

ITEM-7	GATEWAY DETERMINATION - IBM SITE 55 COONARA AVENUE, WEST PENNANT HILLS (1/2018/PLP)
THEME:	Balanced Urban Growth.
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	12 DECEMBER 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER PATRICE GRZELAK
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council write to the Department of Planning and Environment and request that a revised Gateway Determination be issued for the planning proposal applicable to land at 55 Coonara Avenue, West Pennant Hills (IBM Site) (1/2018/PLP).

At its Ordinary Meeting of 25 July 2017, Council resolved to proceed with the planning proposal to facilitate a medium to high density residential development comprising a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills. To provide certainty of key outcomes relating to the number of dwellings, building heights and apartment size, mix and car parking provision it was recommended that the revised concept be enabled through an amendment to Schedule 1 - Additional Permitted Uses of Local Environmental Plan 2012, rather than by amending the zone, height and floor space ratio as sought by the proponent.

Council has now received a Gateway Determination enabling the proposal to proceed to public exhibition (Attachment 1). However, the Gateway Determination requires that the proposal be amended to delete reference to Schedule 1 and instead enable the proposed development outcome through amendments to the zoning, minimum lot size map, floor space ratio map and height of buildings map.

The Gateway Determination requires the use of the R4 High Density Residential zone, the RU3 Forestry zone, the RE1 Public Recreation zone and an appropriate environmental management zone. The use of the RU3 Forestry zone and RE1 Public Recreation zone are not supported given that the RU3 Forestry zone does not reflect the function and private ownership of the land and the RE1 Public Recreation zone could trigger land acquisition liabilities, inconsistent with the intended dedication of this land.

To facilitate the intended outcomes the suitable zone selection would be the R4 High Density Residential zone, the R3 Medium Density zone and the E3 Environmental Management zone. These zones can be supported by minimum lot size and height of building mapping as set out in the report.

The Gateway Determination also contains no requirement to comply with the housing number, mix and diversity agreed for this site. This does not provide Council or the community with any certainty, does not align with the intent of the agreed methodology for housing mix and diversity within the Sydney Metro Northwest Corridor and does not meet Council's intent in resolving to proceed with the planning proposal.

It is recommended that Council request a revised Gateway Determination be issued which enables the planning proposal to proceed to public exhibition consistent with the intent of Council and the proponent. The revisions, as recommended, would:

- Remove the RU3 Forestry and RE1 Public recreation zones and include the R3 Medium Density Residential zone;
- Remove the requirement for amendment to the floor space ratio map; and
- Include a new local provision to facilitate the key site outcomes (single owner/developer, maximum 600 dwellings, agreed dwelling mix, size and car parking provision and small lot housing as an integrated product).

Utilising this approach would satisfy the Department's concerns (removing the use of Schedule 1), enable the proposed development outcome to occur and provide Council and the community with certainty that the master planned outcome with the agreed number and mix of dwellings are delivered.

It is further recommended that amendments be made to the draft Development Control Plan to be exhibited concurrently with the planning proposal. The changes include updating images to reflect the latest master plan layout, clearly identifying the land intended to be dedicated as public open space (in the absence of an RE1 Public Recreation zone) and requiring the main perimeter roadway to be constructed and dedicated as a public local road.

PROPONENT

Mirvac Capital Pty Limited

OWNERS

Mirvac Projects (Retail and Commercial) Pty Ltd

POLITICAL DONATIONS

Nil disclosures by the proponent.

REPORT

The purpose of this report is to advise Council of the implications resulting from the Gateway Determination issued for the planning proposal at 55 Coonara Avenue, West Pennant Hills (1/2018/PLP) and detail the response to the conditions of the Gateway Determination which prevents Council utilising Schedule 1 – Additional permitted Uses to facilitate the proposed development outcome.

1. BACKGROUND

The site is located on the eastern side of Coonara Avenue, close to the intersection of Castle Hill Road. The site is 25.87ha in area and has a walking distance of 860m to Cherrybrook Railway Station from the existing entry. The site slopes away from Coonara Avenue and two watercourses traverse the site.

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

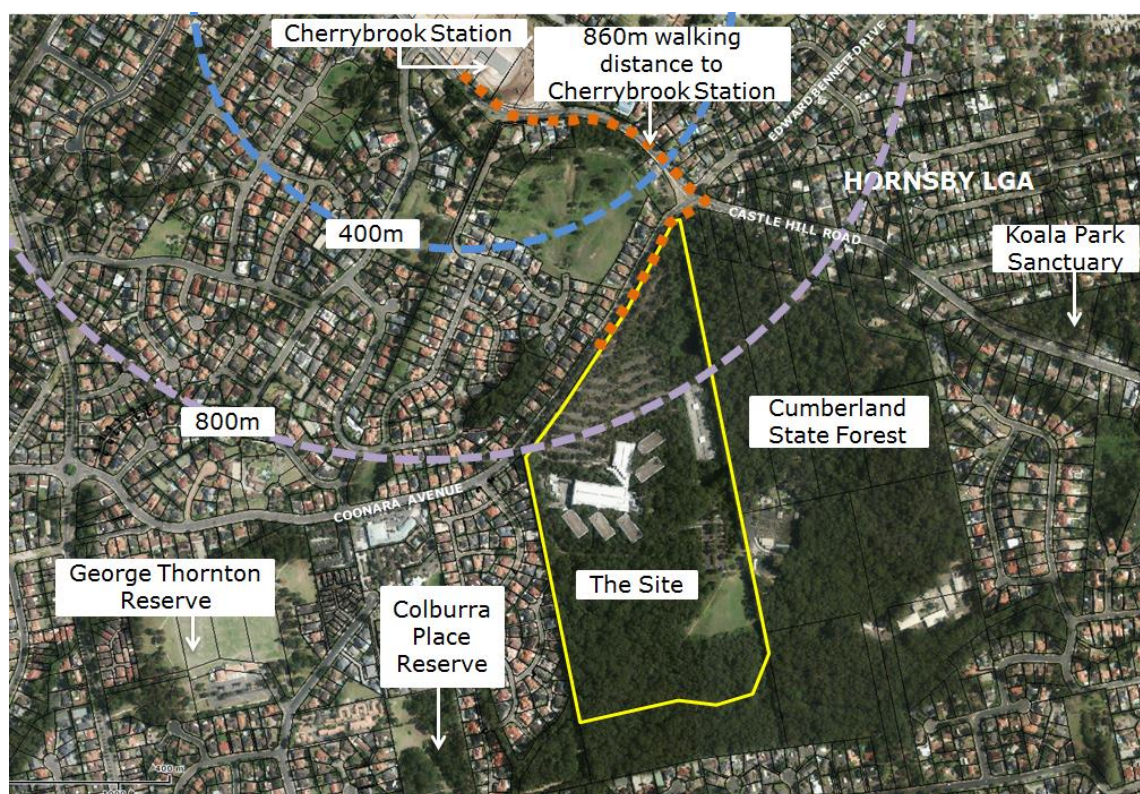


Figure 1
Aerial view of the site and surrounding locality

2. PLANNING PROPOSAL

The current development concept is the fourth concept that has been provided on the site with earlier concepts providing higher residential yields up to 1,270 dwellings. The planning proposal, as supported by Council at its Ordinary Meeting of 25 July 2017, seeks to facilitate a master planned residential outcome comprising a mix of 200 medium density dwellings at the front of the site and 400 apartment dwellings at the rear of the site. Buildings range from two (2) to six (6) storeys in height. The previous report providing an assessment of the proposal is included as Attachment 3.



Figure 2
Development Concept

The development concept included a number of key development outcomes, which supported a high and medium density development on the site. The provision of a community precinct was also proposed and included the dedication of land for public open space and associated at grade car parking and general purpose community facility room.

To ensure that these development outcomes are delivered as an integral part of any future development, Council resolved to enable the planning proposal to proceed by amending Schedule 1 (Additional Permitted Uses) of LEP 2012, rather than amending the zoning and development controls applicable to the site (height and floor space ratio). The use of Schedule 1 provides certainty that the proposed high density outcome could only be achieved where all key site development outcomes are delivered as part of the development.

On 25 July 2017, Council resolved as follows:

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills.
2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed public road access, public open space, community facility room and a sports field as identified in the development concept and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
4. Draft The Hills Development Control Plan Part B Section 2 – as detailed in Attachment 1 (ECM Document No.16017113), be exhibited concurrently with the planning proposal.

In accordance with Item 1 of Council's resolution, the planning proposal was forwarded to the Department of Planning and Environment for a Gateway Determination, which was received on 31 October 2017. The Gateway Determination is provided as Attachment 1 and is discussed further in Section 3 of this Report.

Ongoing dialogue is still occurring with the proponent in regards to the proposed Voluntary Planning Agreement and associated material public benefits. This matter is expected to be reported early next year.

3. GATEWAY DETERMINATION

On 31 October 2017 a Gateway Determination (Attachment 1) was issued by the Department of Planning and Environment. The Gateway Determination states that the planning proposal should proceed to public exhibition, subject to the following conditions:

1. *Prior to undertaking community consultation, Council is required to:*
 - a) *remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;*
 - b) *amend the planning proposal to seek to rezone the site from B7 Business Park to R4 High Density Residential, RE1 Public Recreation, RU3 Forestry, and appropriate environmental management zones (such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation), in accordance with Part 2 of The Hills Local Environmental Plan 2012;*
 - c) *amend the planning proposal to seek amendments to the minimum lot size map, floor space ratio map, and height of buildings map, in accordance with the Hills Local Environmental Plan 2012;*
 - d) *update the planning proposal to provide more information regarding community benefits associated with the proposal, including the identification of traffic and transport accessibility improvement options for the Cherrybrook precinct and additional supporting information for local infrastructure to be provided, and updated supporting studies as identified in Council's report dated 25 July 2017;*
 - e) *update the Explanation of Provisions to include a satisfactory arrangements provision for contributions to State public infrastructure;*
 - f) *refer the planning proposal and its accompanying Ecological Assessment to the Rural Fire Service and update in accordance with any comments received;*
 - g) *update the planning proposal as required to ensure the following matters are addressed:*
 1. *ecological values (flora and fauna);*
 2. *the use of appropriate land use zones;*
 3. *investigation of infrastructure and traffic considerations;*
 - h) *submit the updated planning proposal to the Department for endorsement; and*
2. *Community consultation for a minimum period of 28 days; and*
3. *Consultation with Transport for NSW, Transport for NSW - Roads and Maritime Services, Office of Environment and Heritage, NSW Rural Fire Services, UrbanGrowth NSW, Hornsby Shire Council; and relevant authorities for the supply of water, electricity, and the disposal and management of sewage.*

Critically, Condition No.1 (a) to (c) requires that Council remove reference to Schedule 1 and instead facilitate the development outcome by amending the zoning and development standards applicable to the land. The Department's Planning Team Report

(Attachment 2) does not support the use of Schedule 1, as proposed by Council, stating that it lacks transparency in terms of defining the future planning standards, and locations for future land uses on the site.

The approach required under the Gateway Determination does not align with Council's resolution to proceed with the planning proposal using Schedule 1 (Additional Permitted Uses). Rezoning the site and including development standards as identified under the Gateway Determination would enable a high density residential development to occur without any requirement to comply with the housing number, mix, diversity and car parking provision supported by Council for this site.

The Gateway Determination does not align with the intent of the methodology agreed between Council and State Government with respect for housing mix and diversity within the Sydney Metro Northwest Corridor and as such does not meet Council's intent in resolving to proceed with the planning proposal.

The following section of the report considers an alternative approach to the use of Schedule 1 consistent with the intent of the Department's requirements whilst also enabling the development outcomes sought by the proponent and supported by Council to occur.

4. RESPONSE TO GATEWAY REQUIREMENTS

Conditions (a) to (c) require that the planning proposal be amended to remove the references to Schedule 1 and include recommend zones, floor space ratio, minimum lot size and height of building development standards. The following section considers an alternative approach to the use of Schedule 1 consistent with the intent of the Department's requirements whilst also enabling the development outcomes sought by the proponent and supported by Council to occur.

a) Land Use Zones

The Gateway Determination nominates the use of R4 High Density Residential, RE1 Public Recreation, RU3 Forestry and appropriate environmental management zones.

The R4 High Density Residential zone would best suit the residential flat buildings component of the proposal. However, the use of this zone for the proposed mixed housing precinct in the front portion of the site (Figure 2) is not supported given it would allow for high density residential development, inconsistent with the outcome supported by Council. The dwelling types proposed in the mixed housing precinct would fall within the definition of dwelling houses, attached dwellings and/or multi-unit housing all of which are permitted with Council consent in the R3 Medium Density Residential zone. The use of this zone would align with the development outcomes sought by the proponent and supported by Council.

The use of the RU3 Forestry zone is not supported. In preparing LEP 2012, the specific RU3 Forestry zone was applied specifically to Cumberland State Forest, to enable development such as the provision of roads and fire trails without consent, under the provisions of the Forestry Act 1916. It identifies specific land in State ownership with a different function to the environmental outcomes intended for the subject site.

Of the suggested environmental zones, the E4 Environmental Living zone is not appropriate as it allows for residential opportunities such as dual occupancies (attached), dwelling houses, and secondary dwellings. The suggested E2 Environmental Conservation zone is also not supported as it could potentially trigger land acquisition liabilities for Council and is not necessary given the framework proposed for the ongoing

management of the land as part of a Vegetation Management Plan under a privately titled development.

The E3 Environmental Management zone is best suited to conserving the existing high value vegetation and providing for ongoing management of this area. Under LEP 2012 this zone has been applied to geotechnical constrained land elsewhere in the Shire (Telfer Road locality) to recognise the specific constraints applying in this area. The objectives of this zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To provide for residential development on the land having regard to the geotechnical constraints of the land.*

The permitted uses include home occupations, dwelling houses, environmental protection works and roads. Whilst dwelling houses are permissible, draft development controls (Attachment 4) will ensure that an appropriate Vegetation Management Area is set aside and preserved under the provision of a Vegetation Management Plan. The protection of significant vegetation located on the site will also be regulated by the provisions of Commonwealth and State biodiversity legislation.

The use of the RE1 Public Recreation zone is not supported. Whilst this zone would recognise the intended function and future public ownership of the land proposed to be dedicated, it could create a potential acquisition liability for Council. Specifically, under the provisions of the *Environmental Planning and Assessment Act 1979* (Section 27) if land is reserved for the purposes of public open space a relevant acquisition authority must be identified. Council is the identified acquisition authority for land zoned RE1 Public Recreation.

Whilst it is the intention of the Voluntary Planning Agreement (currently under negotiation) to dedicate the open space land at no cost to Council this dedication needs to occur before the land is rezoned so there is certainty that Council will not be subject to a land acquisition claim. It is therefore recommended that the land be zoned consistent with the surrounding land, in this case E3 Environmental Management. The area to be dedicated for open space can be more clearly identified within the draft DCP. Following dedication to Council, housekeeping amendments can then be undertaken to rezone the land to RE1 Public Recreation.

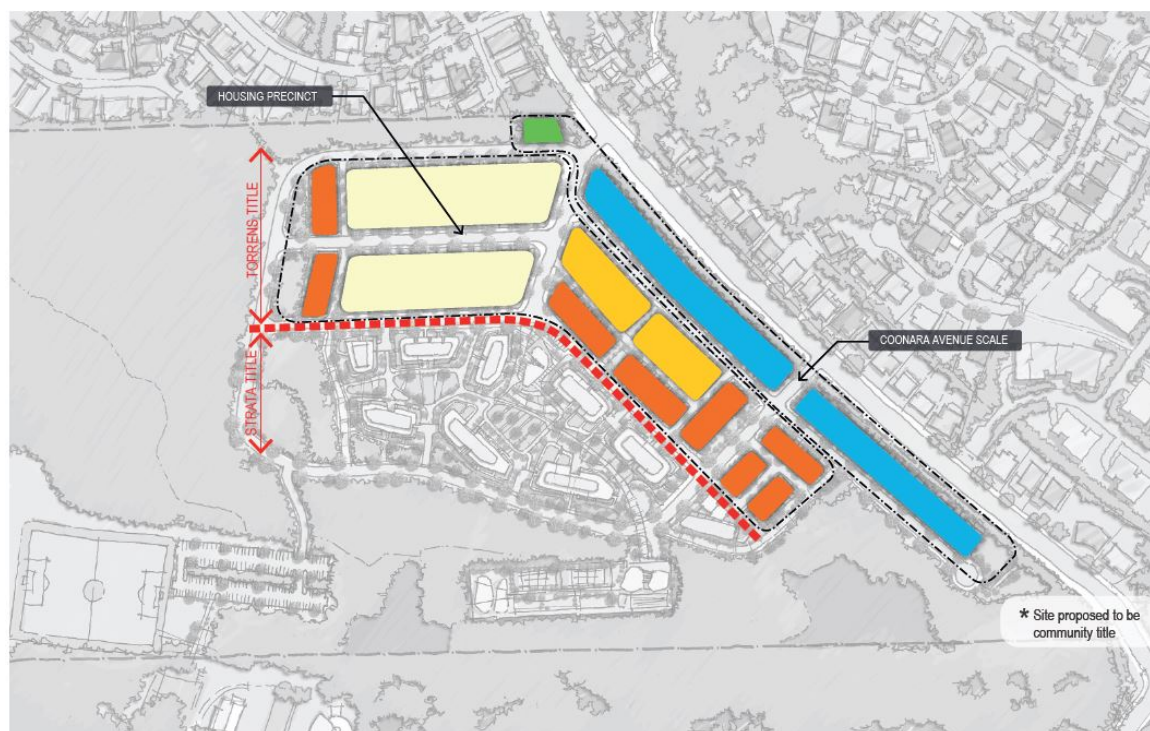
In summary the following zones best respond to the development outcomes sought and supported by Council:

- R3 Low Density Residential (Mixed Housing Precinct);
- R4 High Density Residential (Residential Flat Building Precinct & common areas); and
- E3 Environmental Management (Existing Vegetation Area and land identified for dedication as open space).

The recommended application of land zoning is shown in Figure 3 below.



The submitted development concept proposes a range of housing products and lot sizes including attached and detached dwellings with lot sizes ranging between 86m² – 300m² (refer Figure 4). The proposal for small minimum lot sizes down to 86m² would facilitate a new type of housing product in the Shire, being 3 storey terrace homes.



COONARA AVENUE SCALE

Typical house types	Lot size
Front-loaded 2 Storey (attached)	130 - 240 m ²
Front-loaded 2 Storey (detached)	300 m ²

HOUSING PRECINCT

Typical house types	Lot size
Front-loaded 2 Storey (detached, semi-detached, attached)	180 - 300 m ²
Rear-loaded 2 Storey (attached)	150 - 175 m ²
Rear-loaded 3 Storey (attached)	86 - 126 m ²

Figure 4

Proposed Housing Products and Lot sizes for Housing Precinct

In assessing the planning proposal the smaller lot outcome was considered on the basis that it was an integral part of the 600 dwelling master planned scheme. It was supported subject to an updated Urban Design Analysis being submitted prior to exhibition to demonstrate suitable outcomes in terms of design, amenity, privacy, landscaping and parking.

Whilst the proposed mixed housing component of the development has some lot sizes down to 86m², it is not recommended that this be included as part of the minimum lot size mapping given that such sizes have only been considered on the basis of a master planned outcome. More certainty will be provided for the community and Council by applying the conventional lot size for R3 Medium Density zoned land elsewhere in the Shire (700m²) across the housing precinct. The ability to create smaller lots as proposed under the development concept can then be enabled by a local provision that 'locks in' the maximum number of dwellings and the need for the subdivision and dwelling design of the small lot product to be considered together.

For the land zoned R4 High Density Residential a minimum lot size of 1,800m² is appropriate and consistent with the approach for land zoned R4 under LEP 2012 elsewhere in the Shire. It does not change the requirement under Clause 4.1A of the LEP for a minimum lot size of 4,000m² for residential flat building development.

The remainder of the site (excluding the mixed housing precinct and the residential flat building precinct) is proposed to have a larger minimum lot size of 2 hectares. This will facilitate subdivision to create the open space intended to be dedicated to Council as part

of the Voluntary Planning Agreement and discourage subdivision of the ecologically significant land for residential purposes (noting that biodiversity legislation and proposed development controls will also ensure protection of this land).

The recommended application of minimum lot size mapping is shown in Figure 5.

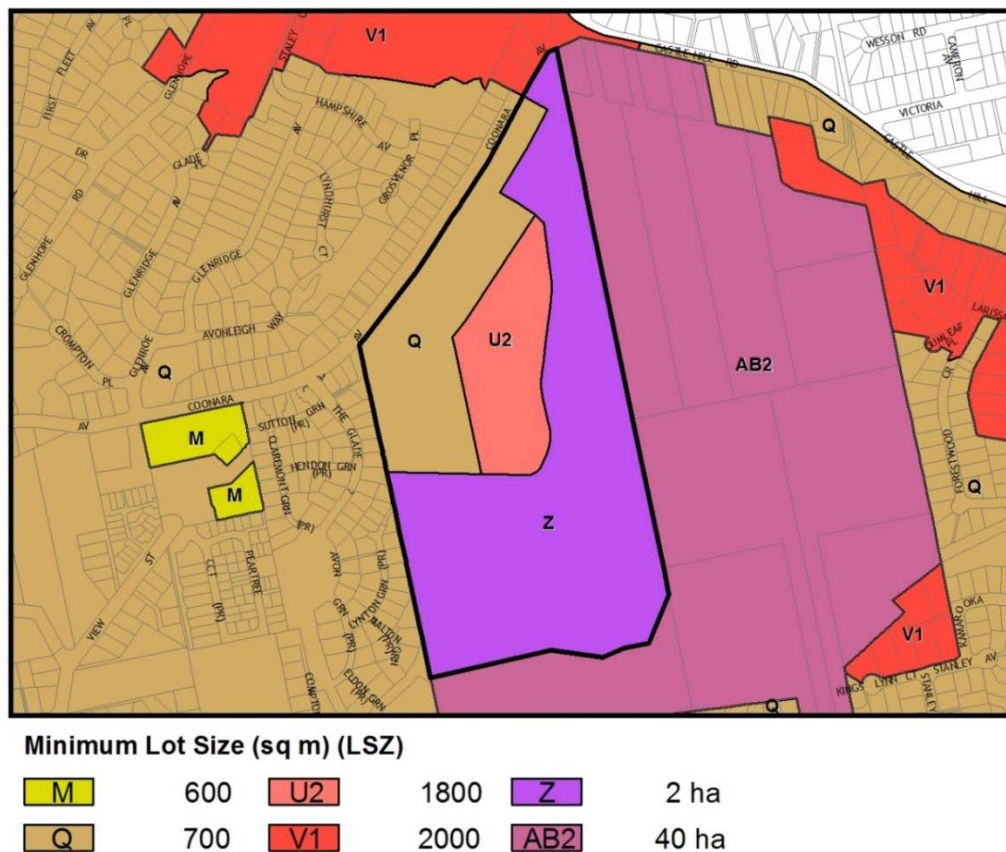


Figure 5
Proposed Minimum Lot Size Map

c) Height of Buildings

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

The current maximum height applying to the site under LEP 2012 is 22 metres. To facilitate the intended built form and provide certainty for the community it is recommended that a maximum height of nine (9) metres be applied to the Coonara Avenue frontage and the majority of the site of the site, which is consistent with the maximum building heights currently permissible in the surrounding residential locality. A maximum height of 10 metres is recommended for remaining part of the proposed mixed housing precinct and 19 metres for the proposed residential flat buildings location.

The recommended application of maximum height of buildings mapping is shown in Figure 6.

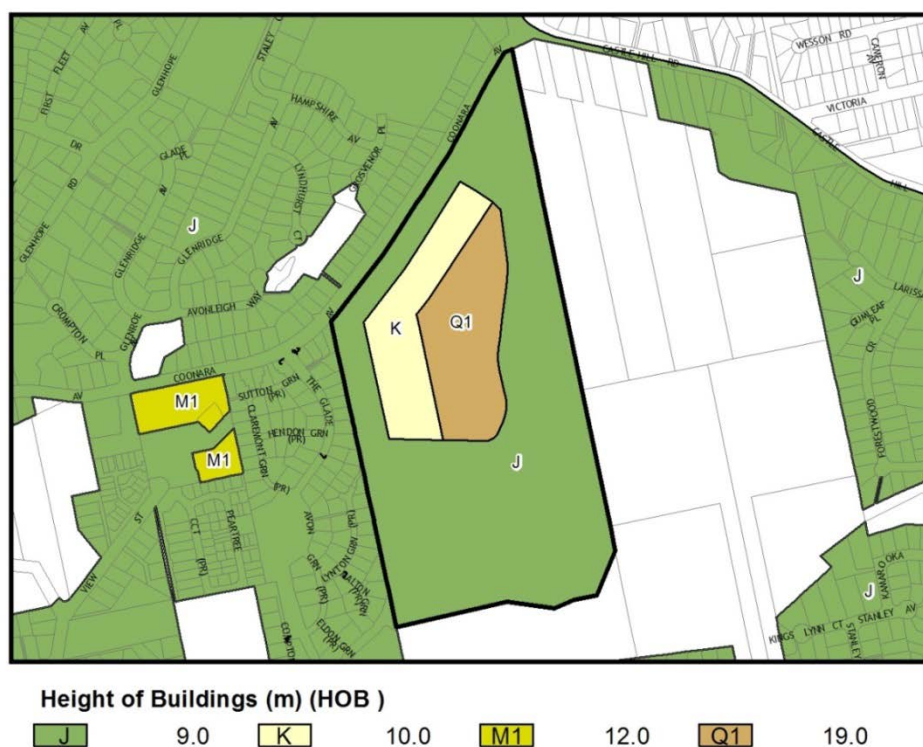


Figure 6
Proposed Height of Building Map

d) New Local Provision

Council previously supported the yield, dwelling mix and size proposed within the proponent's development concept as it was considered acceptable and consistent with the intent of Council's local provision to secure a diversity of housing suitable to larger households, typical of the Shire's population. This was proposed to be secured by the use of Schedule 1 – Additional Permitted Use.

As the Gateway Determination requires that all references to Schedule 1 be removed, an alternative mechanism is needed to secure the master planned outcomes, specifically:

- Development of the site by a single developer;
- The agreed dwelling mix, size and car parking provision;
- The maximum of 600 dwellings where no more than 400 are developed as units; and
- The small lot housing product where the subdivision and dwelling design are considered together.

It is recommended that the following draft additional local provision be used:

Part 7 Additional Local Provisions

7. XX Residential Development Yield for land at 55 Coonara Avenue, West Pennant Hills

- (1) The objective of this clause is to provide for the redevelopment of the former IBM site at West Pennant Hills.*
- (2) This clause applies to land at 55 Coonara Avenue, West Pennant Hills and comprising Lot 61, DP737386.*

- (3) *Development consent must not be granted to development on land to which this clause applies for more a maximum of 600 dwellings of which no more than 400 dwellings are in the form of a residential flat building.*
- (4) *Development consent for any purpose under sub-clause (3) may only be granted if:*
- *The land is owned and developed by a single entity;*
 - *At least 40% of all dwellings on the land are 2 bedroom dwellings;*
 - *At least 40% of all dwellings on the land are 3 bedroom dwellings (or larger);*
 - *At least of 15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m²;*
 - *At least of 50% of all 3 bedroom dwellings (or larger) on the land will have a minimum internal floor area of 135m²;*
 - *Car parking is to be provided at a rate of at least 1 space per residential dwelling and 1 visitor space per 5 residential dwellings.*
- (5) *For land zoned R3 Medium Density Residential or R4 High Density Residential development consent may be granted to lot sizes smaller than the minimum lot size map that involve the subdivision of land and the erection of a dwelling house or attached dwelling on each lot resulting from the subdivision.*

It is noted that the Department may raise concern that the revised approach is inconsistent with Ministerial Section 117 Direction 6.3 Site Specific Provisions. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. Given the outlined use of land use zones and development standards mapping where appropriate, the use of a local provision to secure the remaining agreed aspects of the development concept is considered warranted.

Application of a floor space ratio control as requested under the Gateway Determination could be unnecessarily restrictive when the master planning work has been done to identify the key outcomes that are able to be supported for this site. The recommended approach will facilitate the envisaged development outcome, ensure protection of high value vegetation and provide a reasonable level of certainty for Council and the community as to the yield and dwelling diversity to be accommodated on the site.

e) Other Gateway Conditions

As set out in section 3 of the report, prior to community consultation, the Gateway Determination also requires the planning proposal to be updated and/or expanded on a range of matters including:

- Community benefits associated with the proposal;
- Traffic and transport accessibility improvement options;
- Contributions to State public infrastructure;
- Any Rural Fire Service comments; and
- Ecological values (flora and fauna).

The additional information required is consistent with the planning proposal supported by Council and therefore it is not recommended that any change be sought to these Gateway requirements. The inclusion of further information on these matters will assist in effectively communicating the specific features of the proposal to the community.

This consultation will only be possible following endorsement of the planning proposal as required by Condition 1(h) of the Gateway Determination.

In relation to 'traffic and transport accessibility improvement options', clarification has been sought from the Department on the information needed to satisfy this requirement. The Department's Planning Team Report (page 15) indicates that the provision of the public open space, adjoining carpark and community facilities may need access to be improved for residents of the wider area. The access arrangements to this area could be improved by requiring the main perimeter roadway to be constructed and dedicated as public road and clearly distinguished from the private roadways. The location and requirements for public road access can be included in the draft DCP.

5. DEVELOPMENT CONTROL PLAN

The Development Control Plan previously considered by Council proposed amendments to Part B Section 2 – Residential of DCP 2012. The proposed development controls relate to site planning, streetscape and character, access, vegetation and courtyard fencing along Coonara Avenue.

In accordance with the approach outlined in this report further amendments draft DCP are recommended and would be exhibited with the Planning Proposal to secure the key development outcomes. The proposed amendments include the following:

- Update all images to reflect the latest master plan layout;
- Clearly identify the land intended to be dedicated as public open space; and
- Require the main perimeter roadway to be constructed and dedicated as a local road.

An updated copy of the draft DCP amendments is included in Attachment 4.

6. VOLUNTARY PLANNING AGREEMENT

The Planning Proposal would enable additional residential yield on the site, over and above that planned for in the locality and in advance of the finalisation of Contributions Planning for the Cherrybrook Precinct. The Proponent intends to enter into a Voluntary Planning Agreement which details how the additional demand for local infrastructure generated by this additional residential density will be addressed.

Items proposed to be provided include dedication of 2.49 hectares of public open space and associated at grade car parking, construction and dedication of a general community facility room in the order of 250m², delivery of public access to recreation and community facilities and pedestrian linkages/rights of access through the site.

A preliminary draft of the Voluntary Planning Agreement has been submitted by the Proponent and it is recommended that negotiations on this matter continue. Prior to any public exhibition of the planning proposal, the draft Voluntary Planning Agreement will need to be reported to Council for consideration.

IMPACTS

Financial

As this proposal will increase the planned population under the LEP for this area it will demand additional infrastructure to service the additional population. If this proposal is further advanced, a further report will be brought forward highlighting how the increased demand for additional infrastructure will be funded.

Strategic Plan - Hills Future

The amendments to LEP 2012 proposed within this report are consistent with the vision and objectives of The Hills Future – Community Strategic Plan as they will facilitate a desirable living environment and assist Council in meeting its growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

RECOMMENDATION

1. Council write to the Department of Planning and Environment requesting that a revised Gateway Determination be issued that:
 - Removes references to RU3 Forestry, RE1 Public Recreation, E4 Environmental Living and E2 Environmental Conservation zones and removes reference to Floor Space Ratio mapping;
 - Requires the site to be rezoned from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, and E3 Environmental Management consistent with Figure 3 in the report;
 - Requires Minimum Lot Size mapping for the site of 700m², 1800m² and 2 hectares consistent with Figure 5 in the report;
 - Requires Maximum Height of Building mapping of 9 metres, 10 metres and 19 metres consistent with Figure 6 in the report; and
 - Requires a local provision to facilitate key site outcomes - single owner/developer, maximum 600 dwellings (no more than 400 in form of residential flat buildings), agreed dwelling mix, size and car parking provision and small lot housing as an integrated product.
2. Council continue discussions with the proponent with respect to the preparation of a Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Council request additional information from the Proponent required by Council and the Gateway Determination (Geotechnical Analysis, Ecological Analysis, Urban Design Analysis and Investigation of Infrastructure and Traffic Consideration).
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
5. Draft The Hills Development Control Plan Part B Section 2 – Residential as detailed in (Attachment 4) be exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Gateway Determination (5 Pages)
2. Department of Planning and Environment - Planning Team Report (19 Pages)
3. Previous Council Report – 25 July 2017 (30 Pages)
4. Draft The Hills Development Control Plan – Part B Section 2 (70 Pages)

ATTACHMENT 1

**Planning &
Environment**BATCH NO:
TIME:Your ref: 1/2018/PLP
File Ref: 17/10810

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

- 6 NOV 2017

THE HILLS SHIRE COUNCIL

Dear Mr Edgar *Michael***Planning Proposal PP_2017_THILL_006_00 to amend The Hills Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *'Environmental Planning and Assessment Act 1979'* (the Act) on 31 July 2017 and additional information received on 14 August 2017 in respect of the planning proposal to permit a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have considered Council's proposed mechanism to facilitate the proposed controls for the site, however the Gateway determination requires Council to amend the planning proposal prior to community consultation to utilise the zones and land use table of the Standard Instrument (Local Environmental Plans) Order 2006, and seek amendments to development standards for height of buildings, floor space ratio and lot sizes, rather than permit the proposed development via an amendment to Schedule 1 of The Hills Shire Council Local Environmental Plan 2012.

While Schedule 1 can be used in certain circumstances it is not appropriate to utilise the Schedule for a significant change of planning controls for a site.

Council is requested to consider and propose appropriate residential, open space, environmental protection and any other relevant zones, to facilitate the envisaged development while ensuring high value vegetation on the site is protected. These amendments will ensure consistency with Section 117 Direction 6.3 Site Specific Provisions.

The amendments required by the Gateway determination will ensure the outcomes sought by Council are achieved through the application of appropriate land use zones and their objectives, and other controls. This will ensure the protection and conservation of environmentally sensitive areas, consistent with Section 117 Direction 2.1 Environment Protection Zones.

I have agreed, as delegate of the Secretary, that the planning proposal's inconsistency with Section 117 Directions 1.1 Business and Industrial zones, and 5.9 North West Rail Link Corridor Strategy, are of minor significance.

It should be noted that the consistency with Section 117 Directions 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, and 6.2 Reserving Land for Public Purposes is currently unresolved and will require further justification as part of the Gateway and stakeholder consultation process.

Plan making powers were delegated to Councils by the Minister in October 2012. I note Council has not requested delegation to finalise the plan. I have considered the nature of the planning proposal and decided not to issue authorisation to exercise delegation in this instance given the site's proximity to the Cumberland State Forest and significant vegetation present on the site.

The amending LEP is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Sebastian Tauni to assist you. Mr Tauni can be contacted on 02 8217 2018.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

31/10/2017
Encl: Gateway Determination



Gateway Determination

Planning Proposal (Department Ref: PP_2017_THILL_006_00): to facilitate a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to The Hills Local Environmental Plan (LEP) 2012 to facilitate a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;
 - (b) amend the planning proposal to seek to rezone the site from B7 Business Park to R4 High Density Residential, RE1 Public Recreation, RU3 Forestry, and appropriate environmental management zones (such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation), in accordance with Part 2 of The Hills Local Environmental Plan 2012;
 - (c) amend the planning proposal to seek amendments to the minimum lot size map, floor space ratio map, and height of buildings map, in accordance with the Hills Local Environmental Plan 2012;
 - (d) update the planning proposal to provide more information regarding community benefits associated with the proposal, including the identification of traffic and transport accessibility improvement options for the Cherrybrook precinct and additional supporting information for local infrastructure to be provided, and updated supporting studies as identified in Council's report dated 25 July 2017;
 - (e) update the Explanation of Provisions to include a satisfactory arrangements provision for contributions to State public infrastructure;
 - (f) refer the planning proposal and its accompanying Ecological Assessment to the Rural Fire Service and update in accordance with any comments received;
 - (g) update the planning proposal as required to ensure the following matters are addressed:
 1. ecological values (flora and fauna);
 2. the use of appropriate land use zones;
 3. investigation of infrastructure and traffic considerations; and

The Hills PP_2017_THILL_006_00 (17/10810)



- (h) submit the updated planning proposal to the Department for endorsement.
2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
- Transport for NSW;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - NSW Rural Fire Services;
 - UrbanGrowth NSW;
 - Hornsby Shire Council; and
 - relevant authorities for the supply of water, electricity, and the disposal and management of sewage.
- Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



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

Dated *31st* day of *October* 2017.

A handwritten signature in blue ink, appearing to read 'Marcus Ray', written over a light blue circular stamp.

Marcus Ray
Deputy Secretary, Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



Planning Services

Gateway Determination Report

LGA	The Hills Shire
RPA	The Hills Shire Council
NAME	Amendment to Schedule 1 to enable residential development at 55 Coonara Avenue, West Pennant Hills (600 dwellings)
NUMBER	PP_2017_THILL_006_00
LEP TO BE AMENDED	The Hills Local Environmental Plan 2012
ADDRESS	55 Coonara Avenue, West Pennant Hills
DESCRIPTION	Lot 61 DP737386
RECEIVED	14 August 2017
FILE NO.	17/10810
QA NUMBER	qA416444
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The proposal seeks to amend The Hills Local Environmental Plan (LEP) 2012 to amend Schedule 1 to permit a medium to high density residential development at 55 Coonara Avenue, West Pennant Hills (Lot 61 DP737386) (IBM site).

