



ORDINARY MEETING OF COUNCIL

Tuesday, 25 June 2024



OATH OF OFFICE AND DECLARATIONS OF INTEREST

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest. Clause 4.28 and 4.29 of Council's Code of Conduct for Councillors requires that a Councillor or a member of a Council Committee who has a pecuniary interest in a matter which is before the Council or Committee and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

- 4.28 A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor must not be present at, or in sight of, the meeting of the Council or Committee:
- a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a Councillor or a member of a Council Committee who has a non-pecuniary interest in a matter which is before the Council or Committee and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

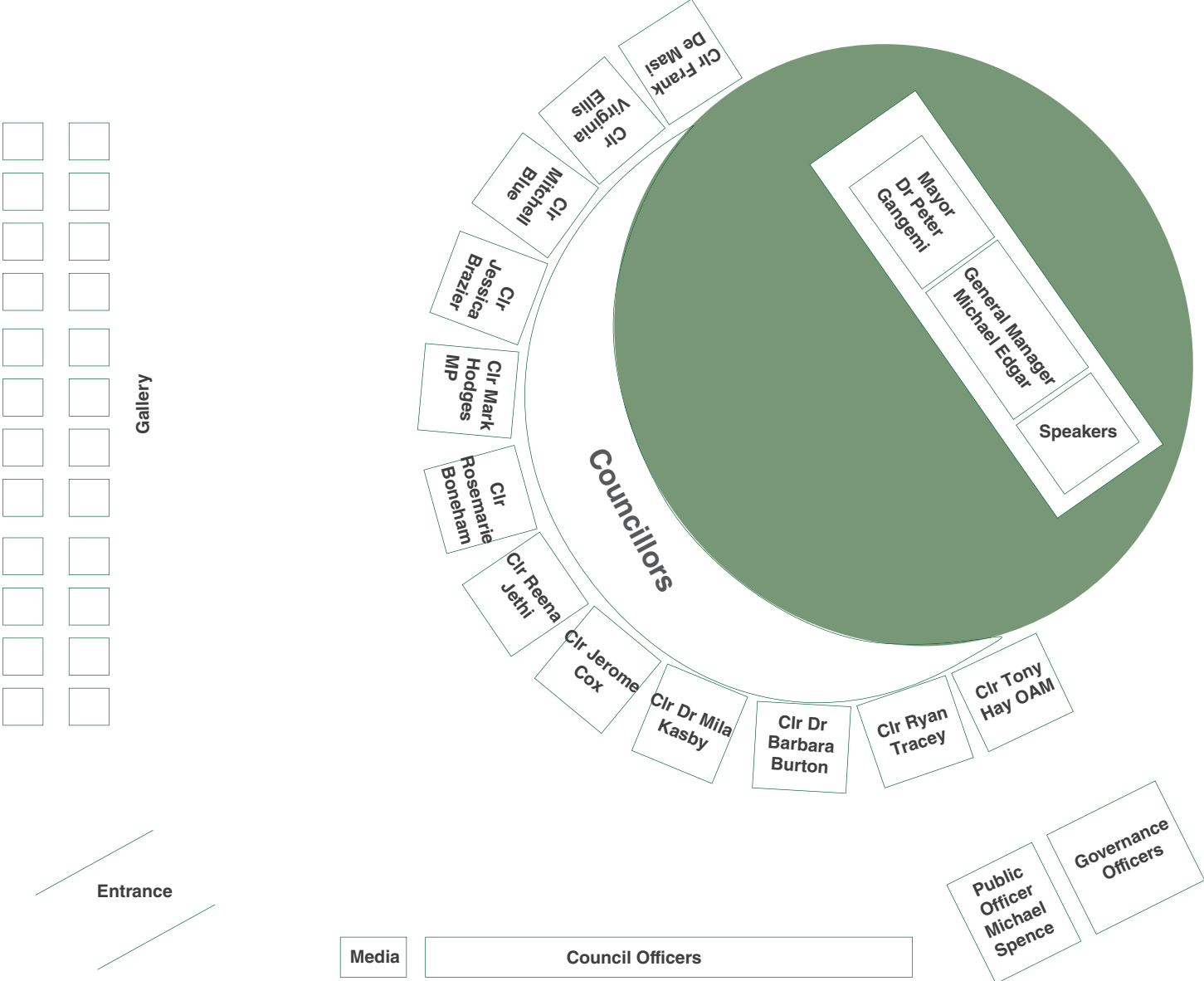
- 5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Diagram of Council Chambers



