

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).

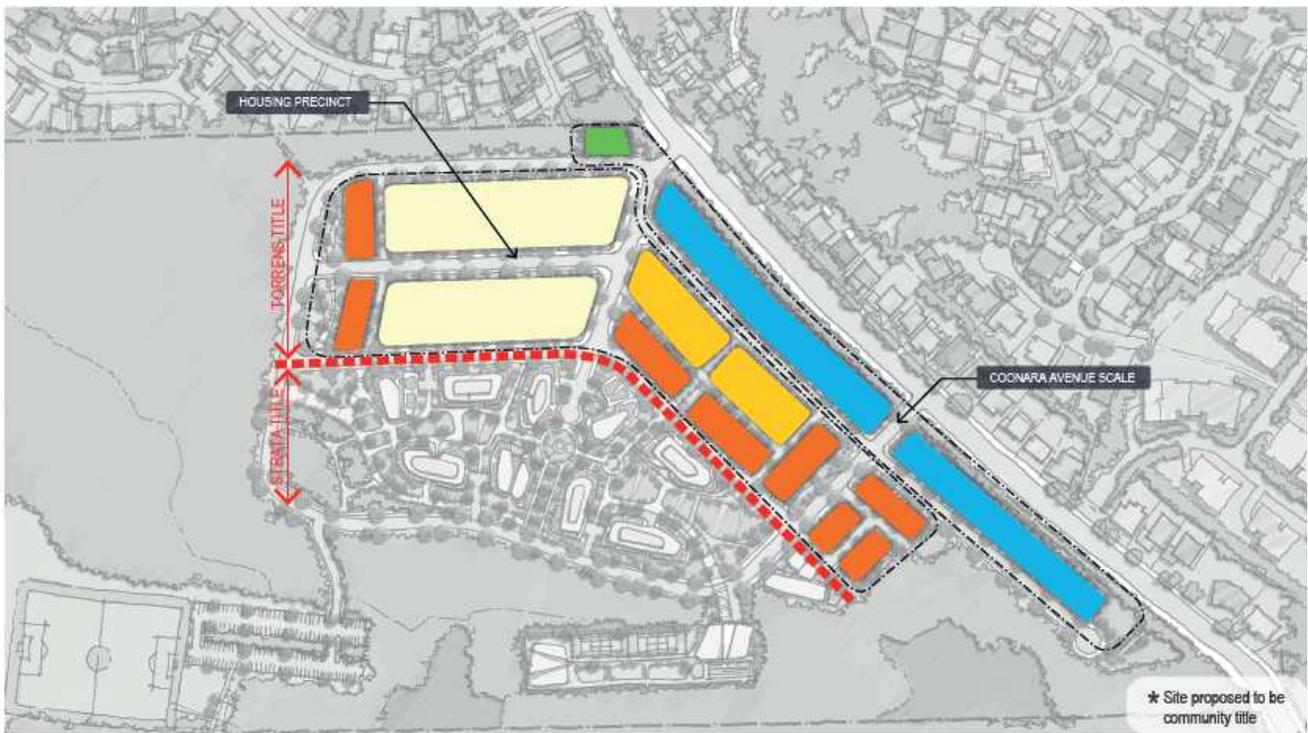
The future redevelopment has the potential to create up to 600 dwellings in two residential precincts (comprising 400 apartment dwellings and 200 medium density dwellings) ranging from 2 to 6 storeys in height (refer to **Figure 1 Development Concept - over**).

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.



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 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 / District

A 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**).