The future redevelopment has the potential to create up to 600 dwellings in two residential precincts (comprising 400 apartment dwellings and 200 medium density dwellings) ranging from 2 to 6 storeys in height (refer to **Figure 1 Development Concept - over**).

The proposed dwelling mix within the apartment precinct includes:

- 20 x studio apartments;
- 100 x 1 bedroom apartments;
- 220 x 2 bedroom apartments; and
- 60 x 3 bedroom apartments.

The proposed dwelling mix for the housing precinct includes:

- 180 x 3 and 4 bedroom homes; and
- 20 x 2 bedroom homes, across a range of lot sizes.

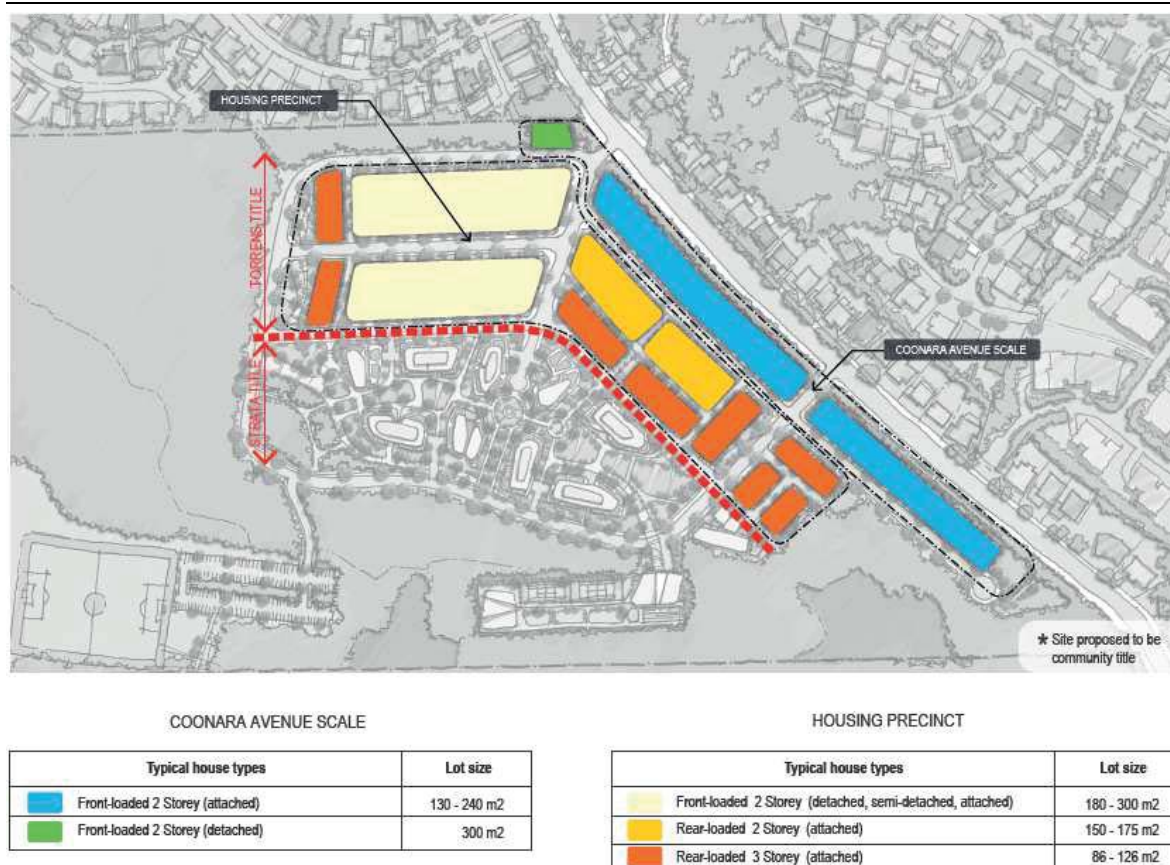


Figure 1: Development Concept – Proposed Heights and Lot Sizes

Site Description

Site topography is undulating with two ridgelines: an east-west ridgeline that runs along Castle Hill Road and a north-south ridgeline adjoining the state forest. This forms a south facing 'amphitheatre', sloping away from Coonara Avenue. There are also two watercourses that traverse the site.

The site is currently occupied by seven interconnected low-rise office buildings totalling 36,000sqm in commercial floor space, and two car parks comprising 1,687 car spaces.

The site is primarily tenanted by IBM who intends to vacate upon expiry of its lease in 2019.

The remainder of the site includes informal recreation uses and residual vegetation containing Blue Gum High Forest and Sydney Turpentine Ironbark Forest, both of which are identified as endangered and critically endangered communities under the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. The site also has extensive revegetation. The vegetation on the site and adjoining land is identified as bushfire prone, both category 1 and bushfire buffer.



Figure 2: Site

Surrounding Area

The site comprises a single 25.87ha parcel of land located on Coonara Avenue, near the intersection of Castle Hill Road and adjacent to the Cumberland State Forest in the Hills Local Government Area (LGA). The Cumberland State Forest is located to the east and south of the subject site and consists of 40 hectares of native forest.

The northern edge of Castle Hill Road forms the boundary between The Hills LGA and the Hornsby LGA.

The site is located within a 600m to 1,000m radius of the Cherrybrook Train Station (currently under construction), and the proposed residential areas within the site have a distance of 800m to 1.4km to the future train station.



Figure 3: Site and surrounding area

Summary of Recommendation

It is recommended that the planning proposal proceed to Gateway determination subject to conditions. These conditions have been recommended to ensure:

- consistency with relevant Section 117 Directions;
- future development is capable of meeting the objectives of the LEP;
- the planning proposal is supported by clear and accurate maps;
- consistency with relevant State Environmental Planning Policies and the Strategic Planning Framework; and
- community and agency consultation requirements.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal is to amend The Hills LEP 2012 to permit a medium to high density residential development incorporating a maximum of 600 dwellings (400 units and 200 houses).

Department Comment

In its current form, the planning proposal seeks the transition of a major employment land holding into a residential development by amending Schedule 1 Additional Permitted Uses, rather than amending the existing B7 business park zone.

The objectives of the B7 zone are to provide for office uses and to encourage employment opportunities. As such, the proposed residential uses are not compatible with the objectives of the existing zone. However, the proposed Schedule 1 Additional Permitted Use is not supported as it lacks transparency in terms of defining the future planning controls, and location of future land uses for the site.

Subsequently, the Gateway determination has been drafted to require the planning proposal to include relevant zones and map amendments (Land Use Zones, Height of Building (HOB), Floor Space Ratio (FSR) and Lot Size Map), in line with the land use table of the Standard Instrument, and to clarify future uses for the site.

Explanation of Provisions

The planning proposal provides an explanation of provisions for amending The Hills LEP 2012 as follows:

Use of certain land at 55 Coonara Avenue, West Pennant Hills

- 1) This clause applies to that part of land at 55 Coonara Avenue, West Pennant Hills, comprising Lot 61 DP737386, that is zoned B7 Business Park, shown as 'Item 16' on the Additional Permitted Uses Map; and
- 2) Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2.

Column 1	Column 2
Attached dwellings Dwelling houses Multi dwelling housing Semi-detached dwellings	Maximum combined number attached dwellings, dwelling houses, multi dwelling housing dwellings and semi-detached dwellings is not to exceed 200. Maximum height of buildings is not to exceed two (2) storeys for any building fronting Coonara Avenue and three (3) storeys for development internal to the site.
Residential flat buildings	Maximum combined number of dwellings within residential flat buildings is not to exceed 400. Maximum height of buildings is not to exceed six (6) storeys. Car parking is to be provided at a rate of: <ul style="list-style-type: none"> • at least 1 space per residential dwelling; and • 1 visitor space per 5 residential dwellings.

The planning proposal currently proposed an Additional Permitted Uses Map.

Department Comment

The proposal seeks the use of Schedule 1 to permit the intended development outcomes to provide an *“appropriate balance between certainty of yield, use and built form outcomes and allows flexibility in detailed master planning for the site”*. Further, Council notes that a subsequent planning proposal will follow redevelopment of the site, to reflect the approved uses.

The proposed Schedule 1 Additional Permitted Use is not supported as it lacks transparency in terms of defining the future planning standards, and locations for future land uses on the site. The Gateway determination requires the proposal to be amended prior to community consultation to achieve these proposed development standards through amendments to zoning, height of buildings, floor space ratio, lot sizes and other maps as relevant.

NEED FOR THE PLANNING PROPOSAL

The planning proposal will facilitate the transition of employment land to residential and open space uses. The planning proposal is not the result of any strategic study or report. The planning proposal has been initiated by a private landowner.

The proponent had previously lodged a Rezoning Review for 800 dwellings on the site (PGR_2017_THILL_002_00). This was subsequently withdrawn on 31 July 2017 following Council's resolution of 25 July 2017 to support the current planning proposal for 600 dwellings.

Department Comment

The planning proposal represents a negotiated outcome between the proponent and Council, and is considered to have merit to proceed to Gateway determination.

The Department notes that the need for the planning proposal is further supported as new planning controls for the site were not proposed as part of the Cherrybrook precinct planning work by UrbanGrowth NSW.

STRATEGIC ASSESSMENT

State

The NSW Premier's Priorities highlight the importance of creating jobs, building infrastructure, affordable housing and tackling childhood obesity. The planning proposal is considered to be consistent with these priorities namely by way of housing delivery, and new open space provision.

Regional / DistrictA Plan for Growing Sydney

The Plan for Growing Sydney commits to accelerating housing supply (Action 2.1.1) and delivering the Sydney Green Grid.

The planning proposal is generally consistent with the actions of this plan. The planning proposal intends to deliver 600 dwellings. The proposal will also help deliver the Sydney Green Grid by contributing towards a 2.49ha public open space on the site. The issue of community benefits and infrastructure provision is further discussed in the Site Specific Assessment of this report.

Draft West Central District Plan*Productivity*

The draft West Central District Plan (draft District Plan) discusses the importance of concentrating jobs and employment activity in strategic and district centres, and promotes increased economic activities in the strategic centres (Productivity Priority 7) and differentiating the employment opportunities of these district centres with the strategic centres (Productivity Priority 8).

The site is existing employment land, though it is not within an identified strategic or district employment centre. The draft District Plan recommends that a precautionary approach be applied to rezoning employment lands or adding additional permissible uses that would hinder their role and function (Productivity Priority 9).

Priority 9 indicates that rezoning of employment land could be supported ‘...where there is a clear direction in the Regional Plan (currently A Plan for Growing Sydney), the District Plan or an alternative strategy endorsed by the relevant planning authority. Any such alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception taking into account a district wide perspective...’

Neither the Regional Plan nor the Council’s employment strategy identify the site for future residential purposes. In view of the requirement in the draft District Plan for any alternative employment lands strategy to be based on a net community benefit assessment, Council is required to update the planning proposal to more broadly reflect public benefits to the Cherrybrook precinct. The Gateway determination has subsequently recommended a condition to this effect.

The issue of job losses is discussed further under the Ministerial Directions and Site Specific Assessment sections of this report.

Liveability

Liveability Priority 1 sets a five-year housing target for The Hills of 8,550 dwellings, which is being met in the Sydney Metro Northwest priority precincts, while Liveability Action L3 commits Council to progressing urban renewal opportunities around the Northwest Sydney Metro Corridor.

Although the site is not identified in the draft District Plan or any regional plan as an urban investigation area, the proposal will improve housing diversity and affordability by providing a mix of different housing types.

The draft District Plan also aims to protect and enhance biodiversity and seeks to strengthen the protection of bushland in urban areas. The planning proposal demonstrates balanced conservation outcomes together with new growth and development. The anticipated yield is considered appropriate given the extensive vegetation on the site. The Gateway determination has been drafted to require Council to apply land use zones to facilitate future uses on the site, this includes consideration of environmental protection zones. The application of appropriate zones will provide opportunities to protect and connect areas of biodiversity. In doing so, the planning proposal will be consistent with the objectives of the draft West Central District Plan.

Local

There is no relevant local strategy that has been endorsed by the Department that can be relied upon to establish strategic merit.

Council’s ‘Local Strategy’ (2010) contains seven Strategic Directions. The Employment Lands Direction notes that the site has been developed at a low floor space ratio, and has considerable environmental constraints. These indicate that the generation of additional jobs beyond current capacity are not feasible.

Although the proposal will not contribute to employment growth, the Department agrees with Council’s position that the isolated and stand-alone nature of the site unfortunately constrain its competitiveness and will limit future growth. An Economic Assessment submitted with the planning proposal (Hill PDA, January 2016) concluded that the site will face considerable challenges in maintaining commercial office uses once the current tenants vacate the site.

The Department also supports the view that other employment generating opportunities along the rail corridor are better located and less constrained than the subject site. These sites provide the potential to offset the loss of the subject employment land.

Section 117(2) Ministerial Directions

Direction 1.1 Business and Industrial Zones

In its current form, the planning proposal is inconsistent with the Direction as it:

- does not retain the areas and locations of the existing business zone;
- reduces the total potential floor space area for employment uses;
- the proposed new employment areas are not adopted by a strategy approved by the Department.

The Economic Impact Assessment prepared by Hill PDA (January 2016) notes the site's existing tenants (IMB) are vacating the site and there are 'considerable challenges' in maintaining the site for commercial office uses, including:

- metropolitan office markets are currently characterised by 'fierce competition for tenants';
- the floorplate and location make the site unlikely to meet the demands of potential commercial tenants and even if costly upgrades were carried out, the site risks long term vacancies;
- the loss of the commercial uses on the site are inconsequential in light of forecast growth in Parramatta, Norwest and Macquarie Park employment areas, which will provide more than double the floor space every year; and
- the potential job loss (1,200 to 1,700 jobs) is insignificant given The Hills Shire is anticipated to have 65,000 jobs by 2036, most of these located in planned locations such as Box Hill (16,000 jobs), Castle Hill (9,500), Showground (7,700), Norwest and Bella Vista (20,000 to 25,000) and Rouse Hill (3,500).

Given the above, the proposal's inconsistency with this Direction is considered to be of minor significance.

Direction 2.1 Environment Protection Zones

In its current form, the planning proposal is inconsistent with the Direction as it does not include provisions that adequately facilitate the protection and conservation of environmentally sensitive areas. To ensure consistency with this Direction, the Gateway determination has been drafted to require Council to amend the planning proposal to ensure the outcomes sought by Council are achieved through the application of appropriate land use zones, including Environmental zones.

It is also recommended as a condition of Gateway that:

- the Ecological Assessment and other technical studies be updated prior to community consultation as noted by Council in the planning proposal, and in accordance with Council's report dated 25 July 2017;
- the planning proposal and its accompanying Ecological Assessment be updated in accordance with any comments received from the Rural Fire Service prior to community consultation, and
- the planning proposal be referred to the Office of Environment and Heritage and amended in accordance with any comments received.

See also Site Specific Assessment, pages 11 and 12 below.

Direction 3.4 Integrating Land Use and Transport

In its current form, the planning proposal is inconsistent with the Direction as it does not demonstrate improved choice of available transport access options.

Several transport options are identified in the proposal, including use of the future Cherrybrook Train Station, and existing bus routes operating along Coonara Avenue and Castle Hill Road.

To ensure transport access considerations are adequately addressed, it is recommended that the planning proposal be required to demonstrate consistency with the Direction by confirming transport access routes from the site to train and bus stations.

Accordingly, the Gateway determination recommends transport accessibility be assessed and updated prior to community consultation. The Department is satisfied that a Gateway determination may be issued on this basis.

Direction 4.3 Flood Prone Land

In its current form, the planning proposal is inconsistent with the Direction as it proposes development on flood prone land without proposing new flood planning controls.

The proposal does not seek any changes to existing flood related development controls, and future development will be subject to the relevant development controls in The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012 (Hills DCP). The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Potential flood constraints on the land would be considered as part of the development assessment process and appropriate flood mitigation measures determined and implemented.

The planning proposal is considered to be consistent with this Direction and the Gateway determination also recommends consultation with the Office of Environment and Heritage and the Office of Water to ensure consistency.

Direction 4.4 Planning for Bushfire Protection

In its current form the planning proposal is inconsistent with the Direction as it proposes development on bushfire prone land without proposing new bushfire controls. This inconsistency remains unresolved until consultation with the Rural Fire Service (RFS) is undertaken.

In accordance with the Direction, the relevant planning authority must consult with the RFS following receipt of Gateway determination. Should this matter proceed to the Gateway, it is recommended that Council be required to consult with the RFS in accordance with the Direction.

Direction 5.9 North West Rail Link Corridor Strategy

This Direction requires planning proposals to be consistent with the North West Rail Link Corridor Strategy and precinct structure plans, including growth projections and proposed future character for each of the precincts. The Cherrybrook Structure Plan identifies the site

as being suitable for a business park land use. The Department notes that although the proposal is inconsistent with the land use outcomes identified for the site, the Cherrybrook Structure Plan indicates that the site should be subject to “*further consideration and collaboration with stakeholders to determine its role in the future*”.

The Department considers the supporting studies, and proposed consultation with relevant agencies as required by the Gateway determination, as well as the required community consultation will satisfy the Cherrybrook Structure Plan’s recommendation for consideration and collaboration with stakeholders, and therefore the inconsistency with this Direction is of minor significance.

Direction 6.3 Site Specific Provisions

The planning proposal is inconsistent with this Direction as it:

- permits development within a land use where it is not permitted; and
- imposes development requirements in addition to those already contained in that zone.

To provide certainty for future residential and environmental outcomes on the site, the planning proposal intends to retain the B7 zone and incorporate development standards for height, density, dwelling types and carparking as site specific additional permitted uses.

The objective of the Direction is to discourage unnecessarily restrictive site specific planning controls. Accordingly, the Gateway determination will recommend that the site specific provisions be removed and new provisions proposed through amendments to the relevant land use zones and maps.

Subject to the amendments being undertaken and endorsed prior to exhibition, the Department is satisfied that the planning proposal is consistent with the direction.

Direction 6.2 Reserving Land for Public Purposes

The Gateway determination has been drafted to required Council to propose land use zones to enable the anticipated development. As the planning proposal is likely to seek the reservation of land for public purposes, consistency with this Direction is unresolved and will require further justification.

State Environmental Planning Policies

The planning proposal is consistent with all applicable State Environmental Planning Policies. Commentary against State Environmental Planning Policy No. 19 – Bushland in Urban Areas (the SEPP) is provided below.

The SEPP aims to protect and preserve bushland within the urban areas. The site is located within an environmental corridor, and has extensive re-vegetation. The proposal notes that The Hills Development Control Plan (Part B Section 2 – Residential) requires future development on the site to be consistent with the aims of the SEPP to achieve various outcomes, which help implement and reinforce the SEPPs objectives, including the protection of:

- remnant plant and animal communities within urban settings;
- protection of wildlife corridors and vegetation links with nearby bushland;
- scenic values, and to retain the unique visual identity of the landscape;
- accessible bushland to the community; and
- the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

The proposal seeks an additional permitted use for 'residential flat buildings' on the site instead of applying land use zones to maintain the environmental corridor. The Gateway determination requires Council to amend the planning proposal to facilitate the anticipated development through the various relevant LEP maps. This will require consideration as to appropriate areas to apply residential zones, and possibly environmental zones to ensure protection of significant vegetation. The amended planning proposal may also seek site specific development controls to ensure that future development on the site is consistent with the aims of the SEPP.

SITE SPECIFIC ASSESSMENT

Social

The site is located approximately 400m to Coonara Shopping Village and 1.7km to the shopping facilities at Thompson Corner. The site is near two schools, the Tangara School for Girls and the Inala Rudolf Steiner School, and a childcare centre.

These retail centres and community facilities offer a range of services within a reasonable distance of the future development.

Environmental

Flora and Fauna

Significant areas of the subject site are identified on the Terrestrial Biodiversity map of The Hills LEP 2012.

Keystone Ecological undertook a flora and fauna assessment of the site (March 2016) and the following two threatened ecological flora communities were identified:

- Blue Gum High Forest, listed as a critically endangered under the *Threatened Species Conservation Act 1993* (TSC Act) and *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- Turpentine Ironbark Forest, listed as endangered under the TSC Act and listed as Critically Endangered under the EPBC Act.

The assessment identified habitat for four threatened species and concluded that the following areas are very significant and representative of constraints to future development:

- remnant Endangered Ecological Communities (EECs);
- protected riparian zones; and
- areas containing Powerful Owl nest trees.

Council's flora and fauna assessment concluded that in its current form the future development concept has not considered adequate buffer distances around Powerful Owl nest trees.

Department Assessment

The accompanying Ecological assessment notes that approximately 99.7% of the proposed development area is made up of existing development on the site, or other cleared areas. This area has the least ecological value on the site. Of the 12ha of vegetation to be retained, approximately 88% contains the highest ecological value vegetation.

The Ecological assessment notes the following:

- none of the Sydney Turpentine Ironbark Forest (STIF) natural regrowth (up to 71 years old) will be impacted;
- approximately 300sqm of the 1.24ha of post 1943 Blue Gum High Forest (BGHF) regrowth (up to 71 years old) may be impacted by the proposed development footprint;
- none of the 0.15ha of BGHF regrowth (over 71 years old) will be impacted; and
- approximately 0.5ha of the 9.8ha of BGHF and STIF natural remnant bushland will be impacted.

Based on the above, the Department is satisfied adequate consideration and assessment of the sites ecological features has been prepared to support this proposal proceeding to Gateway determination. It is noted however that a revised Ecological Assessment will need to be submitted to reflect the current lower development yield of 600 dwellings.

It is recommended as a condition of Gateway that:

- the Ecological Assessment and other technical studies be updated prior to community consultation as noted by Council in the planning proposal, and in accordance with Council's report dated 25 July 2017;
- the planning proposal and its accompanying Ecological Assessment be updated in accordance with any comments received from the Rural Fire Service prior to community consultation, and
- the planning proposal be referred to the Office of Environment and Heritage and amended in accordance with any comments received.

It is also noted that detailed assessment of potential impacts on threatened species and EEC areas of the site will be subject to a detailed merit assessment as part of consideration of a future development application.

Bushfire

The site is within the vegetation buffer (100m and 30m) on Council's adopted bushfire prone land planning maps.

A bushfire assessment of the site was undertaken by Building Codes and Bushfire Hazard Solutions (March 2016) to assess suitability of the site for residential use.

The bushfire assessment confirms that design, management and protection measures can be provided on the site to demonstrate compliance with *Planning For Bushfire Protection 2006*.

Department Assessment

Detailed assessment of bushfire protection considerations for the site will be subject to a detailed merit assessment as part of a future development application.

The Bushfire Assessment is one of the studies identified in the proposal and Council's report dated 25 July 2017, which will be updated prior to community consultation. It is also recommended as a condition of gateway that the planning proposal be referred to the Rural Fire Service and amended in accordance with any comments received. As mentioned above, the Gateway determination requires the Ecological Assessment to be updated to reflect any comments from the RFS.

Geotechnical

A report by IGS consulting engineers (April 2017) confirms that the proposal is not in an area identified as a landslip area and while there are areas of slope of approximately 15%, there is not expected to be any geotechnical instability that would preclude the suitability of the site for future residential development.

Traffic and Transport Accessibility

Traffic

The proponent's traffic and transport report (ARC – Oct 2016) provided in support the previous 800 dwelling proposal indicated that the redevelopment would generate fewer trips to the local road network than by current commercial operations at the site.

Council's assessment of traffic impacts identifies that the proposed transition to a residential land use would result in a major shift in the arrival and departure

Distribution (for the site), with:

- 20% of AM peak hour trips inbound to the site and 80% of AM peak hour trips outbound from the site; and
- 80% of PM peak hour trips inbound to the site and 20% of PM peak hour trips outbound from the site.

Subsequently, the planning proposal determines that the proposed redevelopment will have a cumulative impact to network traffic generation and confirms a need for future traffic improvements within the locality including the potential upgrade of the Coonara Avenue/Castle Hill Road intersection.

In the context of the site, the Cherrybrook Structure Plan confirms that local road improvements within the Cherrybrook precinct will need to be determined through further investigations by the relevant government agencies and authorities.

Transport Accessibility

The Cherrybrook Structure Plan notes that pedestrian and cycling accessibility in the Cherrybrook precinct is restricted by:

- lack of dedicated and signalised crossings on Castle Hill Road;
- lack of street network permeability due to the number of culs-de-sac;
- steep topography south of Castle Hill Road; and
- local streets with limited street lighting and pedestrian footpaths that further restrict active modes of transport.

The ARC report commissioned by the proponent considers the site to be well located for future residents to utilise the future Cherrybrook Train Station with potential future pedestrian access routes immediately west of the site to train station. Further, the ARC report states that there are opportunities to supplement local bus routes with more frequent services between the site and train station.

The Cherrybrook Structure Plan does however illustrate that the site is outside of the 20 minute walk area from the Cherrybrook train station location (**Figure 4 - below**).

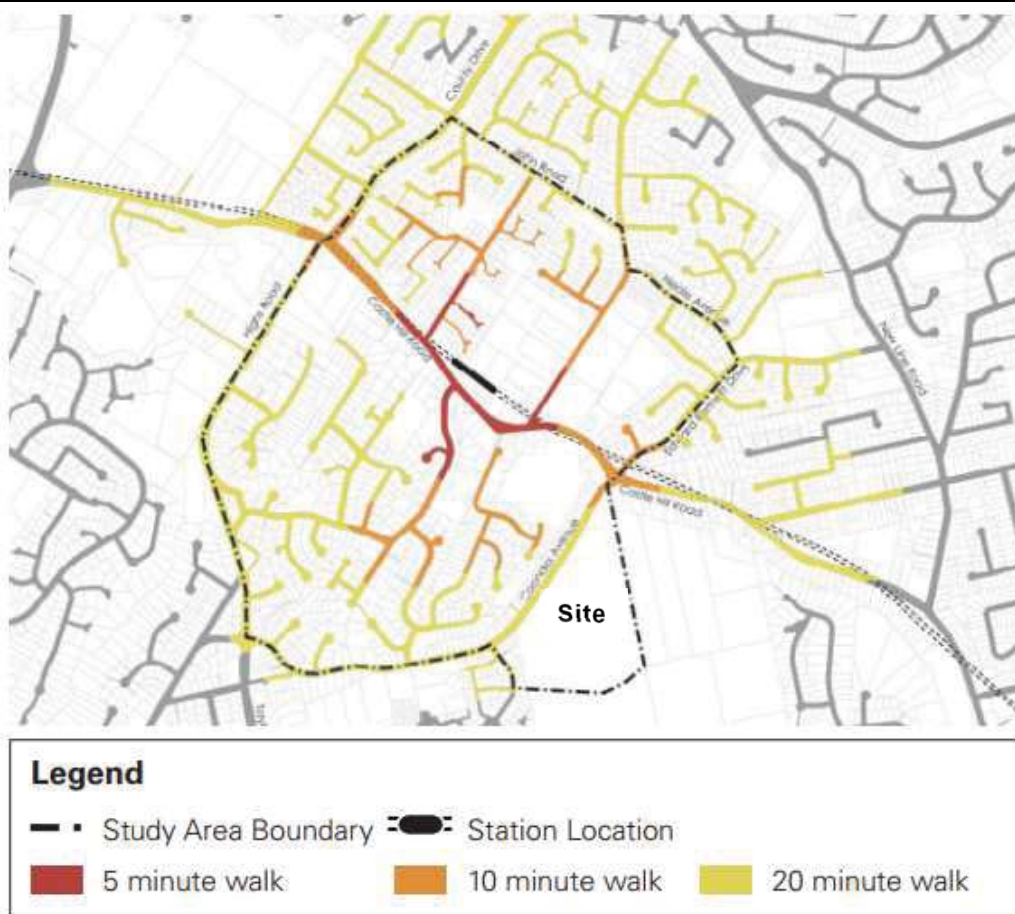


Figure 4 – 5, 10 and 20 minute walking catchments from Cherrybrook train station to site (Source: Cherrybrook Structure Plan)

Notwithstanding the accessibility constraints of the site, the Cherrybrook Structure Plan identifies the following transport improvement opportunities in response to anticipated growth within the Cherrybrook precinct around the new train station:

- pedestrian access across Castle Hill Road and to the proposed station location; and
- new connections potentially linking Coonara Avenue, Glenridge Avenue, Glendale Avenue and Mildara Place with the broader network within Cherrybrook South.

The sites for the above identified transport improvements are annotated in the following map (Figure 5).

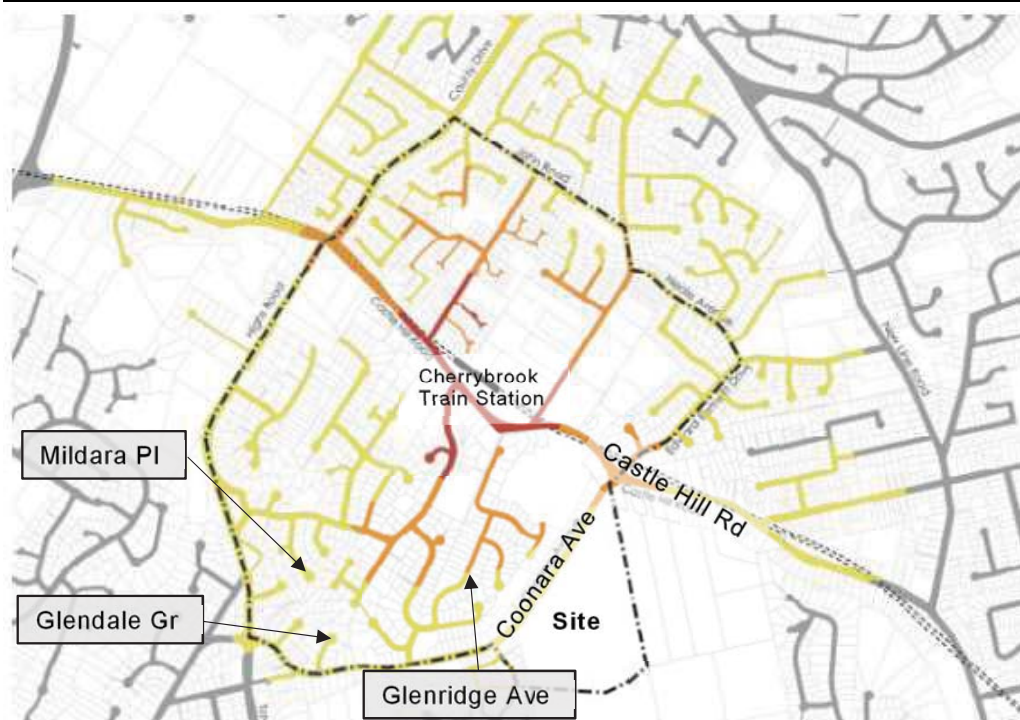


Figure 5: Transport accessibility improvement opportunities for the site as identified in the Cherrybrook Structure Plan

Department Assessment – Traffic and Transport Accessibility

Whilst the development will provide a range of services and facilities (i.e. 2.49ha public park, adjoining carpark and community facility) to serve the needs of future residents, it is noted that several of these improvements will be of benefit to residents in the wider precinct which may result in a need for improved access to these residents.

Subsequently, a consistent and coordinated approach will be required towards traffic and transport accessibility infrastructure in the wider precinct. The Gateway determination requires consultation with relevant state agencies, and UrbanGrowth NSW to better understand traffic and transport considerations and accessibility opportunities for the site.

Economic

Employment Uses

The site is currently occupied by several office uses including the Australian headquarters for IBM. The proponent commissioned Hill PDA to prepare an economic impact assessment (January 2016) to assess the supply and demand of employment land in the Hills Shire in the context of the proposed change of use.

The report also found that job losses of 1,200 to 1,700 jobs are insignificant against job gains expected in The Hills Shire. Many of these jobs will be located in Box Hill (16,000 jobs); Castle Hill (9,500 jobs); Showground (7,700 jobs); Norwest and Bella Vista (20,000 to 25,000 jobs); and Rouse Hill (3,500 jobs).

The Hill PDA also report found that major recent increases in office supply in other key locations across Sydney is impacting demand for space in metropolitan office markets

The assessment concludes that the loss of 34,000sqm of commercial floor space on

the site is inconsequential to the historic and forecast growth in the Parramatta, Norwest and Macquarie Park employment areas which, when combined, will provide more than double this space every year with sufficient capacity to meet that growth over the next three decades.

Department Assessment

The planning proposal will facilitate the transition of a major employment lands holding into a future residential development. In its current form, the planning proposal is inconsistent with the strategic planning framework as neither the Regional Plan nor the Council's employment strategy identify the site for future residential purposes.

With reference to the West Central District Plan requirement for any alternative employment lands strategies, further consideration is to be given to profiling net community benefit assessment to justify the planning proposal.

At its meeting on 25 July 2017, Council resolved to progress the planning proposal to Gateway determination subject to the preparation of additional information including local infrastructure considerations to address increased demand for open space, access to recreation and community facilities, and provision of pedestrian linkages.

In view of the above the Department supports the progression of the proposal subject to additional supporting information being prepared as noted in Council's report dated 25 July 2017.

It is recommended that prior to community consultation, Council update the relevant supporting studies as identified in Council's report dated 25 July 2017, and amend the planning proposal to reflect the findings of those studies.

Infrastructure

Infrastructure Provision and Funding

The future development concept includes the dedication of 2.49ha for a new public park, adjoining carpark and general purpose community facility. The proponent has offered to enter into a planning agreement for the dedication of these infrastructure improvements.

The planning proposal makes provision for retaining existing roadways through the site that will provide access for the community to the proposed public open space and facilities at the rear of the site.

Department Assessment

Subject to the preparation of updated information to further consider local infrastructure improvements including transport accessibility improvements for the Cherrybrook precinct, the Department is satisfied that infrastructure provision will be sufficient to accommodate residential redevelopment of the site.

CONSULTATION

Community

The planning proposal outlines a community consultation process that is consistent with *A Guide to Preparing Local Environmental Plans (2016)*.

Given the nature of the planning proposal it is recommended that a 28 day community consultation period applies.

The Department has received approximately 180 submissions objecting to the proposal. The submissions all note:

- the presence of Powerful Owls, Blue Gum High Forest and Sydney Turpentine Ironbark Forest on the site;
- the lack of proposed environmental protection zones; and
- lack of infrastructure and amenities, and traffic;

These issues have been discussed above, and the Gateway determination has been drafted to ensure the proposal investigates these matters, and is amended accordingly.

Agencies

To comply with the requirements of relevant Section 117 Directions it is considered appropriate that the following agencies and organisations be consulted on the planning proposal:

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

TIMEFRAME

It is recommended that a 12 month timeframe for completing the LEP is given taking into account the scale and complex nature of delivering redevelopment at the site.

DELEGATION

Council has not requested the use of plan making delegations, and given the nature of the proposed amendments required prior to community consultation, delegation is not recommended to be authorised in this instance.

CONCLUSION

Subject to conditions of Gateway, the planning proposal has merit and is supported to proceed for the following reasons:

- the realisation of the North West Rail Link Corridor Strategy's intention that the site be subject to further consideration and collaboration with stakeholders, to determine its likely future role;

- the transition of a business park site to residential is accompanied by community benefits (such as open space and community facilities);
- the potential to improve housing densities close to transport; and the
- delivery of a range of housing types.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Directions 1.1 Business and Industrial zones, and 5.9 North West Rail Link Corridor Strategy, are of minor significance; and
2. Note that the consistency with Section 117 Directions 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions, is unresolved and will require further justification.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;
 - (b) amend the planning proposal to seek to rezone the site from B7 Business Park to R4 High Density Residential, RE1 Public Recreation, RU3 Forestry, and appropriate environmental management zones (such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation), in accordance with Part 2 of The Hills Local Environmental Plan 2012;
 - (c) amend the planning proposal to seek amendments to the minimum lot size map, floor space ratio map, and height of buildings map, in accordance with the Hills Local Environmental Plan 2012;
 - (d) update the planning proposal to provide more information regarding community benefits associated with the proposal, including the identification of traffic and transport accessibility improvement options for the Cherrybrook precinct and additional supporting information for local infrastructure to be provided, and updated supporting studies as identified in Council's report dated 25 July 2017;
 - (e) update the Explanation of Provisions to include a satisfactory arrangements provision for contributions to State public infrastructure;
 - (f) refer the planning proposal and its accompanying Ecological Assessment to the Rural Fire Service and update in accordance with any comments received;
 - (g) update the planning proposal as required to ensure the following matters are addressed:
 1. ecological values (flora and fauna);
 2. the use of appropriate land use zones;
 3. investigation of infrastructure and traffic considerations; and
 - (h) submit the updated planning proposal to the Department for endorsement.

2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for NSW;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - NSW Rural Fire Services;
 - UrbanGrowth NSW;
 - Hornsby Shire Council; and
 - relevant authorities for the supply of water, electricity, and the disposal and management of sewage.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.