Group Managers

| | | | | | |
|--------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------|
| Group Manager Finance & Corporate Strategy Chandi Saba | Chief Financial Officer Aneesh Zahra | Acting Group Manager Customer & Community Services Kerrie Wilson | Group Manager Infrastructure & Works Stephen Cullen | Group Manager Development & Compliance Cameron McKenzie | Group Manager Shire Strategy Mark Colburt |
|--------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------|



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MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

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MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

231. PRESENT

Mayor Dr P Gangemi (In the Chair)
Clr M Blue (Deputy Mayor)
Clr J Cox
Clr R Boneham
Clr V Ellis
Clr Dr M Kasby
Clr M Hodges MP
Clr J Brazier
Clr R Jethi
Clr Dr B Burton
Clr R Tracey

232. APOLOGIES

Clr F De Masi
Clr A Hay OAM

233. TIME OF COMMENCEMENT

7.05pm

234. TIME OF COMPLETION

9.47pm

235. DECLARATIONS OF INTEREST

Item 2 Mayor Dr Gangemi
Item 2 Councillor Jethi

236. ARRIVALS AND DEPARTURES

7.57.pm Mayor Dr Gangemi having declared a Pecuniary Conflict of Interest for Item 2 (family members own property in Precinct) signed the Conflict-of-Interest Register, left the meeting and returned at 8.22 pm at the conclusion of Item 2 and resumed the Chair.

7.57pm Councillor Jethi having declared a Pecuniary Conflict of Interest for Item 2 (owns property in Precinct) signed the Conflict-of-Interest Register and left the meeting and returned at 8.22 pm at the conclusion of Item 2.

237. DISSENT FROM COUNCIL'S DECISIONS

Nil

238. ADJOURNMENT & RESUMPTION

Nil.

The Mayor advised in accordance with the Code of Meeting Practice that this meeting is being recorded.

ITEM 1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR BLUE AND SECONDED BY COUNCILLOR JETHI THAT the Minutes of the Ordinary Meeting of Council held on 28 May 2024 be confirmed.

THE MOTION WAS PUT AND CARRIED.

239. RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 28 May 2024 be confirmed.

APOLOGIES AND LEAVE OF ABSENCE

A MOTION WAS MOVED BY COUNCILLOR HODGES MP AND SECONDED BY COUNCILLOR JETHI THAT the apologies from Councillors De Masi and Hay OAM be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

240. RESOLUTION

The apologies from Councillors De Masi and Hay OAM be accepted and leave of absence granted.

MAYORAL MINUTE NO. 9/2024 – KING’S BIRTHDAY HONOURS LIST

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR HODGES MP THAT this Mayoral Minute be received.

THE MOTION WAS PUT AND CARRIED.

241. RESOLUTION

This Mayoral Minute be received.

MAYORAL MINUTE NO. 10/2024 – NSW GOVERNMENT HAS SET UNREALISTIC HOUSING TARGET FOR THE HILLS SHIRE

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR COX THAT

1. This Mayoral Minute be received.
2. Council write to the Secretary of Department of Planning Housing and Infrastructure to request reconsideration of the housing target for The Hills Shire that clearly and logically demonstrates how industry and market can deliver.
3. The Mayor invite the Minister for Planning and Public Spaces to tour Box Hill and have a first-hand look at the infrastructure shortfalls in our Shire.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

4. Council write to the relevant Ministers requesting increased funding for TAFE courses in building and construction and also encourage students to study these subjects at school.

THE MOTION WAS PUT AND CARRIED.

242. RESOLUTION

1. This Mayoral Minute be received.
2. Council write to the Secretary of Department of Planning Housing and Infrastructure to request reconsideration of the housing target for The Hills Shire that clearly and logically demonstrates how industry and market can deliver.
3. The Mayor invite the Minister for Planning and Public Spaces to tour Box Hill and have a first-hand look at the infrastructure shortfalls in our Shire.
4. Council write to the relevant Ministers requesting increased funding for TAFE courses in building and construction and also encourage students to study these subjects at school.

