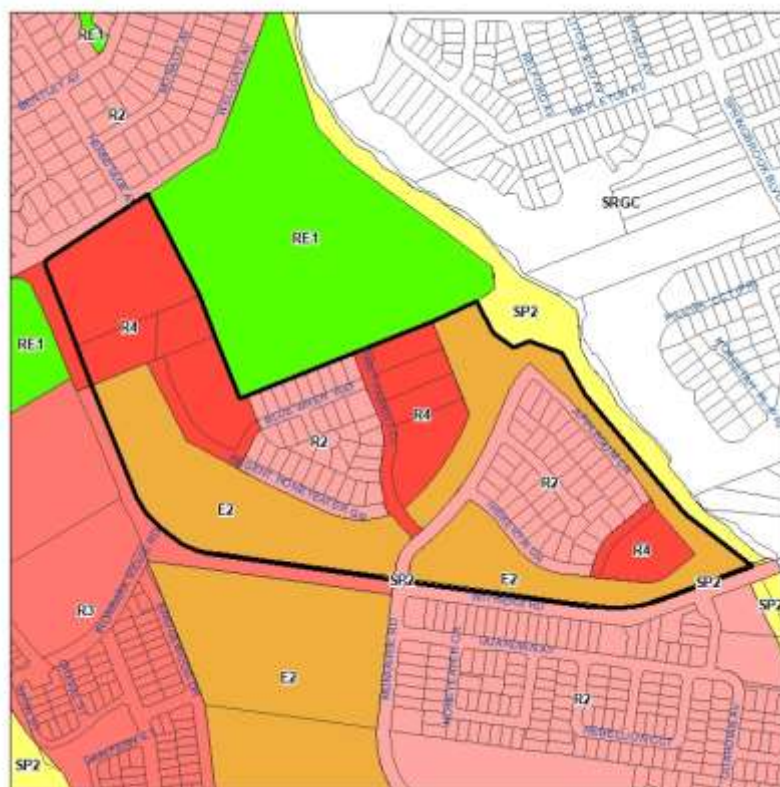


Figure 21
Proposed Land Zoning Map – Grey Gums Estate

Minor zoning and mapping changes

A number of mapping corrections are proposed primarily to ensure that zoning reflects current cadastral boundaries where subdivision has occurred. A site specific clause 7.14 that enabled the creation of a smaller lot size for the residential care facility at 93 Glenhaven Road is proposed to be deleted and mapping on the Lot Size Map removed, noting that this project is now complete.

Review of Schedules of the LEP

Changes are proposed to Schedule 1 – Additional permitted uses, Schedule 2 - Exempt development and Schedule 5 - Environmental heritage as set out below:

- Amendments to property descriptions in Schedule 1 Additional permitted uses.
- Introduction of new exempt development clause in Schedule 2 for retaining walls.

The new clause will respond to challenges being faced particularly in growth locations where retaining walls are generally required on or directly adjacent to property boundaries. Such walls are not permitted as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which requires a minimum setback for retaining walls of 1m from property boundaries.

Prior to the adoption of LEP 2012 the previous Baulkham Hills Local Environmental Plan 2005 contained an exempt development clause which permitted the construction of retaining walls with a maximum height of 600mm above or below natural ground level as exempt development without specifying a minimum setback. The proposed clause will not restrict the location of retaining walls however it will include a number of conditions including a maximum height or depth of 500mm, compliance with all relevant Australian Standards, written consent from the adjoining land owner, and a requirement that it not occur on environmentally sensitive land, land subject to inundation, land containing a heritage item, nor restrict natural stormwater flows.

- Amendments to property descriptions in Schedule 5 Environmental Heritage and associated mapping where descriptions and parcels have changed owing to subdivision.

4. MATTERS FOR CONSIDERATION

As set out in sections 1 and 2 of this report the planning proposal is a direct result of legislative requirements to give effect to the Central City District Plan and keep plans under regular review. In addition to consistency with the district plan, there are a number of additional considerations relevant to the LEP review including consistency with State policies and Ministerial directions and Local Planning Panel advice.

a. Consistency with strategic planning framework

Council's endorsed Local Strategic Planning Statement demonstrates the response to relevant objectives and actions of the region and district plans and also links to the themes of Council's Community Strategic Plan. Some of the identified actions are to be implemented as part of the current LEP review, however many will only be implemented following the completion of more detailed investigations or precinct planning.

The relationship to the strategic planning framework is proposed to be made clear in the aims of the plan and a proposed new local provision will assist in decision making on development applications by requiring applicants to demonstrate consistency with the priorities of the LSPS.

b. Consistency with applicable State Policies and Ministerial Directions

An assessment against relevant Ministerial Directions and State Policies has been completed and the proposal would be broadly consistent with or would not undermine the objectives of the applicable relevant policy documents. Any minor inconsistencies are able to be justified as demonstrated below:

Ministerial Direction 1.1 – Business and Industrial Zones

This Direction requires that a planning proposal must retain areas and locations of existing business and industrial zones and must not reduce the total floor space area for employment uses in business zones.