27/9/17

Adrian Hohenzollern
Team Leader, Sydney Region West



27/9/17

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Planning Services

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ORDINARY MEETING OF COUNCIL**25 JULY, 2017**

ITEM-4	PLANNING PROPOSAL - IBM SITE - 55 COONARA AVE, WEST PENNANT HILLS (1/2018/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	25 JULY 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER PATRICE GRZELAK
RESPONSIBLE OFFICER:	ACTING MANAGER FORWARD PLANNING JANELLE ATKINS

EXECUTIVE SUMMARY

This report recommends that a revised planning proposal to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills, be forwarded to the Department of Planning and Environment for Gateway Determination. To provide certainty of key outcomes relating to number of dwellings, building heights and apartment size, mix and car parking provision it is recommended that the revised concept be enabled by way of amendment to Schedule 1 Additional Permitted Uses of Local Environmental Plan 2012, rather than by amending the zone, height and floor space ratio as sought by the proponent.

It is further recommended that the planning proposal be supported by amendments to the Residential section of Development Control Plan 2012 and these amendments be exhibited concurrently with the planning proposal. It is also recommended that Council proceed with discussions with the proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of proposed public facilities and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.

The development concept provided by the proponent provides for approximately 400 apartments and 200 medium density dwellings in buildings ranging from two (2) to six (6) storeys in height. The provision of a community precinct is also proposed that includes the dedication of land for public open space and associated at grade car parking, playing field and general purpose community facility room.

It is noted that the current development concept is the fourth concept that has been provided for the site with earlier concepts providing for higher residential yields up to 1,270 dwellings. The last concept provided for 800 dwellings (640 apartments and 160 medium density dwellings) and was not progressed by Council to Gateway Determination for several reasons including inconsistency with State and Council rail corridor strategies

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which do not envisage a residential outcome on the site, walking distance from the future Cherrybrook station, impacts on the local and regional road network and the need to address the demand for local infrastructure.

The current concept improves on the previous proposal by way of reduced density and dwelling yield, including a higher proportion of medium density dwellings to apartments. It also proposes to retain existing roadways through the site that will give better connection for the community to the proposed public open space and facilities at the rear of the site. Given these factors, there is considered to be sufficient strategic justification and merit for a residential development outcome on the site, particularly having regard to the difficulties in maintaining the site as a stand-alone employment use.

As identified in the report, some revision may be needed to the concept to ensure sufficient area for visitor parking for the medium density portion of the development. The use of Schedule 1 - Additional Permitted Uses will enable a degree of flexibility as to the exact boundaries between the different proposed land uses, as the proposal progresses to development application and implementation. Changes to zones and planning controls can then be undertaken as part of a future housekeeping amendment to LEP 2012.

The Gateway Process allows for some of the detail associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. Prior to public exhibition, the proponent will be required to submit an updated Urban Design Analysis for the proposed small lot housing and updated bushfire, ecological and geotechnical assessments reflecting the new planning proposal.

PROPONENT

Mirvac Capital Pty Limited

OWNERS

Mirvac Projects (Retail and Commercial) Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	Current	Proposal (as submitted)
Zone:	B7 Business Park	Part R4 High Density Residential Part R2 Low Density Residential Part RE1 Public Recreation
Maximum Height:	22 metres	9 metres to 22 metres (2-6 storeys)
Maximum Floor Space Ratio:	0.2:1	0.4:1
Minimum Lot Size:	8,000m ²	86m ² to 8,000m ²

POLITICAL DONATIONS

Nil disclosures by the proponent.

HISTORY**10/03/2016**

Planning Proposal and concept lodged - The Master Plan envisaged 3 storeys residential flat buildings to Coonara Avenue transitioning to 4 storeys, 5 storeys, 6 storeys and 8 storeys at the rear of the site. The concept had a total yield of approximately 1,270 dwellings.

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03/05/2016	Councillors were briefed on the planning proposal.
02/06/2016	Feedback provided to the proponent, indicating that a high density residential outcome on this site was not supported.
10/08/2016	A revised planning proposal was submitted to Council. The revised Master Plan envisaged 2 to 3 storey residential flat buildings to Coonara Avenue transitioning to 4 storeys, 5 storeys, 6 storeys and 8 storeys at the rear of the site. The key change made by the proponent was to reduce the maximum building height fronting Coonara Avenue from 14 metres to 9 metres, which reduced the overall yield on the site from 1,270 dwellings to 1,119 dwellings.
14/10/2016	Previous comments regarding high density residential outcomes for the site were reiterated to the proponent and advising that Council supports investigation of other land uses consistent with the approach to land use, density and built form identified in State and local strategic documents.
21/10/2016	A further revised planning proposal was submitted to Council. This further reduced the proposed yield on the site to approximately 800 dwellings in buildings ranging from 2 to six (6) storeys in height.
06/12/2016	Councillors were briefed on the revised planning proposal.
07/03/2017	Councillors were further briefed on the revised planning proposal.
28/03/2017	<p>Council considered a report on the revised planning proposal which proposed 800 dwellings and resolved not to proceed to Gateway Determination on the following grounds:</p> <ol style="list-style-type: none">1. <i>The proposal is inconsistent with the objectives of State Government Corridor Strategy, specifically it does not facilitate employment outcomes consistent with the business park designation;</i>2. <i>The proposal is inconsistent with The Hills Corridor Strategy which does not envisage a residential outcome for the site and proposes lower density land uses adjacent to the site;</i>3. <i>The proposal seeks to locate high density residential development outside of the walkable catchment of the future Cherrybrook Railway Station;</i>4. <i>The impacts on the local and regional road network have not been adequately addressed;</i>5. <i>The proposal fails to adequately address the demand for additional local infrastructure;</i>

6. *Permitting high density residential development on the site prior to the completion of the master planning process for the Cherrybrook Railway Station Precinct as part of the Urban Transformation Program would be premature and could undermine the outcome of the master planning process.*

07/06/2017

Councillors were further briefed on the current planning proposal.

REPORT

The purpose of this report is to consider a revised planning proposal to amend *The Hills Local Environmental Plan 2012* (LEP 2012) to facilitate a medium and high residential development resulting in 600 dwellings with the inclusion of a community precinct.

1. THE SITE

The site is located on the eastern side of Coonara Avenue, close to the intersection of Castle Hill Road. The site is 25.87ha in area and has a walking distance of 860 metres to Cherrybrook Railway Station from the existing entry, 430 metres to Coonara Shopping Village and 1.7km to the shopping facilities at Thompsons Corner. The topography forms a south facing "tilted bowl" or "amphitheatre" located below the east-west ridgeline of Castle Hill Road and north-south ridgeline of the adjoining State Forest. The site slopes away from Coonara Avenue and two watercourses traverse the site.

The site is currently occupied by seven (7) interconnected low-rise buildings totalling 36,000m² in commercial floor space, two (2) car parks comprising 1,687 car spaces, and a levelled grass area, all surrounded by ecologically significant vegetation. The vegetation on the site includes Blue Gum High Forest and Sydney Turpentine Ironbark Forest, which are identified as critically endangered and endangered ecological communities. The vegetation on the site and adjoining land result in the site being identified as bushfire prone, both category one (1) and bushfire buffer.

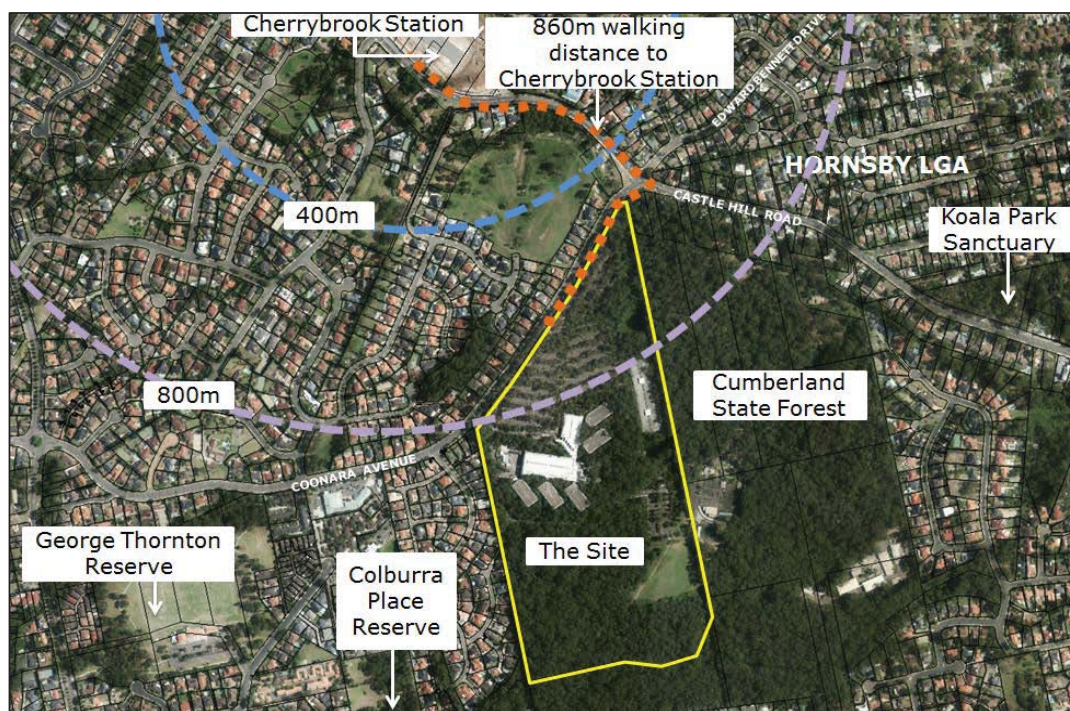


Figure 1
Aerial view of the site and surrounding locality

2. PLANNING PROPOSAL

The development concept submitted by the proponent is the fourth revision to the concept since it was lodged on 10 March 2016. The proposal identifies two residential precincts (housing and apartments) and includes a dwelling mix of 400 apartment dwellings and 200 medium density dwellings. Buildings range from two (2) to six (6) storeys in height. The proposal is intended to be developed under a community title arrangement with the medium density housing precinct to be Torrens Title and apartments to be Strata Title. In support of the planning proposal, the proponent has submitted a design concept illustrating the intended future development outcomes for the site.



Figure 2
Development Concept

The following table provides an overview of the development concept/proposal revisions.

Current Controls		Original Application	August Proposal	October Proposal	June 2017 Proposal (Current Concept)
Zone	B7 Business Park	Part R4 High Density Residential (23.37ha) Part RE1 Public Recreation (2.49ha)			Part R4 High Density Residential and R2 Low Density Residential Land (23.37ha) RE1 Public Recreation (2.49ha)
Maximum height	22m	14m to 30m (3-8 storeys)	9m to 30m (2-8 storeys)	9m to 22m (2-6 storeys)	9m to 22m (2-6 storeys)
Lot Size	8,000m ²	No proposed amendment	No proposed amendment	100m ² , 700m ² and 8000m ²	86m ² , 700m ² and 8000m ²
Development	7 commercial buildings (36,000m ²)	1,270 dwellings	1,119 dwellings	800 Dwellings (160 medium density dwellings 640 apartments)	600 Dwellings (200 medium density dwellings 400 apartments)
Car parking	1,687 existing car spaces	1,715 car spaces (including visitors)	1,500 car spaces (including visitors)	1,200 car spaces (including visitors)	940 car spaces (including visitors)

Table 1
History of Proposed Development Concepts

The proposed dwelling mix within the apartment precinct includes 20 x studio apartments, 100 x one (1) bedroom apartments, 220 x two (2) bedroom apartments and 60 three (3) bedroom apartments. It is noted that the proposed apartment mix is not consistent with Council's requirements as contained in the agreed methodology for development of land within the Sydney Metro Northwest Urban Renewal Corridor that seeks to promote housing choice for different demographics, living needs and household budgets. This is discussed further in section 4d) of the report.

The proposed dwelling mix for the housing precinct includes 180 x three (3) and four (4) bedroom homes and 20 x two (2) bedroom homes across a range of lot sizes that would facilitate a medium density housing outcome. Dwelling types included in the housing precinct are as follows:

- Attached front-loaded 2 storey dwellings (lot sizes 130-240m²);
- Detached front-loaded 2 storey dwellings (lot sizes 300m²);
- Detached, semi-detached and attached front-loaded 2 storey dwellings lot sizes 180-300m²);
- Attached rear-loaded 2 storey dwellings (lot sizes 150-175m²); and
- Attached rear-loaded 3 storey dwellings (lot sizes 86-175m²).

The suitability of proposed lot sizes is discussed further in section 4b) of the report.

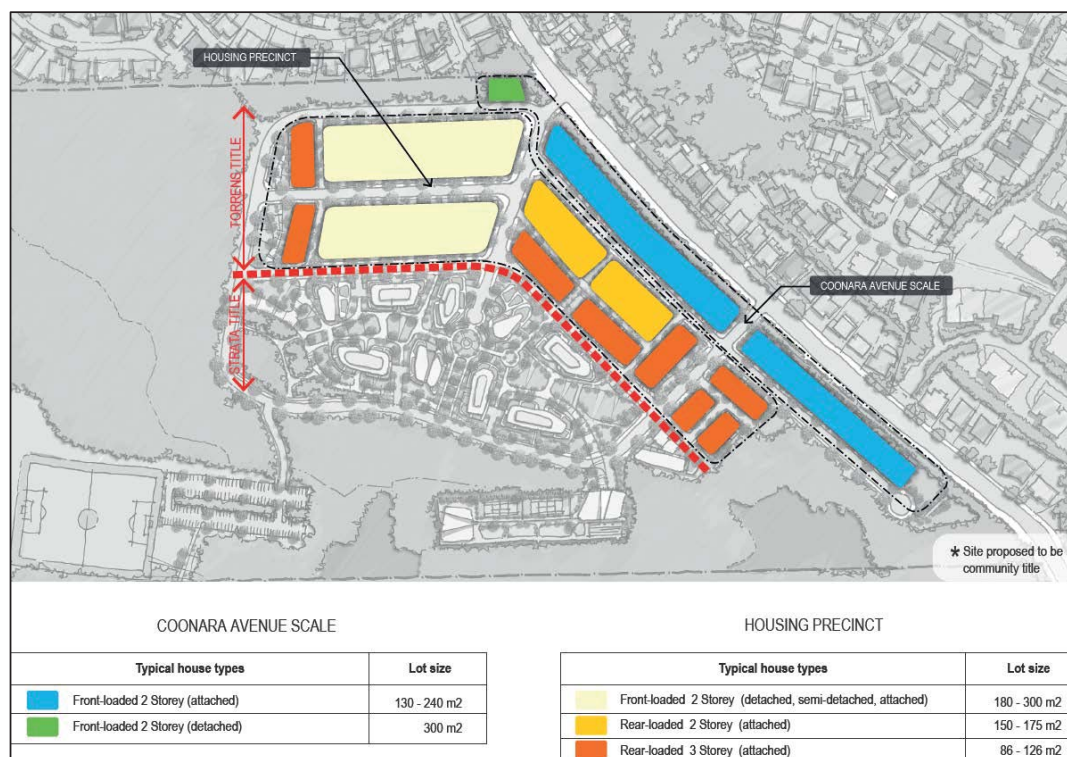


Figure 3
Proposed Housing Products and Lot sizes for Housing Precinct

The current concept retains the dedication of 2.49ha for a new public park and an adjoining open air carpark but additionally includes the dedication of a general purpose community facility room, located at the existing carpark structure and a playing field.

The proponent has offered to enter into a Voluntary Planning Agreement for the dedication of open space and community facilities.

The planning proposal, as revised by the proponent, seeks to amend the Local Environmental Plan 2012 as follows:

1. Amend the Land Zoning from B7 Business Park to part R4 High Density Residential, R2 Low Density Residential and RE1 Public Recreation;
2. Amend the Height of Building Map from 22 metres to heights ranging from 9 metres, 12 metres and 22 metres;
3. Amend the Floor Space Ratio Map from 0.2:1 to 0.4:1; and
4. Amend the Lot Size Map from 8,000m² to include 86m² and 700m² lot sizes at the front of the site in addition to 8,000m² lot size for the rear portion of the site.

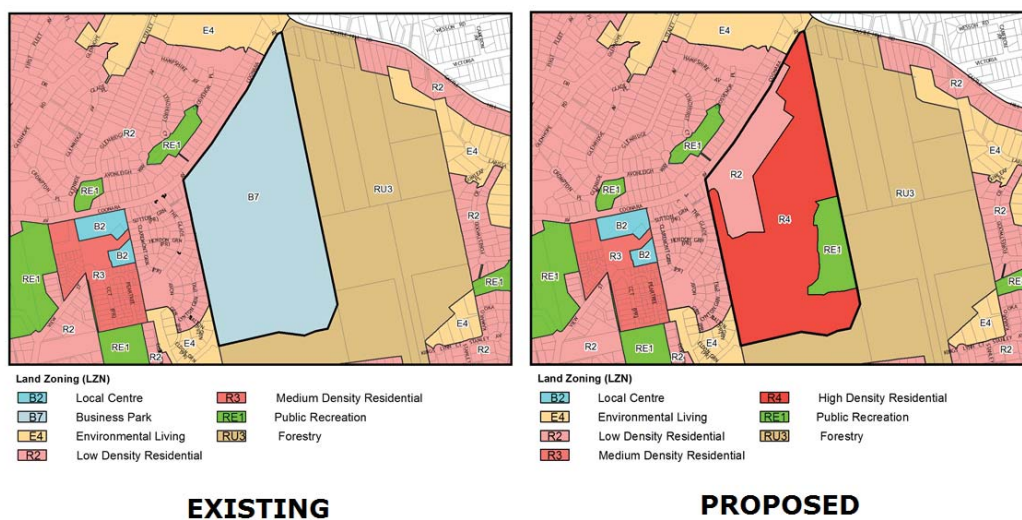


Figure 4
Existing and Proposed Zoning Maps

3. MATTERS FOR CONSIDERATION

The current proposal requires consideration of a range of matters including:

- a) Strategic context;
- b) Residential character;
- c) Proposed lot sizes;
- d) Apartment mix and size;
- e) Proposed height of apartment development;
- f) Loss of employment land;
- g) Traffic implications;
- h) Visitor parking provision;
- i) Bushfire and ecological constraints;
- j) Geotechnical Stability; and
- k) Public benefit and local infrastructure.

a) Strategic ContextA Plan for Growing Sydney

A key principle for growth under the metropolitan strategy includes increasing the housing choice around centres by accelerating housing supply and urban renewal. The planning proposal seeks to facilitate the delivery of housing within the Cherrybrook Rail Station Precinct and as such is consistent with the broad objective of increasing housing supply and choice.

However, the proposal will result in a reduction in employment generating opportunities within the local area which is inconsistent with objectives in a 'A Plan for Growing Sydney' related to economic growth and the delivery of jobs close to home.

It is recognised however, that the capacity of the site to continue to deliver an employment outcome is limited for a number of reasons including lack of competitive offer compared to other commercial spaces in Sydney and the North West which have more modern premises and flexible options and greater access to outside amenities for workers.

Draft West Central District Plan

The draft West Central District Plan identifies 'liveability' priorities and actions for the West Central District which respond to improving housing choice, diversity and affordability. The draft plan identifies a five-year housing supply target and predicts that The Hills will require an additional 8,550 dwellings by 2021.

The planning proposal addresses the need for additional housing stock and provides both small lot housing as well as apartments that meets the needs of current and future residents and is considered to be consistent with this Priority.

The draft Plan also aims to protect and enhance biodiversity and attempts to strengthen the protection of bushland in urban areas. The planning proposal seeks to balance these competing land uses by delivering additional housing while retaining the significant vegetation on the site. As such, the current planning proposal with reduced yield is considered to be consistent with the objectives of the draft West Central District Plan.

North West Rail Link Corridor Strategy and Hills Corridor Strategy

Under the NSW Government Corridor Strategy it is projected that an additional 3,200 dwellings will be provided by 2036 within the Cherrybrook Station Precinct, which extends over Hornsby and the Hills LGAs.

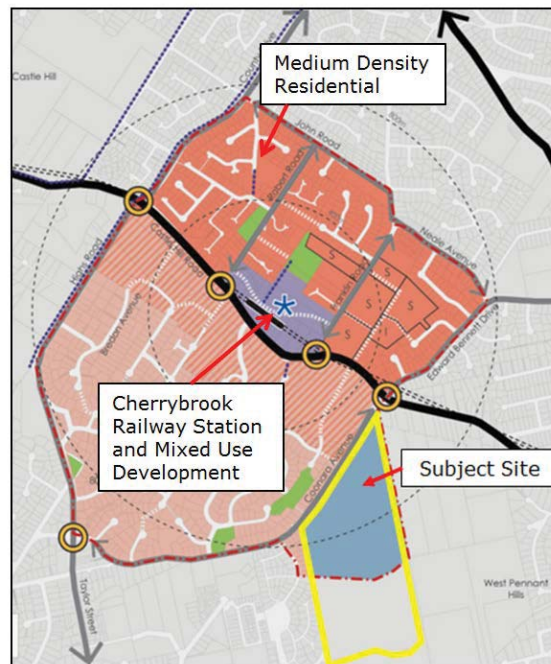


Figure 5
Cherrybrook Precinct Structure Plan

The Structure Plan identified the site as being suitable for a Business Park land use. The proponent submits that this use is unsuitable and not economically viable due to current market conditions and growth of other employment areas. Whilst the current proposal is inconsistent with the land use identified in the Structure Plan, the Strategy also indicates that the site is a significant holding that is subject to further consideration and collaboration with stakeholders to determine its role in the future. In this regard, should Council support the proposal the Gateway process provides a mechanism for this more detailed consideration and collaboration to occur.

The Hills Corridor Strategy sets out a vision for Cherrybrook Precinct of increased residential densities within walking distance of the station including a variety of housing types together with a mix of neighbourhood shops and services to provide for the daily needs of the local community. The area immediately to the south of Castle Hill Road is identified as appropriate for 3-6 storey apartments subject to detailed geotechnical, vegetation and traffic investigation. Within the Hills Shire part of the precinct, capacity for an additional 1,694 dwellings is identified west of Coonara Avenue. No change in land use or density is identified for the subject site under Council's Corridor Strategy.

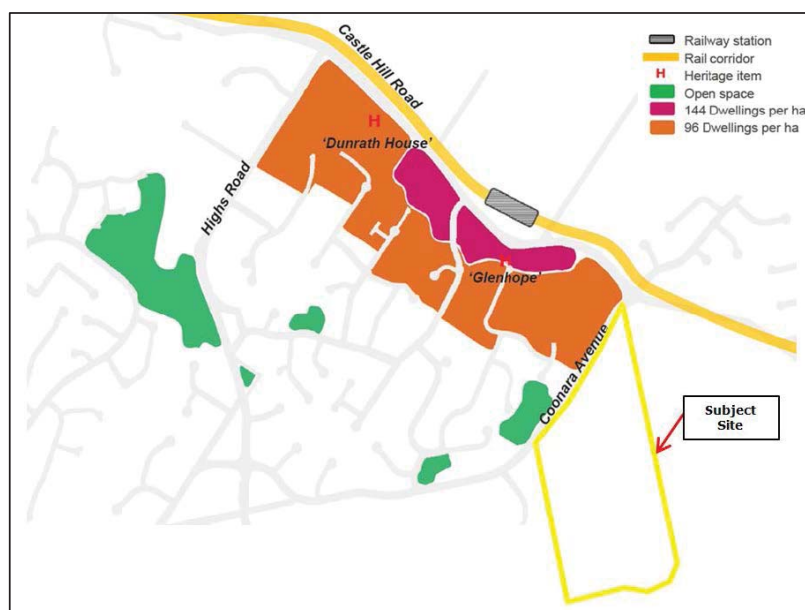


Figure 6

The Hills Corridor Strategy Cherrybrook Station Precinct Desired Outcomes

Under the Hills Corridor Strategy land immediately adjacent to the Railway Station has a proposed density of 144 dwellings per hectare and a proposed density of 96 dwellings per hectare on the outer edge of the walkable catchment.

The total area of the subject site is 25.87ha, of which approximately 7.59ha will accommodate the medium and high density residential development and would form part of the developable area. The proposed development outcome for the site of 600 residential dwellings equates to a density of 79 dwellings per hectare if calculated on the developable portion of the site, and 23 dwellings per hectare when calculated on the total site area including the environmentally constrained land.

The proposed reduced density of residential development is considered to provide for an appropriate transition from the station. This, coupled with the provision of public recreational space that will support residential growth within the site and wider Cherrybrook Precinct and the opportunity to provide a master planned outcome, provides reasonable justification for the inconsistency of the planning proposal with the Hills Corridor Strategy in this instance.

Ministerial Section 117 Directions

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

- Direction 1.1 –Business and Industrial Zones
- Direction 2.1 –Environmental Protection Zones
- Direction 2.3 - Heritage Conservation
- Direction 3.1 - Residential Zones
- Direction 3.4 - Integrating Land Use and Transport
- Direction 4.3 - Flood Prone Land
- Direction 5.9 – North West Rail Link Corridor Strategy

The planning proposal is generally consistent with these Directions with the exception of Direction 1.1 – Business and Industrial Zones, Direction 4.3 Flood Prone Land and Direction 5.9 – North West Rail Link Corridor Strategy.

Direction 1.1 – Business and Industrial Zones requires that a planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses in a business zone. The proposal is inconsistent with this Direction given it would result in a reduction in the amount of potential floor space area for employment uses on the site. However, taking into account the stand alone nature of the business park and the factors that constrain its competitiveness and future growth, the inconsistency is considered justified in this instance. Other employment generating opportunities along the rail corridor are better located and less constrained than the subject site and provide the potential to offset the loss of employment land.

Direction 4.3 Flood Prone Land applies to the site as it is identified within a flood prone area. The direction requires that a planning proposal must be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. First and second order tributaries of Darling Mills Creek diagonally traverse the property from northeast to southwest. The flooding associated with these tributaries is a constraint over the land and its future development. Flood extent mapping for the 100 year average recurrence interval (ARI) flood event expected to impact the property is shown in Figure 7.



Figure 7
100 year ARI Flood Extents at 55 Coonara Avenue

The Hills DCP gives effect to the NSW Flood Prone Land Policy and Floodplain Development Manual 2005 and applies controls to guide the management of flood risk associated with development. Any future development will be subject to the relevant development controls in The Hills Shire Council Development Control Plan 2012 (Part C Section – Flood Controlled Land). Potential flood constraints on the land would be considered as part of the development assessment process and appropriate flood

mitigation measures determined and implemented. If the planning proposal is progressed, the Gateway process provides for more detailed consideration and consultation with relevant public authorities to occur to ensure consistency with this Direction.

Direction 5.9 – North West Rail Link Corridor Strategy requires that a planning proposal must be consistent with the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts. Whilst the proposal is inconsistent with the land use outcomes identified in the Corridor Strategy, the Strategy also indicates that the site is a significant site that is subject to further consideration and collaboration with stakeholders to determine its role in the future. If progressed, the Gateway process provides a mechanism for this more detailed consideration to occur.

b) Residential Character

Opposite the site on Coonara Avenue, the existing character is of low density housing, predominately two storey dwellings with generous setbacks and established well maintained gardens. As indicated within the State and Hills Corridor strategies, part of this interface, closest to Castle Hill Road, is identified for change with a future character of medium density apartment living. This could comprise 3-6 storey apartment buildings master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. For the lower section of Coonara Avenue, the areas are expected to remain unchanged so it is important that development on the subject site provides an appropriate interface with the low density environment.

In this regard the housing product proposed along the Coonara Avenue frontage of the subject site is identified as attached 2 storey dwellings on lot sizes 130-240m² and a small area of detached 2 storey dwellings on lot sizes of 300m² (refer Figure 3). Under the development concept, driveway access to these dwellings is from a laneway at the rear with courtyards along the Coonara Avenue frontage. An indication of the type of housing proposed is included in Figure 8.



Figure 8

Proposed two storey housing product Coonara Avenue

The abovementioned housing products are considered to provide an appropriate interface and transition of building height to the existing low density dwellings on the adjacent side of Coonara Avenue, subject to suitable treatment along the road frontage.

This can be addressed by appropriate development controls relating to location and type of courtyard fencing, setbacks and landscaping.

c) Proposed lot sizes

As shown in Figure 3 there are a range of housing products and lot sizes proposed under the submitted development concept including attached and detached dwellings, some front loaded, some rear loaded with lot sizes ranging between 86m² – 300m². The proposal for small minimum lot sizes down to 86m² would facilitate a new type of housing product in the Shire, being 3 storey terrace homes.

Under LEP 2012 Clause 4.1B establishes a framework for small lot residential development, allowing for attached dwellings or dwelling houses on lots down to 240m² in area in R3 Medium Density and R4 High Density Residential zones where development is undertaken as integrated development (that is a single application for subdivision and the dwelling house or attached dwelling). For the planning of Rouse Hill regional centre, allowance was made for some lots less than this size down to approximately 180m² on the basis that the development was undertaken as an integrated subdivision and dwelling design and the final product was a known outcome.

The proponent has provided examples of the housing typology that can be provided on the 86m² minimum lot size as shown in Figures 9-11.



Figure 9
Proposed three storey terrace product on small lots

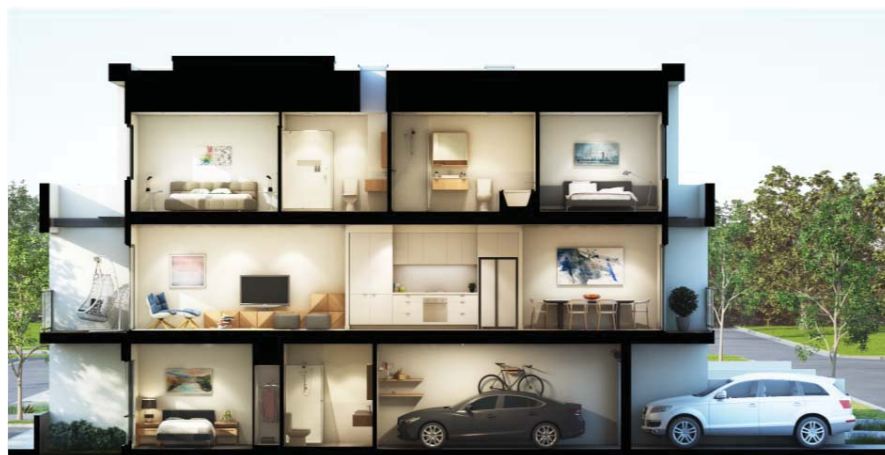


Figure 10

Proposed three storey terrace product on small lots – indicative section

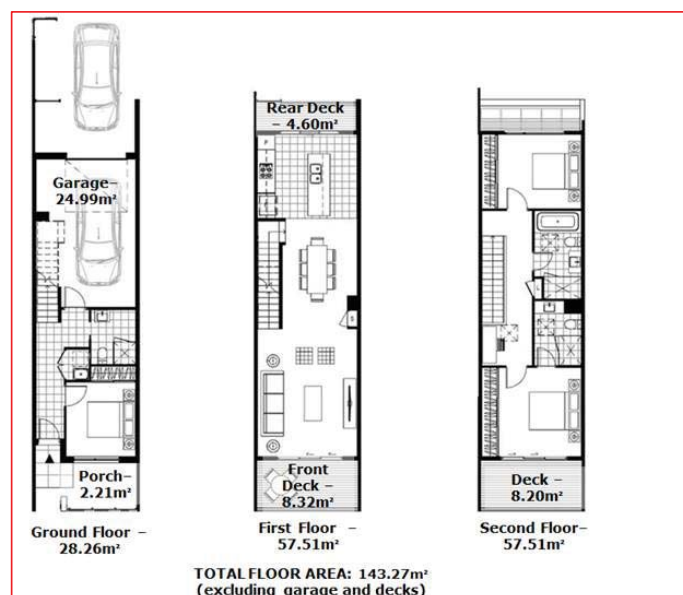


Figure 11

Example of three storey terrace product on small lots – indicative floor plan

The proponent seeks consideration of the proposed smaller lots and new housing typology as an integral part of what can be achieved under their 600 dwelling master planned scheme. They point to the diversity of housing and apartments proposed on the site and the considerable reduction in dwelling yield from previous proposals.

Given the single ownership of the site there is opportunity to achieve a variety of housing types consistent with State and local objectives. Smaller lot housing provides an opportunity for an alternative to apartment living at an affordable price point when compared to conventional large lot dwellings. Despite the proposed torrens titling arrangement of the development it is best considered as a medium density housing development and in this regard the density of the mixed housing component equates to approximately 39 dwellings (or 112 persons) per hectare. When considered together

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urban design analysis should be undertaken to demonstrate that the smaller lot products are suitable in this locality and will provide adequate outcomes in terms of setbacks, building design and bulk, landscaping, privacy, solar access, private outdoor areas and on street and off street parking.

Prior to any public exhibition, the proponent will be required to submit an updated Urban Design Analysis for the proposed small lot housing addressing the foregoing matters. The Gateway Process will then allow the appropriate minimum lot size to be considered, consultation with public authorities and the public to occur, as well as further work and refinements to the planning proposal as necessary.

d) Dwelling mix and size

Over the past four (4) years, Council has sought amendments to SEPP 65 or an endorsed local approach from the NSW Government to ensure that new high density development suits the anticipated demographic within the Shire and provides an appropriate mix, size and diversity of housing product. This position is based on a strong body of evidence including the NSW Government's population projections for the Shire and recently released ABS Census data which highlights that the Hills Shire population is, and will continue to be, characterised by larger than average household sizes.

In October 2016, Council and the NSW Government reached agreement with respect to a local methodology to ensure that planning proposals for land within the Sydney Metro North West rail corridor deliver appropriate housing products which respond to the characteristics and expectations of the local housing market and demographic within The Hills Shire.

While the Cherrybrook Station Precinct, within which the site is located, has recently been identified as a 'Priority Precinct', the letter of agreement to the methodology received from the NSW Chief Town Planner endorsed the application of the local methodology to planning proposals within the Cherrybrook Station Precinct. Accordingly, this local methodology is a key matter for consideration in the assessment of this proposal.

Council has recently amended LEP 2012 to include a new clause (7.12) which reflects the agreed methodology and requires development within the Sydney Metro Northwest Corridor to comply with Council's housing mix and size requirements. The provision provides certainty to Council and the community that a diversity of housing will be provided, which suits the current and future anticipated family demographic of the Shire.

The methodology enforces the premise that additional yield within the station precincts should deliver a housing product that is appropriate for the current and future community of the Shire.

In assessing the appropriateness of this planning proposal, it is critical to undertake an analysis of the proposed residential outcome in comparison to Council's stated and established housing mix and diversity requirements (as contained within Clause 7.12 of LEP 2012).

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Dwelling Mix

An analysis of the proposed residential flat building component of the development against Council's unit mix requirements is provided below:

	Cl. 7.12	Required	Proposed	Comment
Studio / 1 Bedroom Dwellings	No more than 25%	100 (max.)	120	Non-compliant – 20 more 1 Bedroom Dwellings than permitted
2 Bedroom Dwellings	Not specified	220	220	-
3 or more Bedroom Dwellings	At least 20%	80 (min.)	60	Non-compliant – 20 fewer 3 Bedroom Dwellings than required
Total		400	400	

As demonstrated above, the proposed residential flat building component of the development does not comply with Council's unit mix requirements when viewed in isolation. In particular, the proposal includes an insufficient number of 3 bedroom dwellings and more 1 bedroom dwellings than permitted under Council's requirements.

Notwithstanding this, the proposal provides a relatively unique mix of dwelling types, including 'medium density housing' in addition to the proposed residential flat building. Given this, it is considered reasonable to assess the dwelling mix of the overall development proposal holistically, as provided below:

	Cl. 7.12	Required	Proposed	Comment
Studio / 1 Bedroom Dwellings	No more than 25%	150 (max.)	120 (units)	Compliant
2 Bedroom Dwellings	Not specified	330	220 (units) 20 (townhouses) 240 (total dwellings)	-
3 or more Bedroom Dwellings	At least 20%	120 (min.)	60 (units) 180 (townhouses) 240 (total dwellings)	Compliant – 120 more 3 Bedroom Dwellings than required
Total		600	400 (units) 200 (townhouses) 600 (total dwellings)	

As demonstrated above, when the broader proposal (including the proposed 'medium density' housing types) is assessed against Council's unit mix requirements, the overall housing mix proposed is compatible with Council's requirements.

Having regard to the broader mix of dwelling types proposed across the entire development, it is considered that the proposal ultimately achieves an appropriate mix of dwellings which is consistent with both the intent and requirements of Council's

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requirements. In particular, it is noted that 80% of the dwellings proposed within the entire development would be 2 or 3 bedroom dwellings (as opposed to the 75% required under Council's local provision and the 70% proposed within the residential flat building component when viewed in isolation). The overall number of studio and one bedroom dwellings will be expected to provide an affordable option for younger persons wishing to stay in the area.

Dwelling Size

An analysis of the proposed high density portion of the development against Council's unit size requirements is provided below. It is noted that Council's unit size requirements result in 30% of all units within a development being at Council's larger sizes.

	Cl. 7.12	Required	Proposed	Comment
2 Bedroom Dwellings	40% min. internal floor area of 110m ²	88 units out of 220	22 units out of 220 (10%)	Non-compliant – 66 fewer 2 Bedroom Dwellings meet size requirement
3 or more Bedroom Dwellings	40% min. internal floor area of 135m ²	24 units out of 80	6 units out of 60 (10%)	Non-compliant – 18 fewer 3 Bedroom Dwellings meet size requirement
Total	30% of units at larger size	112 units out of 400 (30%)	28 units out of 400 (7%)	84 fewer larger sized units than required

As demonstrated above, the proposed high density portion of the development does not comply with Council's unit size requirements. In particular, only 7% of units within the residential flat building component are of a larger size, as opposed to 30% of units required by Council's local provision.

