

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend Schedule 1 to facilitate a medium to high density residential development incorporating a maximum of 600 dwellings at 55 Coonara Avenue, West Pennant Hills (1/2018/PLP).

ADDRESS OF LAND: 55 Coonara Avenue, West Pennant Hills (Lot 61 DP737386).

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	NET CHANGE
Dwellings	0	600	+600
Jobs	1200-1700	0	-1200-1700

SUPPORTING MATERIAL:

- Attachment A** Assessment against State Environment Planning Policies
Attachment B Assessment against Section 117 Local Planning Directions
Attachment C Council Report and Minute, 25 July 2017
Attachment D Draft The Hills Development Control Plan 2012 Part B Section 2 – Residential
Attachment E Development Concept and Supporting Assessments July 2017
- Urban Design Report (July 2017)
 - Housing Product and Public Access Road Plan (2017)
 - Traffic Assessment (July 2017)
 - Bushfire Letter (April 2017)
 - Ecological Letter (April 2017)
 - Geo-technical and Utility Infrastructure Review (April 2017)
 - Economic Assessment (January 2016)
 - Bushfire Assessment (March 2016)
 - Ecological Assessment (March 2016)

NB: Some supporting assessments have been requested to be updated prior to public exhibition and labelled accordingly.

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.

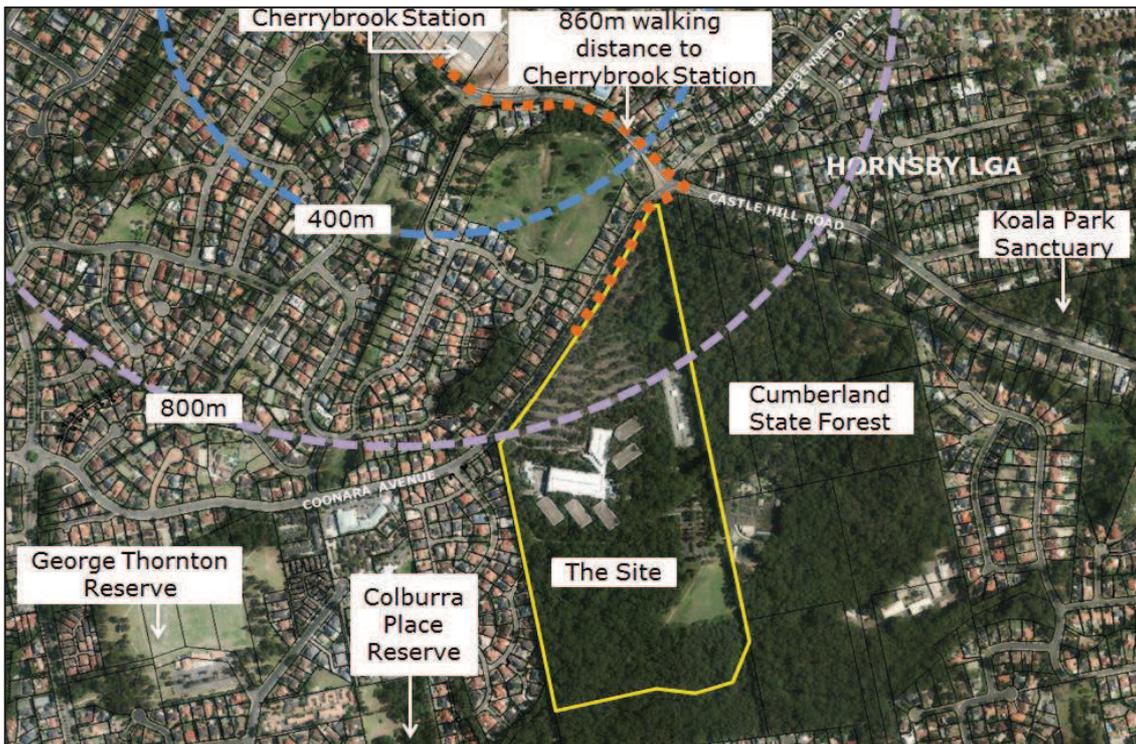


Figure 1

Aerial view of the site and surrounding locality

BACKGROUND

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

Indicative development concept submitted by the proponent

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.