ITEM 2 POST EXHIBITION – CASTLE HILL STRATEGIC CENTRE PRECINCT PLAN (FP225)

- 7.57pm Mayor Dr Gangemi having declared a Pecuniary Conflict of Interest for Item 2 (family members own property in Precinct) signed the Conflict-of-Interest Register, left the meeting and returned at 8.22pm at the conclusion of Item 2.
- 7.57pm Councillor Jethi having declared a Pecuniary Conflict of Interest for Item 2 (owns property in Precinct) signed the Conflict-of-Interest Register and left the meeting and returned at 8.22 pm at the conclusion of Item 2.
- 7.57pm Deputy Mayor Councillor Blue assumed the chair.
- 8.22pm Mayor Dr Gangemi returned to the meeting at the conclusion of Item 2 and resumed the Chair.

Proceedings in Brief

Stephen Cox of Turner Architects (against) addressed Council regarding this matter.

John Cole of Messenger Cole (against) addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

243. RESOLUTION

1. The Draft Castle Hill Precinct Plan (incorporating post-exhibition amendments set out in Section 10 of this report) be finalised and adopted by Council.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

2. Council Officers commence work on the “Council-Led Change” Actions set out within the Implementation Plan of the Castle Hill Precinct Plan.
3. Council Officers have regard to the Castle Hill Precinct Plan in the assessment of future planning proposal applications and make recommendations to Council which align with the Structure Plan and Design Principles articulated within the Castle Hill Precinct Plan.

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

VOTING FOR THE MOTION

Clr M Blue
Clr J Brazier
Clr R Boneham
Clr Dr M Kasby
Clr V Ellis
Clr M Hodges MP
Clr J Cox
Clr Dr B Burton
Clr R Tracey

VOTING AGAINST THE MOTION

None

ABSENT FROM THE ROOM

Mayor Dr P Gangemi
Clr R Jethi

MEETING ABSENT

Clr F De Masi
Clr A Hay OAM

ITEM 4 DRAFT HILLS SHIRE PLAN 2024/2025

Proceedings in Brief

Hugh Vaughan of Kenthurst (in favour) addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR BLUE AND SECONDED BY COUNCILLOR COX THAT

1. With the exception of the proposed changes outlined in the report for South Maroota Hall, Council adopt and vote the funds reflected in the suite of FY24/25 Draft Hills Shire Plan documents consisting of the Hills Future Community Strategic Plan (CSP), Delivery Program, Resourcing Strategy, Operational Plan, and Fees & Charges. (Attachment 1).
2. Council make its FY24/25 Residential, Business and Farmland rates on all rateable land in Council’s area, as determined by IPART and in accordance with Section 535 of the Local Government Act 1993, which are detailed in this report and Resourcing Strategy (Attachment 1) and as follows:

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

| CATEGORY | BASE AMOUNT (\$) | BASE AMOUNT YIELD (%) | AD VALOREM RATES IN THE \$ |
|-------------|------------------|-----------------------|----------------------------|
| Residential | \$604.16 | 49.00% | 0.00059071 |
| Business | \$421.20 | 17.42% | 0.00161233 |
| Farmland | \$526.34 | 38.05% | 0.00024447 |

3. Council fix its interest charge on overdue rates and charges in accordance with Section 566(3) of the Local Government Act 1993 at the rate of 10.5% per annum for the period 1 July 2024 to 30 June 2025, as determined by the Minister for Local Government.
4. Council adopts the responses to submissions provided by Council Officers contained in Attachment 2 and extends their thanks to the community for all submissions received.
5. Council receive a further report on the issues around cleaning and use of South Maroota Hall.

THE MOTION WAS PUT AND CARRIED.