An analysis of the entire development proposal (including the proposed 'medium density' housing types), considered holistically, against Council's unit size requirements is demonstrated below:

	Cl. 7.12	Required	Proposed	Comment
2 Bedroom Dwellings	40% min. internal floor area of 110m ²	96 dwellings out of 240 (40%)	22 (units) 10 (townhouses) 32 (total) out of 240 (13%)	Non-compliant – 64 fewer 2 Bedroom Dwellings meet size requirement
3 or more Bedroom Dwellings	40% min. internal floor area of 135m ²	96 dwellings out of 240 (40%)	6 (units) 120 (townhouses) 126 (total) out of 240 (53%)	Compliant – 30 more 3 Bedroom Dwellings meet size requirement
Total		192 dwellings out of 600 (30%)	158 dwellings out of 600 (26%)	Non-compliant – 34 fewer larger dwellings than required

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As demonstrated above, the proposal does not comply with Council's requirements, primarily as a result of an undersupply of larger 2 bedroom dwellings proposed. However, it is noted that the proposed development would include substantially more larger 3 bedroom dwellings than would otherwise be required by Council's local provision.

Having regard to the above, it is considered that the proposed dwelling mix and size is reasonable on the basis that:

- The proposed development includes substantially more 3 bedroom dwellings (suitable for larger family households) than required (240 x 3 bedroom dwellings proposed rather than 120 x 3 bedroom dwellings required); and
- 126 (53%) of the 3 bedroom dwellings proposed are larger than Council's requirement of 135m² rather than the minimum 96 (40%) 3 bedroom dwellings which would be required to meet this larger size under Clause 7.12.

Accordingly, it is considered that the dwelling mix and size proposed within the proponent's development concept is acceptable and consistent with the intent of Council's local provision to secure a diversity of housing suitable to larger households, typical of the Shire's population. To secure the dwelling mix and size outcomes proposed by the proponent, it is recommended that these be reflected within the proposed Schedule 1 provision as requirements which must be met in order for the proposed residential development to be permissible on the site. Specifically, the Schedule 1 provision should require that at least:

1. *40% of all dwellings on the land are 2 bedroom dwellings;*
2. *40% of all dwellings on the land are 3 bedroom dwellings (or larger);*
3. *15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m², and*
4. *50% of all 3 bedroom dwellings on the land will have a minimum internal floor area of 135m².*

It is noted that the above criteria reflects the unit mix and sizes proposed within the development concept and planning proposal information submitted and will facilitate the development outcomes sought by the proponent whilst also giving Council adequate certainty that an appropriate diversity and mix of housing will be provided on the site.

e) Proposed height of apartment development

The revised proposal provides for a reduction in maximum building heights from eight (8) storey apartments to a maximum of six (6) storeys. The location of the apartment component of the development, internal to the site and towards the lowest point of the site allows for the visual impact of the development to be minimised. The design approach proposed by the proponent seeks to respond to the site characteristics and context and ensure that the height of development when viewed from locations external to the site, including along the Coonara Avenue frontage, is perceived as two (2-3) storeys.

It is noted that the current maximum building height applying to the subject site under LEP 2012 is 22 metres. Whilst this height could potentially facilitate seven (7) storey residential flat buildings, consideration is needed of the site topography. To provide certainty of the six (6) storey built form, it is recommended that the proposed height in

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storeys under the development concept be contained as requirements to be met in order for the proposed residential development to be permissible on the site.

f) Loss of Employment Land

As noted previously, the site is currently occupied by seven (7) interconnected low-rise buildings totalling 36,000m² of commercial floor space. An Economic Assessment submitted (Hill PDA, January 2016) concluded that the site will face considerable challenges in maintaining commercial office uses once the current tenants vacate the site for the following reasons:

- Other commercial spaces across Sydney and the North West metropolitan market are characterised by fierce competition for tenants, compressed yields and high incentives;
- The existing floor plate is not modern and has poor access to outside amenity resulting in difficulties to meet the demands of current potential tenants in the market;
- The suitability of the site for commercial functions is not suitable and not considered best use of the land given the pending Sydney Metro Link;
- Poor competitive offer of the site. The site is competing with other employment centres such as Macquarie Park, Norwest, Rhodes and the regional city of Parramatta. All of these employment centres are noted to offer greater amenity, transport access, retail services and flexible range of employment space compared to the subject site;
- The loss of commercial space on the site is inconsequential compared to growth in Parramatta, Norwest and Macquarie Park employment areas; and
- 1,200 to 1,700 jobs loss is insignificant when compared to jobs gains by 2036.

The submitted assessment suggests that the proposed change for the subject site is considered minor as the new rail infrastructure will significantly increase employment opportunities and would offset any loss of employment for the subject site.

Given the difficulties faced in maintaining the site as a stand-alone employment use and opportunities along the rail corridor for better placed and more competitive commercial growth, there is considered to be reasonable justification for an alternative residential development outcome on the site.

g) Traffic implications

Based on traffic surveys completed, the current use of the site generates 371 AM peak hour vehicles trips and 345 PM peak hour vehicle trips, with the following characteristics:

Directional Distribution

- 80% of peak hour trips via Coonara Avenue to/from the north (towards Castle Hill Rd)
- 20% of peak hour trips via Coonara Avenue to/from the south

Arrival and Departure Distribution

- 93% of AM peak hour trips inbound to the site and 7% of AM peak hour trips outbound from the site;
- 4% of PM peak hour trips inbound to the site and 96% of PM peak hour trips outbound from the site;

The figure below illustrates the distribution of traffic associated with the current use of the site for commercial purposes.



Figure 12

Directional and Arrival/Departure Distribution – Commercial Operation of the Site

While the existing premises on the site has a total floor area of nearly 34,000m², this space is currently underutilised with 7,500m² of vacant floor area, 4,600m² of common area and lower staff occupancy rates than typically found within commercial uses. Importantly, it is anticipated that if leased at full capacity, the existing premises on the site would be likely to generate between 441 and 672 peak hour vehicle trips based on RMS Traffic Generating Guidelines, with directional and arrival and departure distribution likely to remain unchanged (as detailed above).

Based on RMS Traffic Generating Guidelines, the proposal to facilitate 600 residential dwellings on the site (200 low density dwellings and 400 apartments), would be likely to result in average traffic generation of 379 peak hour vehicle trips. While the volume and directional distribution of traffic generated by the proposal would be similar to the current use of the site (and significantly less than if the commercial capacity of the site was fully utilised), a transition to a residential land use would result in a significant shift in the arrival and departure distribution, with:

- 20% of AM peak hour trips inbound to the site and 80% of AM peak hour trips outbound from the site;
- 80% of PM peak hour trips inbound to the site and 20% of PM peak hour trips outbound from the site;

As detailed above, while commercial use of the site predominantly 'attracts' traffic to the site during the AM peak and generates outbound traffic from the site during PM peak, residential uses would have the opposite effect, generating outbound traffic from the site during the AM peak (as residents leave home in the morning) and 'attracting' traffic to the site during the PM peak (as residents return home in the evening), as illustrated below.



Figure 13

Directional and Arrival/Departure Distribution – Residential Use of the Site

With respect to the intersection of Coonara Avenue and Castle Hill Road, the anticipated shift in arrival and departure distribution associated with a residential use of the site (with no assumed take-up of the Sydney Metro Northwest from this site) would result in:

- No change to the function of the intersection during the morning peak period – while the *number* of outbound trips through this intersection will add to the demand for movement out of Coonara Avenue onto Castle Hill Road, this is offset by the significant reduction in the overall volume of trips through this intersection (and the reduction in vehicles turning right from Castle Hill Road into Coonara Avenue to access the site during this period); and
- Improvement in the function of the intersection during the evening peak period from a Level of Service 'F' to a Level of Service 'C' – this is due to *reduced* traffic northbound along Coonara Avenue utilising this intersection to exit onto Castle Hill Road during the evening period.

It is important to note that this proposal represents one of many sites within the Cherrybrook Precinct which is likely to accommodate increased development yields and cumulatively, result in an intensification of traffic issues more broadly within the locality.

It is anticipated that key potential traffic improvements required within the locality to support precinct-wide growth may include, but not be limited to the upgrade of the intersection of Coonara Avenue and Castle Hill Road to replace the current 'split-phase' operation with 'diamond overlap phasing' (allowing for turning movements through the intersection to occur concurrently). This would require widening of the intersection approaches along Coonara Avenue and Edward Bennett Drive.

It is also noted that the operation of this intersection is likely to be further moderated as a result of take-up of the Sydney Metro Northwest and increased patronage by users who would otherwise have driven along Castle Hill Road. Further, delays along Castle Hill Road eastbound are also likely to be reduced as a result of the Northconnex, due to open in 2019.

As part of the Gateway process, the proposal would be referred to Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) for consultation. In addition to this, as part of the master planning process for the Cherrybrook Precinct, the NSW Government

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is preparing precinct-wide traffic analysis, which will identify existing capacity within the existing network to accommodate future growth and any upgrades, improvements or new traffic infrastructure required.

While an assessment of this individual proposal, in isolation, concludes that the potential traffic impacts will be both minimal and reasonable, as one of many development sites which will result in a cumulative intensification of traffic issues within the locality, it is considered appropriate for any future development on the site to make a reasonable contribution towards the delivery of the required traffic infrastructure and upgrades within the locality by way of monetary contributions or where possible, works-in-kind.

h) Visitor car parking provision

Given the location of the site and considering the overall diversity of housing and the extent of resident parking proposed to be provided, it is reasonable to evaluate visitor car parking provision on the basis of 1 space per 5 dwellings for the totality of the site. In this regard the proposal to facilitate 600 residential dwellings would require approximately 120 visitor parking spaces based on 1 space per 5 dwellings. While 80 of these would be required as part of the high density (residential flat building) component of the development, the remaining 40 visitor parking spaces would be required in association with the 200 dwellings proposed within 'mixed housing precinct'. Given the proposed configuration and size of lots, it is unlikely that this visitor parking will be able to be provided on individual dwelling allotments.

The proposal identifies that internal roads within the development would be no-through roads with turning circles to enable vehicles to enter and leave in a single direction. These roads are proposed to be 9 metres wide, with a 7 metre carriageway and 1.5 metre verge on each side. These roads would form part of the 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 Boulevard.

It is noted that on-street car parking along roads with a carriageway less than 8.5 metres is not permitted due to safety concerns. Within other areas of the Shire where smaller road widths have been permitted, issues have arisen with respect to overspill of parking onto adjoining local roads. In light of this it is considered appropriate that measures be incorporated into the final concept design for the site to ensure that on-street parking/visitor parking is appropriately catered for, with respect to the 200 dwellings proposed within the 'mixed housing precinct'. Possible measures to achieve this could include:

- Requiring internal roads on the site to have a carriageway width of at least 8.5 metres to ensure that the roads are capable of accommodating on-street car parking along at least one side.
- Alternatively, roads with a carriageway of 7 metres would be permitted if at least forty (40) visitor parking spaces (in addition to those required in association with any residential flat building on the site) are provided within a dedicated visitor parking area on the site. This number would be equivalent to a visitor parking provision of 1 spaces per 5 dwellings.

It is recommended that a new control be included within the DCP to ensure that either an 8.5 metre carriageway is provided to facilitate on-street parking, or a dedicated area/s is made available to cater for a minimum of 40 visitor parking spaces associated with the 200 dwellings proposed within the 'mixed housing precinct' (these visitor spaces would be in addition to those required in association with any high density development on the site).

i) Bushfire and Ecological Constraints*Ecological Assessment*

The initial ecological assessment submitted with the proposal (prepared by Keystone Ecological dated March 2016) has not been amended to reference the updated development concept since the time of submission and the findings on these matters have remained the same. The previous report stated that such a large vegetated site within a highly urbanised area is of great ecological value, and this is in the context of not only within the Hills but for the Greater Sydney Region also. The assessment also identified that removal of any of the endangered ecological communities is likely to result in a significant impact and require a Species Impact Statement and Referral to the Commonwealth Environment Minister for approval.

The submitted assessment recognised the indicative master plan has been developed to have regard to significant ecological features that are both a constraint to development and a significant opportunity for conservation. However, Council's assessment has concluded that the proposed development footprint in its current form has not considered suitable buffer distances around Powerful Owl nest trees. The *Interim Lake Macquarie Large Forest Owl Planning and Management Guidelines 2014* require that all confirmed nests of large forest owls are to be retained with minimum 100m vegetation buffers.

Since that time, an additional information letter was submitted by Keystone Ecological dated 24 April 2017. The letter acknowledges the importance of the Powerful Owl habitat but also notes that the abovementioned requirement is a guideline rather than a regulation. Moreover, it is noted that the guidelines themselves acknowledge that measures such as corridor widths should be evaluated on a site-by-site basis and not applied as a blanket rule. The letter also identifies that the existing development and areas of maximum disturbance are located within 49-92 metres whereas the closest building proposed is 102 metres distant.

If the planning proposal is supported to proceed a revised Ecological Assessment will need to be submitted to reflect the new development concept of 600 dwellings but should formally acknowledge previous concerns raised by Council in particular appropriate buffer distances around Powerful Owl nest trees. In addition, Bushfire Asset Protection Zones are to be excluded from owl nest and roost trees and buffers, riparian habitat and corridors.

Bushfire Assessment

The proponent's bushfire assessment prepared by Building Code and Bushfire Hazard Solutions dated March 2016 was based on the original development concept which proposed approximately 1,270 dwellings. Based on compliance with the requirements of *Planning for Bushfire Protection 2006* and the management of the entire site to asset protection zone requirements the proposed subdivision was deemed by the proponent's assessment to be generally acceptable.

The revised Bushfire Assessment should address the new development concept and previous concerns raised by Council regarding the eight (8) metre requirement for perimeter roads. Any future development application would need to address this issue. If the planning proposal proceeds to Gateway Determination and is to be exhibited, it would be referred to the NSW Rural Fire Service for further comment.

Should Council support the revised proposal and resolve to forward it to the Department for Gateway Determination, a package reflecting the new concept would be needed prior

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to public exhibition to assist communication with the community and public authorities. This would include updated Bushfire and Ecological Assessments reflecting new development concept.

j) Geotechnical Stability

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

The multi-storey residential development, associated basement carparks and the roadworks proposed by the development concept, would rely on significant earth works including excavation and filling. These activities could potentially disturb the sub surface and particularly the ground water conditions. In recognition of the site's proximity to land which has been identified as being structurally unstable, it is recommended that if the planning proposal is supported, a geotechnical investigation be prepared by the proponent to identify the landslip affectation of the site and, if required, propose a stabilisation strategy.

k) Public Benefit and Infrastructure

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

The 600 additional unplanned dwellings sought through the current planning proposal would generate the need for approximately:

- 30% of a new sports field;
- 30% of a local park;
- 30% of a netball court;
- 30% of a tennis court; and
- 2% of a local community centre.

The proponent submitted a letter of offer to Council which identifies items they propose to provide/fund through a Voluntary Planning Agreement in order to address the demand for public community facilities. These items are listed below:

Public open space and associated on grade car parking

- Dedication of 2.49ha to Council;
- The submitted development concept identifies location for a sports field to be dedicated to Council in its current state at no cost.

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General Community Facility Room

- A room in the order of 250m² be constructed and dedicated to Council;
- It is envisaged the a completed base building would be provided including floor finishes, ceiling finishes, air conditioning, lighting and toilet facilities.

The proposed provision and dedicated of public open space and facilities as part of this planning proposal provides additional public infrastructure that will assist in meeting the demand generated not only generated by the planning proposal but for the broader Cherrybrook Railway Precinct.

A Voluntary Planning Agreement is proposed as the mechanism for ensuring the community and open space facilities are appropriately developed and provided to Council.

It is recommended that Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which will secure the following:

- Delivery of proposed public open space;
- Delivery of the proposed public access to recreation and community facilities;
- Provision of pedestrian linkages/ public right of access through the site; and
- Construction methods for delivery of the identified community room to Council standards.

4. RECOMMENDED AMENDMENTS TO LEP 2012

As set out in section 2 of this report the planning proposal, as submitted, seeks to change the zone, height and floor space ratio to facilitate the revised development concept. It proposes to rezone the front portion of the site to R2 Low Density Residential to facilitate the housing products identified for this area. However the range of attached, semi-detached and detached housing types identified in the development concept are mostly medium density housing types which would instead require application of the R3 Medium Density Residential zone.

The planning proposal also identifies an R4 High Density Residential zone on a portion of the site to facilitate residential flat buildings. The area of this zone identified by the proponent would be applied over the apartment precinct and extend to the rear boundary of the site over the existing significant vegetation area (see Figure 4).

The proposed approach is not supported as it does not reflect or facilitate the development concept submitted, which seeks to conserve the existing high value vegetation. This is particularly important as the site is heavily vegetated and Blue Gum High Forest and Sydney Turpentine Ironbark Forest are located on the site, which is identified as a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.

An alternative approach would be to apply an environmental protection zone such as the E2 Environmental Conservation zone to the constrained parts of the site however the application of this zone has been used sparingly in the past as it could potentially trigger land acquisition liabilities.

In order to provide certainty with respect to the residential and environmental outcomes on the site, it is recommended that the B7 Business Park zone be retained and that the proposal be facilitated through the use of Schedule 1 Additional permitted uses within LEP 2012. This approach would enable the key components of the proposed development concept to be clearly articulated and for the master planned outcome to be

clearly guided. It would also provide a measure of flexibility as to the exact boundaries of land identified for different purposes and enable improved outcomes to be achieved as part of the preparation of detailed plans and development application for the site.

To facilitate the proposed development outcome, it is recommended that the following clause be inserted into Schedule 1 - Additional permitted uses of LEP 2012:

7 Use of certain land at 55 Coonara West, Pennant Hills

- (1) *This clause applies to that part of land at 55 Coonara Avenue, West Pennant Hills, comprising Lot 61 DP737386, that is zoned B7 Business Park, shown as "Item 15" on the [Additional Permitted Uses Map](#).*
- (2) *Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2.*

Column 1	Column 2
<i>Attached dwellings Dwelling houses Multi dwelling housing Semi-detached dwellings</i>	<i>Maximum combined number attached dwellings, dwelling houses, multi dwelling housing dwellings and semi-detached dwellings is not to exceed 200.</i> <i>Maximum height of buildings is not to exceed two (2) storeys for any building fronting Coonara Avenue and three (3) storeys for development internal to the site.</i>
<i>Residential flat buildings</i>	<i>Maximum combined number of dwellings within residential flat buildings is not to exceed 400.</i> <i>Maximum height of buildings is not to exceed six (6) storeys.</i> <i>Car parking is to be provided at a rate of:</i> <ul style="list-style-type: none"> <input type="checkbox"/> <i>At least 1 space per residential dwelling; and</i> <input type="checkbox"/> <i>1 visitor space per 5 residential dwellings.</i>

- (3) *Development consent for any purpose under sub-clause (2) may only be granted if:*
- a. at least 40% of all dwellings on the land are 2 bedroom dwellings;*
 - b. at least 40% of all dwellings on the land are 3 bedroom dwellings;*
 - c. at least 15% of all 2 bedroom dwellings on the land will have a minimum internal floor area of 110m², and*

- d. at least 55% of all 3 bedroom dwellings (or larger) on the land will have a minimum internal floor area of 135m².*

It is noted that community facilities and recreation areas are already permissible within the B7 Business Park zone applicable to the land and as such, these uses which are proposed to be incorporated as part of future development would not need to be specified within Schedule 1 of LEP 2012.

Should the planning proposal proceed to finalisation and the site be redeveloped for residential purposes, it may be appropriate for Council to consider housekeeping amendments to rezone the site to reflect the approved uses. However, at this stage, the use of Schedule 1 to permit the intended development outcomes provides a more appropriate balance between certainty of yield, use and built form outcomes and flexibility in detailed master planning for the site.

5. RECOMMENDED DEVELOPMENT CONTROL PLAN AMENDMENTS

In recognition of the need for a site specific development response and the intended master planned outcome, draft development controls have been prepared and included as an amendment to Part B Section 2 – Residential of DCP 2012 (Attachment 1). The purpose of the development controls is to regulate future development so as to ensure that the desired future character for the site is achieved and there is certainty of outcomes intended for the site.

The proposed development controls relate to the following key matters:

- Site Planning – providing for future development to be generally in accordance with the concepts provided and identifying the connections through the site and the provision of intended public space.
- Streetscape and Character – providing for retention of vegetation and landscaping to ensure the development is of high visual quality and in keeping with the Shires garden character.
- Access – providing for public access to proposed open space and community facilities.
- Vegetation – providing for a Vegetation Management Area to preserve significant vegetation and ensure ongoing maintenance.
- Coonara Avenue frontage – providing for courtyard fencing of high quality along Coonara Avenue that is softened by a landscaped setback.

The above controls will guide future development on the site, minimise impacts on the surrounding amenity and existing vegetation and ensure public access to community facilities. It is recommended that the draft development controls be exhibited concurrently with the planning proposal, should the proposal progress to public exhibition.

CONCLUSION

The size, location and environmental characteristics of the subject site creates an opportunity for residential development within reasonable proximity to the future Cherrybrook station that provides for a variety of different housing stock and choice for future residents within landscaped surrounds. Whilst there have been a number of iterations of development concepts for the site, the current concept is considered appropriate to progress to Gateway Determination given it provides for a density that transitions down from the station, it provides for a greater proportion of medium density forms of housing suited to the Shire's family demographic and it is supported by significant communal and public open space and community facilities. Given these factors, there is considered to be sufficient strategic justification and merit for a

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residential development outcome on the site, particularly having regard to the difficulties in maintaining the site as a stand-alone employment use.

It is recommended that the revised concept be enabled by way of amendment to Schedule 1 Additional Permitted Uses of Local Environmental Plan 2012, rather than by amending the zone, height and floor space ratio as sought by the proponent which will provide certainty as to the master planned outcomes and also enable a degree of flexibility as to the exact boundaries between the different proposed land uses, as the proposal progresses to development application and implementation.

As described throughout this report a range of updated and additional information will be needed prior to public exhibition including:

- An updated Urban Design Analysis that includes demonstration of how the proposed smaller lot housing will provide adequate outcomes in terms of building setbacks, building design and bulk, landscaping, privacy, solar access, private outdoor areas and parking.
- An updated Ecological Assessment to reflect the new development;
- An updated Bushfire Assessment to reflect the new development;
- Geotechnical Investigation to identify if there is any potential landslip affectation of the site and, if required, propose a stabilisation strategy.
- A draft Voluntary Planning Agreement that builds on the draft list of items provided by the proponent which addresses the delivery of proposed public open space, delivery of the proposed public access to recreation and community facilities, provision of pedestrian linkages/public right of access through the site and construction methods for delivery of the identified community room to Council standards.

The Gateway Process allows for some of the detail associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary.

It is further recommended that the planning proposal be supported by amendments to the Residential section of Development Control Plan 2012 and these amendments be exhibited concurrently with the planning proposal with discussions to continue with the proponent to negotiate a draft Voluntary Planning Agreement which secures the delivery of proposed public facilities and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.

IMPACTS**Financial**

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

The Hills Future - Community Strategic Plan

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will create a desirable place to live and provides built forms that respond appropriately to the surrounding area. The amended planning proposal also provides community facilities which allow the wider public to enjoy recreational benefits.

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RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills.
2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed public road access, public open space, community facility room and a sports field as identified in the development concept and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
4. Draft The Hills Development Control Plan Part B Section 2 – as detailed in Attachment 1 (ECM Document No.16017113), be exhibited concurrently with the planning proposal.

ATTACHMENTS

1. Draft The Hills Development Control Plan Part B Section 2 – Residential (67 pages)

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au

ATTACHMENT 4

THE
HILLS
Sydney's Garden Shire

DRAFT



Part B Section 2
Residential

B2

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1. INTRODUCTION

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

1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to all Residential zoned land and also applies to all land where residential accommodation land uses is permissible. Further specific controls for multi dwelling housing and residential flat buildings as defined in The Hills Local Environmental Plan 2012 are included in separate Sections of this DCP.

1.2. AIMS AND OBJECTIVES OF THIS SECTION

The aim of this Section of the DCP is to identify Council's objectives for residential development in the Shire and identify controls to ensure the objectives are achieved.

Council's overarching objectives for residential development are:

OBJECTIVES

- (i) *Encourage a high standard of aesthetically pleasing and functional residential developments that sympathetically relate to adjoining and nearby developments to create consistent streetscape and character.*
- (ii) *Ensure that development will not detrimentally affect the environment of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.*
- (iii) *Encourage innovative and imaginative design with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood.*
- (iv) *Provide high levels of amenity for future residents of any residential development.*
- (v) *Implement the principles of Ecologically Sustainable Development.*
- (vi) *To facilitate the implementation of the aims and objectives of residential development as set out in the Hills Shire LEP.*

Additional objectives covering a range of specific issues, related to residential development in the Shire, are identified in section 2 below. These specific objectives are all related to the six objectives identified above.

2. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives, performance criteria and development controls for residential development are set out in the following sections.

A checklist including many of the development controls is provided as a summary in Appendix A of this Section of the DCP.

In addition to those policies, guidelines and documents specified in Section 1.4 of Part A – Introduction, this Residential Section is to be read in conjunction with other relevant Sections including:

- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage
- Part C Section 6 – Flood Controlled Land

2.1. DEVELOPMENT CONTROL MAP SHEETS

The form of residential development is controlled by this Section of the DCP and specific locality maps. These DCP map sheets (Part B Section 2 - Residential, Sheets 1 to 46) provide additional detail as to local subdivision patterns, road layouts and development controls.

A Map showing which Residential DCP Sheets apply is provided in Appendix B – Residential DCP Map Sheet Guide of this Section of the DCP.

This DCP Section contains site specific objectives and controls for land adjoining Heritage Park, Gilroy College Target Site, Hunterford Estate in Oatlands, a residential precinct located at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills and land at 64 Mackillop Drive, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls in this Section of the DCP). Appendix C – Precinct Plan Maps and Site Specific Controls indicates the boundaries of precincts to which these site specific controls apply. These site-specific controls prevail over Shire Wide Controls.

2.2. SITE SPECIFIC DEVELOPMENT CONTROLS

In addition to this Section of the DCP, Council has adopted a number of site specific development controls to address issues specific to certain areas.

Note. In the event of any inconsistency between this Section of the DCP and site specific DCP Sections, the site specific DCP Section shall prevail only to the extent of the inconsistency.

Part D Section 5 - Kellyville/Rouse Hill is a site specific Section of this DCP. The purpose of this Section of the Plan is to provide for the control of residential development within the Rouse Hill Development Area.

Part D Section 7 – Balmoral Road Release Area is a site specific Section of this DCP. The purpose of this Section of the Plan is to provide for additional controls of residential development within the Balmoral Road Release Area.

2.3. RESTRICTED DEVELOPMENT AREAS

OBJECTIVES

- (i) *To protect sensitive land from development in order to retain natural drainage channels, vegetation and topographic features in accordance with Council's ESD Objective 6.*
- (ii) *To reduce the risk to development arising from geotechnical constraints.*

DEVELOPMENT CONTROLS

- (a) Development is to be limited at specified environmentally sensitive locations as identified on the locality maps for this Section of the DCP (Part B Section 2).
- (b) Additional site specific controls apply to land adjoining Heritage Park (See Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Restricted Development Areas must be accurately plotted on the Site Plan; and
- Any development proposed within the Restricted Development Area must be clearly identified.

2.4. SITE ANALYSIS

OBJECTIVES

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

DEVELOPMENT CONTROLS

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

SUBMISSION REQUIREMENT

- Site Analysis.

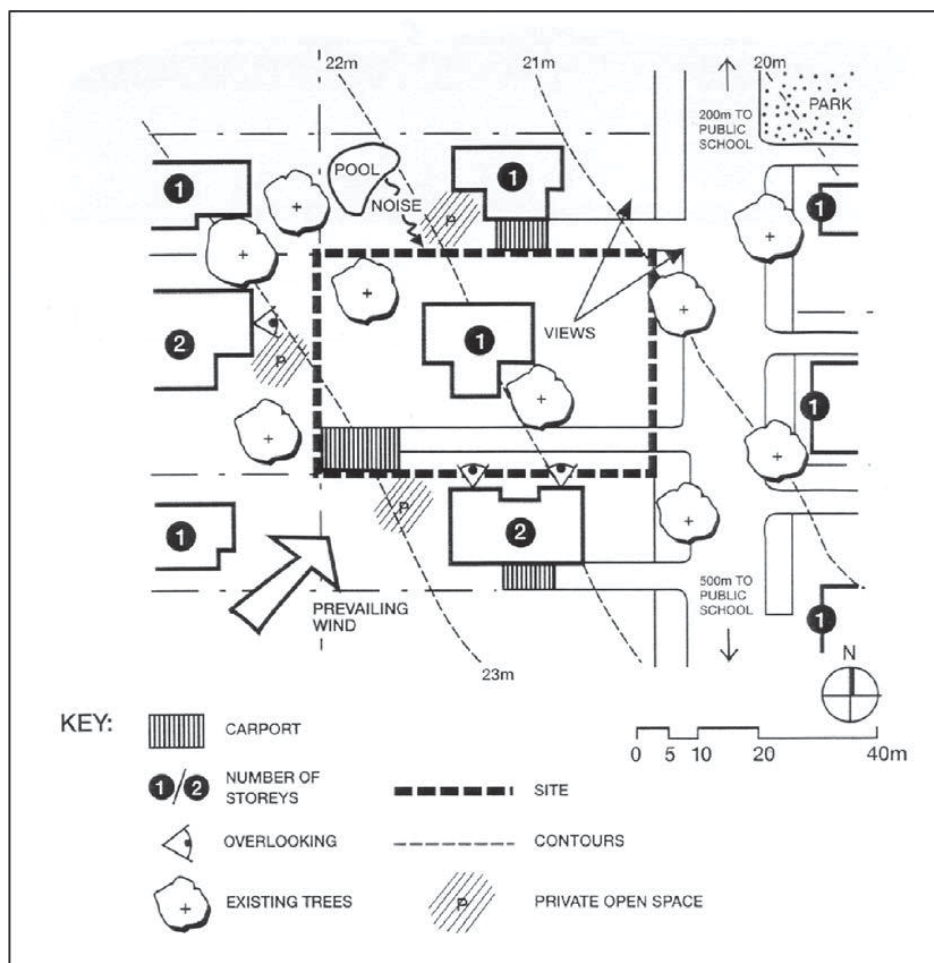


Figure 1: Site Analysis Plan

2.5. STREETScape AND CHARACTER

Note. Streetscape is created by many visible features in a street including lot size, kerbs, fencing, setbacks, spatial separation, bulk and scale, access arrangements, street tree planting, native vegetation and private gardens, colours and materials, as well as the architecture of individual residences and buildings.

The relationship of these elements creates character which contributes to the 'look and feel' of a street, a sense of place and identity. Understanding the character of an area is critical in ensuring development contributes, enhances, and integrates with the existing character that makes an area desirable.

OBJECTIVES

- (i) To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements surrounding development.
- (ii) To ensure that new development is sensitive to the landscape setting and environmental conditions of the locality.
- (iii) To ensure that the appearance of housing is of a high visual quality, enhances the streetscape and complements good quality surrounding development.
- (iv) To encourage streetscape variation whilst maintaining a high level of amenity for the development.

- (v) *To ensure new development respects and enhances the green and garden character of The Hills Shire.*
- (vi) *To achieve development that respects and makes a positive contribution to the character and "sense of place" of Castle Hill.*
- (vii) *To enhance the visual attractiveness, safety and security and personal comfort of streets and public and semi public spaces.*

DEVELOPMENT CONTROLS

- (a) The proposed development must:
 - contribute to an attractive residential environment with clear character and identity;
 - address the street and boundaries to the site with a building form compatible with adjoining development in terms of street elevation and presentation; and
 - retain, complement and sensitively harmonise with any heritage item or conservation area in the vicinity that are identified in Council's Local Environmental Plan.
- (b) The proposed development should maintain neighbourhood amenity and appropriate residential character by:
 - providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing;
 - using building form and siting that relates to the land form;
 - adopting building heights at the street frontage that do not dominate the streetscape;
 - retaining where possible and providing landscaping in the front and rear yards in particular tall planting in scale with the building proposed; and
 - considering where buildings are located on neighbouring properties.
- (c) Additional site specific controls apply to Hunterford Estate, Oatlands and Gilroy College (Appendix C).

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and development controls are met.
- Architectural Plans.
- Elevation Plans.
- Streetscape perspective of proposed development.
- Schedule of External Materials.

2.6. BUSH FIRE HAZARD MANAGEMENT

OBJECTIVES

- (i) *To reduce the risk to life and property in areas of bushfire risk.*
- (ii) *In determining Development Applications, Council will have regard to any likely bushfire hazard.*

DEVELOPMENT CONTROL

- (a) Council has adopted the NSW Rural Fire Service Guidelines entitled "Planning for Bushfire Protection 2006". Development subject to bushfire risk will be required to address the requirements in these guidelines.

2.7. GEOTECHNICAL SITE STABILITY

Note. This section applies to development on land identified with Landslide Risk under The Hills Local Environmental Plan 2012.

OBJECTIVES

- (i) *To ensure proposed development does not result in movement or slip.*
- (ii) *To ensure soil movement or land slip does not adversely affect proposed development.*

DEVELOPMENT CONTROLS

- (a) Areas possibly subject to movement or slip are identified by The Hills LEP 2012 Landslide Risk Maps or identified by Council to be considered subject to movement or slip.
- (b) Prior to the determination of any subdivision or Development Application, a geotechnical appraisal prepared by an Engineer qualified as a corporate Member of the Institution of Engineers of Australia or similar recognised industry body (and who is experienced in the fields of landslides, soil and rock mechanics, slope stabilisation and residential developments) must be submitted by the applicant and may, as determined by Council, be subject to assessment by an independent expert review panel at the expense of the applicant.
- (c) The geotechnical appraisal must certify that the design of all the structures the subject of the application is suitable to withstand the effects of high plasticity clays subject to shrink/swell

movements and possible creep movement of near surface soils.

- (d) The geotechnical appraisal must satisfy Council that an acceptable level of risk is achieved with respect to the possibility of movement or slip adversely affecting the proposed subdivision or development or being caused by the proposed subdivision or development.
- (e) An 'acceptable risk level' is defined in accordance with the AGS Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning (AGS 2007a) as the loss of life for the person most at risk (from the landslide) as 1 in a million per annum and for property loss the risk is to be 'low' as identified in Appendix C of the Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007c). The application must demonstrate that any proposed remedial works will satisfy these requirements.
- (f) For land zoned E3 Environmental Management, refer to Development Controls in section 2.14.2 in this Section of the DCP.

SUBMISSION REQUIREMENTS

- Any part of the site shown as being subject to Geotechnical constraints on the site specific maps for this Section of the DCP or identified by Council to be considered subject to movement or slip must be identified on the site plan.
- A Geotechnical Assessment will be required for works proposed within these areas.

2.8. BUSHLAND AND BIODIVERSITY

OBJECTIVE

- (i) *To conserve and protect the biodiversity of the Shire including habitats of threatened flora and fauna species and communities in accordance with Council's ESD objective 1 and 4.*

DEVELOPMENT CONTROLS

- (a) Significant flora and fauna species, communities and ecological communities should be preserved.
- (b) Development should be designed to retain existing bushland and fauna habitats, including identifiable corridors and linkages.

SUBMISSION REQUIREMENTS

- Applications should include a Fauna and Flora Assessment in accordance with Section 5A of the Environmental Planning & Assessment Act 1979 if there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.
- Applicants may be required to submit a Species Impact Statement (SIS) for development likely to significantly affect threatened species, populations and ecological communities. Reference should be made to the requirements of the Environmental Planning & Assessment Act 1979, and the Threatened Species Conservation Act 1995.

2.9. EROSION AND SEDIMENT CONTROL

OBJECTIVES

- (i) *Minimise land degradation, water pollution and damage to infrastructure from accumulated sediment in accordance with Council's ESD objective 3.*
- (ii) *To ensure development controls are identified for all stages of development and to ensure a consistent approach to erosion and sediment control.*

DEVELOPMENT CONTROLS

- (a) Use best management practices available to avoid or mitigate land degradation associated with development.
- (b) Applications for residential development including subdivision are to be accompanied by an Erosion and Sediment Control Plan (ESCP) which will describe the measures to be taken at development sites to minimise land disturbance and erosion and control sediment pollution of waterways. ESCPs are to clearly identify the erosion and sediment control measures to be used.
- (c) Erosion and Sediment Control Plans shall be prepared in accordance with "Managing Urban Stormwater – Soils and Construction", produced by the NSW Department of Housing.
- (d) The erosion and sediment control measure proposed may need to change during the development process. The erosion sediment control plan should address all phases of the development process.

- (e) Erosion and sediment controls must be in place before work commences and be retained and revised to reflect changes in site conditions, until the development is finalised and the site stabilised.

SUBMISSION REQUIREMENTS

- Erosion and Sediment Control Plans.

2.10. HERITAGE

OBJECTIVES

- (i) To ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and conservation areas, and their settings.

DEVELOPMENT CONTROLS

- (a) Views to and from significant items of natural or cultural heritage should not be impeded by development.
- (b) If the development is within the Rouse Hill Development Area, SREP No. 19 will also apply.
- (c) All developments must address and comply with the provisions of Part C Section 4 – Heritage.