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-loadjobed 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).

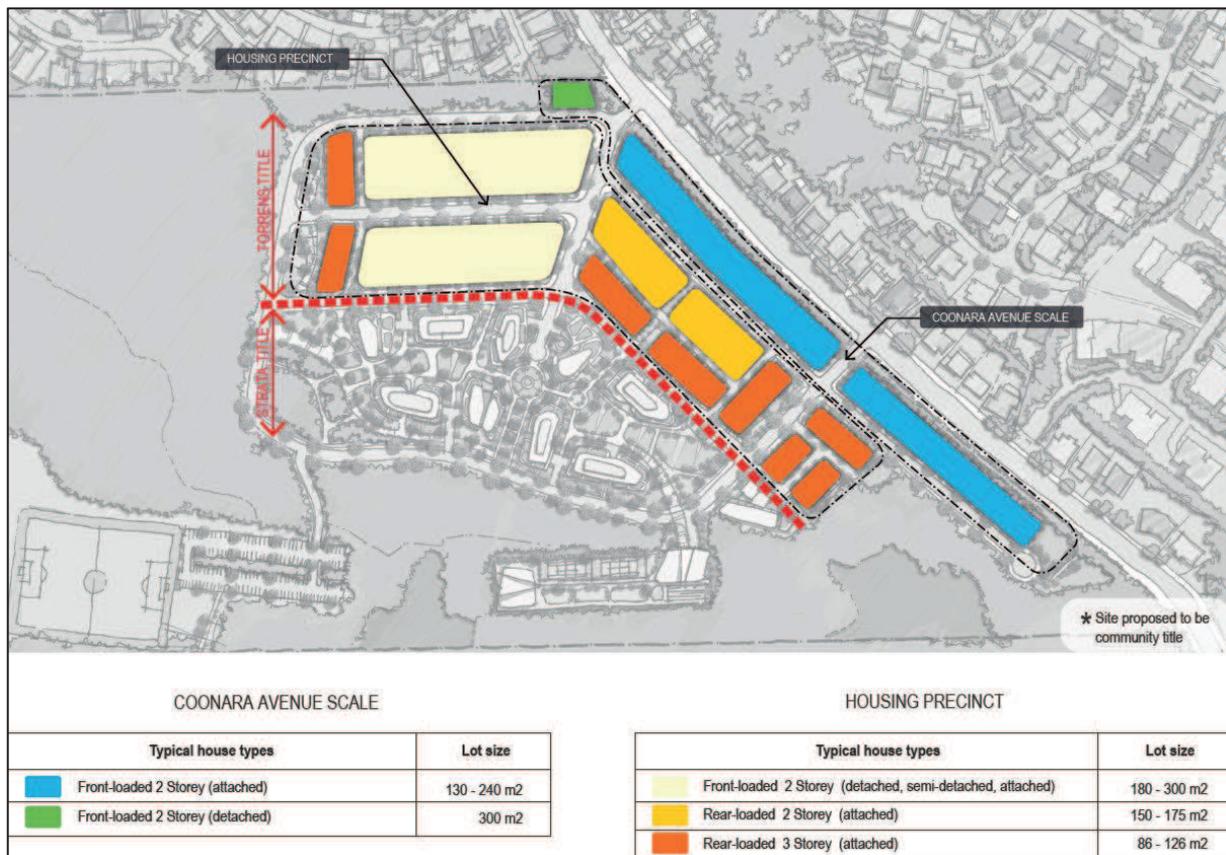


Figure 3
Proposed Housing Products and Lot sizes for Housing Precinct

The concept includes the dedication of 2.49ha for a new public park and an adjoining open air carpark but as well as 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 concept provides for an appropriate density of residential development, transitioning from the higher densities expected close to the future Cherrybrook Rail Station. It proposes to retain existing roadways through the site that will give a good 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, having regard to the difficulties in maintaining the site as a stand-alone employment use and the opportunity to secure protection of significant environmental lands.