244. RESOLUTION

1. With the exception of the proposed changes outlined in the report for South Maroota Hall, Council adopt and vote the funds reflected in the suite of FY24/25 Draft Hills Shire Plan documents consisting of the Hills Future Community Strategic Plan (CSP), Delivery Program, Resourcing Strategy, Operational Plan, and Fees & Charges. (Attachment 1).
2. Council make its FY24/25 Residential, Business and Farmland rates on all rateable land in Council's area, as determined by IPART and in accordance with Section 535 of the Local Government Act 1993, which are detailed in this report and Resourcing Strategy (Attachment 1) and as follows:

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3. Council fix its interest charge on overdue rates and charges in accordance with Section 566(3) of the Local Government Act 1993 at the rate of 10.5% per annum for the period 1 July 2024 to 30 June 2025, as determined by the Minister for Local Government.
4. Council adopts the responses to submissions provided by Council Officers contained in Attachment 2 and extends their thanks to the community for all submissions received.
5. Council receive a further report on the issues around cleaning and use of South Maroota Hall.

**ITEM 3 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENTS –
COMMERCIAL AND RETAIL CENTRES PARKING RATES, CAR
SHARE AND EV READINESS (FP195)**

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR DR KASBY THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

245. RESOLUTION

Draft amendments to the following sections of The Hills Development Control Plan 2012, as outlined in Section 4 of this report, be publicly exhibited in accordance with the Environmental Planning and Assessment Regulation 2021:

- a. Part C Section 1 – Parking
- b. Part D Section 6 – Rouse Hill Regional Centre
- c. Part D Section 14 – Target Site, Corner of Windsor Rd Seven Hills Rd, Baulkham Hills
- d. Part D Section 19 – Showground Station Precinct
- e. Part D Section 20 – Castle Hill North
- f. Part D Section 21 – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill
- g. Part D Section 23 – Norwest Station Site
- h. Part D Section ## – 7-15 Columbia Way, Norwest

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

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr M Blue
Clr J Brazier
Clr R Boneham
Clr Dr M Kasby
Clr V Ellis
Clr M Hodges MP
Clr J Cox
Clr Dr B Burton
Clr R Tracey
Clr R Jethi

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr F De Masi
Clr A Hay OAM

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR BONEHAM THAT items 5, 6, 7, 8, 9 and 10 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

246. RESOLUTION

Items 5, 6, 7, 8, 9 and 10 be moved by exception and the recommendations contained therein be adopted.

ITEM 5 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

247. RESOLUTION

1. The maximum fee for Councillors in Councils classified as Metropolitan Large \$33,810 be adopted for 2024/2025.
2. The maximum fee for Mayors in Councils classified as Metropolitan Large \$98,510 be adopted for 2024/2025.

ITEM 6 EOI 24-0001 - PROVISION OF TENNIS COACHING SERVICES AT COUNCIL OPERATED TENNIS COURTS – CORRECTION TO INFORMATION SUPPORTING THE COUNCIL RESOLUTION

248. RESOLUTION

Council resolves to resubmit its resolution made on 6 February 2024 concerning EOI 24-0001. In resubmitting the resolution, the Council acknowledges that the licence agreement for Seed Tree is for 48 weeks rather than the 40 weeks erroneously recorded in the returnable schedules distributed.

Resolution:

In accordance with Section 47 of the Local Government Act 1993, Council authorises the General Manager to grant licences to Rod Fahey Tennis for Balmoral 1 & 2, Bernie Mullane 1-3, Crestwood 1-3, and Ted Horwood 1 Tennis Courts; Stevan Arsic iPlay Tennis for Bella Vista Tennis Court 1; Tamara Raffoul for Annangrove 1 and Kenthurst 1 Tennis Courts, and Seed Tree for Ted Horwood Tennis Court 2 as per the returnable schedules for each court distributed to the Councillors with this report.

ITEM 7 EXERCISE LEASE OPTION WITH TRANSPORT FOR NSW AT 288 – 294 WINDSOR ROAD, BAULKHAM HILLS, TORRS STREET CARPARK

249. RESOLUTION

1. Council enters into a Lease Agreement or Variation of Lease with Transport for NSW over Part Lot 2 DP 220508, Part Lot 1 DP 135976, Part Lot 70 DP 845947, Part Lot 80 DP 837675 and Lot 1 and 2 DP 858501 based on the terms and conditions detailed in this report and Confidential Memo.
2. The Lease and associated Deeds or Agreements are authorised for execution under seal.