2.11. SIGNAGE

OBJECTIVES

- (i) To permit an approved use to adequately identify their premises while maintaining the residential character of the area.
- (ii) To ensure that advertising signs are appropriate to the size and scale of the activity conducted on the property.

DEVELOPMENT CONTROLS

- (a) All signage proposed must be designed in accordance with Part C Section 2 – Signage.
- (b) Advertising signs must not detract from any residential area. The size, shape, materials and location of signage must complement the visual character of the surrounding area.

SUBMISSION REQUIREMENTS

- Signage Plan.

2.12. STORMWATER MANAGEMENT

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) Water Sensitive Urban Design (WSUD) measures should be employed in the management of the site's/development's stormwater in terms of water retention, reuse and cleansing.
- (b) In all development, consideration should be given to utilising one of the following water sensitive urban design measures:-

M1 Low Impact Building Design

M2 Low Impact Landscape Design

A detailed description of the actions required to implement each of these measures is included in Appendix B – Water Sensitive Urban Design of The Hills Shire Development Control Plan.

Where only BASIX exemption is relied on, rain water tanks to reuse rainwater must be installed for each new dwelling outside the Kellyville Rouse Hill Release Area. The requirements for their installation and use are included in Appendix B – Water Sensitive Urban Design under the heading:

M3 Rainwater Utilisation – toilet, irrigation

- (c) Rainwater tanks are not required in the Kellyville - Rouse Hill Release Area because a recycled water system has been installed in this area. However owners may choose to install a rainwater tank if they consider it appropriate for their property.
- (d) Drainage systems are to be designed and constructed in accordance with the design guidelines set out in "Australian Rainfall and

Runoff 1987" published by the Institution of Engineers, Australia.

- (e) On-site detention systems (OSD) when required, are to be designed in accordance with (a) above and the specific requirements of (as relevant) the Upper Parramatta River Catchment Trust On-site Detention Handbook.
- (f) Concentrated stormwater flows must be connected to Council's drainage system. In some cases this may require the creation of drainage easements over downstream properties. In this circumstance, a letter of consent from the owner(s) of the downstream properties is to be submitted with the Development Application. On rural properties overflow from rainwater tanks must be dispersed on site to ensure concentrated flows do not impact on adjoining properties or cause erosion.
- (g) Reference should be made to the Restrictions As To User on the title of the land to which the development is proposed in relation to requirements for on-site detention.
- (h) Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.
- (i) All development in rural areas must be in accordance with Appendix C – On Site Sewage Systems in Part B Section 1 – Rural.

SUBMISSION REQUIREMENTS

- Preliminary Engineering Drainage Plans indicating the proposed drainage infrastructure.
- If required, easements are to be created over downstream properties prior to the release of the linen plan for the subdivision, or prior to the release of a Building or Occupation Certificate whichever is earliest.
- On-site Detention (OSD) Plans if required.

2.13. SUBDIVISION

The objectives and development controls are primarily related to applications involving subdivision. The controls relating to the erection of a dwelling must still be considered at subdivision stage to ensure all lots created can accommodate a suitable dwelling in accordance with this Section of the DCP.

2.13.1 RESIDENTIAL LOT WIDTH AND DEPTH

OBJECTIVES

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

DEVELOPMENT CONTROLS

- The minimum frontage for a lot on a classified road where a dwelling is permissible shall be 27m.
- The minimum frontage for other road frontages for a lot where a dwelling is permissible is 18m. Except for land zoned E4 Environmental Living where the minimum frontage is 23m.
- The minimum depth of lots where a dwelling is permissible is 27m. Except for land zoned E4 Environmental Living where the minimum depth is 50m.
- For an irregular shaped allotment the average width shall not be less than the minimum frontage controls (a) to (c).
- Map Sheet 40 of this Section of the DCP identifies land where development shall provide for the connection of surface stormwater on the land the subject of the development to a piped stormwater drainage system.
- For battle-axe shaped allotments and allotments served by a right-of-way where allotments have no road frontage, the minimum area excluding the access corridor shall not be less than the minimum lot size identified in The Hills Local Environmental Plan 2012.
- The minimum width for the battleaxe handle on battleaxe shaped allotments is:

Number of lots to be accessed	Minimum Width
One allotment	4 metres
Two or more allotments	6 metres

- (h) The minimum area of a residential lot should be free of any restricted development area. Refer to Map Sheets 1-42.

SUBMISSION REQUIREMENTS

- Site Plan and/or Subdivision Plans.
- Site Analysis.

2.13.2 BUILDING PLATFORM AND VIEWS

OBJECTIVES

- To ensure allotments have a suitable area for the erection of a dwelling and associated structures free of constraints or restrictions.*
- To ensure that the appearance of housing is of a high visual quality and enhances the streetscape and the urban environment.*
- To allow flexibility in the siting of new buildings and ensure the bulk and scale of new development protects reasonable neighbour amenity and maintain appropriate residential character.*
- To maximise views available from the site in the design of new residential development in the Hunterford Estate, Oatlands.*

DEVELOPMENT CONTROLS

- The site must be capable of providing a building platform of at least 20 metres by 15 metres. The platform shall be sited in an accessible and practical location and on relatively flat terrain with stable soil and geology.
- Practical and suitable access shall be provided from a public road to the building platform.
- The building platform is to be applied independently of the minimum building setbacks.
- Pitched roofs are the preferred choice of roof form for the development, particularly for dwellings adjoining the existing residential area.
- Dwellings should be orientated to maximise solar access and enjoy views.
- Additional site specific objectives and controls to development on land adjoining Heritage Park, Hunterford Estate in Oatlands and Residential Development, Corner Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

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

2.13.3 PEDESTRIAN ACCESS, SAFETY AND SECURITY

OBJECTIVE

- To ensure the needs of residents and visitors are considered with particular regard to access requirements, safety and security in accordance with Council's ESD Objective 7.*

DEVELOPMENT CONTROLS

- Residential developments are to provide safe and convenient access for prams, wheelchairs and people with disabilities from the public road to all areas of the development.
- Movement areas should be designed to provide convenient, obvious and safe pedestrian and bicycle links from the site to public transport services and local facilities.
- Footpaths, landscaped areas and driveway designs are to provide opportunities for surveillance and allow safe movement of residents and visitors.
- The design of residential developments is to demonstrate consideration of resident safety and security.
- Signage is to be clear and easy to understand.
- Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.
- 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 public pedestrian connection, by way of legal access, from Oratava Avenue to Mt Wilberforce Reserve. Refer to Part B Section 2 - Sheet 20 - West Pennant Hills.
- Future residential subdivision on 39-55 Oratava Avenue (Lot 8 DP 1191647), 570 Pennant Hills Road (Lot 3 DP1096405), shall provide parking for at least 8 vehicles either on-street through the provision of internal roads with a minimum

carriageway width of 8.5 metres or through the provision of a dedicated area for visitor parking'.

2.13.4 DEVELOPER CONTRIBUTIONS

Applicants should consult with Council's Section 94 Contributions Plan and Council's Officers to determine the required amount of Section 94 Contributions payable.

2.13.5 WASTE COLLECTION

OBJECTIVE

- (i) *To ensure safe and efficient collection of waste and recyclables by Council or its contractor.*

DEVELOPMENT CONTROLS

- (a) Roads must be designed to provide adequate manoeuvring space to allow Council's (or its contractor's) waste collection vehicles to enter and exit in a forward direction to collect waste and recyclables with no need for reversing.

2.14. DWELLINGS

The controls below apply to developments for dwellings.

2.14.1. BUILDING SETBACKS

OBJECTIVES

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

DEVELOPMENT CONTROLS

- (a) The minimum road frontage setback for any classified road is 10 metres.
- (b) The minimum road frontage setback requirement for any non classified roads is as follows:

Primary Road Frontage Setback 10m

The areas where the primary road setback is not 10 metres are shown on Maps 1-4. The setbacks for these areas are outlined in the table below.

Areas where Primary Road Frontage Setback is less than 10m	Map No	Primary Setback
West Pennant Hills Valley	1	7.5
Bingara Crescent/ Crestwood	2	7.5
Kings Road	3	7.5
Bella Vista Residential	4	6m
Kellyville/Rouse Hill Development Area	n/a	*

*Refer to Part D Section 5 – Kellyville / Rouse Hill Release Area, Part D Section 6 Rouse Hill Regional Centre and Part D Section 7 – Balmoral Road Release Area.

- (c) Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the character created by the three (3) adjoining dwellings either side of the proposed dwelling will apply .
- (d) Development on corner allotments, with no frontages to classified roads shall have regard to the streetscape of both street frontages and may provide a setback of not less than 6 metres for the primary frontage and 4 metres to a secondary road frontage.
- (e) All garages must be setback in accordance with the setbacks described in a), b) and c) above, or 5.5 metres, whichever is the greater. This is required to ensure vehicles parked on the driveway in front of the garage do not encroach into the road reservation.
- (f) The maximum width of a dwelling must be:

Width of allotment at the building line	Percentage of width at the building line
Less than or equal to 18m	80%
Greater than 18m	75%

- (g) The minimum side boundary setback requirement is:

Height of building	Distance of wall to boundary line	Distance of eave to boundary line

1 or 2 storeys	900mm	675mm
3 storey	1500mm	1175mm

- (h) The minimum rear boundary setback requirement is:

Height of building	Setback
1 storey element of dwelling'	4 metres
2-3 storey elements of dwelling'	6 metres

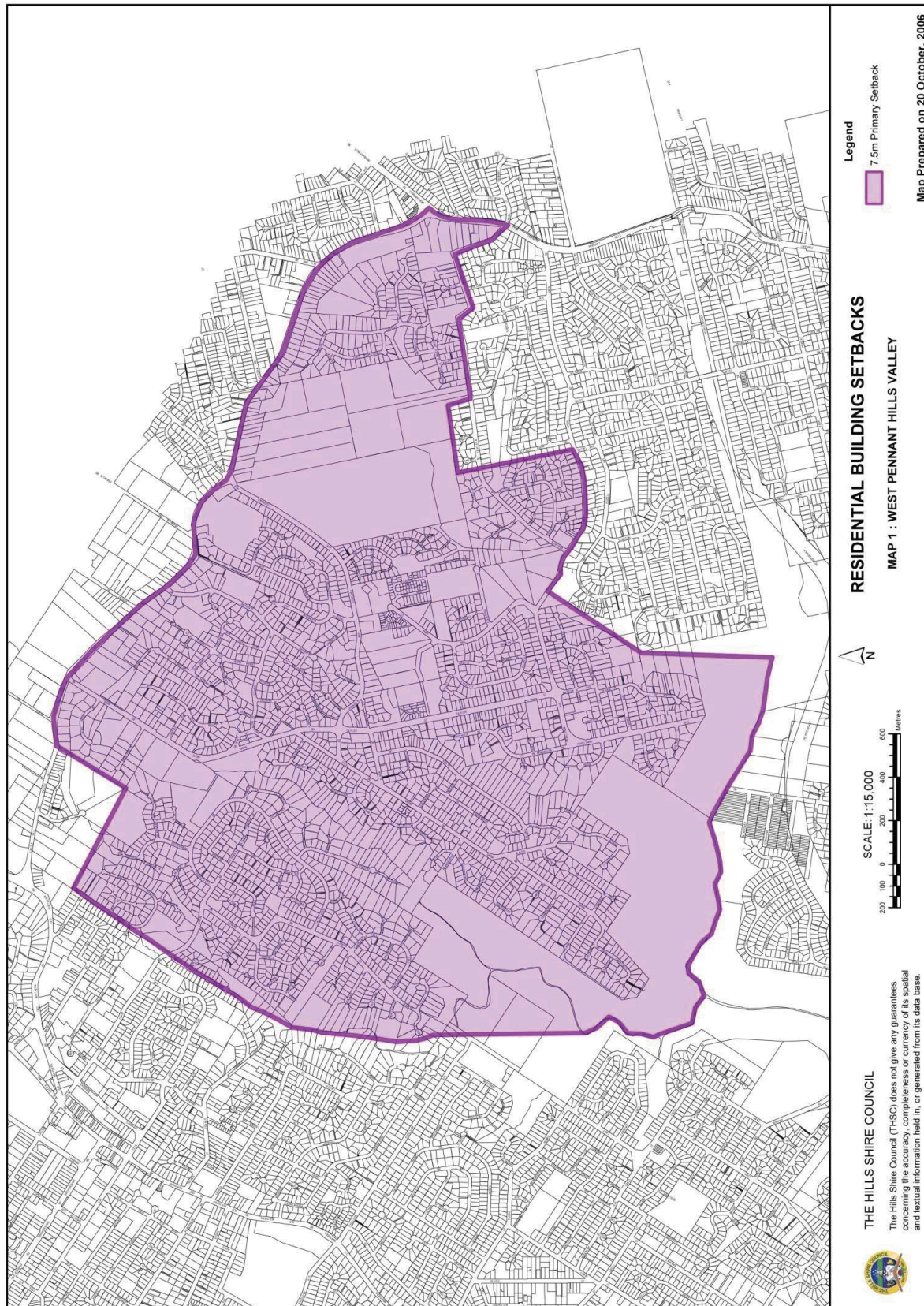
- (i) For battleaxe allotments dwellings shall be setback a minimum distance to three sides only of the lot of 4m for the single storey element and 6m for the 2 and 3 storey elements.
- (j) Except where the lot has two road frontages and the dwelling is to back onto an arterial or sub-arterial road. In this case the required rear wall setback to the road frontage is:

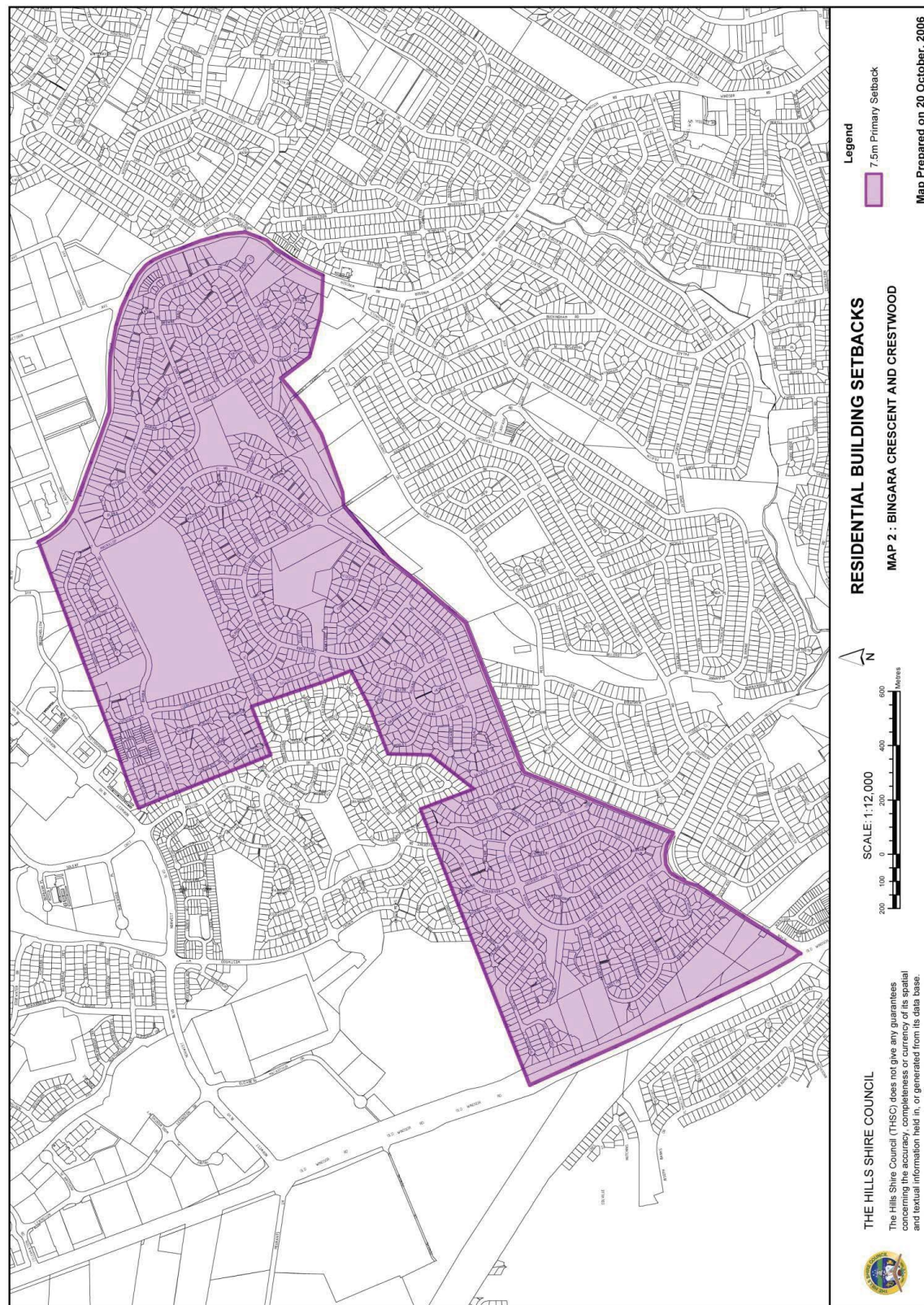
Height of building	Rear wall setback to a classified road
1 storey	6 metres
2-3 storey	8 metres

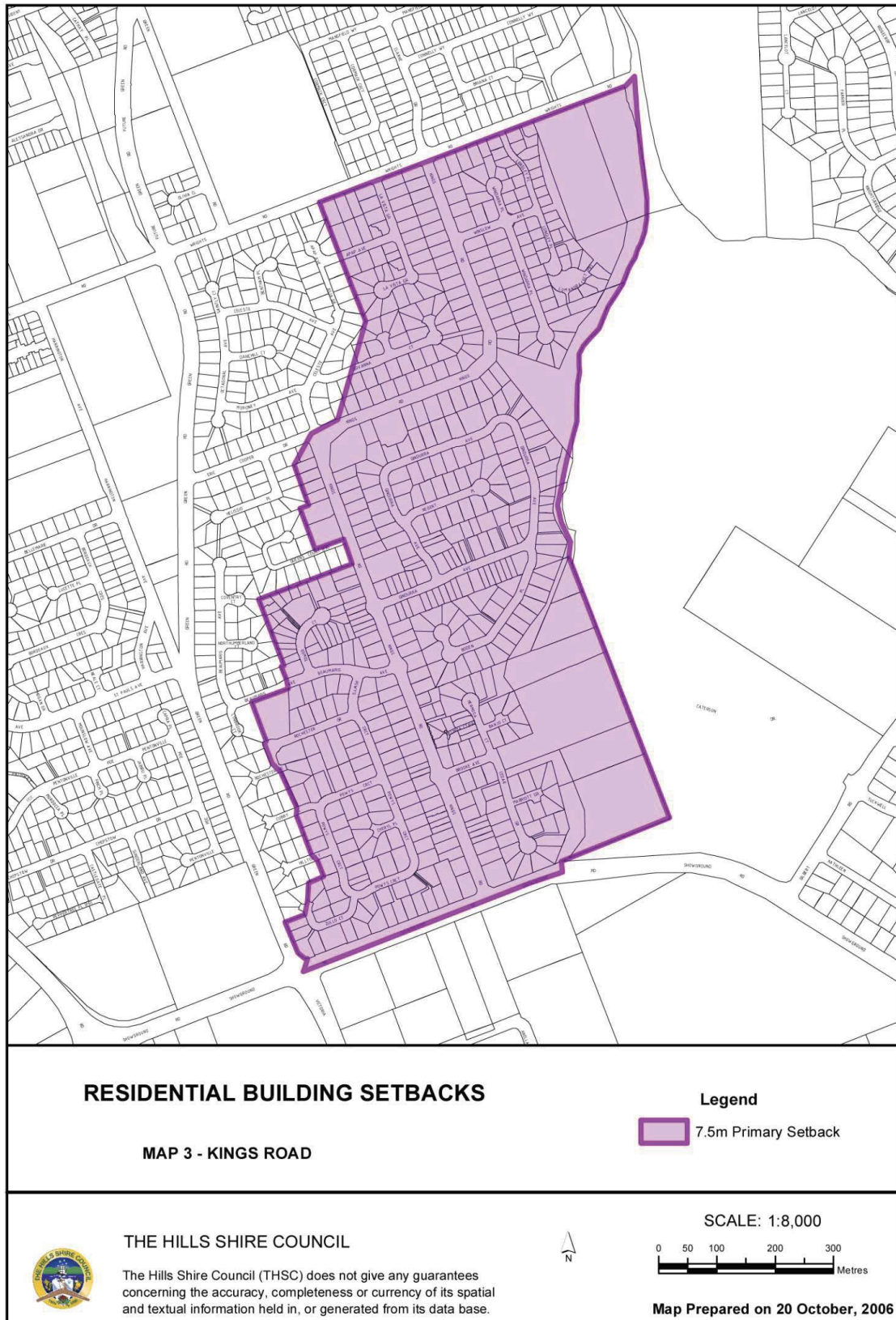
- (k) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.
- (l) Site specific controls apply to Hunterford Estate in Oatlands, Land Adjoining Heritage Park, Gilroy College Site and Residential Development Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

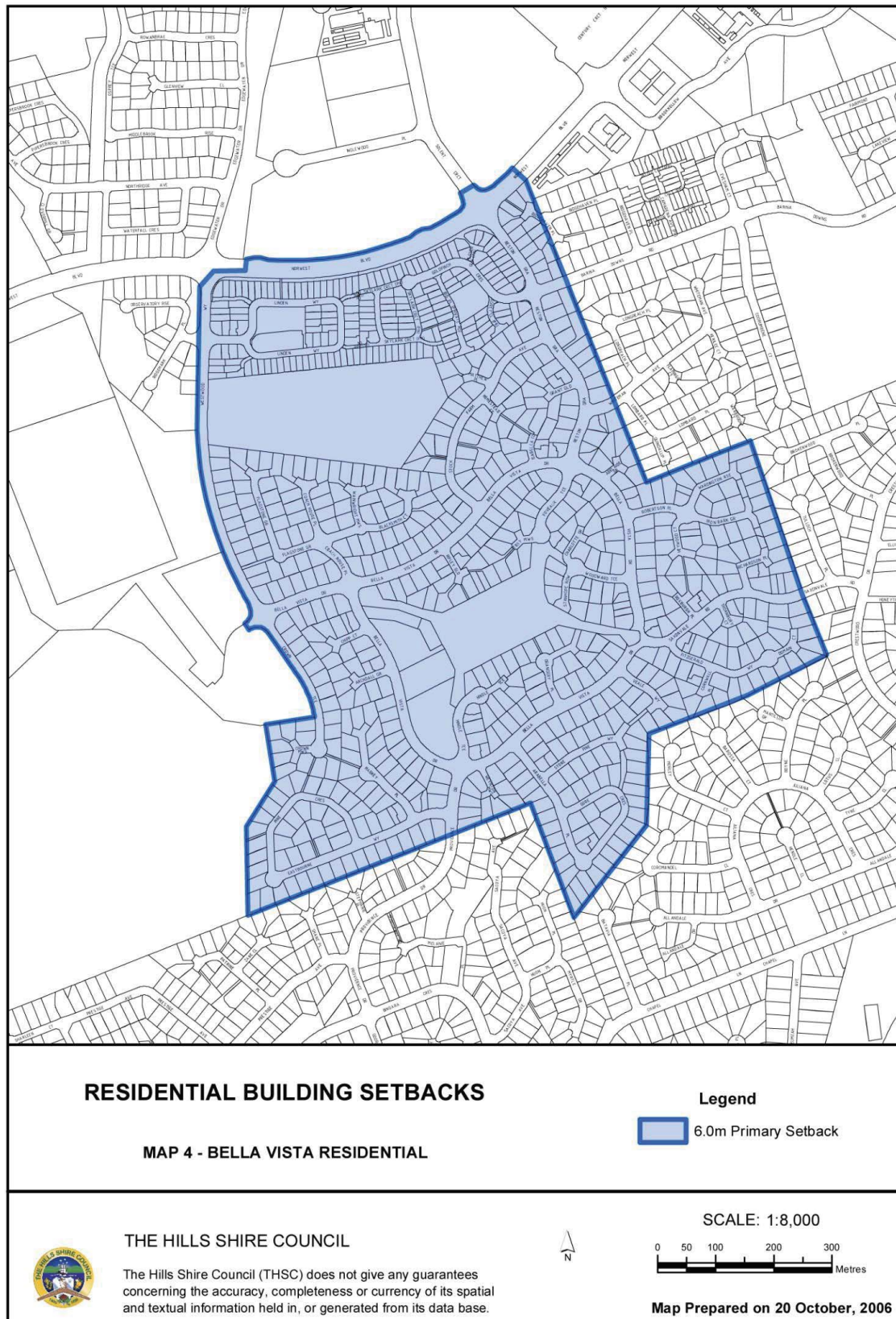
SUBMISSION REQUIREMENT

- Building setback dimensions are to be shown on development application plans.









2.14.2. SITE COVERAGE**OBJECTIVES**

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

DEVELOPMENT CONTROLS

- The maximum site coverage permitted in residential zones is 60% with the exception of land zoned E4 Environmental Living and land identified in the Map Sheets by pink shading, where the maximum site coverage is 30%.

Note. For the purpose of this plan the calculation of the site coverage will be subject to the following criteria:

- any impervious area including, but not limited to, buildings, driveways, patios, pools, tennis courts, decks, recreation facilities and the like will be included within the calculation of site coverage; and
 - The total land area of the lot will be used in the calculation of site coverage. The total land area excludes restricted development areas or land required for public purposes.
- (b) Of the maximum permitted site coverage, the dwelling building footprint is to be no more than 45%, with the exception of land shaded pink on Map Sheets 1-42.
 - (c) Additional site specific controls apply to land adjoining Heritage Park (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

Zone E3 Environmental Management

- (d) Erection of a dwelling on land zoned E3 Environmental Management (shown in Map Sheet 40) shall be:
 - a replacement for an existing dwelling, and
 - it will have a floor area not exceeding 125% of the floor area of the existing dwelling, and
 - it will be a light and flexible structure capable of tolerating soil movement, and
 - it shall not involve the excavation or filling of land to a depth or height of more than 300mm from the existing surface level.
- (e) For additions or alterations to an existing dwelling on land zoned E3 Environmental Management (shown in Map Sheet 40):
 - the area of the existing dwelling will not be increased by more than 25%, and
 - the additions or alterations will be light and flexible and capable of tolerating soil movement.

SUBMISSION REQUIREMENTS

- A schedule showing the site coverage and landscape area should be submitted with the application or included on the Site Plan.

2.14.3. BUILDING HEIGHT

Refer to Clause 4.3 *Height of buildings* of The Hills Local Environmental Plan 2012.

2.14.4. PRIVATE OPEN SPACE**OBJECTIVES**

- (i) *To provide for a private outdoor living space, as an extension of the dwelling, for the enjoyment of residents.*
- (ii) *To provide outdoor living spaces which receive a reasonable quantity of sunshine during all months of the year.*

DEVELOPMENT CONTROLS

- (a) Private open space (behind the front building line) is to be 20% of the lot area or 80m² whichever is the greater and can be contained within the landscaped area of the site.

- (b) The private open space area must be able to contain a rectangle measuring 6 metres by 4 metres.
- (c) The private open space area is to be:
 - continuous to, and accessible from, the primary living areas of the dwelling;
 - located and oriented to ensure it is not directly overlooked from adjoining lots or buildings; and
 - located on relatively flat land to ensure it is useable as open space.
- (d) At least 50% of the required minimum open space area is to receive direct sunlight between 10.00am and 3.00pm during mid-winter. Appropriate shadow diagrams are to be provided at development application stage to demonstrate compliance with this standard.

SUBMISSION REQUIREMENTS

- The location and dimensions of the private open space must be shown on the Site Plan.

2.14.5. LANDSCAPING AND OPEN SPACE

OBJECTIVES

- (i) *To enhance the quality of the built environment by providing a high standard of landscaping.*
- (ii) *To ensure that landscaping may be efficiently maintained.*
- (iii) *To promote a pleasant and safe living environment.*
- (iv) *To limit tree removal to maintain the character of the area.*
- (v) *To design a high quality landscape setting for urban housing development.*
- (vi) *To fully integrate the landscape design in communal, private and public areas as a necessary element in any well designed residential project.*
- (vii) *To preserve and enhance existing landscape features.*
- (viii) *To encourage existing vegetation to be included wherever possible into site landscaping.*
- (ix) *To provide adequate open space areas for the enjoyment and use by residents.*
- (x) *To enhance the quality of the built environment by providing opportunities for landscaping.*

- (xi) *To provide an open space area within the development for the recreation of residents and children's play.*

DEVELOPMENT CONTROLS

- (a) All setback and car parking areas are to be landscaped and maintained in accordance with the provisions of Part C Section 3 – Landscaping.
- (b) The minimum required landscaped or naturally vegetated area for residential development as a percentage of the total site area is 40%. Except for land zoned E4 Environmental Living where the minimum is 70%.
- (c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.

Note. Landscaped area does not include any paved or built upon area such as driveways, tennis courts, patios/decks, outbuildings or pools.

- (d) Site specific controls apply to Hunterford Estate, Oatlands, Gilroy College and residential development at the Corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- A Landscape Plan including details of site coverage and Landscape area.
- Tree management Details.
- Site Plan.

2.14.6. DWELLING DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) *To ensure that dwellings are designed with regard to site conditions and constraints such as drainage easements.*
- (ii) *To ensure that dwelling design and siting have regard to the existing streetscape and character of the area, and the amenity of adjoining development.*
- (iii) *To protect existing trees on the site.*
- (iv) *To ensure that the appearance of housing is of a high visual quality and enhances the streetscape and the urban environment.*

- (v) *To allow flexibility in the siting of new buildings and ensure the bulk and scale of new development protects reasonable neighbour amenity and maintain appropriate residential character.*

DEVELOPMENT CONTROLS

- (a) Removal of existing trees should be minimised in any building proposal. Refer to Clause 5.9 *Preservation of trees or vegetation* of The Hills Local Environmental Plan 2012 and Part C Section 3 – Landscaping for requirements.
- (b) Any part of the structure must comply with the building line setbacks applying to the land.
- (c) Stairs, single storey verandahs, single storey entry features, and single storey porticos may encroach up to 1.2 metres of the building setback for 30% of width of the dwelling provided the design, materials, colours and construction be consistent with the dwelling.
- (d) Dwellings must be designed so that walls facing public spaces contain window or door openings to a habitable room.
- (e) Council discourages design that results in carports and garages facing a public place as prominent elements of the streetscape. Garages should be no more than 6.5m in width and should not extend across more than 50% of the width of the property (measured at the required building line setback). Garages must be designed to be:-
- visually subservient;
 - integrated into the overall dwelling design; and
 - constructed of similar materials and finishes to the dwelling.
- (f) Two of the criteria listed below should be utilised to minimise the impact of garages:
- Garage doors are divided by a vertical masonry pillar or similar;
 - Upper floor element projected forward of the garage to cast a shadow and take prominence;
 - Colours and textures to ensure the garage doors do not dominate the street elevation;
 - Verandah or pergola provided across the face of the garage;
 - Utilisation of vertical elements to mitigate the horizontal elements of the garage;
 - Garage entrance to be oriented away from the primary street frontage; and
 - Staggered garages whereby one garage is setback from the adjoining garage (triple

garages will not be supported unless one garage is setback from the adjoining two garages).

- (g) In cases where triple garages are proposed the suitability of the proposal will be considered on the basis of the impact on the streetscape utilising the criteria listed above as guidelines.
- (h) Site specific controls apply to land adjoining Heritage Park facing Old Castle Hill Road. Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Documentation to demonstrate how the objectives and development controls are met.
- Development Applications submitted for new dwellings shall indicate the site levels and finished floor levels related to a datum (AHD preferred) at the invert of the gutter.

2.14.7. CUT AND FILL

OBJECTIVE

- (i) *To ensure that dwellings are designed with regard to site conditions and minimise the impact on landform.*

DEVELOPMENT CONTROLS

- (a) Building siting and design should consider the topography of the site and if cut and fill is necessary it must be balanced to ensure no fill leaves the site.
- (b) Where plans show an excess of 600mm of filling and, provided that the filling does not exceed 1.5 metres, a condition of approval will be imposed requiring a concealed dropped edge beam to contain the fill in excess of 600mm. Should the plans show an excess of filling above 1.5 metres, the applicant will be requested to amend the design to reduce the filling required.
- (c) Excavation in excess of 1 metre may be permitted, subject to there being no adverse effect on the adjoining owners and the submission of structural engineers details of retaining walls with the Development Application, or alternatively, a separate Development Application is to be submitted.

SUBMISSION REQUIREMENTS

- Details of the exact amount and extent of excavation and filling on the site.

2.14.8. BUILDING MATERIALS**OBJECTIVES**

- (i) *To promote integrated, visually harmonious and attractive buildings in residential and rural areas.*
- (ii) *To encourage the use of renewable, energy efficient materials that are durable and cost effective in accordance with Council's ESD objective 5.*
- (iii) *To reduce waste generation and wastage of resources in accordance with Council's ESD objective 6.*
- (iv) *To encourage consideration of the long-term impact of the production and use of materials used in construction of the development.*

DEVELOPMENT CONTROLS

- (a) All building construction must comply with the Environmental Planning and Assessment Act 1979, Local Government Act 1993, and Building Code of Australia.
- (b) The choice of materials and external finishes are to be compatible with surrounding developments and landscape features in terms of colours, textures and quality.
- (c) The following factors must be considered when selecting materials:
 - suitability for the purpose;
 - durability;
 - long term appearance;
 - local environmental impacts;
 - broader and longer term environmental impacts; and
 - the quantity of material required.
- (d) Avoid oversupply and waste of materials by careful assessment of quantities needed.
- (e) Avoid materials that are likely to contribute to poor internal air quality such as those generating formaldehyde or those that may create a breathing hazard in the case of fire (eg polyurethane).

- (f) Select materials that will minimise the long-term environmental impact over the whole life of the development.
- (g) Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability.
- (h) Choice of materials should be based on consideration of both their environmental and economic costs.
- (i) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to the use of anti – graffiti surfaces.

SUBMISSION REQUIREMENTS

- Schedule of External Materials including schedule of colours.

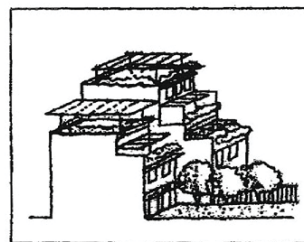
2.14.9. PRIVACY – VISUAL AND ACOUSTIC**OBJECTIVES**

- (i) *To site and design buildings to ensure visual privacy between dwellings and principal areas of private open space in accordance with Council's ESD objective 7.*
- (ii) *To avoid overlooking of living spaces in dwellings and private open spaces.*
- (iii) *To contain noise within dwellings and communal areas without unreasonable transmission to adjoining dwellings.*
- (iv) *To promote changes in levels through terracing and height variations to reduce overlooking.*
- (v) *To ensure window locations and design reduce overlooking.*

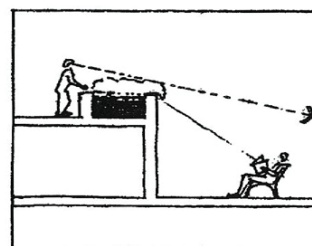
DEVELOPMENT CONTROLS

- (a) Buildings are to be designed to ensure maximum protection of privacy; in particular the privacy of primary living areas must be protected. Where appropriate consideration should be given to:
 - using windows that are narrow, translucent or obscured or, in the case of bathrooms, have window sills a minimum of 1.5 metres above the upper storey floor level;

- ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened; and
 - screening of opposing windows, balconies and yards with appropriate landscaping.
- (b) First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.
- (c) Windows should be placed to minimise direct viewing between dwellings.
- (d) Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.
- (e) Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.
- (f) Private open space areas and driveways are to be designed to minimise noise impacts.
- (g) Dwellings that adjoin classified roads are to be designed to ensure acceptable internal noise levels, based on Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.
- (h) Site specific controls apply to Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).



Solid side walls and screens improve privacy of adjoining balconies



Deep planter boxes prevent overlooking of lower outdoor areas.

- Statement from a qualified acoustic consultant certifying that the design and construction of the building meets the Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.

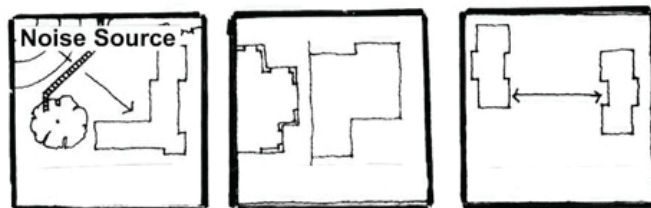
SUBMISSION REQUIREMENTS

- Statement of Environmental Effects must address design measures considered and ultimately selected to ensure the visual and acoustic privacy of future residents and residents of adjoining sites.