PART 1 OBJECTIVES OR INTENDED OUTCOME

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

PART 2 EXPLANATION OF THE PROVISIONS

The planning proposal seeks to amend LEP 2012 as follows:

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 16" 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"><i>• At least 1 space per residential dwelling; and</i><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 (or larger);*
- 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 50% 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.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

No, the planning proposal is not the result of any strategic study or report. The planning proposal has been initiated by a private landowner.

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

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

The planning proposal, as submitted by the proponent, sought 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 (Figure 4);
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.

The proposal sought 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.

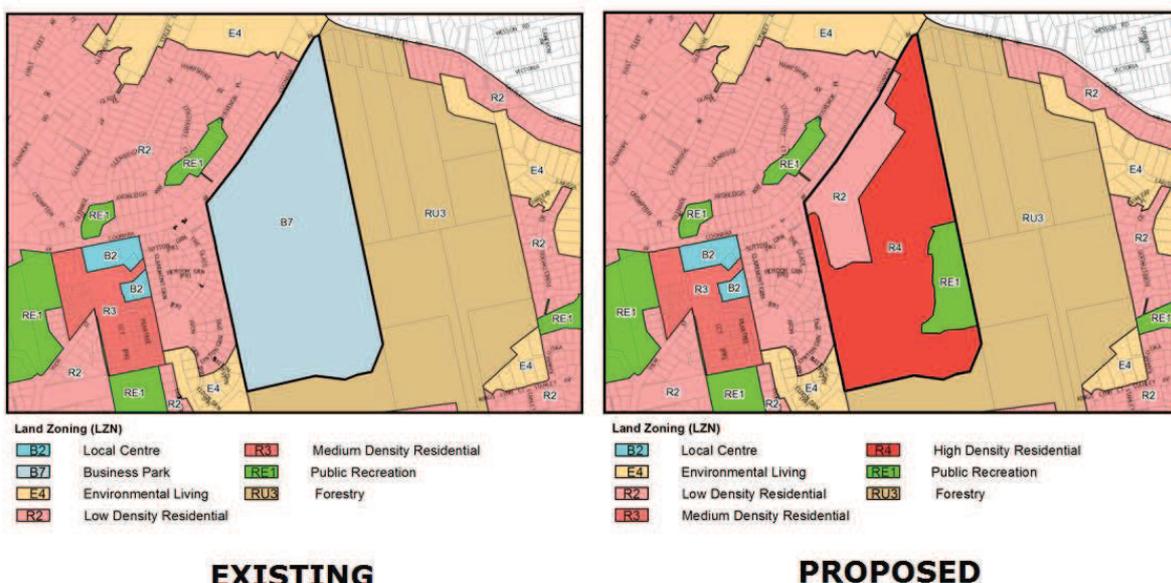


Figure 4
Existing and Proposed Zoning Maps

The planning proposal also proposed 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.

The proposed approach was not supported as it did 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.

Should the planning proposal proceed to finalisation and the site be redeveloped for residential purposes, amendments will be undertaken 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 allows flexibility in detailed master planning for the site.

The amendment is also supported by a draft Development Control Plan which addresses site planning, streetscape and character, access, building setbacks, Coonara Avenue Frontage, parking (Attachment D).

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes, a discussion of consistency is provided below.

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

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

To deliver housing diversity, the draft Plan urges planning authorities to consider the needs of the local population base and to deliver high quality design outcomes for both buildings and places (Liveability Priority 2). 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 draft Plan states that conservation outcomes can be delivered more effectively and efficiently through strategic planning, rather than on a site-by-site basis. This is because strategic planning can consider opportunities to connect areas of biodiversity, the relationship between different areas and threats to natural features. The draft Plan states that strategic conservation planning will be a key strategy for balancing conservation outcomes with growth and development. The planning proposal attempts to balance these competing land uses by delivering additional housing while retaining the significant vegetation on the site. The planning proposal is considered to be consistent with the objectives of the draft West Central District Plan.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The 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 allows the wider public to enjoy recreational benefits.