The proposed changes to Castle Hill and Rouse Hill strategic centres do not involve any changes to zones, however they introduce height controls for Rouse Hill where none apply under the LEP (although they do apply under the approved precinct plan) and increase the height and floor space ratio controls for Castle Towers site to reflect approved development.

Whilst these changes are an interim measure pending more detailed precinct planning or submission of a planning proposal, they are consistent with the objectives of the direction to encourage employment growth, protect employment land and support the viability of identified centres. They essentially seek to maintain the status quo, whilst necessary investigations, including the appropriate extent of residential development, are completed.

Ministerial Direction 3.1 - Residential Zones

This direction aims to encourage a variety and choice of housing, make efficient use of infrastructure and minimise impact on the environment. It requires that a draft LEP shall “(b) *not contain provisions which will reduce the permissible residential density of land*”.

Whilst the proposed changes for R3 Medium Density Residential to R2 Low Density Residential in parts of Kellyville/Rouse Hill and increase lot sizes in parts of West Pennant Hills will reduce the permissible residential density, the inconsistencies are able to be suitably justified.

Under current controls the locations have developed as low density and change to higher density outcomes has not been planned for as part of the infrastructure planning. Reverting to the prevailing built form and lot size will maintain the accessibility to infrastructure and services as well as protecting the amenity currently enjoyed by existing residents.

Ministerial Direction 4.3 - Flood Prone Land

This Direction requires that a planning proposal must not rezone land within flood planning areas from special use to a residential zone to ensure development of flood prone land is consistent with Government Policy for Flood Prone Land and the principles of the Floodplain Development Manual 2005.

The planning proposal seeks to rezone portions of land zoned SP2 Infrastructure (Stormwater Management) to the adjoining residential zone to match the cadastral boundaries of land acquired by Sydney Water. The land acquired is based on more recent

flood modelling by Sydney Water than the flooding work that informed the original location of the SP2 Infrastructure zone.

The proposed changes will not result in any changes to the way Council identifies flood prone land, or to any of the controls currently applicable to flood control lots.

Ministerial Direction 6.2 - Reserving land for Public Purposes

The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and remove any reservations of land for public purposes where the land is no longer required for acquisition. The Direction requires in part that a draft LEP shall not create or alter existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The proposed LEP amendments include changes to the Land Acquisition Map. Sites where acquisition liabilities are proposed to be changed are shown in the following table:

Location	Public purpose	Current acquisition authority	Revised acquisition authority
Lot 38 DP1153570 Broderick Boulevard Kellyville	Drainage / Public Reserve	Council and Sydney Water	Sydney Water
Carrington Rd and Showground Rd Castle Hill	Classified Road	Council	Transport for NSW (Roads and Maritime Services)

Table 1
Proposed changes to acquisition liability



Figure 22
Road widening intersection of Showground and Carrington Road

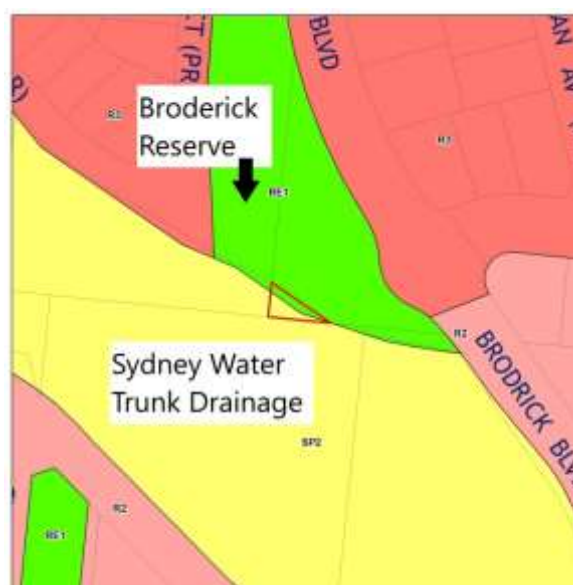


Figure 23
Lot 38 DP 115570 Broderick Boulevard

As part of the planning proposal process, Council will work with the relevant consent authorities (in this case being Sydney Water and NSW Transport Cluster) to confirm existing land identified for acquisition and obtain written consent where liabilities are proposed to be changed.

Ministerial Direction 5.9 - North West Rail Link Corridor Strategy

This Direction applies to any planning proposal for land in the rail corridor and requires it to be consistent with the proposals of the Government's Corridor Strategy including growth projections and future character. The objectives are to promote transit oriented development and manage growth around the stations.