Privacy for Single Dwelling Residents and Neighbours

Site Planning and Layout

Privacy for Neighbours



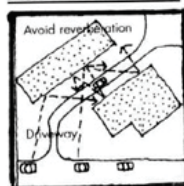
Separate and Screen

Building to Boundary

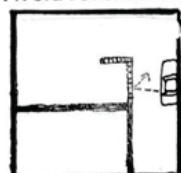
Privacy by Separation

Design Techniques

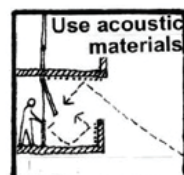
Acoustic Privacy



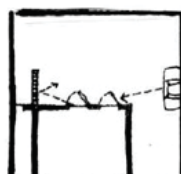
Avoid reverberation



Screen wall to shield noise



Bottom opening windows



Direction of window opening away from noise

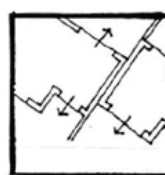
Relationship Between Dwellings

Screening

Window Style And Materials

Location and Direction of Windows

Visual Privacy



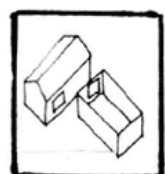
Build to boundary



Screening



Bay windows



Offset windows

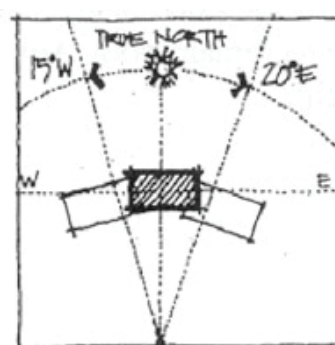
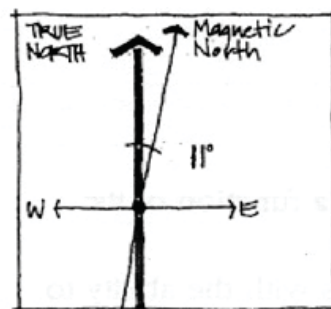
Source: Australia's Guide to Good Design – Residential

2.14.10. SOLAR ACCESS**OBJECTIVES**

- (i) To maximise solar access to internal living spaces within buildings and open space areas in winter.
- (ii) To ensure no adverse overshadowing of adjoining allotments/developments including the principal area of open space.
- (iii) To orient the development in a way that best allows for appropriate solar access and shading, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.
- (iv) To minimise the need for artificial lighting in dwellings during the day, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.
- (v) To orientate dwellings so that the living areas face north.

DEVELOPMENT CONTROLS

- Dwellings should be sited to allow adequate provision for access of direct sunlight to private open space within the subject land and on adjacent properties. At least 50% of the required private open space within the subject property and that on adjoining properties is to receive direct sunlight for a minimum of 4 hours between 9am and 3pm on 21 June.
- Living areas of dwellings shall be orientated to the north wherever possible.
- Maximise the amount of direct sunlight available to clothes drying areas.
- Orient buildings so that each dwelling obtains direct sunlight where possible. Ideally, orientate the long axis of the development up to 30 degrees east and 20 degrees west of true north. This is illustrated in the following diagrams:



Source: BDP Environment Design Guide

- Where winter solar access is not optimum consider the use of double-glazing or high performance glass.
- Windows should have suitable shading or other solar control to avoid summer overheating.
- Consider the use of horizontal shading devices (for north facing windows) including eaves, verandahs, pergolas, awnings and external horizontal blinds to allow low winter sun whilst providing shade from high summer sun.
- West facing windows can cause excess heat in summer. If suitable, minimise the size of east and west facing windows, or consider external vertical shading devices such as vertical blinds, blade walls and thick vegetation.
- Shading elements are to be integrated into the overall elevation design.
- Site specific controls apply to Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENT

- Shadow Diagram.

2.14.11. VENTILATION**OBJECTIVES**

- (i) *To maximise ventilation flows in dwellings.*
- (ii) *To minimise the filtering of cold or warm air through gaps in the construction of dwellings in accordance with Council's ESD objective 5.*

DEVELOPMENT CONTROLS

- (a) Consider ventilation in early design stages.
- (b) Consider prevailing breezes in relation to building orientation, window design and internal circulation.
- (c) Place windows to allow for cross ventilation.
- (d) Consider the installation of fans, roof vents, louvered windows and high-level windows for rooms or spaces where cooling rather than heating is the priority.
- (e) Windows should be lockable in a partly open position.
- (f) Provide security screen doors at dwelling entries.
- (g) Minimise air gaps by incorporating door and window seals.

2.14.12. LIGHTING**OBJECTIVE**

- (i) *To maximise the use of natural lighting and to minimise the energy consumption of developments in accordance with Council's ESD objective 5.*

DEVELOPMENT CONTROLS

- (a) The design should maximise the use of natural lighting through window placement and skylights.
- (b) Incorporate dimmers, motion detectors, automatic turn-off switches where appropriate.
- (c) Provide separate switches for special purpose lights.

2.14.13. ON-SITE SEWAGE MANAGEMENT

Residences in unsewered residential zones such as Wisemans Ferry, Glenorie, Kenthurst and Lower Portland will need to address on-site sewage management requirements in Appendix C of Part B Section 1 - Rural.

2.14.14. CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To ensure dwellings have adequate areas of ingress and egress from the local road system and satisfactory on-site access in accordance with Council's ESD Objective 7.*
- (ii) *To provide sufficient and convenient parking for residents and visitors to the site.*
- (iii) *To ensure that adequate carparking is provided on-site so as to prevent inconvenience to residents and congestion in nearby streets in accordance with Council's ESD Objective 7.*

DEVELOPMENT CONTROLS

- (a) Car parking is to be provided in accordance with Part C Section 1 - Parking.
- (b) The location and design of driveways and parking areas should enable the opportunity for landscape screening.
- (c) Provision is to be made for convenient and safe access to car parking facilities.
- (d) At least one car parking spaces must be provided behind the front building line. Single garages must have minimum internal dimensions of 5.5m by 3.0m. Double garages must have minimum internal dimensions of 5.5m by 5.0m.
- (e) Site specific controls apply to land adjoining Heritage Park, at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C- Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENTS

- Plans showing proposed vehicular access and circulation and calculations, specifically relating to vehicular movement, turning circles, parking spaces, and driveway widths. The Australian Standard 2890.1 – Off Street Car Parking templates must be overlaid on the appropriate plans.

2.14.15. ACCESS AND SURVEILLANCE**OBJECTIVE**

- (i) *To ensure the needs of residents and visitors are considered with particular regard to access*

requirements, safety and security in accordance with Council's ESD Objective 7.

DEVELOPMENT CONTROLS

- (a) Site planning and dwelling design is to allow general observation of the street, the site and the approaches to the dwelling entry from the inside of each dwelling.
- (b) Access to dwellings is to be direct and without unnecessary barriers. For example, use ramps instead of stairs/steps, consider the height and length of handrails and eliminate changes in level between ground surfaces.
- (c) Stairs and ramps are to have reasonable gradients and non slip even surfaces. Refer to Australian Standard 1428.1 - 2001 Design for Access and Mobility and supplementary AS 1428.2 - 1992.

2.15. FENCING

Fencing may be exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes 2008). Where land is excluded from this State Environmental Planning Policy, the following applies.

Note: Additional controls relating to fencing on flood controlled land is detailed in Part C Section 6 – Flood Controlled Land of this DCP.

OBJECTIVES

- (i) *To ensure that fencing is of a high visual quality, compliments the character of the area and is compatible with the proposed development.*

DEVELOPMENT CONTROLS

- (a) Any boundary fencing shall be subject to the requirements of the Dividing Fences Act 1991.
- (b) Front fencing is to be consistent with the height, scale, and style of existing fencing in the street. Where there are no existing front fences, front fences are not supported.
- (c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and anti-graffiti surfaces.
- (d) Where front fencing over 1.2 metres in height is proposed, this shall be of open style.

- (e) Any fencing in the front setback over 1.2m in height shall be setback from the front boundary a minimum of 500mm to allow opportunities for landscaping to soften the impact of the fence.
- (f) Consideration will be given to fencing on secondary road frontage setbacks, subject to there being no adverse affect on the immediate area and on traffic visibility and be of a design to incorporate features such as landscaping bays or a variation/combination of materials.
- (g) Side and rear boundary fencing should be a maximum of 1.8 metres in height.
- (h) Site specific fencing controls apply to land adjoining Heritage Park and at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).

SUBMISSION REQUIREMENT

- Details of all fencing proposed for the site.

2.16. WASTE MANAGEMENT

2.16.1. STORAGE AND FACILITIES

OBJECTIVES

- (i) *To minimise the overall environmental impacts of waste.*
- (ii) *To maximise, through appropriate design, the opportunities to deal with domestic waste according to the Waste Hierarchy as given in Council's ESD objective 6.*
- (iii) *To provide, in accordance with Council's ESD Objective 6, domestic waste management systems that allow for ease of use by occupants and ease of service by collection contractors.*
- (iv) *To provide waste storage areas that are integrated with the design of the development.*
- (v) *To ensure minimum visual impact of the waste storage facilities.*
- (vi) *To assist in achieving Federal and State Government waste minimisation targets.*

DEVELOPMENT CONTROLS

- (a) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen

capable of holding at least a single days waste, and be sufficient to enable separation of recyclable material.

- (b) Adequate storage for waste materials must be provided on site.
- (c) All waste storage areas must be screened from view from any adjoining property or public place.
- (d) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.
- (e) Bin storage space is to be:
 - incorporated into the landscape design of each dwelling; and
 - adequate for one 240 litre garbage bin and one 240 litre recycling bin per dwelling.
- (f) Location of the bin storage space:
 - is to be convenient to the occupant(s) of the dwelling; and
 - must allow the bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters or through the dwelling.

2.16.2. WASTE MANAGEMENT PLANNING

OBJECTIVES

- (i) *To promote improved project management and to reduce the demand for waste disposal during demolition and construction in accordance with Council's ESD Objective 6.*
- (ii) *To maximise, re-use and recycle building/construction materials in accordance with Council's ESD Objective 6.*
- (iii) *To encourage building designs and construction techniques that will minimise waste generation in accordance with Council's ESD Objective 6.*
- (iv) *Minimise waste generation to landfill via the waste hierarchy in accordance with Councils ESD objective 6.*
- (v) *To assist in achieving Federal and State Government waste minimisation targets.*

A. DEMOLITION

DEVELOPMENT CONTROLS

- (a) Site operations should provide for planned work staging, at source separation, re-use and recycling

of materials and ensure appropriate storage and collection of waste.

- (b) Traditional comprehensive demolition should be replaced by a process of selective deconstruction and re-use of materials. Careful planning is also required for the correct removal and disposal of hazardous materials such as Asbestos.
- (c) Project management must seek firstly to re-use and then secondly to recycle solid waste materials either on or off site. Waste disposal to landfill must be minimised to those materials that are not re-useable or recyclable.
- (d) When separated, materials are to be kept uncontaminated to guarantee the highest possible re-use value.
- (e) Details of waste sorting areas and vehicular access are to be provided on plan drawings.

B. CONSTRUCTION

DEVELOPMENT CONTROLS

- (a) Avoid over-supply and waste of materials by careful assessment of quantities needed.
- (b) The use of prefabricated components may reduce waste.
- (c) Re-use of materials and use of recycled material is desirable where possible.
- (d) Site operations should provide for planned work staging, at source separation, re-use and recycling of materials and ensure appropriate storage and collection of waste.
- (e) All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements.

SUBMISSION REQUIREMENTS

- Waste Management Plan (WMP). Appendix A of The Hills DCP 2011 contains a template that can assist in the preparation of a WMP.

2.17. SERVICES

OBJECTIVE

- (i) *To ensure adequate provision is made for services for each dwelling including garbage, sewer, water, drainage, electricity and telecommunications.*

DEVELOPMENT CONTROLS

- (a) Unless it is satisfied that adequate provision has been made for the supply of water and disposal of sewage, Council may not grant consent to the development.
- (b) All water, gas, power and communication services are to be located underground.

2.18. SWIMMING POOLS**OBJECTIVES**

- (i) *To ensure swimming pools are located so that they are not visually prominent from the street.*
- (ii) *To ensure that the amenity of adjoining owners is considered when siting and designing swimming pools.*

DEVELOPMENT CONTROLS

- (a) Swimming pools are not to be located within the front or secondary boundary setback.
- (b) Swimming pools are required to have a minimum setback of 1m from the waterline to side and rear boundaries.
- (c) Swimming pool filters are to be placed at a location away from dwellings on adjoining properties and enclosed in soundproof structures.

3. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION**3.1 DWELLINGS AND ADDITIONS / ALTERATIONS TO AN EXISTING DWELLING**

The following plans and details are required for new dwellings or alterations/additions to existing dwellings:-

COMPLETED APPLICATION FORM

You must have the written consent of all current owners.

SITE ANALYSIS**SITE PLANS****ARCHITECTURAL PLANS**

- Floor Plan (Existing and Proposed)
- Elevations

- Schedule of External Materials

LANDSCAPE PLAN**STATEMENT OF ENVIRONMENTAL EFFECTS (SEE)****BASIX CERTIFICATE****WASTE MANAGEMENT PLAN**

Refer to section 2.16 and Appendix A of The Hills DCP 2011.

SEDIMENT EROSION CONTROL PLAN

Refer section 2.9 of this Section of the DCP.

Note. Refer to Part A – Introduction section 4.0 for general lodgement requirements and detailed requirements to be included in each of the above documentation.

3.2 SUBDIVISION APPLICATIONS / SMALL LOT HOUSING UNDER CLAUSE 4.1B**COMPLETED APPLICATION FORM**

You must have the written consent of all current owners.

SITE ANALYSIS**PROPOSED LAYOUT PLANS (10 Copies)**

These plans should:

- Be produced in ink and be not less than A4 and no greater than A1 in size;
- Be of suitable scale (1:500 or 1:1000 wherever possible). In cases where there is more than 1 sheet an overall plan at 1:4000 should be submitted to illustrate the overall layout;
- Include existing boundaries and lot or portion numbers in broken lines/lettering;
- Show proposed boundary lines;
- Show proposed dimensions and areas;
- Show proposed lots consecutively numbered and include any easements and restricted development areas;
- Show widths of all existing roads;
- Show footpath and pavement widths of all proposed roads, proposed road widening and corner splays;
- Show all proposed roads consecutively numbered;
- Show the position of all intersecting adjoining property boundaries, existing roads or property boundaries of land on the opposite side of all existing roads adjoining the site;

- All vegetation and trees on the subject property (separate plan);
- Contours in one metre intervals at Australian Height Datum;
- Show all existing buildings, watercourses, drains, dams, swamps, easements, right-of-ways, structures or permanent improvements; and
- Show all services.

Community Title Subdivision

In addition to the plans required above, a Draft Management Statement and Development Contract must be provided.

Strata Title Subdivision

For Strata Title Subdivision the plans required must:

- Be produced in ink and be not less than A4 and no greater than A1 in size;
- Be of suitable scale (1:500 or 1:1000 wherever possible). In cases where there is more than 1 sheet an overall plan at 1:4000 should be submitted to illustrate the overall layout;
- Show proposed boundary lines;
- Show proposed dimensions and areas; and
- Show proposed lots consecutively numbered and include any easements and restricted development areas.

Additional Reports/Plans

The following reports may be required depending on the nature of the site and application. Advice will be provided at pre-lodgement stage as to which of the following are required with the application:

- Flora and Fauna Report
- Soil Analysis Report
- Heritage Report
- Bushfire Report
- Tree Management Details
- Flood Study
- Landscape Plan
- Streetscape Plan
- Solar and Siting Plan

Note. Refer to Part A – Introduction section 4.0 for general lodgement requirements and detailed requirements to be included in each of the above documentation.

4. REFERENCES

Australian Council of Business Design Professionals, (2000) BDP Environment Design Guide

Baulkham Hills Shire Council, 2002 Making Access For All.

Donovan I, Cameron C, and Coombes P (1999). Water Sensitive Urban Development: Model Planning Provisions. Lake Macquarie City Council, Speers Point, on behalf of the Lower Hunter and Central Coast Environmental Management Strategy.

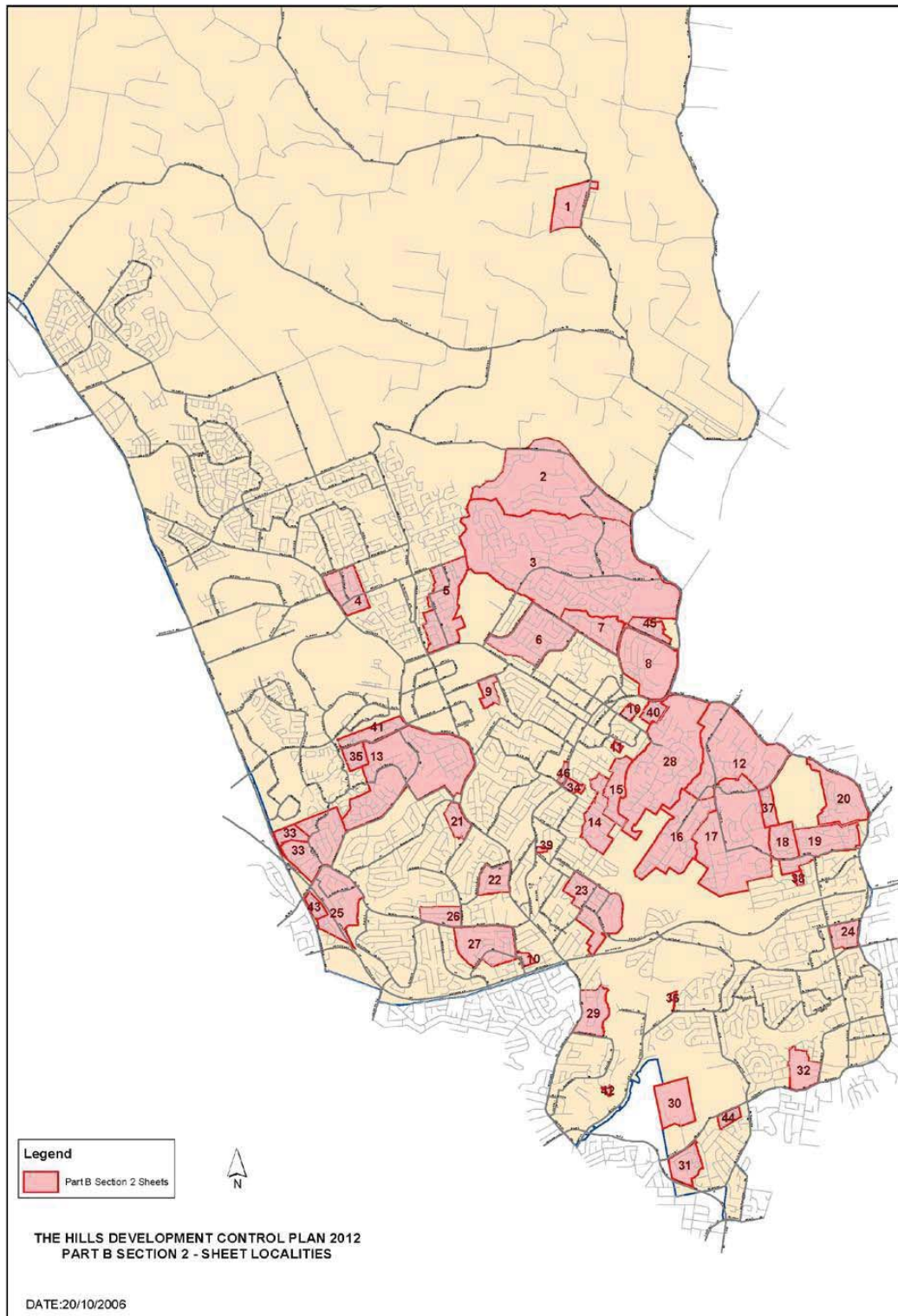
Faculty of the Constructed Environment, RMIT University et al, Australia's Guide to Good Design – Residential, Prepared on behalf of the National Office for Local Government.

APPENDIX A - DEVELOPMENT CONTROLS CALCULATION SHEET

Issue		Development control	Proposed development	Complies
1.	Development Control Map Sheets	Refer to Site Specific DCP Map sheets		
2.	Site Specific Development Control Plans			
3.	Restricted Development Areas	Refer to Site Specific DCP Map Sheets and section 2.3.		
4.	Site Analysis	Refer to section 2.4		
5.	Streetscape and Character	Refer to section 2.5		
6.	Bush Fire Hazard Management	Refer to section 2.6		
7.	Geotechnical Site Stability	Refer to section 2.7		
8.	Bushland and Biodiversity	Refer to section 2.8		
9.	Erosion and Sediment Control	Refer to section 2.9		
10.	Heritage	Refer to Part C Section 4 – Heritage		
11.	Signage	Refer to Part C Section 2 - Signage		
12.	Stormwater Management	Refer to section 2.12 and Appendix B of The Hills DCP 2012		
13.	Minimum Lot Size	Refer to section 2.13.2		
14.	Building Platform	20 metres x 15 metres		
15.	Access and Safety	Refer to section 2.13.4		
16.	Developer Contributions	Refer to Council's Developer Contributions Plans regarding applicable plan and amount payable.		
17.	Setbacks: ➤ primary setback ➤ width of dwelling ➤ In front of garages ➤ Corner allotments (secondary setback) for second road frontages ➤ Battle axe allotments	Refer to section 2.14.1		
18.	Site Coverage:	Refer to section 2.14.2		
19.	Building Height	Refer to section 2.14.3		
20.	Open Space: ➤ Landscaped area for Residential ➤ Private Open Space	Refer to section 2.14.5		

Issue		Development control	Proposed development	Complies
21.	Landscaping	Refer to Part C Section 3 - Landscaping		
22.	Dwelling Design and Construction	Refer to section 2.14.6		
23.	Cut and Fill	Refer to section 2.14.7		
24.	Building Materials	Refer to section 2.14.8		
25.	Privacy	Refer to section 2.14.9		
26.	Solar Access	Refer to section 2.14.10		
27.	Ventilation	Refer to section 2.14.11		
28.	Insulation and Thermal Mass	Refer to section 2.14		
29.	Energy Efficiency Hot water system	Refer to section 2.14		
30.	On-site Sewage Management:	Refer to Appendix C of Part B Section 1 – Rural.		
31.	Car parking ➤ Single Garage ➤ Double Garage	At least one car parking space provided behind the building line. ➤ Min internal dimension 5.5 metres x 3 metres ➤ Min internal dimension 5.5 metres x 5 metres		
32.	Surveillance			
33.	Fencing	Maximum height of 1.8 metres		
33.	Waste Management	Refer to section 2.16		
34.	Services	Refer to section 2.17		
35.	Swimming Pools	➤ Not in front of secondary boundary setback ➤ Minimum one metre setback from side and rear boundaries Refer to section 2.18.		

APPENDIX B - RESIDENTIAL DCP MAP SHEET GUIDE



APPENDIX C - PRECINCT PLAN MAPS AND SITE SPECIFIC CONTROLS

C.1.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

C.1.2. BUILDING PLATFORM AND VIEWS**OBJECTIVES**

- (i) *Dwellings should be designed and/or positioned on site to maximise views.*
- (ii) *Views of the estate from public places such as the proposed freeway, open space and surrounding roads should be taken into consideration during design stage.*

DEVELOPMENT CONTROL

- Dwellings shall be designed to maximise existing views to the east and south.

C.1.3 BUILDING SETBACKS**OBJECTIVES**

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings and landscaping.*
- (ii) *To provide privacy for residents and neighbours, to minimise overshadowing and to protect the visual quality of existing open space areas.*

DEVELOPMENT CONTROLS

- (a) **Front Setbacks:** In cases where stacked car parking is required in front of garages, the minimum setback shall be 5.5 metres to the garage.
- (b) **Floor Level:** Where a building setback to a public road or public place is less than 4 metres, the floor level in any habitable room of the building shall be at least 600mm higher than the finished level of the public road or public place.
- (c) **Side Setbacks:** Side setbacks for dwellings should be 1.0 metre.
- (d) **Single storey side or rear walls** without windows or any other opening may be built on the boundary providing that there is no unreasonable adverse impact on the privacy or solar access of adjoining properties.
- (e) **Rear Setbacks** for dwellings adjacent to major roadways should be at least 5 metres.

C.1.4 CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To provide convenient and safe parking for residents, visitors and service vehicles.*
- (ii) *To encourage access design to form part of the overall landscape design.*
- (iii) *To ensure vehicular and pedestrian safety.*
- (iv) *To allow the free flow of traffic in streets of the estate.*

DEVELOPMENT CONTROLS

- (a) Two on-site car parking spaces per dwelling should be provided.
- (b) One space shall be a garage, located within stipulated building setbacks.
- (c) The second car parking space may be provided as stack parking between the garage and the property boundary, provided the garage is setback at least 5.5 metres from the property boundary.

C.1.5 FENCING**DEVELOPMENT CONTROLS**

- (a) Fencing materials must be chosen to soften and enhance the built form of the estate and have regard to the need for noise attenuation measures. Excessive straight runs of fencing should be avoided where possible.
- (b) Any courtyard or private open space area may be required to be enclosed by at least a 1.8 metre high fence to maximise privacy.
- (c) Fencing should meet the requirements of residents for security, aural and visual privacy and landscaping.
- (d) Fencing shall be located along all perimeter boundaries of the site with screen landscaping to enhance the appearance of the estate.

C.2. HUNTERFORD ESTATE, OATLANDS**C.2.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES**

C.2.2. STREETScape AND CHARACTER**DEVELOPMENT CONTROLS**

- (a) The design of buildings should reflect and complement the streetscape and avoid monotonous or symmetrical design.
- (b) Development should contribute to an attractive residential environment with clear character and identity.
- (c) Variation in the location and height of buildings along streets through varied building setbacks and heights.
- (d) Other quantitative controls relating to streetscape are those established by this plan relating to landscaping, height and building setbacks.

C.2.3 BUILDING PLATFORM AND VIEWS**DEVELOPMENT CONTROLS**

- (a) The site layout should take into account the views available from the southeast corner of the site.
- (b) Dwelling orientation should take advantage of views.
- (c) Building form and design should where possible allow for view sharing.

C.2.4 BUILDING SETBACKS**DEVELOPMENT CONTROLS****Front**

- (a) The minimum front setback shall be 7.5 metres from the adjusted boundary following excision of the land required by the RMS, for all buildings fronting Pennant Hills Road, providing noise attenuation measures are put in place to reduce traffic noise in accordance with EPA Standards for the future inhabitants of the development. A 3 metre setback shall be provided for all other roads in the development. If a stacked car parking space is required to meet the car parking requirements the setback to the garage is to a minimum of 5.5 metres.

Side and Rear Setbacks

- (a) The minimum setback shall be 4.5 metres to the boundary of an existing adjoining property for one storey developments, and 6 metres to the boundary of an adjoining property for two storey developments, except for that part of the site that adjoins properties Lot 9-13 in DP 229301 Regency Court where the minimum setback shall be 8.5 metres. Zero setbacks are permissible as part of the small lot housing development (Refer to Clause 4.1B of The Hills LEP 2012).
- (b) Residential flat buildings should have a minimum side setback of 3 metres and should have due regard for overlooking and overshadowing of adjacent dwellings within the integrated scheme. The side setback will be increased to reduce any impact of overlooking and overshadowing on adjacent dwellings within the small lot housing scheme (Refer to Clause 4.1B of The Hills LEP 2012).
- (c) Where front verandahs/patios are provided, they may project forward of the building line to within 2 metres of the front property boundary.
- (d) With respect to roads and adjoining properties, up to 25% variation in setback may be considered where there will be no detrimental impact on the streetscape and there is no significant overlooking or overshadowing of adjoining properties.

C.2.5 LANDSCAPING AND OPEN SPACE**DEVELOPMENT CONTROLS**

- (a) Trees and other plantings should be used to achieve an improved level of privacy between units while allowing casual surveillance for safety.
- (b) High quality landscape design which includes significant tree planting, well defined entrances, play areas and kerbside planting are considered important elements for the creation of a good urban setting for urban housing, and should be encouraged.
- (c) Landscaping design should incorporate species indigenous to the area and those which will not cause damage to adjacent buildings or driveways.
- (d) Fencing in or adjacent to communal open space areas is to be minimised. Where provided, such fencing is to be of a height, design and

construction which reflects the landscape character of the site.

Reference should be made to the relevant category of development listed below.

1. For all dwellings (except residential flat buildings) with a site density of 40 dwellings per ha or less.

- (a) The minimum private open space area required is 20% of the site area, with a minimum dimension of 3 metres.
- (b) The private open space should have a maximum gradient of 1 in 10 metres.
- (c) Screening (minimum 1.8 metres) should be provided where necessary to ensure privacy to users of the open space.

2. For all dwellings (except residential flat buildings) with a site density more than 40 dwellings per ha

- (a) Dwellings should be provided with a total minimum area of 35m² (minimum 20% of the site area for site densities greater than 60 dwellings per ha), with a minimum dimension of 2.5 metres.
- (b) The private open space should have a maximum gradient of 1 in 10 metres.
- (c) One part of the private open space should comprise an area of 16m², with a minimum dimension of 4 metres and which is directly accessible from a living area of the dwelling.
- (d) Screening (minimum 1.8 metres) should be provided where necessary to ensure privacy to users of the open space.

C.2.6 DWELLING DESIGN AND CONSTRUCTION

DEVELOPMENT CONTROLS

- (a) Pitched roofs are the preferred choice of roof form for the development, particularly for dwellings adjoining the existing residential area.
- (b) Dwellings should be orientated to maximise solar access and enjoy views.

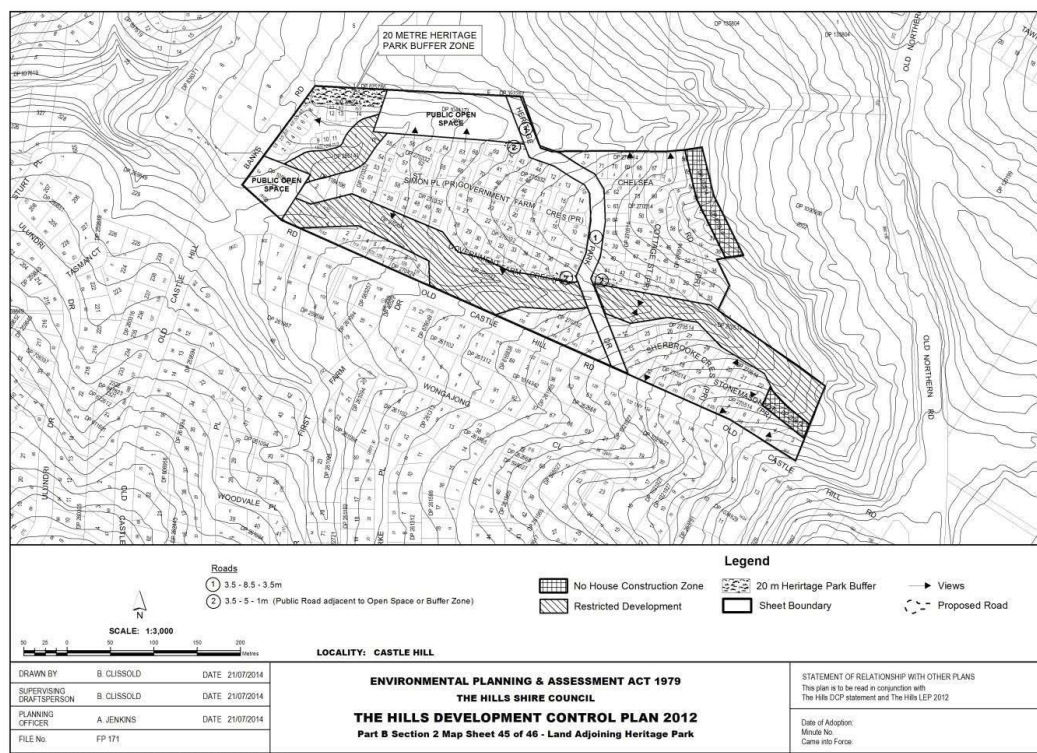
C.2.7 PRIVACY

DEVELOPMENT CONTROLS

- (a) Outlooks from windows of habitable rooms, balconies, terraces and the like should be obscured or screened where a direct view is available into the principal area of private open space of an existing dwelling.
- (b) If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7 metres above floor level.
- (c) No screening is required where windows are in non-habitable rooms. Windows in bathrooms, toilets, laundries and storage rooms which have a direct view into adjoining properties should have either translucent glazing or sill heights of at least 1.7 metres.
- (d) Building designs which mirror the reverse on adjoining lots, so that windows are directly opposite each other, should be avoided.
- (e) Any dwellings located close to Pennant Hills Road or affected by traffic noise from Pennant Hills Road are to comply with the criteria for road and traffic noise contained in the publication "Environmental Criteria for Road Traffic Noise", prepared by the Environmental Protection Agency dated May 1999.
- (f) Achievement of LA10 (20 minute) noise level or less than 50d BA in habitable rooms with windows and doors "normally" open (i.e. at least 50 % of the flow area of the room), and less than 50d BA with the windows closed.
- (g) An acceptable acoustic environment can be achieved within noise sensitive rooms and also at outdoor recreation space by means of correct building orientation and height, appropriate internal layout and increase in the mass of the external facade.
- (h) Wherever possible, bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings.

C.3. LAND ADJOINING HERITAGE PARK

C.3.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES



C.3.2. RESTRICTED DEVELOPMENT AREAS

OBJECTIVES

- To ensure the road design and the siting and orientation of buildings allows for adequate surveillance of the Restricted Development Areas and public or common open space land.
- To encourage, via building design, direct views to the Restricted Development Areas, and open space areas from primary living areas and private open space area.

DEVELOPMENT CONTROLS

- Driveways or private access roads shall be located adjacent to the boundaries of the open space or restricted development areas to ensure natural surveillance and ease of access.
- To promote the surveillance of RDA and open space areas the only fencing permitted along the

RDA or open space boundaries will be transparent chain mesh or pool type fencing, or the like, to a maximum height of 1.5 metres.

- Individual dwellings should be sited and designed to ensure direct views are available from private living areas to the restricted development areas, open space areas and road ways.

C.3.3 BUILDING PLATFORM AND VIEWS

OBJECTIVES

- To maintain the views of residents into open space and restricted development areas.
- To ensure development of the subject land has minimal impact on the views of residents and visitors within the locality.

DEVELOPMENT CONTROLS

- Landscaping and building design and siting should have regard for the topography to ensure the impact on the views from:

- existing residences;
 - viewing platforms along Old Northern Road identified in the Heritage and Visual analysis prepared by Mayne – Wilson & Associates, March 1999; and
 - the Heritage Park site towards the subject land is minimised by ensuring the built form does not dominate the views.
- (b) Building siting and design, including the size, shape and position of windows should, where possible, provide for living areas to face the open space or restricted development areas and significant views.
- (c) For development on land adjoining Heritage Park, siting and design of buildings, in particular any development adjacent to the southern boundary of the Heritage Park site, should consider the objectives of the Bushfire Hazard Management Practices outlined in the Castle Hill Heritage Park – Plan of Management.

C.3.4 SITE COVERAGE

OBJECTIVES

- (i) *To protect the visual amenity of existing and future residents of the locality.*
- (ii) *To provide open space this enhances the buildings.*
- (iii) *To provide adequate areas within which landscaping can be provided to ensure views of the subject area, particularly from vantage points within Heritage Park, are not dominated by built structures.*
- (iv) *To minimise the extent of impervious area to assist in the management of stormwater.*

DEVELOPMENT CONTROL

- A maximum 30% site coverage will be permitted for dwellings. Except where small lot housing pursuant to Clause 4.1B of The Hills Local Environmental Plan 2012 is proposed, the maximum site coverage is 60%.

C.3.5 BUILDING SETBACKS

The following building setback controls apply to small lot housing (Refer to Clause 4.1B of The Hills LEP) in the precinct known as Land adjoining Heritage Park.

OBJECTIVES

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings and provision of landscaping.*
- (ii) *To provide privacy for existing and future residents to minimise overshadowing and to protect the visual quality of open space areas.*
- (iii) *To maintain an adequate buffer between dwellings and nearby environmentally sensitive areas.*

DEVELOPMENT CONTROLS

- (a) The minimum building setback from Old Castle Hill Road is 6 metres.
- (b) The minimum building setback from any open space boundary or restricted development area boundary is 6 metres.
- (c) With respect to building setbacks from internal driveways and/ or private access roads the development on the subject land will be required to demonstrate:
 - building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing;
 - that an adequate area is provided between the garage of any dwelling and the driveway or private access road adjacent to it to enable a motor vehicle to be parked without impeding the use of the driveway or private access road. In this regard a setback of 5.5 metres is suggested.
- (d) To ensure privacy and solar access, buildings facing each other across internal driveways or private access roads shall not be erected less than:
 - 6 metres apart in the case of single storey buildings; and 9 metres apart in the case where 1 or more of the buildings is 2 storeys.

C.3.6 DWELLING DESIGN AND CONSTRUCTION

OBJECTIVE

- (i) *To ensure that the appearance of new development is of high visual quality, enhances the streetscape and complements surrounding development.*

DEVELOPMENT CONTROLS

- (a) Dwellings must be designed so that walls facing Old Castle Hill Road contain windows from habitable rooms to over look the street.
- (b) Where a carport or garage is to face the street, it is to be no more than 6 metres in width nor extend across more than 50% of the property frontage, whichever is lesser. The design, materials and colours must be consistent with the dwelling.