- **Local Strategy**

Council's Local Strategy is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for an additional 36,000 dwellings and 47,000 jobs to meet the Shire's needs by 2031.

The Local Strategy is supported by seven Strategic Directions, those of relevance to this proposal being the Residential Direction, Centres Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below.

- *Residential Direction*

The Residential Direction guides the planning, protection and management of the Shire's residential development and growth to 2031. A key focus of the Strategy is the location of higher densities close to centres and associated jobs, transport and services.

Council has maintained a planned and deliberate approach to managing urban growth within the Shire by ensuring high residential density land uses are strategically located close to centres and public transport. This approach focuses on the management of potential conflicts between more intense land uses and the amenity of low density residential environments.

The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide a mix of housing products within reasonable proximity to the future Cherrybrook station. Additionally, the housing products are considered to provide an appropriate interface and transition of building height to the existing amenity of low density dwellings located on the adjacent side of Coonara Avenue.

- *Integrated Transport Direction*

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. A relevant action includes planning for a concentration of land use activities around major public transport nodes and higher order centres.

The subject site is located within the Cherrybrook Rail Precinct and is serviced by the existing bus routes operating along Coonara Avenue and Castle Hill Road. The proposal to increase the residential density and provide a masterplanned development outcome on the site is consistent with this Direction given the sites location within a rail corridor precinct and proximity to local bus route services.

- *Employment Direction*

The Employment Lands Direction demonstrates that there is capacity to meet targets for employment growth with capacity for 55,574 additional jobs to 2031. The Direction recognises the site as employment land and is occupied by IBM with a business focus on information technology services. The site is classified as one of the only 'high technology' commercial functions of the employment precincts within The Hills Shire. The Direction also noted at the time that the land has been developed at a low floor space ratio, recognising the environmental constraints of the site and that generation of additional jobs beyond current capacity are not feasible unless the current planning framework is reviewed.

It is acknowledged that the planning proposal will not contribute to employment growth and the provision employment within the Cherrybrook Rail Precinct. 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. 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. Additionally, other employment generating opportunities along the rail corridor are better located and less constrained than the subject site and provides the potential to offset the loss of employment land. Therefore, it is considered that the inconsistency of the proposal with the Employment Lands Direction is justifiable.

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

The planning proposal is consistent with all applicable State Environmental Planning Policies. An assessment of the proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant Policies is provided below.

- **State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

The general aim of this Policy is to protect and preserve bushland within the urban areas because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

As the site is located within an environmental corridor, the policy is considered to apply. The use of Schedule 1 Additional permitted uses and providing site specific controls within 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 protect the remnants of plant communities which were once characteristic*
- *of land now within an urban area;*
- *To retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;*
- *To protect rare and endangered flora and fauna species;*
- *To protect wildlife corridors and vegetation links with other nearby bushland;*
- *To protect bushland for its scenic values, and to retain the unique visual identity of the landscape;*
- *To maintain bushland in locations which are readily accessible to the community; and*
- *To promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

The submitted development concept identified R4 High Density Residential zone on a portion of the site to facilitate residential flat buildings. Additionally, 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.

Ensuring an additional permitted use for '*Residential flat buildings*' on the site approach instead of applying R4 High Density Residential over existing vegetated areas will maintain the environmental corridor that it is a part of. Site specific development controls will ensure that future development on the site is consistent with the aims of this Policy and that the wildlife corridor, significant vegetation and endangered species on the site and in the vicinity are not impacted as a result of the development.

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

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B.

A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

The objective of this Direction is to encourage employment growth, protect employment lands and support the viability of strategic centres. This Direction is relevant given the planning proposal would reduce the area of land zoned B7 Business Park on the site. Additionally, this direction requires 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.

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.

Accordingly, the planning proposal is inconsistent with this Direction as it reduces the area of an existing business zone and reduces the total potential floor space area for employment uses. 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 2.1 Environmental Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction states that a planning proposal that applies to land within an environmental protection zone must not reduce the environmental protection standards that apply to the land, unless justified by a strategy or study. This is 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.