ITEM 8 LEASE TO THE PSYCH HUB PTY LTD FOR PART LOT 1 DP 700815, 8 MCMULLEN AVENUE, CASTLE HILL

250. RESOLUTION

It is recommended that Council agrees to enter a lease with The Psych Hub Pty Ltd T/A Sydney Psych Hub and Youth Psych Hub for part Lot 1 DP 700815 8 McMullen Avenue, Castle Hill, subject to the terms as detailed in this report and Confidential Memo and the lease be executed under Seal.

ITEM 9 PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS

251. RESOLUTION

1. Council consent to the release of restriction from the title of Lot 8017 DP 260023, 26 Turner Avenue Baulkham Hills and the associated documents be authorised for execution under seal.
2. Council consent to the release of the easement for public access from the title of Lot 208 DP 1223853, 8 Nivison Street, Box Hill and all associated documents be authorised for execution under Council seal.
3. Council authorise the execution of all documented associated with the Voluntary Planning Agreement 04/2018/VPA – Box Hill North required to fulfil the requirements of the agreement including the removal of the Voluntary Planning Agreement from the lots burdened by it when the obligations of the Agreement are met.

ITEM 10 NSW FIRE & RESCUE INSPECTION REPORT - 42-50 DARCEY ROAD, CASTLE HILL

252. RESOLUTION

The Commissioner of FRNSW be advised that Council staff have investigated the matters raised and that it does not intend to give Fire Safety Orders as the matters are being addressed by the Owners of the buildings.

ITEM 11 NOTICE OF MOTION – NET ZERO EMISSIONS

A MOTION WAS MOVED BY COUNCILLOR DR KASBY AND SECONDED BY COUNCILLOR TRACEY THAT the General Manager prepare a report to Council that identifies the process and cost for The Hills Shire Council to commit to a corporate net zero emissions policy, including the setting of responsible interim and net zero targets and development of a practical roadmap to achieve this.

THE MOTION WAS PUT AND LOST.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 June 2024

Councillors DR KASBY and TRACEY rose for a Division. The result of the Division was as follows:-

VOTING FOR THE MOTION

Clr Dr M Kasby
Clr Dr B Burton
Clr R Tracey
Clr J Brazier

VOTING AGAINST THE MOTION

Mayor Dr P Gangemi
Clr V Ellis
Clr M Blue
Clr J Cox
Clr M Hodges MP
Clr R Boneham
Clr R Jethi

MEETING ABSENT

Clr F De Masi
Clr A Hay OAM

The Minutes of the above Meeting were confirmed at the Meeting of the Council held on 25 June 2024.

MAYOR

GENERAL MANAGER

| | |
|----------------------|--------------------------------------------------------------------------------------------------|
| ITEM 2 | VOLUNTARY PLANNING AGREEMENT OFFER – NORTHERN RESIDENTIAL PRECINCT, ROUSE HILL (DA 1225/2023/JP) |
| THEME: | DELIVERING & MAINTAINING INFRASTRUCTURE |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| | SENIOR TOWN PLANNER |
| AUTHOR: | EMMA LANGAN |
| RESPONSIBLE OFFICER: | MANAGER – FORWARD PLANNING |
| | NICHOLAS CARLTON |

PURPOSE AND EXECUTIVE SUMMARY

This report provides an overview of a Voluntary Planning Agreement (VPA) offer received from Lendlease GPT (Rouse Hill), in association with the Development Application for the Northern Residential Precinct, Rouse Hill (1225/2023/JP). This report seeks a decision from Council on whether to accept, in principle, the VPA offer and progress to the next phase of legal review and community consultation.

The Development Application is seeking to vary the residential density controls under the Rouse Hill Regional Centre Master Plan and the DCP to facilitate a high-density residential development containing up to 400 dwellings. The Hills Section 7.11 Contribution Plan No. 8 – Kellyville/Rouse Hill (CP8) applies to the land, however, only caters for local infrastructure provision to service the originally anticipated development yield of 118 dwellings on the site.