The current planning proposal includes amendments for sites located within station precincts including:

- Cattai Creek West Master Plan area (Showground Station Precinct) – reinstatement of underlying zoning
- Rouse Hill strategic centre - height mapping and capping of dwelling numbers in northern frame to reflect approved precinct plans
- Castel Hill strategic centre – amendment of height and floor space ratio controls to reflect approved development on the Castle Towers site

In all of the above cases the proposed changes are interim, pending completion of precinct planning or lodgement of planning proposals. The measures are intended to provide certainty whilst the appropriate investigations and planning processes are completed. They are based on the prevailing controls and will not prevent any future changes being made that are cognisant of the proposals in the corridor strategy or any other changes made subject to detailed precinct planning. As such they are considered to be of minor significance and consistent with the objectives of the Direction.

Ministerial Direction 6.3 - Site Specific Provisions

This Direction seeks to discourage unnecessarily restrictive site specific planning controls.

The proposed site specific clause for Rouse Hill Strategic Centre in Part 7 of the LEP, will cap the maximum number of dwellings at 375. The local provision is consistent with the approved Precinct Plan for the regional centre. As has been noted this measure is proposed to maintain the status quo under the approved precinct plan whilst full consideration of alternative outcomes occurs, either by way of a planning proposal or precinct planning.

State Policy - Exempt and Complying Development Codes

The proposed inclusion of additional exempt development requires consideration of consistency with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which has different standards for retaining walls to that proposed to be included in Schedule 2 of LEP 2020.

The proposed maximum height of 500mm under draft LEP 2020 reflects the maximum heights for retaining walls contained in Council's Development Control Plan. Whilst this height is more restrictive than the height achievable under the Exempt and Complying Development SEPP (600mm), the reduced height acknowledges the additional impacts associated with locating retaining walls on or directly adjacent to site boundaries and seeks to limit those impacts by permitting a reduced retaining wall height.

c. Local Planning Panel

The Hills Local Planning Panel considered the proposal at its meeting of 18 September 2019 where it resolved to recommend a planning proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.

The Panel raised concerns around the proposed wording of a new clause (Clause 7.14) to give consideration to the priorities of the LSPS and recommended that it be amended to have regard to the priorities rather than achieve compliance. The clause has been amended accordingly, though it is noted that final wording will be subject to legal drafting.

d. Growth Centres Precincts

The subject planning proposal is for review of The Hills Local Environmental Plan, it does not make corresponding changes to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which contains the relevant planning controls for Box Hill and North Kellyville Precinct.

A number of the strategic and housekeeping changes recommended for LEP 2012 require similar consideration for the Growth Centres precincts which will require a separate planning proposal to be reported to Council. Potential matters include, but are not necessarily limited to:

- mechanisms to better guide residential densities in Box Hill, in the absence of this work being progressed by Government;
- consideration of the extent and capacity of land zoned R3 Medium Density Residential and the implications of the Government's pending Low Rise Medium Density Housing Code;
- allowance for boundary retaining walls as exempt development subject to criteria as proposed for draft LEP 2020; and
- review of land reservation acquisition map and any other housekeeping changes such as heritage mapping and alignment of zone boundaries with cadastre.

5. COMMUNITY ENGAGEMENT

Should the planning proposal proceed to Gateway Determination extensive community consultation as well as public authority consultation will be required. Recommended engagement strategies include:

- Mail out to all affected landowners;
- Dedicated 'Have Your Say' page on Council's website;
- Community Drop-in sessions at Council Libraries, Shopping Centres and community events;
- Advertisements in newspapers and community magazines;
- Advertisements on social media platforms; and
- Meetings with affected landowners as requested.

Current planning proposals and site specific requests

When LEP 2012 was prepared and exhibited in 2011, a number of site specific requests for changes to zoning or planning controls were received and it is anticipated this situation will be no different should the current LEP review proceed to exhibition. Whilst it is possible to amend the draft LEP in response to submissions raised, significant changes could trigger the

need for re-exhibition, for example, where there is material policy change or where procedural fairness cannot be demonstrated.

The current LEP review process should not be seen as an alternative pathway for consideration of active planning proposals or site specific proposals for uplift. It does not negate the need for consultation, investigation of urban capability and consideration of all impacts where growth or uplift is proposed.

As outlined in the approach for strategic centres, there are a number of planning proposals under assessment which will continue to be assessed and progressed as appropriate. In order to respond to site specific requests it is proposed that the assessment of submissions will follow a similar process to that used for LEP 2012. If a suggested change is clearly inconsistent with the policy framework the approach will be not to pursue change to the draft LEP. If a matter has merit, is in line with policy and is a minor correction with minimal impact, consideration can be given to changes.