Enabling '*Residential flat buildings*' as an additional permitted use and introducing site specific DCP controls will provide greater certainty as to the type and scale of the development that

will be delivered. Additionally, this approach enables the development to give respect to the existing environmental outcomes and provides 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.

- **Direction 2.3 Heritage Conservation**

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The subject site adjoins heritage item A26 titled 'Bellamy Quarry and Sawpit' within Cumberland State Forest. The planning proposal is considered to be consistent with this Direction as it will not adversely impact the adjoining heritage item due to topography and existing mature vegetation on the site.

- **Direction 3.1 Residential Zones**

This Direction encourages a variety and choice of housing types to provide for existing and future housing needs. The Direction also requires that future residential development should ensure that new housing has appropriate access to infrastructure and services. As the site is located in an established residential area with sufficient access to public transport, the planning proposal is considered to be consistent with this Direction.

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

The site is within reasonable distance to the future Cherrybrook Station and is serviced by bus services along Coonara Avenue and Castle Hill Road surrounded by well-maintained footpaths and is within 250 metres of north- and south-bound bus stops connecting the site to Round Corner Town Centre and Castle Hill Town Centre. The site is considered to be well connected to jobs and services and public transport. The proposal is considered consistent with Direction 3.4 Integrated Land Use and Transport as it improves access to housing, jobs and services in close proximity to walking, cycling and public transport.

- **Direction 4.3 Flood Prone Land**

The objectives of this direction are to:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

An assessment of the proposal against the Direction is provided below:

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

The proposal does not change the existing flood related development controls. Any future development on the site will be subject to the relevant development controls in The Hills Local Environmental Plan 2012 and The Hills DCP 2012. The Hills DCP in particular gives effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

- (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

The planning proposal does not rezone the land from Special Use, Special Purpose Zone, Recreation, Rural or Environmental Protection. There is no rezoning component of the planning proposal.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:

(a) permit development in floodway areas,

A floodway area is defined as "those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels" in the Floodplain Development Manual 2005.

The site 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 6.



Figure 6

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. Additionally, the Gateway process provides for more detailed consideration and consultation with relevant public authorities to occur to ensure consistency with this Direction.

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

The intent of the planning proposal is to providing a mix of medium and high density on the site. The overland flow paths are existing on site. The submitted planning proposal has not considered the impact of flooding on the site. However, potential flooding impacts may be mitigated through the public exhibition period and further through the development application process to ensure greater consistency.

(c) permit a significant increase in the development of that land,

The planning proposal will provide additional opportunities for increased residential development and increased housing choice by providing apartments and townhouses. Any future development will be subject to the relevant development controls in The Hills Shire Council Development Control Plan 2012 (Part C Section – Flood Controlled Land).

(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

The proposal will not result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services. The proposed upgrades to the local pipe network and upgrade works to stormwater drainage are intended to facilitate the redevelopment of high density housing within the precinct and will be privately developed and managed and partly funded through Section 94 Contributions. The government is not required to deliver any infrastructure or works as a result of this planning proposal.

(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

The planning proposal will not permit development to be carried out without development consent.

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

The planning proposal does not change the flood related development controls applicable to the land.

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

The planning proposal does not impose a flood planning level on the subject site.

The planning proposal is consistent with this direction as detailed above. The provisions that are being amended will still require any future application within the Precinct to address Council's development controls related to flood controlled land and the *Floodplain Development Manual 2005*.

It is intended to refer the application to the Office of Environment and Heritage and the Office of Water for consultation.

- **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, 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.

The Department of Planning and Infrastructure has produced a Corridor Strategy (September 2013) to guide future development around the eight (8) new stations of the North West Rail Link. The Cherrybrook Railway Station Precinct is bisected by Castle Hill Road, with the land to the north within the Hornsby Shire LGA and land to the south within The Hills Shire LGA. The Cherrybrook Structure Plan projects that within the Norwest Station Precinct, an additional 3,200 dwellings will be provided by 2036, which extends over Hornsby and the Hills LGAs.