The VPA offer proposes that the Developer will pay an additional monetary contribution (over and above the rates payable under CP8) of \$6,000 per additional dwelling over the base yield of 118 dwellings currently anticipated under the Masterplan and existing contributions framework. The VPA would result in additional monetary contributions to Council of approximately \$1.3 - \$1.7 million, for expenditure on active open space. The VPA offer does *not* exclude the application CP8 to the development and as such, contributions would still be payable in accordance with CP8 for all dwellings on the site.

The VPA offer, in combination with the outcomes to be delivered within the Development Application and the applicable Section 7.11 contributions under CP8, are fair, reasonable and sufficient to address the additional local infrastructure demand likely to be generated from the proposed development. As such, it is recommended that the draft VPA offer be accepted, in principle, and progress to the next phase of legal review and public exhibition.

RECOMMENDATION

1. The draft Voluntary Planning Agreement offer for the Northern Residential Precinct, Rouse Hill be accepted, in principle, and be subject to legal review (at the cost of the Applicant), prior to the public exhibition.
 2. The draft Voluntary Planning Agreement be updated, as required, prior to public exhibition to incorporate the recommendations of the legal review, including the amendments identified in Section 3 of this report.
 3. The draft Voluntary Planning Agreement be publicly exhibited for at least 28 days, in accordance with the Environmental Planning and Assessment Act 1979.
 4. Council consider a further report on the outcomes of the public exhibition of the Voluntary Planning Agreement.
-

APPLICANT

Lendlease GPT (Rouse Hill) Pty Ltd

OWNERS

Planning Ministerial Corporation

IMPACTS**Financial**

The land is subject to Contributions Plan No. 8 – Kellyville / Rouse Hill (CP8) and future development would be levied in accordance with this Plan, which is expected to result in contributions income of approximately \$4 - \$4.7 million. The VPA would not exclude the application of this Plan.

The VPA would result in additional monetary contributions to Council (over and above those payable under CP8) of approximately \$1.3 - \$1.7 million, for expenditure on active open space infrastructure.

Strategic Plan - Hills Future

The draft VPA would contribute to the delivery of facilities and infrastructure, which will enhance and maintain amenity in well-planned and liveable neighbourhoods. In particular, the additional contributions through the VPA would assist Council in the delivery of future active open space facilities to the service the community.

LINK TO HILLS SHIRE PLAN**Strategy:**

8.1 Provide new and refurbished infrastructure in a timely manner that meets the needs of our growing Shire.

Outcomes:

8 Infrastructure meets the needs of our growing Shire.

LEGISLATIVE CONTEXT

The legislative framework for Planning Agreements is established within Part 7, Division 7.1, Subdivision 2 of the Environmental Planning and Assessment Act 1979 (Clauses 7.4 to 7.10). Under subsection 7.4(c) of the Act, Council may enter into a Voluntary Planning Agreement with a developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for, or applied towards, a public purpose. In accordance with section 7.5 of the Act, a planning agreement cannot be entered into unless public notice has been given and the agreement has been publicly exhibited for a period of 28 days. This Planning Agreement offer has been made in association with a Development Application (1225/2023/JP).

HISTORY

| | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/02/2023 | Development Application lodged with Council (1225/2023/JP), seeking approval for a high density residential development of up to 400 dwellings. A provision VPA offer was included as part of the application. |
| 11/05/2023 | Council Officer Feedback Letter provided to Lendlease regarding the draft VPA offer. |
| 14/12/2023 | Revised draft VPA offer submitted by Lendlease, for discussion purposes only (the Developer advised that the offer did not constitute a formal VPA offer at that time and therefore was not being submitted for Council’s formal consideration). |
| 14/02/2024 | Meeting held with Lendlease and Council officers regarding the draft VPA offer and next steps. |
| 3/06/2024 | Lendlease submitted a formal VPA offer for Council’s consideration. |

1. BACKGROUND

The subject site is known as the ‘Northern Residential Precinct’, Rouse Hill (Lot 20 DP 270520 Commercial Road, Rouse Hill). The site has an area of approximately 2.4 hectares and is zoned R1 General Residential under The Hills Local Environmental Plan 2019 (LEP 2019). The subject site does not have a floor space ratio control under The Hills Local Environmental Plan 2019, therefore the residential density controls applicable to the site are contained within the Masterplan and DCP. The subject site and surrounding locality is depicted in Figure 1 below.