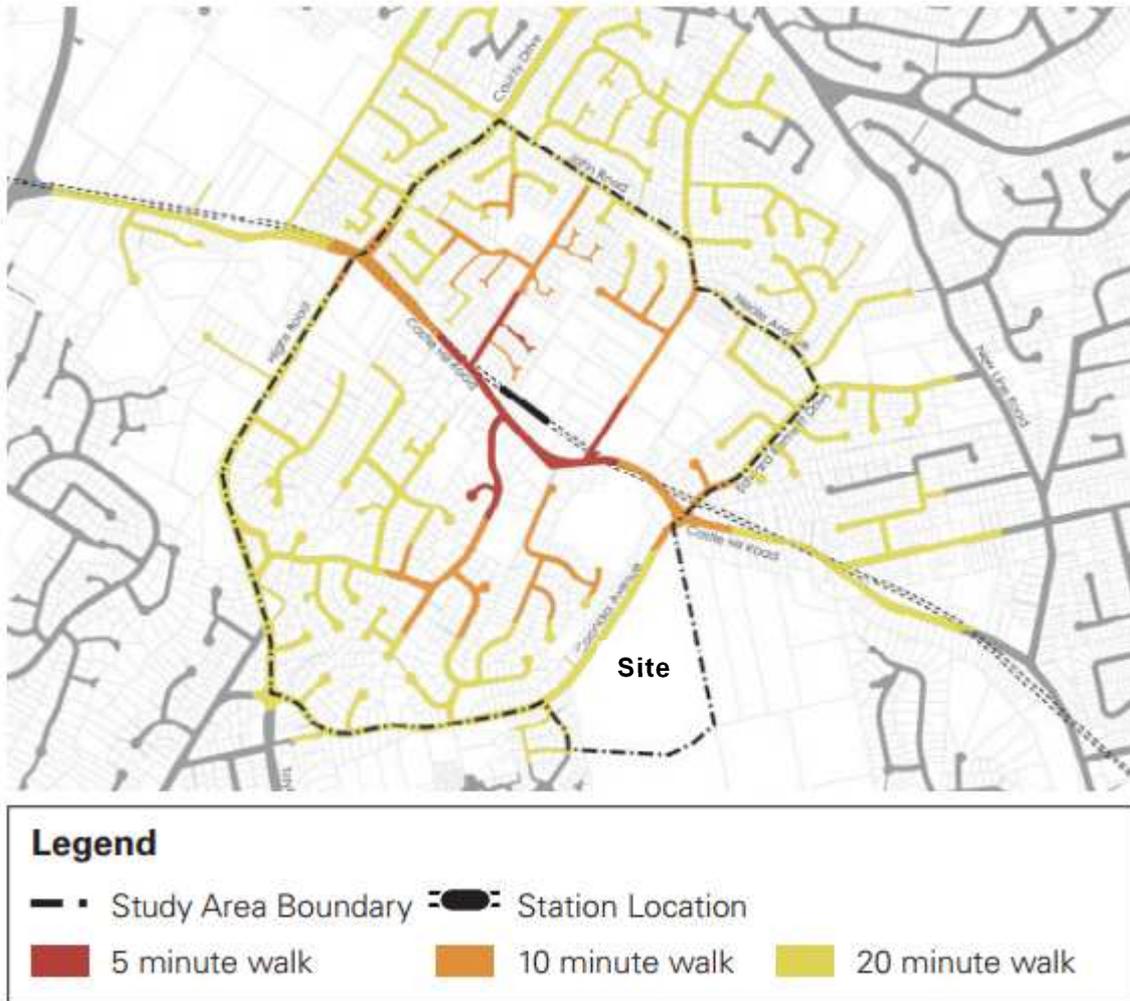


Figure 4 – 5, 10 and 20 minute walking catchments from Cherrybrook train station to site (Source: Cherrybrook Structure Plan)

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**).

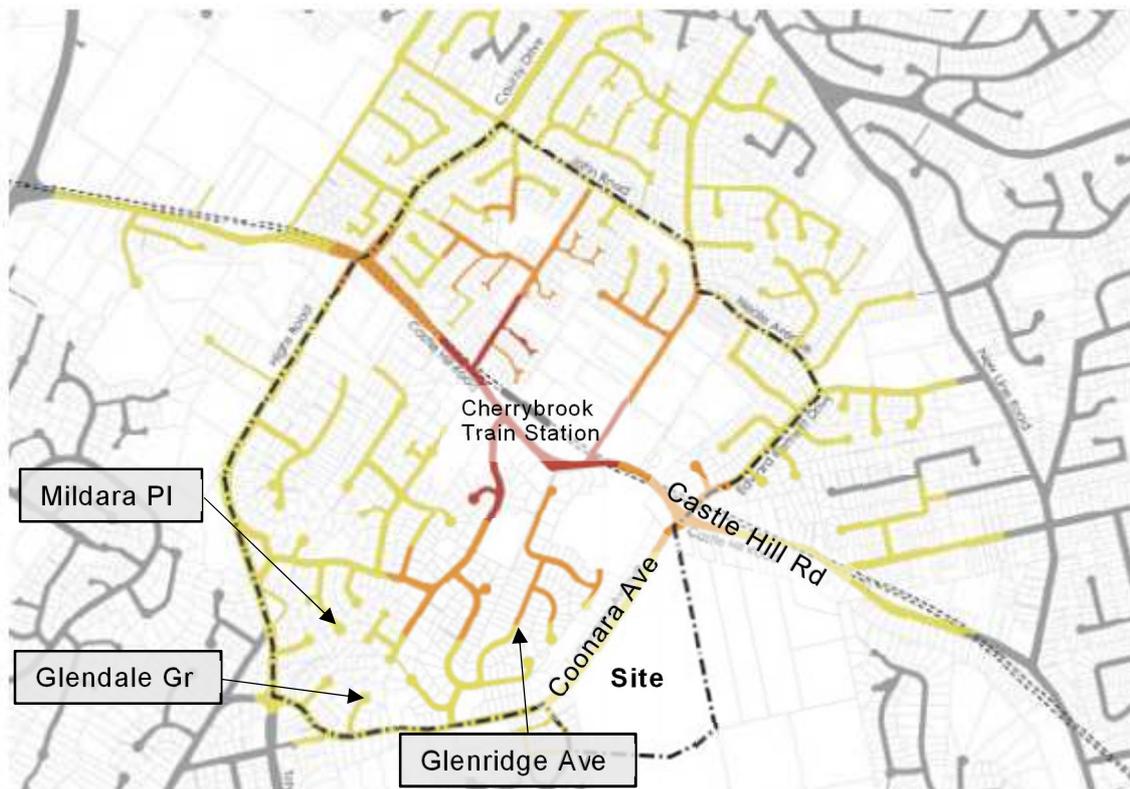


Figure 5: Transport accessibility improvement opportunities for the site as identified in the Cherrybrook Structure Plan

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

Malcom McDonald
A/Director, Sydney Region West
Planning Services

Contact Officer: Sebastian Tauni
Senior Planning Officer, Sydney Region West
Phone: 8217 2018