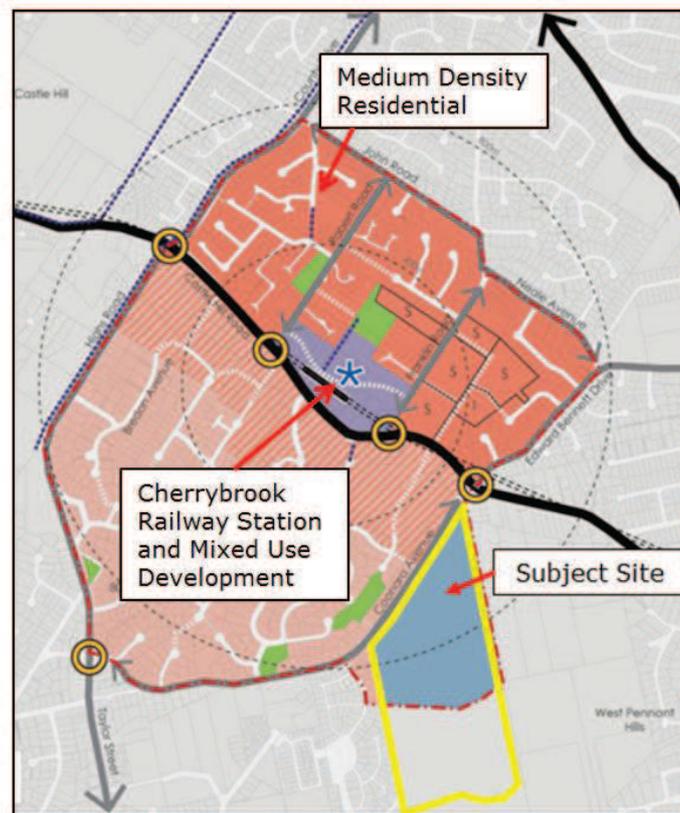


Figure 5
Cherrybrook Precinct Structure Plan

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.

- **Direction 6.1 Approval and Referral Requirements**

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

- **Direction 6.3 Site Specific Provisions**

This Direction applies *"when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out"* and requires that a planning proposal must either:

- a) allow that land use to be carried out in the zone the land is situated on, or
- b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. To enable environmentally medium and high density housing on the site, a planning proposal is required to amend Local Environmental Plan 2012.

The following land uses are currently prohibited on land zoned B7 Business Park;

- Attached dwellings;
- Dwelling houses;
- Multi dwelling and semi-detached dwellings; and
- Residential flat buildings.

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. As such, a planning proposal seeks to permit these uses as additional uses on the site. This is preferred over rezoning the site, as originally proposed, as it will allow for residential development of a defined scale and extent to be undertaken. The approach provides certainty with respect to the residential and environmental outcomes on the site. The planning proposal is considered to be consistent with the direction as it will allow for the proposed development to be permitted with consent on the site without the need to rezone the land.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

The site is heavily vegetated and is identified as Blue Gum High Forest and Sydney Turpentine Ironbark Forest, which is identified a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999. Additionally, the site and the adjoining Cumberland State

Forest provide known breeding and roosting habitat for the threatened Ninox Strenua Powerful Owl. The site also provides habitat for several threatened fauna species from the locality.

The site is not identified on the "Landslide Risk" map of Local Environment Plan 2012. However the site is located in an area closer to a locality that is subject to landslide as identified in the Landslide Risk Map 2012. Further, the topography of the site is also found to be steep, hence the site is likely to be subject to geotechnical constraints. An updated Ecological Assessment as well as Geotechnical Investigation reflecting the new concept would be needed prior to public exhibition to assist communication with the community and public authorities (refer to Attachment D).

Additionally, to ensure the environmental outcomes are retained and conserved on site it was supported 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. Furthermore, site specific development controls are proposed to be implemented to ensure any future housing development on the site does not impact the existing ecological environment.