C.3.7 CAR PARKING AND VEHICULAR ACCESS**OBJECTIVES**

- (i) *To provide sufficient and convenient parking for residents and visitors so as to maintain the amenity of adjoining properties and the efficiency of the road network.*
- (ii) *To ensure residential developments have adequate areas of ingress and egress from the local road system and satisfactory on-site access.*
- (iii) *To ensure that non-vehicular access has been integrated into the road and open space areas.*

DEVELOPMENT CONTROLS

- (a) Site access is to be located and designed in accordance with the criteria contained within the Roads and Maritime Services Guide to Traffic Generating Developments and Part C Section 1 - Parking.
- (b) A primary access road to the Heritage Park and suggested locations for access roads are shown on the map
- (c) A minimum of two undercover car parking spaces are required for each dwelling.
- (d) Adequate footpath space must be provided throughout the site, free of any obstructions and vehicular movements.
Road surfaces must not be constructed of a material that prohibits the use of bicycles.
- (e) A total of 2 visitor spaces must be provided for each 5 dwellings within an integrated housing development.
- (f) Visitor car parking spaces shall be dispersed throughout the site and not be concentrated in one part of the site.

- (g) Visitor spaces are to be made accessible at all times and are not to be located behind security gates.
- (h) Parking space and vehicle manoeuvring areas shall be designed in accordance with Part C Section 1 – Parking.
- (i) Any car parking area shall be landscaped in accordance with Part C Section 3 – Landscaping.

C.3.8 FENCING**DEVELOPMENT CONTROLS**

- (a) Fences along Old Castle Hill Road greater than 1 metre in height shall be of similar design and colour to that used in the dwelling and be set back by 750mm to allow for landscaping opportunities between the fence and the footpath.
- (b) Fencing, landscaping and building structures shall not impact on the visibility and movement of pedestrian and vehicular traffic.

C.4. GILROY COLLEGE TARGET SITE

C.4.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES



C.4.2. STREETScape AND CHARACTER

DEVELOPMENT CONTROLS

- Building materials, colours, textures and styles should adopt design clues, and exhibit a strong relationship, with the predominant style, character, materials, colours and textures of residential buildings within the immediate vicinity of the proposed development.
- Compatibility of style and character of the proposed development with that of the predominant style and character of surrounding residential buildings should be demonstrated within the Development Application.

Roof Form

- (c) Roofs are to be pitched at a slope which allow their habitable use and which is compatible with the pitch of roofs present on surrounding structures.
- (d) Habitable use of roof space is encouraged in all residential development. Roof space is not counted as an additional storey for the purpose of this Section of the DCP.
- (e) Eaves overhang should be considered in order to provide weather protection to walls.
- (f) Roof form features such as hips, gables, chimneys etc are encouraged in order to give greater visual interest and break up the bulk and mass of the roofscape.
- (g) There should be a defined palette of roof colours and material to be utilised throughout the target site area.
- (h) Roofs should be of a colour and material which is compatible with other buildings in the locality, and the surrounding urban context.

Massing and Fenestration

- (i) The massing of buildings on the site should serve to garment larger building forms into more human scaled components, in both vertical and horizontal planes. Development of the site will need to demonstrate the manner in which the following criteria have been addressed:
 - Building facades are to exhibit a clear expression of “base”, “middle” and “top” components.
 - Building facades are to be articulated and fragmented. They are to utilise building form,

the play of light and shade, solid and void, and a variety of materials and elements in order to achieve visual interest and supportive relationship with the scale of pedestrians experiencing the urban environment both inside and outside the site.

- The horizontal bulk of buildings are to be downplayed through the use of strong vertical elements, particularly in cases where long walls will address the street.
- Windows are to be vertical in proportion in order to reduce the apparent bulk of buildings.

Building Appearance

- (j) The appearance of housing across the site should be coordinated such that there is a reasonable level of individual variety, within the context of achieving a compatible relationship between all buildings. There should be a mix of building forms.
- (k) All new buildings must consider and respond supportively to buildings located in adjacent positions, as well as across the street. Consistency between ridge, eave and opening heights are important in this respect.

Colours and Materials

- (l) Building material and colours selected and utilised on the site are to be coordinated throughout the site and are to be compatible with the heritage structures currently, or formerly, located on the site, and adjoining building. Generally, building of masonry and/or render construction with light colours of a neutral tone are preferred.

External Walls

- (m) External brick walls must not exceed more than 12 metres in length or breadth unless a return, recessed balcony or some other method is adopted to articulate the wall.
- (n) Common walls between units should be of cavity or masonry construction of at least 0.23 metre thickness and shall be taken from ground floor to roofline.
- (o) All side balconies should be recessed or otherwise designed to prevent the appearance of “attachment” to the side walls.

General Controls

- (p) All public spaces, building entries, car parks and internal access ways should be well lit at night and easy to navigate.
- (q) Building design should ensure that opportunities for casual surveillance are maximised and no opportunities provided for personal concealment.
- (r) Front fences or walls should be integrated with the streetscape and compliment building design.
- (s) Internal access ways should be designed to minimise the visual impact of parking and driveway areas.
- (t) Walls, blank facades, car ports and garages should not dominate the streetscape.
- (u) A formal entry should be provided to each dwelling or group of dwellings and should directly address and be visible from the street or internal site access way.
- (v) Lighting and directional signage should be provided to all pedestrian paths, car parking areas, building entries and public spaces.
- (w) Front fences or walls that do not enclose the principal private open space area of a dwelling should be no higher than 1.2 metres. This may be increased to 1.8 metres provided the design of the fence or wall incorporates opening or other design elements that maintain at least 40% transparency through the fence or wall.
- (x) All fencing or walls facing Old Northern Road or Excelsior Avenue should be constructed of masonry with similar colours and textures of, and shall be compatible with, the design and colours of the building.
- (y) Garage doors or carports facing the street or internal access way should have a maximum width of 6.0 metres per dwelling or a maximum of 50% of the length of the building wall, whichever is the greater.

Street Tree Planting

Refer to Part C Section 3 – Landscaping.

Lighting

- (z) Lighting should be provided to improve the level of safety within all streets. Light pole and luminaries shall be of a style, colour and form compatible with the context of the site and the style, colour and form of other urban elements.

- (aa) Light poles should be compatible with the pedestrian scale by virtue of their height and relationship to street dimensions.
- (bb) Light poles should be evenly spaced and contribute to establishing a regular pattern and rhythm in the street. Spacing of light poles is to be coordinated with the spacing of street trees.
- (cc) A strategy for lighting public spaces should be developed in conjunction with Council and will address the full range of issues including light type, appearance and spacing, as well as achievement of the relevant standards for acceptable ambient lux levels in public streets and spaces.

Services

- (dd) All services are to be located below ground, both within streets and between streets and individual dwellings.
- (ee) All principal services are to be provided in accordance with the requirement of the responsible authority.

Front Boundary Fencing

- (ff) The choice of fencing is to enhance an image/perception of quality and provide appropriate levels of privacy. Front fences are also to provide a suitable transition between the public domain and semi-public areas located within individual allotments.
- (gg) High front fences which are not transparent are not encouraged. The following standards will apply:
 - The option of no front fence is encouraged;
 - Front fences must not exceed 1.2 metres from ground level (excluding piers);
 - Front fences must be highly transparent; and
 - Side and rear fencing should be no higher than 1.8 metres. They should provide an adequate level of privacy to private open spaces and should be consistent with building design and where visible from the street.

Street Numbers

- (hh) All street numbers must be clearly visible from the principal street frontage.

Telecommunications Facilities

- (ii) Telecommunications facilities are to be located such that they do not detract from the aesthetic appeal of the neighbourhood or adversely impact on the visual amenity of neighbours.

Antennae

- (jj) Antennas are not to be located on the front façade of any building and must not extend above the uppermost ridge line of a building.
- (kk) A maximum of one antenna is permitted per building.

Cabling

- (ll) All cabling, for the purposes of pay TV etc, must be located below ground.

Satellite Dishes

- (mm) A maximum of one satellite dish is permitted per building. Satellite dishes are to be located below the ridgeline (or parapet) of the roof. No satellite dish is to be located on the front façade of a building, or be visible from a public street.

C.4.3 BUILDING SETBACKS

OBJECTIVES

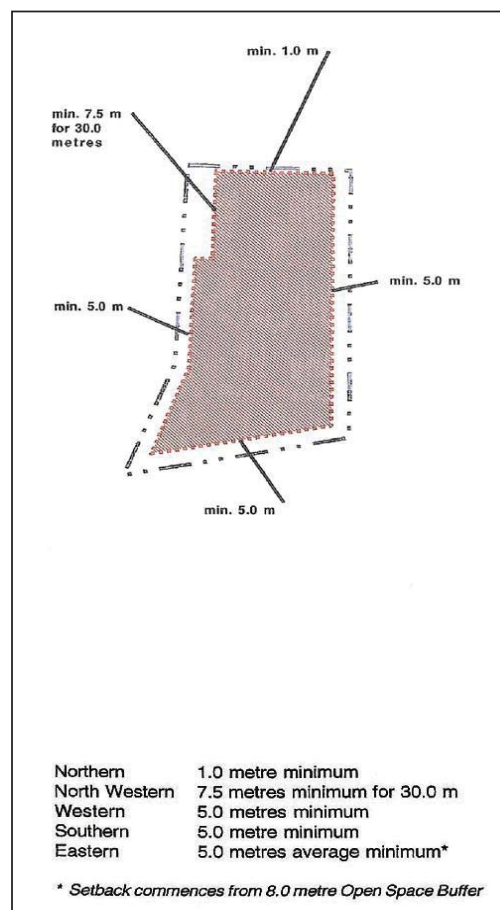
- (i) To maintain and improve the character and streetscape qualities of Excelsior Avenue by reinforcing existing street setbacks within proposed new development.
- (ii) To provide setbacks that compliment the setting which allow flexibility in siting of buildings and allow for landscaping and open space around new building.
- (iii) Provide privacy for future residents and neighbours.
- (iv) Minimise overshadowing, and protect visual quality of proposed open space areas and the public realms of Old Northern Road and Excelsior Avenue.

DEVELOPMENT CONTROLS

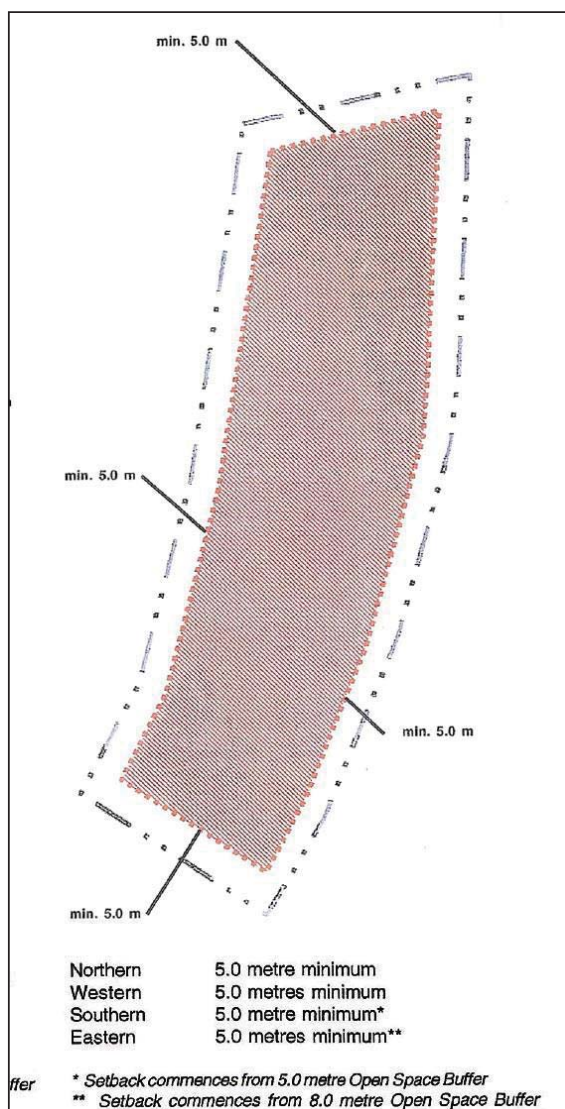
- (a) Setbacks shall provide sufficient area for landscaping to compliment building form.
- (b) Side and rear setbacks are to be proportioned to the slope of the site, having regard to the height

and relationship of the building on adjoining properties.

- (c) The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on to adjacent and adjoining properties.
- (d) Building setbacks shall be articulated in plan and section to introduce visual interest and reduce monotonous building walls.
- (e) Zero side boundary setbacks may be permissible where it can be demonstrated that there is no adverse impact upon the residential amenity of adjoining development.
- (f) Development shall be setback a minimum of 5 metres from the open space/landscape buffer adjoining the Old Northern Road and Excelsior Avenue.
- (g) The minimum building setback shall be in accordance with the Figures below.



North Precinct Buildable Area and Setbacks



South Precinct Buildable Area and Setbacks

C.4.4 LANDSCAPE AND OPEN SPACE

OBJECTIVES

- (i) To provide open space for recreation and for use by the future occupants of the new buildings.
- (ii) To enhance the quality of the built environment by providing opportunities for landscaping.
- (iii) To fully integrate the landscape design as part of the overall development of the site.
- (iv) To integrate the landscape design with the design of the future residential development.
- (v) To protect and enhance the green gardenesque of the Shire.

- (vi) To assist in developing a common landscape theme for the estate.
- (vii) To protect existing landscape features.
- (viii) To provide open space this enhances the buildings and streetscape.
- (ix) To enhance the quality of the built environment by providing for landscaping.
- (x) To provide for privacy and shade.
- (xi) To retain the majority of existing significant mature vegetation in any development.
- (xii) To ensure that each dwelling is provided with useable private open space to meet reasonable requirements for outdoor activities, privacy, access and landscaping.
- (xiii) To enhance the quality of the built environment by providing for landscaping.

DEVELOPMENT CONTROLS

- (a) Private and common open space shall meet user requirements for privacy and access.
- (b) Each dwelling shall provide an area of useable private open space, or private courtyard area, which has direct private access from the dwelling.
- (c) Areas(s) of communal open space shall be provided for the recreational needs of the future residents.
- (d) The location of all open space areas shall have regard to such requirements as solar access, outlook, privacy and the location of adjoining dwellings.
- (e) Each dwelling shall be provided with one contiguous area of private open space equal to 50% of the floor area of the dwelling.
- (f) Private open space areas should be contiguous to the dwelling for which it is provided and have minimum useable area of 5 metres by 5 metres.
- (g) The principal private open space area of a dwelling shall be enclosed with a wall or fence with an effective height of 1.8 metres from finished ground level.
- (h) Notwithstanding Control (c) above any fencing addressing/facing a common area or public space shall maintain 50% transparency and constitute only 75% of the dwelling's private open space frontage to the common area or public space.

- (i) Fencing enclosing private open space facing a common area or public space shall be constructed in masonry similar to the type and colour to be used in the building.
- (j) The private open space area is to be:
 - contiguous to, and accessible from, the primary living areas of the dwelling.
 - Located and oriented to ensure it is not directly overlooked from adjoining lots or buildings.
 - Located on relatively flat land to ensure it is useable as open space.
- (k) Common open spaces are to include equipment such as seating, shade structures, barbecues and children's play equipment for passive recreational use. Consideration should also be given to the provision of swimming pool, common room and hard stand outdoor play area as part of the overall stand outdoor play area as part of the overall development of the site.
- (l) Common open spaces are to be centrally located, usable, highly visible, highly accessible and well lit at night.
- (m) *For the North Precinct, communal open space* areas comprising a child play area or recreation activities area shall be provided on the site behind the building line for developments of more than 5 dwellings comprising a minimum 10m² of space per dwelling. The open space area shall have minimum dimensions of 12 metres x 12 metres.
- (n) For the South Precinct, one communal open space shall be provided within the precinct that has a minimum area of 50m² and a minimum dimensions of 15 metres x 20 metres.
- (o) Additional, smaller communal open space areas shall be provided through the precinct in the form of pedestrian pathways, seating, landscaping and other communal facilities.
- (p) Landscaping is to be appropriately scaled and located relative to both the building bulk, incorporating existing vegetation where possible.
- (q) A landscape buffer shall be provided along the Old Northern Road and Excelsior Avenue frontages
- (r) Tall branching street trees shall be provided in all proposed new roads at a separation of one tree every 10 metres.
- (s) Existing vegetation is to be retained where practicable and shall incorporate steps to protect the root zone during construction in accordance with the recommendation of a qualified arborist.
- (t) If a fence or wall is proposed to be constructed between any development and Old Northern Road or Excelsior Avenue it will be necessary to ensure that construction remains outside the canopy line of the largest trees and avoid damage to young saplings.
- (u) Medium strip planting should be provided at any new proposed intersection of the site entry with Excelsior Avenue to avoid light spill into existing dwellings in Excelsior Avenue generated by headlights. The median planting selected shall have regard to safety requirements and maintain sight distance requirements at maturity.
- (v) A small "village green"/pocket park with a minimum width of 30.0 metres shall be provided and located in accordance with Figure 15. The open space shall incorporate a pedestrian pathway linking Old Northern Road with the western edge of the site. Existing mature trees within the space should be retained and supplemented with similar species.
- (w) Landscaping should avoid the use of very large trees (eg Forest Red Gum, Blackbutt) in confined spaces between houses and internal roads. The overuse of Acacia (wattles) should also be avoided.
- (x) Areas less than 1.0 metre in width should be paved.
- (y) A minimum of 20% of the landscaped areas should permit deep planting.
- (z) No more than 50% of the landscaped area shall be hard paved (impervious) surface.
- (aa) Landscape species shall comprise native species common to the area.
- (bb) Trees shall be tall branching and ground covers and shrubs shall have maximum height of 0.6 meters to maintain clear pedestrian, resident and vehicle sightlines

C.4.5 DWELLING DESIGN AND CONSTRUCTION

OBJECTIVES

- (i) *To provide accessibility across common property and to provide convenient conditions for the use of strollers and similar.*

- (ii) *To provide a small amount of dwelling unit suitable for use by disabled people.*

DEVELOPMENT CONTROLS

- (a) All buildings should be connected to the footpath network.
- (b) Application for development approval should be accompanied by an "Access Plan" that demonstrates the compliance of the proposed development with Australian Standard 1428 Part 1.
- (c) At least 1, or 5 percent, of the units in a development of 20 or more dwellings must be either;
- an accessible unit to Australian Standard 1428 Part 2, suitable for occupation by a wheelchair user; or
 - meeting Class B adaptability under Australian Standard 4299.
- (d) Each unit so provided above should have an accessible car parking bay complying with Australian Standard 2890 for people with a disability, and be accessible to a pick-up and drop-off point.

C.4.6 PRIVACY – VISUAL AND ACOUSTIC

OBJECTIVES

- (i) *To limit views into adjoining private open spaces and living rooms.*
- (ii) *To protect residents from external noise.*
- (iii) *To contain noise between dwellings without unreasonable transmission to adjoining dwellings.*

DEVELOPMENT CONTROLS

- (a) Private open space and habitable rooms of proposed and adjacent existing dwellings should be reasonably protected from overlooking by attending to, but not being limited to:
- Building layout.
 - Location, size and design of windows & balconies.
 - Screening devices.
 - Landscaping.
- (b) Private open space areas and habitable rooms should be reasonably protected from

uncomfortable levels of external noise by attention to, but not being limited to:

- Use of noise resistant wall, ceiling, floor and roofing materials.
 - Site planning.
 - Location of habitable rooms away from the noise source.
 - Use of double glazing.
 - Use of fencing, porches and walls as noise buffers.
- (c) Windows of living rooms with direct outlook to any living room window of any proposed, or and/or existing adjoining dwelling living rooms within 9 metres should:
- Be offset a minimum of 1 metre from the edge of one window to the edge of the other; or have a minimum height of the sill or fixed obscure glass at 1.6 metres.
 - Be screened by permanently fixed structures made of durable materials.
- (d) Habitable rooms of dwellings adjoining Old Northern Road should be designed and located to limit internal noise levels to a maximum of 45dB(a) in accordance with Australian Standard 3671 – Road Traffic.
- (e) Dividing Walls and floors between dwellings shall be constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F (5) of the Building Code of Australia.

C.4.7 SOLAR ACCESS

DEVELOPMENT CONTROLS

- (a) Buildings should be designed to enable primary habitable rooms and private open space areas to enjoy at least three hours of sunlight to 50% of the areas between 9:00 am and 3.00 pm on the 21 June.
- (b) Sunlight to at least 50% of the principal area of ground level private open space of adjoining properties should not be reduced to less than three hours between 9.00am and 3.00pm on 21 June.
- (c) Deciduous species should be planted to improve solar access where appropriate.
- (d) In order to maximise solar access, living areas of buildings should where possible, be located on the north side of the dwelling, with north facing

walls orientated between 20° west and 30° east of true north.

- (e) Sunlight is to be available to the majority of living room spaces and private and communal open space areas of the proposed dwellings, and any existing adjoining dwellings, having regard but not limited to:
- Building siting;
 - Living area orientation;
 - Location of windows;
 - Tree species;
 - Pergolas;
 - Eaves;
 - Fencing;
 - Roof pitch and
 - Building height.
- (f) All dwellings are to be designed and located so that at least 50% of each courtyard and private open space receives a minimum 3 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June (Winter Solstice).
- (g) All dwellings should be designed to maximise natural cross ventilation through, and appropriate solar access to, all living areas through:
- orientation of living areas to the north with access to the winter sun and summer shade.
 - the shading of large windows located on the northern side from the higher summer sun, through the provision of roof eaves, verandahs, balconies, hoods and/or external screen. Conversely these design elements should permit exposure of living areas to the lower winter sun.
- (h) Landscape design should assist in microclimate management through the location and selection of deciduous trees to permit winter sunlight access to living areas and summer shade to north facing exposed dwelling walls and windows.

C.5. 64 MACKILLOP DRIVE, BAULKHAM HILLS

C.5.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This chapter of the Development Control Plan establishes site specific objectives and controls to guide future development on Lot 2 DP 817696, No.64 Mackillop Drive, Baulkham Hills (see Figure 2).



Figure 2: SUBJECT SITE

This chapter must be read in conjunction with Part A – Introduction of this DCP and other relevant Sections, including:

- Part B Section 2 – Residential
- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 – Residential Flat Buildings
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 4 – Heritage

In the event of any inconsistency between this Section of the DCP and any other Sections of the DCPs, the provisions of this Section shall prevail only to the extent of the inconsistency.

C.5.2 SITE ANALYSIS

The subject site is bounded by Mackillop Drive to the east and Barina Downs Road to the north. The site has an area of 181,500m².

Located to the east of the site is the former farmhouse which is identified as a heritage item of local significance under the Baulkham Hills Local Environmental Plan 2005. Located on the western portion of the site is the Conference/Retreat Centre, associated facilities and the former priest's house. The remainder of the site is vacant.

Residential properties adjoin the southern and western boundaries of the subject site. Surrounding development is mostly detached dwellings to the north with some multi dwelling housing development. Residential flat building development has been approved on vacant land to the north.

The topography of the site is characterised by moderate to steeper slopes with a central ridgeline that is oriented along an east-west direction. Slopes on the northern side of the ridgeline range from 5% to 14% and range from 10% to 25% on the southern side. The sloping land presents challenges for future dwelling design and construction.

The dominant central ridgeline allows panoramic views on both the northern and southern aspect. Views from the northern aspect of the central ridge are local views over the Norwest Business Park and distant views to the mountains to the west. Views from the south side of the ridge are primarily over the established residential areas.

Five distinct drainage catchments are present on the site due to spur lines that extend from the eastern and western edges of the ridge. The largest catchment which drains to the south generates flood risk management issues at the confluence of three overland flow paths.

The majority of native vegetation has been cleared from the site for grazing of livestock, but areas along the access road and around the heritage listed building have been landscaped with exotic plants. Small remnants of vegetation occur on the western edge of the site and are listed on National Parks and Wildlife Service (2002) maps as Sydney Turpentine Ironbark Forest. This is listed as a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 and as an Endangered Ecological Community under the Threatened Species (TSC) Act. Councils mapping

identifies the remnant vegetation as Cumberland Plain Woodland which is also listed as a Critically Endangered Ecological Community under the schedules of both the EPBC and TSC Acts. A flora and fauna survey and assessment undertaken in November 2011 has identified that the site is within a geographical transition zone between these two endangered ecological communities.

The key features of the site are shown in Figure 3.

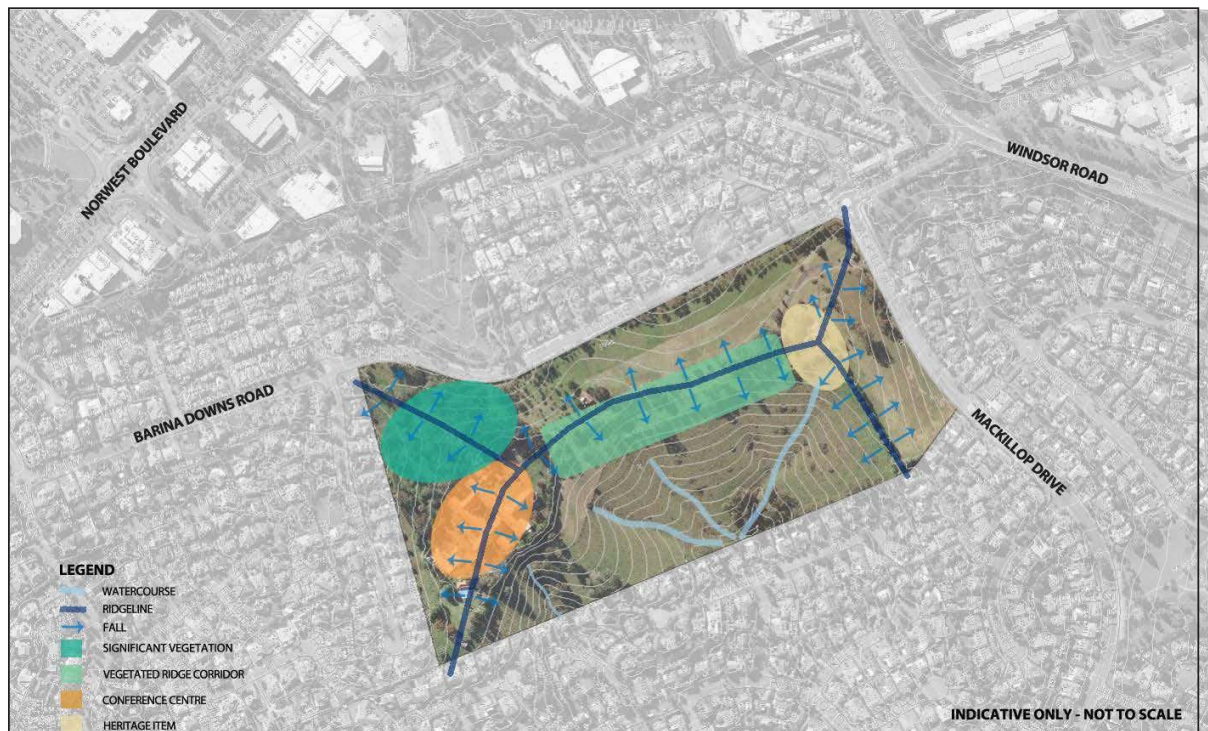


Figure 3 SITE ANALYSIS

C.5.3 SITE SPECIFIC OBJECTIVES AND DEVELOPMENT CONTROLS

The objectives and development controls for this site are set out in the following sections.

C.5.3.1 SITE PLANNING

OBJECTIVES

- (i) *To achieve coherent site planning and development that relates to the natural topography of the site and contributes to the character of the area.*
- (ii) *To protect, contribute and enhance the existing residential character and amenity.*
- (iii) *To ensure acceptable levels of amenity and minimise negative impacts of traffic movements on the surrounding locality.*

DEVELOPMENT CONTROLS

- Residential flat buildings, attached dwellings and dwelling houses are to be provided in the locations identified in Figure 4.

- Access to the site is to be provided in the locations identified in Figure 4.
- Prominent views identified in Figure 4 are to be retained. Streets are to be located to enable additional view corridors into No.64 Mackillop Drive, Baulkham Hills and to the heritage item.
- The central ridgeline between the single dwelling housing and small lot housing areas is to be retained as common-open space.

C.5.3.2 HERITAGE

The existing building is an interwar Californian bungalow built around circa 1928. It is described in The Hills Shire Council Inventory Sheet No.92 as “A fine example of a bungalow in original condition”.

An important aspect of maintaining and enabling the interpretation of the heritage significance of a building is the land around it that establishes its context, commonly known as curtilage. Curtilage can include (but is not limited to) significant features of a site such as outbuildings and driveways and also vegetation, for example, the original garden or an avenue of trees.



Figure 4: SITE PLANNING

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OBJECTIVES

- (i) *To ensure that the subdivision of land on which a heritage building is located does not isolate the heritage building from its setting or context or adversely affect its amenity or privacy.*
- (ii) *To ensure that new dwellings erected on land upon which the heritage building is located are sympathetic to the character of the heritage building and its setting.*
- (iii) *To ensure that the development of land in the vicinity of a heritage site is undertaken in a manner that complements the heritage significance of the site.*
- (iv) *To ensure that development of the site respects the curtilage established by the original garden associated with the heritage item.*

DEVELOPMENT CONTROLS

- (a) The heritage curtilage is to be consistent with the area shown edged yellow in Figure 5.
- (b) Brush box trees located parallel to Mackillop Drive and within the immediate curtilage in Figure 5 shall be retained.

- (c) The rural qualities of the bitumen avenue with swale drainage lines are to be retained. There shall be no concrete edging.
- (d) Civil works for stormwater drainage dish drains to be kept away from root zones of trees in the access avenue.
- (e) A Conservation Management Plan must be produced and submitted to Council to ensure that the existing heritage building is managed appropriately for its heritage values.
- (f) A landscape plan shall be prepared by a landscape architect experienced in dealing with heritage gardens and is to include at a minimum the following:
 - The retention of original and or significant landscaping (including plants with direct links or association with the heritage item); and
 - Details of how new plantings retain significant views to and from the heritage item.

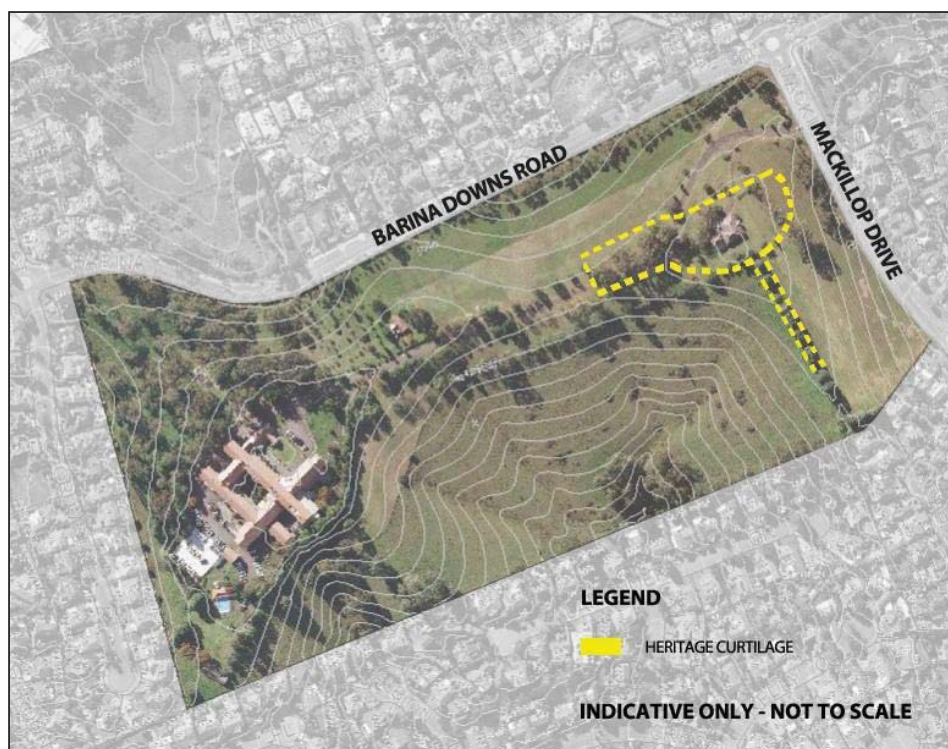


Figure 5: REQUIRED HERITAGE CURTILAGE

C.5.3.3 SURFACE WATER RUNOFF**OBJECTIVES**

- (i) *Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.*
- (ii) *Ensure that development is not subjected to undue flood risk, nor exacerbate the potential for flood damage or hazard to existing development and to the public domain.*

DEVELOPMENT CONTROLS

- (a) Water sensitive urban design infrastructure will not be accepted as part of any public road or open space dedication.
- (b) The development proposal must demonstrate how the drainage system for the development site is designed to address any site specific conditions, and how it connects into the downstream drainage system.
- (c) The drainage system is to be designed in a manner that ensures that personal and property safety is not compromised.
- (d) A Local Drainage Management Plan is required for development of the site.
- (e) The Local Drainage Management Plan is to address:
 - the hydrology of the locality and its relationship to the drainage system;
 - any expected rise in ground water level due to development;
 - the role of the principal landscape components on the site for water conservation and on-site detention;
 - the scope for on-site stormwater detention and retention, including the collection of water for re-use;
 - how any detrimental impacts on the existing natural hydrology and water quality is proposed to be minimised; and
 - how pedestrian and property safety is to be ensured.
- (f) Onsite Stormwater Detention (OSD) is required to be provided in accordance with Council's adopted policy except where modified in control (g) below.
- (g) Runoff from the development site is constrained by downstream infrastructure/ easements,

specifically those connecting the subject site to Salamander Grove and Albion Place. The Local Drainage Management Plan must include a hydrological and hydraulic analysis of the existing infrastructure downstream to determine the capacity of the existing piped stormwater system. Where runoff from the site in its post development condition exceeds the capacity of the downstream system, additional stormwater management practices will be required to be implemented on site. Alternatively, amplification of the existing downstream drainage network may be necessary.

Additionally, overland flowpaths must be created to safely contain and convey any gap flows generated by the capacity of the storm drainage system being exceeded, or caused by system blockage. The overland flowpaths must be capable of conveying the maximum discharge between the 100 year ARI catchment runoff and pipe system capacity, safely connecting to the closest existing overland flowpath (road reserve). This may require improvements to the surface of easements where relied upon by the proposed development.

- (h) All hydrological and hydraulic modelling undertaken must be submitted to Council as part of a development application.
- (i) The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source measures that:
 - contain frequent low-magnitude flows;
 - maintain the natural balance between run-off and infiltration;
 - remove some pollutants prior to discharge into receiving waters;
 - prevent nuisance flows from affecting adjacent properties; and
 - enable appropriate use of rainwater and stormwater.
- (j) Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.
- (k) Public stormwater easements within residential lots are not permitted. Instead, local drainage links/ pathways must be used to retain public infrastructure within public land. The minimum width of any local drainage link must be 5m.

(Refer to Council's Design Guidelines – Subdivisions & Developments)

- (l) A stormwater quality assessment is to be submitted with the development application to demonstrate that the development will achieve the post-development pollutant load standards in accordance with the Water Sensitive Urban Design Technical Guidelines for Western Sydney (2004) or as amended.
- (m) The stormwater quality assessment is to be prepared by a suitably qualified engineer with experience in water sensitive urban design and include:
- Modelling of pre-development and post-development pollutant loads with an industry standard water quality model;
 - The design of water sensitive urban design measures used to achieve the required post-development pollutant loads; and
 - Maintenance schedules of any proposed water sensitive urban design measure that requires maintenance and/or likely full replacement.
- (n) Water sensitive urban design elements, consisting of, but not limited to:
- Bio-retention swales;
 - Rain gardens;
 - Vegetated swales;
 - Vegetated buffers;
 - Rainwater tanks; and
 - Gross pollutant traps,

must be incorporated into the planning for, and appropriately located within any future subdivision of the land.

- (o) An alternative water quality treatment measure, which differs from the prescribed development controls may be considered on merit only where the identified surface water runoff objectives are deemed to be satisfied.

C.5.3.4 ROADS

OBJECTIVES

- (i) *To provide an acceptable level of access, safety and convenience for all road users, whilst ensuring acceptable levels of amenity and protection from the impact of traffic.*

- (ii) *To provide sufficient road reserves, carriageway and verge width to allow roads to perform their function within the road network.*
- (iii) *Roads are to be designed and located in a manner which respects and responds to the environmental features and constraints of the site.*

DEVELOPMENT CONTROLS

- (a) Roads are to be designed to integrate into the local road network and provide for the efficient and safe movement of vehicles, bicycles and pedestrians throughout the development site.
- (b) The location and design of roads should minimise the extent of cut and fill and cause the least disturbance and impact on native vegetation.
- (c) All roads are to be designed in accordance with the standards established in the table below:

Street Types				
Type	Max number of dwellings	Street reserve	Lane width	Footpath width and verge
Access Place	30	14.5m	7.5m	2 X 3.5m verge (1.2m wide path provided in verge on one side)
Access Street	200	15.5m	8.5m	2 X 3.5m verge (1.2m wide path provided in verge on one side)

- (d) A lesser verge width may be considered where the road is adjacent to common open space.

C.5.3.5 SINGLE DETACHED DWELLINGS

The provisions of Part C Section 3 – Residential will apply. However, the additional setback control as stated below will apply to ensure that new development is sensitive to the landscape setting, site constraints, existing amenity and established character of the street and locality.

A. SETBACKS

OBJECTIVES

- (i) *To provide setbacks that complement the streetscape and protect the privacy and sunlight to adjacent dwellings.*

DEVELOPMENT CONTROLS

- Lots fronting Mackillop Drive shall have a primary setback of not less than 7.5 metres with corner allotments having a minimum secondary setback of 4 metres. All other lots shall have a primary setback of 6 metres and secondary setback of 2 metres for corner allotments.
- A minimum rear setback of 10 metres is to be provided on the southern boundary of the development site. This requirement does not apply to any residential lot having direct frontage to Mackillop Drive.