Where a matter raised has some merit, when viewed through the lens of the strategic framework, but needs more investigation, consultation and consideration of impacts this can be noted as a potential future change either by way of precinct planning or a planning proposal. This approach will be relevant for residential or employment growth potential identified in the LSPS for strategic centres, station precincts and rural villages noting however that any planning proposal seeking further residential uplift than that already planned for, in advance of precinct planning work, would need to make a compelling case for change, demonstrating significant community benefit.

Noting the regulatory timeframes for completion of the LEP update are unlikely to allow for re-exhibition where significant material changes are proposed, the approach will ensure due process is followed whilst providing guidance for landowners, industry and developers on the way forward for their specific requests. In preparing exhibition material for draft LEP 2020, it is proposed that fact sheets will be included to assist understanding of the relationship with current planning proposals and the framework for consideration of site specific submissions.

IMPACTS

Financial

Council will recall entering into an agreement for funding up to \$2.5m under the Department of Planning, Industry and Environment Accelerated LEP Review Program. The Agreement sets out the terms and conditions of the funding, with release of funds linked to completion of agreed stages in the LSPS and LEP Review Project Plan. By accepting the funding Council agreed to a timeframe of two years requiring a planning proposal to be submitted to the Department for drafting and finalisation by the 30 June 2020.

Current funds provided under the agreement total \$1,375,000. Actual expenditure to date totals \$633,120 (to 17 October) including project team, design consultancy and exhibition costs. Future expenditure will involve ongoing project team costs, community engagement of the draft LEP 2020 and targeted consultant studies including a housing market demand and diversity, retail and commercial floor space demand analysis and transport corridor investigations.

Strategic Plan - Hills Future

Changes to Council's Local Environmental Plan are aligned with the *Hills Future 2036* Local Strategic Planning Statement, endorsed by Council on 22 October 2019. This document is aligned with the Community Strategic Plan and seeks to carry out the objectives of Hills

Future. Implementation of the relevant actions in the LSPS will update the LEP and ensure the Shire's built environment is managed to reflect community priorities.

RECOMMENDATION

A planning proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination to review LEP 2012, consistent with the amendments described in this report and Attachments 1 and 2.

ATTACHMENTS

1. Draft The Hills Local Environmental Plan 2020 (130 Pages)
2. Summary of proposed mapping changes (34 pages)
3. Local Planning Panel advice 19 September 2019 (2 pages)
4. Speakers issues and responses - Hills Future 2036 Local Strategic Planning Statement - Council meeting 22 October 2019 (4 pages)

653 RESOLUTION

1. Council adopt draft Contributions Plan 15 – Box Hill Precinct as exhibited (Attachment 1).
2. Council write to the Minister for Planning and Public Spaces to provide a copy of the revised Contributions Plan No.15 – Box Hill Precinct and request payment of outstanding Local Infrastructure Growth Scheme ('contribution gap') funding.

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

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr R A Preston
Clr Dr P J Gangemi
Clr A N Haselden
Clr J Jackson
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr A J Hay OAM
Clr R M Tracey
Clr S P Uno

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr B L Collins OAM

ITEM-4

**PLANNING PROPOSAL - COMPREHENSIVE REVIEW OF
THE HILLS LOCAL ENVIRONMENTAL PLAN (FP250)**

A MOTION WAS MOVED BY COUNCILLOR DR GANGEMI AND SECONDED BY COUNCILLOR HAY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED ANANIMOUSLY

654 RESOLUTION

A planning proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination to review LEP 2012, consistent with the amendments described in this report and Attachments 1 and 2.

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

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr R A Preston
Clr Dr P J Gangemi
Clr A N Haselden

Clr J Jackson
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr A J Hay OAM
Clr R M Tracey
Clr S P Uno

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr B L Collins OAM

10.02pm Councillor Preston having previously declared a non-pecuniary, less significant conflict of interest left the meeting for Item 5 and returned at 10.15pm during Call of the Agenda

ITEM-5

**STATE SIGNIFICANT DEVELOPMENT APPLICATIONS -
GOVERNMENT-OWNED LAND WITHIN BELLA VISTA
AND KELLYVILLE PRECINCTS**

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR JACKSON THAT

1. The matter be deferred to seek an extension of time for a submission on the proposal.
2. The matter be subject of a Councillor Briefing
3. Following Briefing a draft submission be prepared.

THE MOTION WAS PUT AND LOST.

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

VOTING FOR THE MOTION

Clr J Jackson
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr A J Hay OAM

VOTING AGAINST THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr Dr P J Gangemi
Clr S P Uno
Clr R M Tracey
Clr A N Haselden

MEETING ABSENT

Clr B L Collins OAM