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

As mentioned above, the site and the adjoining Cumberland State Forest provide known breeding and roosting habitat for the threatened Ninox Strenua Powerful Owl.

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. Council's assessment concluded that the proposed development footprint in its current form has not considered suitable buffer distances around Powerful Owl nest trees.

As noted above, a revised Ecological Assessment will need to be submitted to reflect the current 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.

Additionally, the site is fully located within an area affected by Category 1 Bushfire Risk (orange in map below) and also has a Bushfire Prone Land Vegetation Buffer 100m and 30m (red in map below) due to the vegetation located on and around the site.

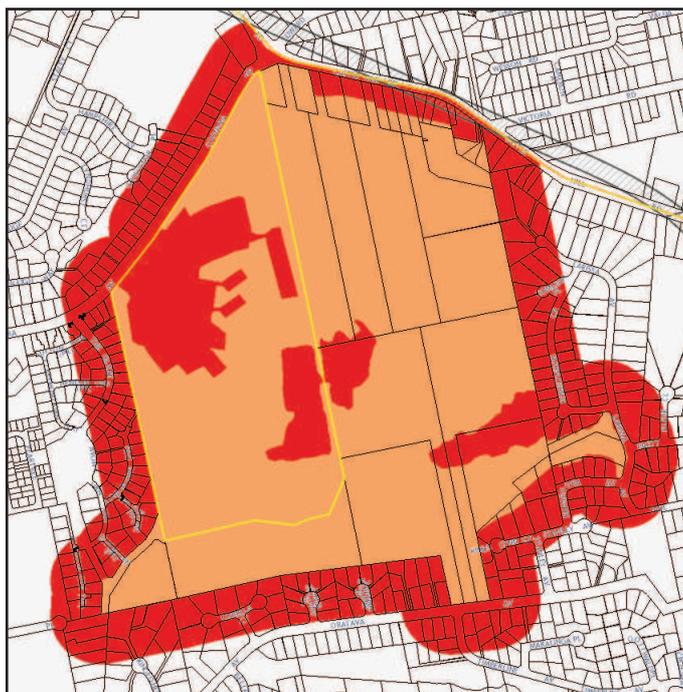


Figure 7
Bushfire Risk Map

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.

Prior to public exhibition an amended 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. Additionally, the planning proposal would be referred to the NSW Rural Fire Service for further comment.

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

The proposal undertakes to provide a range of housing types that have been considered by Council in terms of the anticipated demographic within the Shire. The proposed mix and range of sizes, is supported in this instance, given the ability of studios and one bedroom dwellings to provide an affordable option for younger persons wishing to stay in the area.

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.

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 8

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 9
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 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.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

It is considered that the existing and planned local infrastructure within the locality in combination with additional monetary contributions from the developer towards the provision of additional local infrastructure (to be negotiated further as a draft Voluntary Planning Agreement) will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