C.5.3.6 MULTI DWELLING HOUSING

The provisions of Part B Section 4 – Multi Dwelling Housing will apply.

C.5.3.7 RESIDENTIAL FLAT BUILDINGS

The provisions of Part B Section 5 – Residential Flat Buildings will apply. However, the additional controls as stated below will apply:

A. SETBACKS

OBJECTIVES

- (i) *To provide setbacks that complement the setting and contribute to the streetscape and character of the street.*
- (ii) *To minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*

DEVELOPMENT CONTROLS

- b) The minimum front setback to Barina Downs Road for residential flat buildings is 10 metres.
- c) The minimum setback to the western boundary where the proposal abuts a residential property is 10 metres.
- d) The minimum rear setback is 6 metres where development abuts the conference centre.

B. DENSITY

OBJECTIVES

- (i) *To ensure that the apartment development is compatible with the surrounding development and the bushland landscape setting.*

DEVELOPMENT CONTROLS

- (a) The maximum population density is 140 persons. The density is based upon the following occupancy rates:

Dwelling Type	Occupancy (Persons)	Rate
1 bedroom unit	1.3	
2 bedroom unit	2.1	
3 bedroom unit	2.7	
4 bedroom unit	3.5	

C.5.3.8 HOUSING AS PER CLAUSE 4.1B OF THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 EXEMPTIONS MINIMUM LOT SIZES FOR CERTAIN DEVELOPMENTS

Housing pursuant under the provisions of clause 4.1B of the Hills LEP 2012 presents the opportunity to consider all aspects of building and site design together, to be combined effectively to create a functional and attractive residential environment. Typically this form of development is referred to as 'small lot housing'.

All small lot housing developments must be designed so as to ensure a compatible relationship between dwelling-houses on individual lots and dwellings on adjoining land.

Any person undertaking a small lot housing development is required to submit a combined Development Application to Council for the construction of the dwelling-houses and subdivision of the land.

Factors which should be considered in the layout of a small lot housing development include:

- slope and orientation of the land;
- energy-efficient design of subdivision and dwelling-houses;

- solar access to adjoining dwellings/dwelling-houses;
- adequate visual and acoustic privacy to each dwelling-house;
- relationship to adjoining dwellings/dwelling-houses;
- retention of special qualities or features such as trees and views;
- provision of adequate site drainage;
- provision for landscaping and private open space; and
- existing streetscape character.

A. SITE COVERAGE

OBJECTIVES

- (i) *To minimise bulk and scale of development and ensure that suitable land is available for landscaping, drainage and retention of vegetation.*

DEVELOPMENT CONTROLS

- (a) The maximum site coverage (including garage/carport, driveways, outbuildings, decks, patios, paved areas and pools) for each dwelling in a small lot housing development is 65%.

B. SETBACKS

OBJECTIVES

- (i) *To create an attractive, interesting and pleasant streetscape through the siting of buildings.*
- (ii) *To provide visual separation of built forms, privacy and opportunities for landscaping.*
- (iii) *To protect solar access to habitable rooms, protect and optimise useable open space around dwellings, and protect adjoining dwellings from excessive overlooking, overshadowing and general loss of amenity.*
- (iv) *To provide sufficient space for vehicle parking, manoeuvrability and clear sight lines.*
- (v) *Maintain and enhance established streetscape and character of the neighbourhood. This includes building setback, landscaping, fencing, lighting, pathways and street trees.*

DEVELOPMENT CONTROLS

- (a) Zero lot line housing shall occur only on the southern side boundary of east-west allotments and either side boundary but not both sides of north-south allotments.
- (b) The length of the zero lot line wall is to be a maximum of 10 metres.
- (c) No dwelling built on the zero lot line is to abut an adjoining dwelling also built on the zero lot line.
- (d) No openings shall be located along the zero lot boundary wall. The boundary wall shall be constructed of maintenance free materials such as face brick or masonry. Walls located on the boundary must comply with the requirements of the Building Code of Australia in terms of fire separation.
- (e) All boundary walls must extend at least 300mm above the roof line of the dwelling to ensure that roof drainage is contained within the site.
- (f) A restriction as to user is created for a one metre wide maintenance easement over the adjoining property pursuant to Section 88B of the Conveyancing Act 1919.
- (g) Building setbacks are to be in accordance with the table below:

Location/Frontage	Setback
Primary Street - MacKillop Drive - Barina Downs Road	7.5m 6m
Secondary Street - MacKillop Drive - All other corner allotments	4m 2m
All other streets - internal	4.5m
All Garages	5.5m
Side boundary	zero lot line or 900mm
Rear boundary	6m

C. VEHICULAR ACCESS

OBJECTIVES

- (i) *To provide an acceptable level of vehicular access, safety and convenience for all users of the development.*
- (ii) *To ensure that the internal roadway design can satisfactorily accommodate the expected traffic volumes of the development.*

- (iii) *To provide a safe environment for both pedestrians and vehicles using the site and surrounding road network.*

DEVELOPMENT CONTROLS

- All internal roadways are to be of a sufficient width as determined by a traffic report to adequately accommodate the volume of traffic generated by the development, and the provisions of service vehicles.

D. CAR PARKING

OBJECTIVES

- (i) *To ensure that garages do not dominate the streetscape.*
- (ii) *To provide sufficient and convenient parking for residents.*
- (iii) *To ensure that adequate car parking is provided on-site so as to prevent inconvenience to residents and congestion in nearby streets.*

DEVELOPMENT CONTROLS

- a) A minimum of one car parking space is to be provided per dwelling. This space is to be located within a garage.
- b) Carports and garages facing a public place are to be no more than 6m in width; nor extend across more than 50% of the property frontage, whichever is the lesser.
- c) Carports and garages are to be designed to be:
 - visually subservient;
 - integrated into the overall dwelling design; and
 - constructed of similar materials and finishes to the dwelling.
- d) Where a double garage is proposed a minimum of two of the following design measures are to be employed:
 - garage doors are divided by a vertical masonry pillar or similar;
 - upper floor element projected forward of the garage to cast shadow and take prominence;
 - colours and textures to ensure garage door subservience;
 - utilisation of vertical elements to mitigate the horizontal emphasis of the garage;

- garage entrance to be orientated away from primary street frontage to face the side boundary; and
- staggered garages whereby one garage is setback from the adjoining garage.

E. FACADES

OBJECTIVES

- (i) *To provide visual interest to the streetscape through the incorporation of design features.*

DEVELOPMENT CONTROLS

- (a) For all dwellings the facade must be suitably articulated and incorporate two of the following design elements:
 - Non-enclosed verandah for at least 40% of the dwelling width
 - Entry feature or portico
 - Balcony or window box treatment to first floor element
 - Recesses or projection of prominent architectural elements to visually break up the facade and avoid blank wall appearance;
 - Verandah, pergola or similar provided over garage doors

F. PRIVATE OPEN SPACE

OBJECTIVES

- (i) *To ensure the private open space is usable, functional and easily accessible for residents*
- (ii) *To ensure private open space includes landscape and soft features*
- (iii) *To ensure direct access and a relationship between indoor and outdoor living areas.*

DEVELOPMENT CONTROLS

- (a) Each dwelling must have a minimum private open space area of 24m² capable of containing a dimension of 4m and must have direct and level access to the dwelling's living areas, such as a lounge room, a family room, a dining room, or a kitchen.

In the calculation of private open area:

- a minimum of 50% of the open space area must be grassed or soft landscaped area

- located in the rear yard except where such private open space is an elevated deck over rear lot access.
- no area is less than 2.5 metres in width.
- outdoor clothes drying area are included as private open space.
- car spaces are not included in private open space calculations.
- (b) Private open space is not permitted in the front setback.
- (c) A garage or gate must provide access between the private open space and the driveway.
- (d) At least half (50%) of the principal private open space area is to receive a minimum of 2 hours direct sunlight between 9am and 3pm during mid winter.

G. COMMON OPEN SPACE

OBJECTIVES

- (i) *To provide outdoor living space which is an extension of the dwelling for the enjoyment of its inhabitants.*
- (ii) *To provide outdoor living space which is of useable dimensions and which is located to receive a reasonable quantity of sunlight.*
- (iii) *To enhance the quality of the built environment by providing high quality landscaping.*
- (iv) *To promote a pleasant and safe living environment.*
- (v) *To provide functional open space within the development for the informal recreation of residents and children's play.*

DEVELOPMENT CONTROLS

- (a) The central ridgeline and curtilage of the heritage item is to be retained as common open space.
- (b) The common open space areas is to be:
 - easily accessible to all residents within the development;
 - of a configuration, slope, and design so as to ensure it is easily maintained;
 - located to ensure the area receives adequate sunlight during mid winter;
 - of a sufficient size to satisfy the immediate open space demands of the proposed population and accommodate informal active recreational activities; and

- provided with passive surveillance.

- (c) The common open space area is to include a child play area or recreation activities area.
- (d) The common open space area must have a minimum dimension of 12m x 12m.
- (e) For developments consisting of 15 or more dwellings the common open space area is to comprise an area equivalent to 10m² per dwelling.
- (f) Access for all residents to the common open space area is to be guaranteed via the titling system.
- (g) The majority of the common open space area is to receive direct sunlight between 9am – 3pm during mid-winter.

H. LANDSCAPING

OBJECTIVES

- (i) *To enhance the setting of the heritage building and the environmental quality of the neighbourhood.*
- (ii) *To conserve significant natural features of the site and incorporate them into landscape areas.*

DEVELOPMENT CONTROLS

- (a) The minimum required landscaped or naturally vegetated area for integrated housing as a percentage of the total site area is 35%.
- (b) Existing trees should be preserved.
- (c) Native species are to be used to maintain a strong natural theme for the neighbourhood due to their low maintenance characteristics, relative fast growth, aesthetic appeal and compatibility with the natural habitat.
- (d) All landscaped areas are to have a minimum width of 2m.

I. SOLAR ACCESS

OBJECTIVES

- (i) *To maximise solar access to internal living and open space areas in winter.*
- (ii) *To ensure no adverse overshadowing of adjoining allotments/developments.*

- (iii) *To orient the development in a way that best allows for appropriate solar access and shading,*
- (iv) *To minimise the need for artificial lighting in dwellings during the day.*
- (v) *To orientate dwellings so that the living areas face north.*

DEVELOPMENT CONTROLS

- (a) All dwellings must be designed to ensure that the living areas are orientated towards north where possible and that all north facing living area windows receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June.
- (b) Garages, bathrooms and laundries should be located in areas with a west to southwest orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades.
- (c) Shadow diagrams shall be submitted showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include all openings and windows of adjoining buildings and shall demonstrate likely shadow impact on the 21 June for 9am, 12pm and 3pm.

J. PRIVACY CONTROLS

OBJECTIVES

- (i) *To site and design buildings to ensure visual privacy between dwellings.*
- (ii) *To avoid overlooking of living spaces in dwellings and private open spaces.*
- (iii) *To contain noise within dwellings and communal areas without unreasonable transmission to adjoining dwellings.*

DEVELOPMENT CONTROLS

- a) Buildings are to be designed to ensure maximum protection of privacy; in particular the privacy of primary living areas must be protected. Where appropriate consideration should be given to:
 - using windows that are narrow, translucent or obscured or have window sills a minimum of 1.5m above the upper storey floor level.

- ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened.
- b) First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.
- c) The placement of windows should be staggered to minimise direct viewing between dwellings.
- d) Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.
- e) Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.
- f) Private open space areas and driveways are to be designed and located to minimise noise impacts.

K. ACCESS AND SURVEILLANCE

OBJECTIVES

- (i) *To ensure the needs of residents and visitors are considered with particular regard to access requirements, safety and security.*
- (ii) *To promote incorporation of community safety aspects in the development design.*

DEVELOPMENT CONTROLS

- (a) Integrated housing developments are to provide safe and convenient access for prams, wheelchairs and people with disabilities from the public road to all areas of the development.
- (b) The design of an integrated development is to demonstrate consideration of resident safety and security whereby pedestrian pathways and associated areas are not to be obscured, but rather provided with natural surveillance.
- (c) The siting and design of dwellings shall ensure surveillance of all common areas.
- (d) Access to dwellings is to be direct and without unnecessary barriers.
- (e) Stairs and ramps are to have reasonable gradients and non slip even surfaces.

L. FENCING

OBJECTIVES

- (i) To ensure that fencing is of a high visual quality, compliments the character of the area and is compatible with the surrounding streetscape.

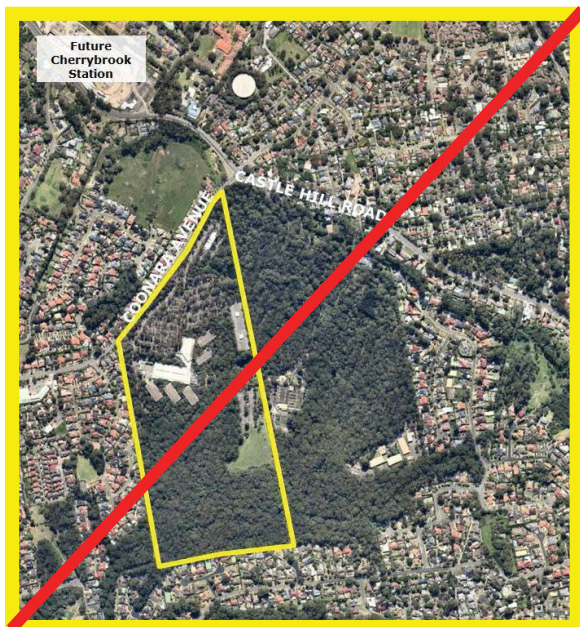
DEVELOPMENT CONTROLS

- There shall be no colourbond fencing located along the street frontages of Barina Downs Road and Mackillop Drive.
- Any fencing in the rear setback (facing Barina Downs Road) over 1.2 metres in height shall be setback from the rear boundary a minimum of 500mm to allow landscaping to soften the impact of the fence.
- Side and rear boundary fencing shall be a maximum height of 1.8 metres in height.

C.6. 55 COONARA AVENUE, WEST PENNANT HILLS

C.6.1 LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This chapter of the Development Control Plan establishes site specific objectives and controls to guide future development on Lot 61 DP 737386, No.55 Coonara Avenue, West Pennant Hills (see Figure 6).



—Figure 6: Subject Site



Figure 6: Subject Site

This chapter must be read in conjunction with Part A – Introduction of this DCP and other relevant Sections, including:

- Part B Section 2 – Residential
- Part B Section 4 – Multi Dwelling Housing
- Part B Section 5 – Residential Flat Building
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping

In the event of any inconsistency between this Section of the DCP and any other Sections of the DCP, the provisions of this Section shall prevail only to the extent of the inconsistency

C.6.2 SITE SPECIFIC OBJECTIVES AND DEVELOPMENT CONTROLS

C.6.2.1 SITE PLANNING

C.6.2.2 Objectives

- (i) To provide for a carefully master planned residential precinct that delivers a high level of amenity for existing and future residents

DEVELOPMENT CONTROLS

- Future development is to be generally in accordance with the indicative layout and arrangement contained within Figures 7 and 8.
- Provision is to be made for connections through the site and provision of public spaces generally in accordance with Figure 9.

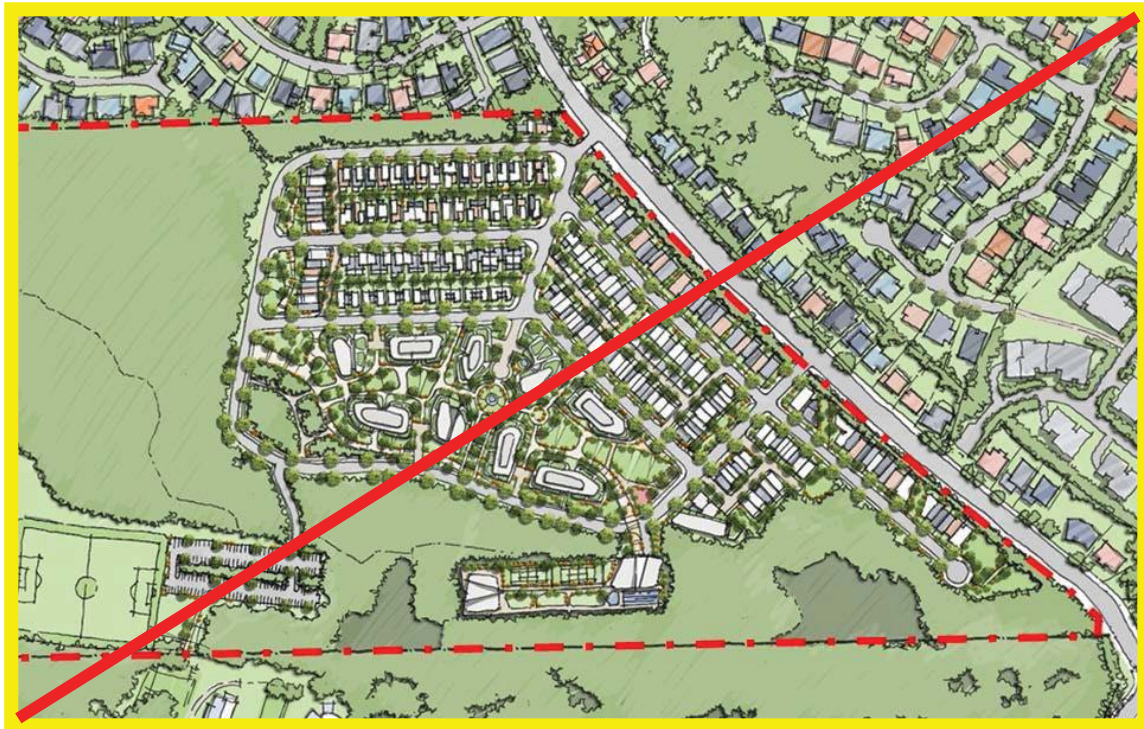


Figure 7: Indicative Site Plan



Figure 7: Indicative Site Plan

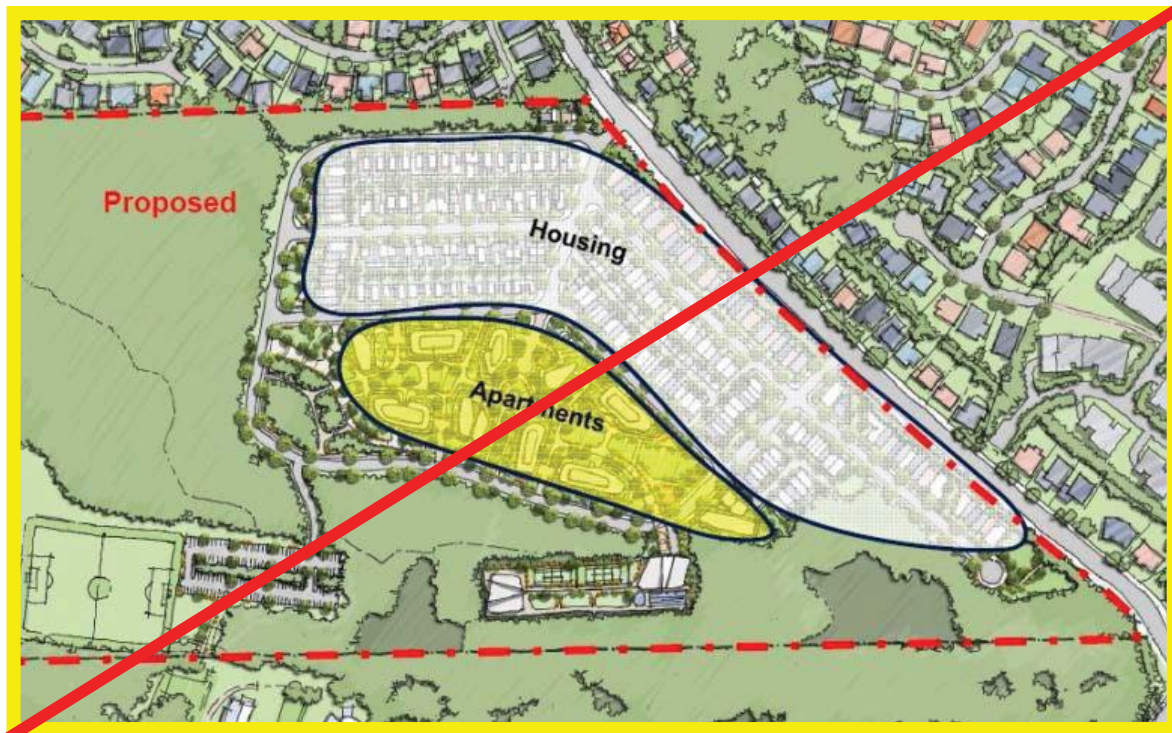


Figure 8: Location of residential precincts

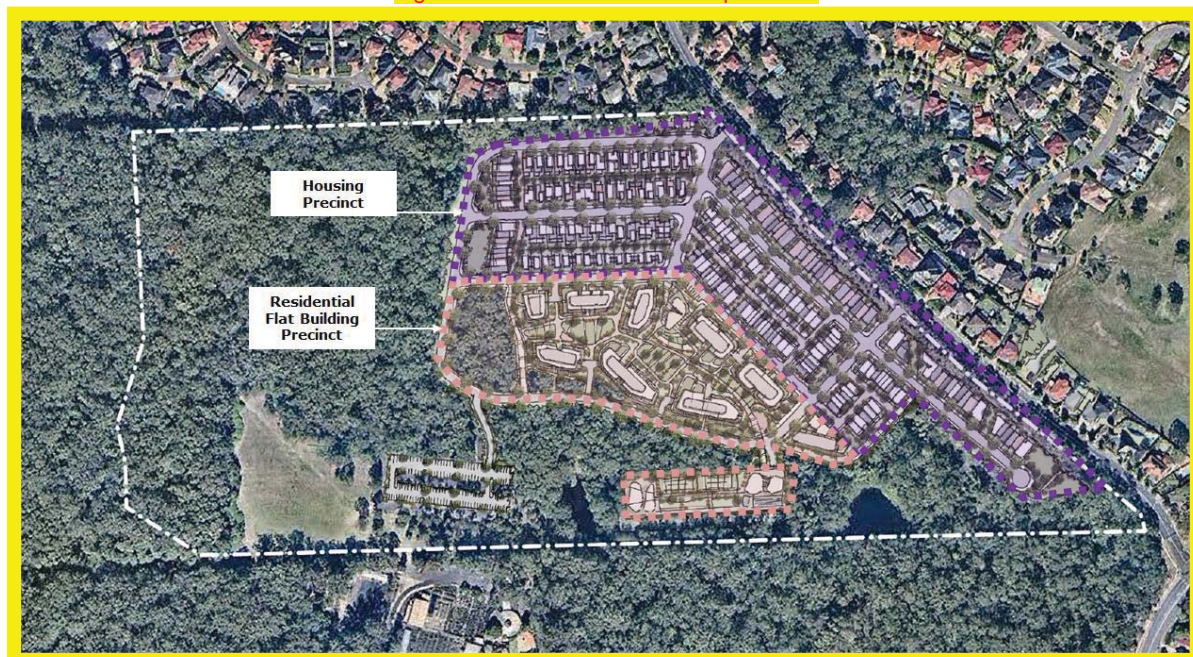


Figure 8: Location of residential precincts

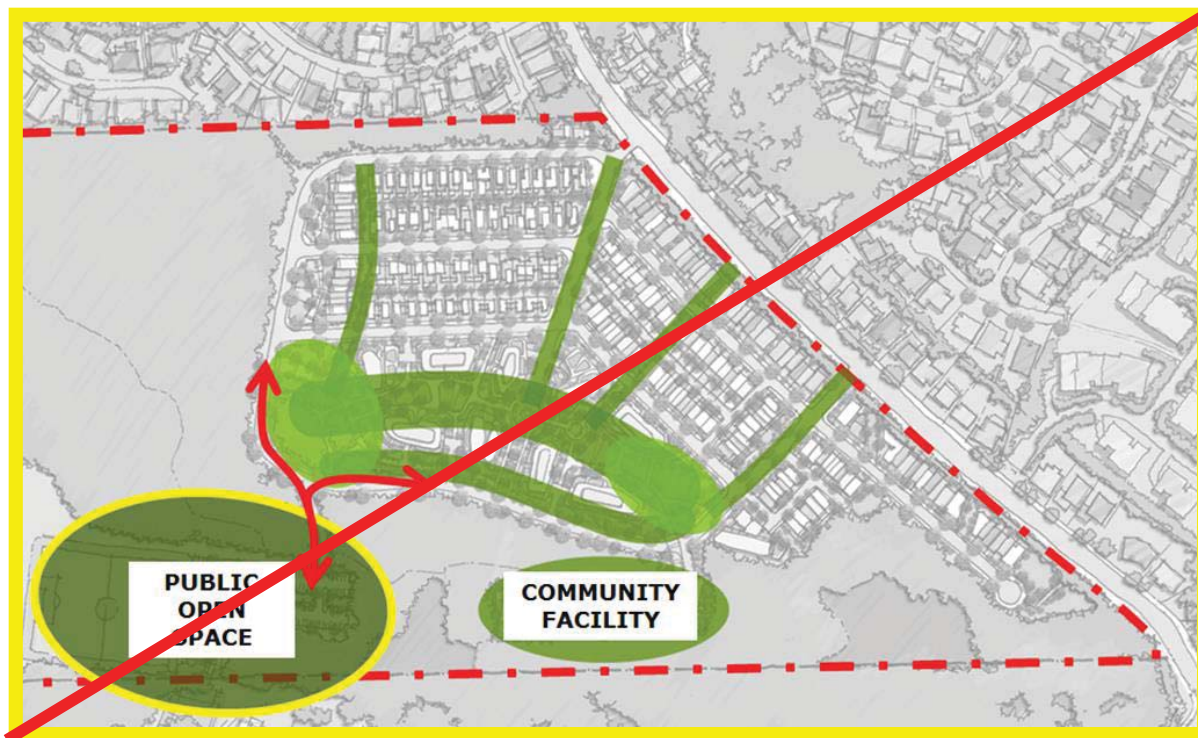


Figure 9: community facilities within future development

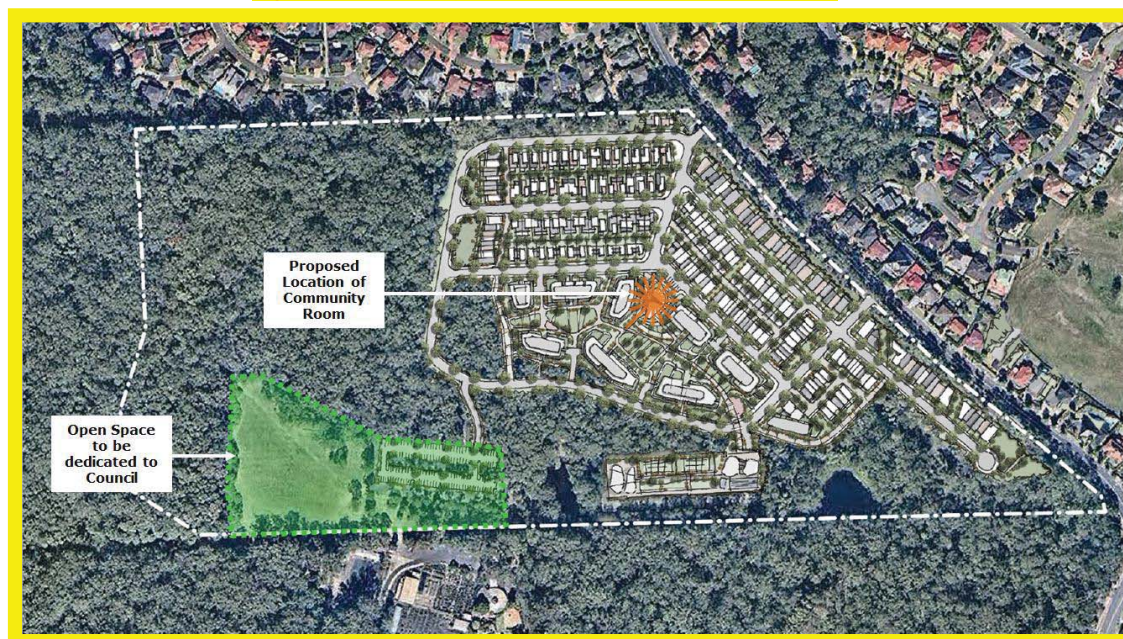


Figure 9: community facilities within future development

C.6.2.3 STREETScape AND CHARACTER**OBJECTIVES**

- (i) To ensure that new development is sensitive to the landscape setting and environmental conditions of the locality.
- (ii) To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements surrounding development.
- (iii) To ensure new development respects and enhances the green and garden character of The Hills Shire.

DEVELOPMENT CONTROLS

- Future development should retain mature vegetation where possible and provide

landscaping within the housing lots and apartment developments, in particular tall planting in scale with the building proposed.

C.6.2.4 ACCESS**OBJECTIVES**

- (i) To provide public access to open space and community facilities infrastructure.
- (ii) Public access to open space and community facilities is to connect with existing public road network.

DEVELOPMENT CONTROLS

- Any future development on the site shall be publicly accessible from Coonara Avenue.
- The access road (loop road) identified as the yellow dotted line in Figure 10 is to be dedicated to Council as a public road and shall be constructed to Council's specifications for local roads contained within The Hills Shire Council Subdivision and Development Design Guidelines
- Public access should be located in accordance with Figure 10.

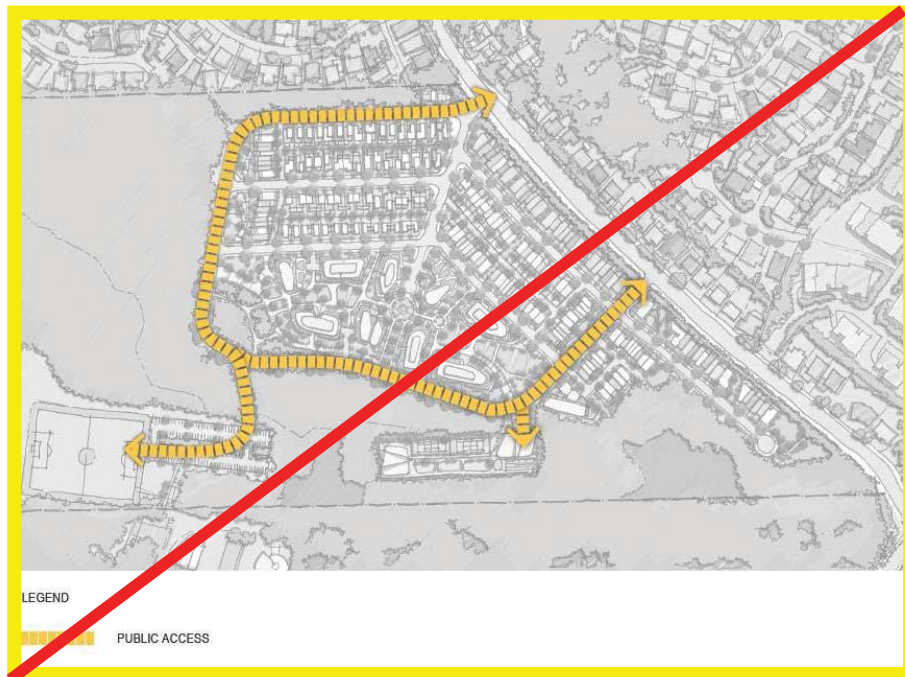


Figure 10: Location of proposed public access within future development



Figure 10: Location of proposed public access within future development

C.6.2.5 VEGETATION**OBJECTIVES**

- (i) *To preserve the existing significant vegetation on the site.*
- (ii) *To ensure the ongoing maintenance of the significant vegetation on the site, at cost to any future residents on the site.*

DEVELOPMENT CONTROLS

- Future development on the site should include a Vegetation Management Area of approximately 18.28ha for the significant vegetation located in the southern portion of the site.
- The Vegetation Management Area should be identified as a Restricted Development Area on the title.
- Future development on the site should include the provision of a Vegetation Management Plan (VMP) in accordance with Council's Vegetation Management Plan Guidelines.
- The Vegetation Management Area must not form any part of the Asset Protection Zone on the site.

C.6.2.6 COONARA AVENUE FRONTAGE**OBJECTIVES**

- (i) *To protect and ensure a high visual quality along Coonara Avenue.*
- (ii) *To enhance the appearance of the site and soften the built form to the street.*

DEVELOPMENT CONTROLS

- Private open space areas located along Coonara Avenue shall be enclosed with a wall or fence with an effective height of 1.8 metres from the finished ground level of the open space courtyard. All fencing enclosing private open space facing a common area or public place shall be constructed in masonry similar to the type and colour to be used in the building.
- Any fencing along Coonara Avenue shall have a two (2) metre landscaped setback between the front boundary line and fencing.

C.6.2.7 PARKING**OBJECTIVES**

- (i) To ensure that all car-parking demands generated by the development are accommodated on the development site
- (ii) To protect the free flow of traffic into and out of the residential development and the surrounding street network in accordance with Council's ESD objective 7.

DEVELOPMENT CONTROLS

- On site car parking for attached dwellings, dwelling houses, multi dwelling housing and semi-detached dwellings is to be provided at the following rates:

1 bedroom	1 space
2, 3 or 4 bedrooms	2 spaces

Note. The above car parking rates are to be rounded up to the next whole number.

- Future development on 55 Coonara Avenue (Lot 61 DP 1191647) for the purpose of attached dwellings, dwelling houses, multi dwelling housing and semi-detached dwellings shall provide visitor parking for at least 40 vehicles either on-street through the provision of internal roads with a minimum carriageway width of 8.5 metres and or through the provision of a dedicated area for visitor parking'.

ITEM-7 GATEWAY DETERMINATION - IBM SITE 55
COONARA AVENUE, WEST PENNANT HILLS
(1/2018/PLP)

Carol Flanagan – President of West Pennant Hills Valley Progress Association (Objector) representing the residents of the local area addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR JETHI THAT Council not proceed with the Planning Proposal (1/2018/PLP) which seeks to facilitate a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills.

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

Mayor Dr M R Byrne
Clr R M Tracey
Clr R Jethi
Clr A N Haselden

Clr R A Preston
 Clr S P Uno
 Clr B L Collins OAM
 Clr M G Thomas
 Clr E M Russo
 Clr F P De Masi
 Clr Dr P J Gangemi
 Clr R K Harty OAM

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR HASelden THAT the planning proposal for a revised gateway determination which seeks to facilitate a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills be deferred to a Councillor workshop in February 2018.

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

Mayor Dr M R Byrne
Clr R M Tracey
Clr R Jethi
Clr A N Haselden

VOTING AGAINST THE MOTION

Clr R A Preston
Clr S P Uno
Clr B L Collins OAM
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr Dr P J Gangemi
Clr R K Harty OAM

ABSENT

Clr A J Hay OAM

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

THE MOTION WAS PUT AND CARRIED.

660 RESOLUTION

1. Council write to the Department of Planning and Environment requesting that a revised Gateway Determination be issued that:
 - Removes references to RU3 Forestry, RE1 Public Recreation, E4 Environmental Living and E2 Environmental Conservation zones and removes reference to Floor Space Ratio mapping;
 - Requires the site to be rezoned from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, and E3 Environmental Management consistent with Figure 3 in the report;
 - Requires Minimum Lot Size mapping for the site of 700m², 1800m² and 2 hectares consistent with Figure 5 in the report;
 - Requires Maximum Height of Building mapping of 9 metres, 10 metres and 19 metres consistent with Figure 6 in the report; and
 - Requires a local provision to facilitate key site outcomes - single owner/developer, maximum 600 dwellings (no more than 400 in form of residential flat buildings), agreed dwelling mix, size and car parking provision and small lot housing as an integrated product.
2. Council continue discussions with the proponent with respect to the preparation of a Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
3. Council request additional information from the Proponent required by Council and the Gateway Determination (Geotechnical Analysis, Ecological Analysis, Urban Design Analysis and Investigation of Infrastructure and Traffic Consideration).
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
5. Draft The Hills Development Control Plan Part B Section 2 – Residential as detailed in (Attachment 4) be exhibited concurrently with the planning proposal.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 December 2017

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

VOTING FOR THE MOTION

Clr R A Preston
Clr S P Uno
Clr B L Collins OAM
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr Dr P J Gangemi
Clr R K Harty OAM

VOTING AGAINST THE MOTION

Mayor Dr M R Byrne
Clr R M Tracey
Clr R Jethi
Clr A N Haselden

ABSENT

Clr A J Hay OAM

RESUMPTION OF STANDING ORDERS

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR COLLINS OAM THAT standing orders be resumed.

THE MOTION WAS PUT AND CARRIED.

661 RESOLUTION

Standing orders be resumed.

At 8.47pm standing orders were resumed.

ITEM-2

**MATTER REFERRED - DA NO. 620/2016/HB -
RETENTION OF A HERITAGE LISTED BUILDING AND
CONSTRUCTION OF A SHOP TOP HOUSING
DEVELOPMENT - LOT 23 DP 739791 - 37-43 OLD
NORTHERN ROAD, BAULKHAM HILLS**

Proceedings in Brief

Adam Byrnes on behalf of Think Planners (Applicant) addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR UNO AND SECONDED BY COUNCILLOR HASELDEN THAT the development application be deferred to allow the applicant to provide a unit mix compliant with Clause 3.11 (a) of the DCP (Part B Section 5 Residential Flat Buildings) to accommodate a range of household types and facilitate housing diversity.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.