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

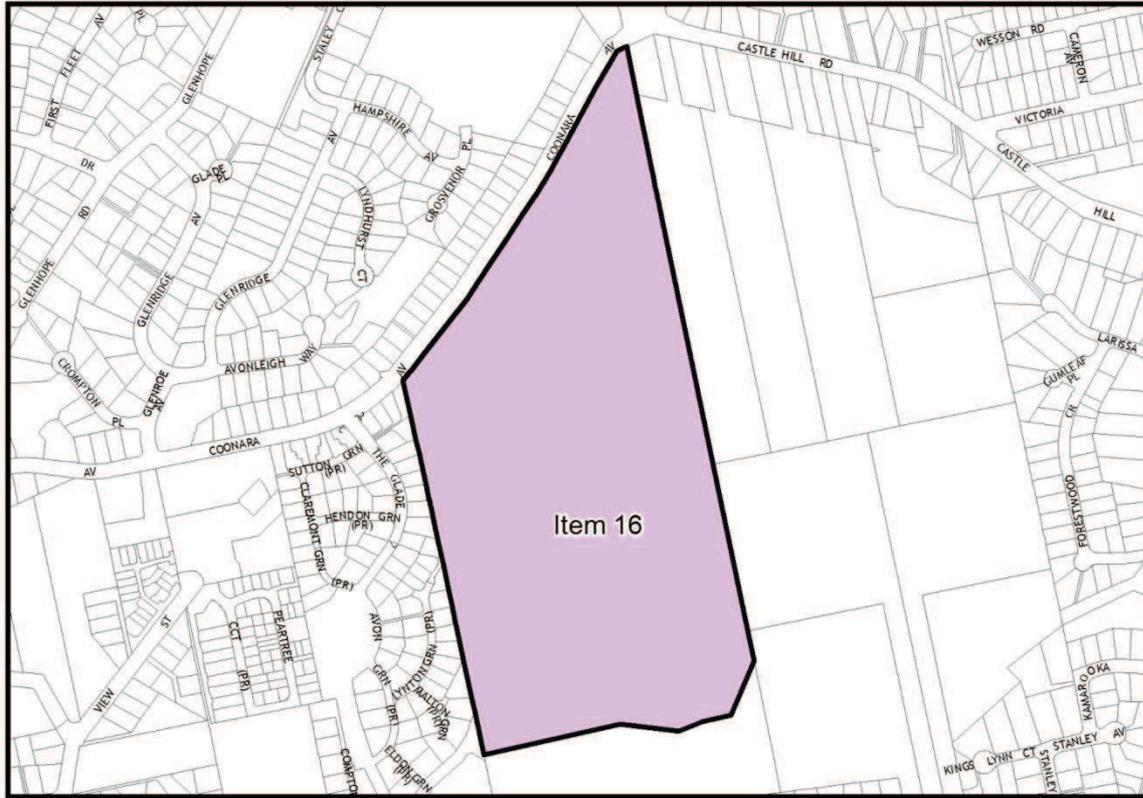
- Sydney Water;
- Endeavour Energy;
- Telstra;
- Department of Education;
- Office of Environment and Heritage;
- Office of Water;
- Department of Education;
- Rural Fire Service;
- Transport for NSW; and
- Transport for NSW – Roads and Maritime Services;

Council supported at a meeting on 25 July 2017 that the planning proposal be progressed the Gateway Determination. However, as part of this Council report (Attachment B) it was requested that 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; and
- 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.

PART 4 MAPPING

The planning proposal seeks to amend the following maps:



Additional Permitted Uses (APU)

 refer to schedule 1

Proposed Additional Permitted Uses Map

PART 5 COMMUNITY CONSULTATION

The planning proposal would be advertised in local newspapers and on display at Council's administration building and Castle Hill and Baulkham Hills Libraries. The planning proposal would also be made available on Council's website.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	September 2017
Government agency consultation	October 2017
Commencement of public exhibition period (28 days)	October 2017
Completion of public exhibition period	November 2017
Timeframe for consideration of submissions	December 2017
Timeframe for consideration of proposal post exhibition	December 2017
Report to Council on submissions	February 2017
Planning Proposal to PCO for opinion	March 2017
Date Council will make the plan (if delegated)	April 2018
Date Council will forward to department for notification (if delegated)	April 2018

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	YES	CONSISTENT See Section B Question 5
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
	Affordable Rental Housing (2009)	YES	NO	-
	Building Sustainability Index: BASIX 2004	YES	NO	-
	Exempt and Complying Development Codes (2008)	YES	NO	-
	Housing for Seniors or People with a Disability (2004)	YES	NO	-
	Infrastructure (2007)	YES	NO	-
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Major Development (2005)	YES	NO	-
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
	Miscellaneous Consent Provisions (2007)	YES	NO	-
	Penrith Lakes Scheme (1989)	NO	-	-
	Port Botany and Port Kembla (2013)	NO	-	-
	Rural Lands (2008)	NO	-	-
	SEPP 53 Transitional Provisions (2011)	NO	-	-
	State and Regional Development (2011)	YES	NO	-

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

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

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

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	INCONSISTENT See Section B Question 6
5.10	Implementation of Region Plans	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT See Section B Question 6
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT See Section B Question 6
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	NO	-	-
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-