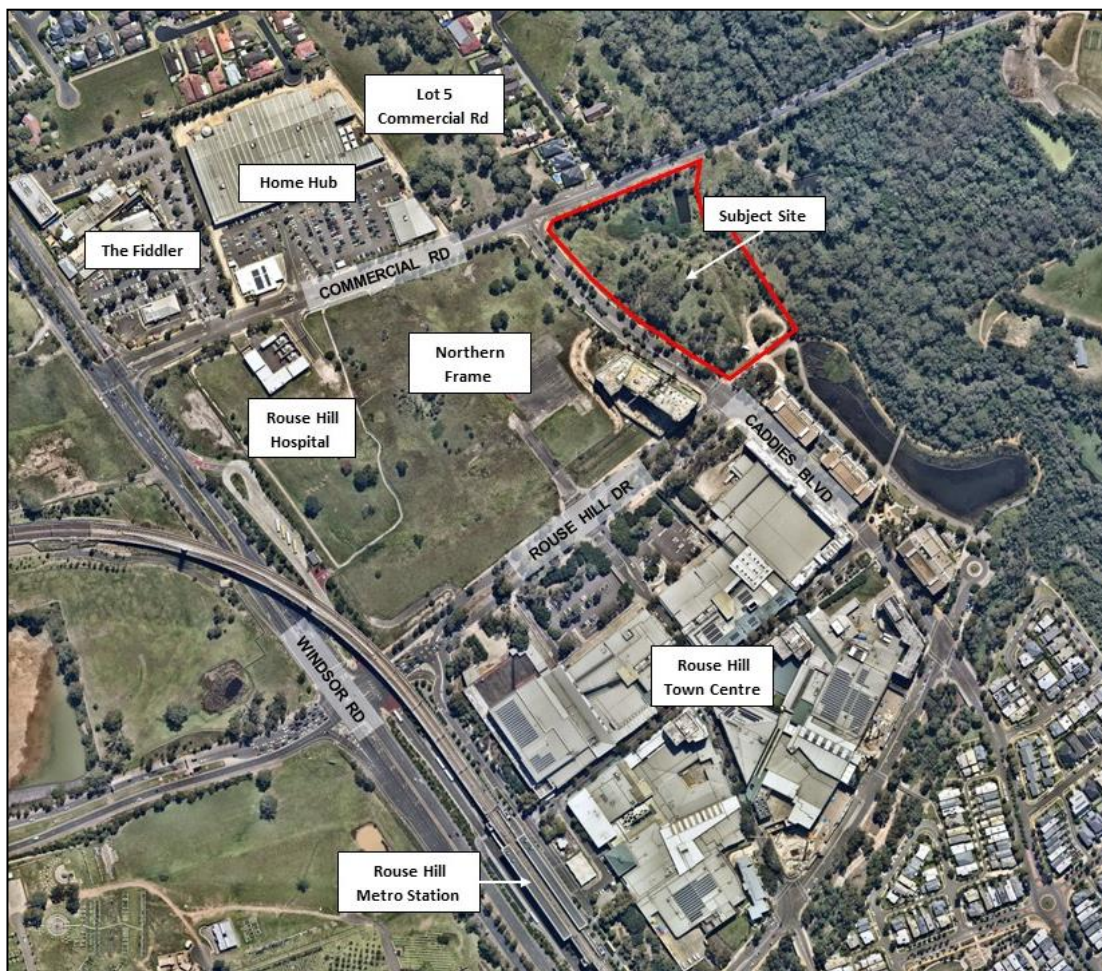


Figure 1
Aerial of subject site and locality

The Rouse Hill Regional Centre Master Plan 2004 enabled a combined total of 1,800 dwellings, 200,000m² of retail and commercial floor space, a school and an open space network across the Rouse Hill Regional Centre. An historical VPA was entered into in association with the Master Plan approval for the Regional Centre (including this land), which included contributions toward the construction of Vinegar Hill Library and Community Centre, construction and dedication of a park, amphitheatre and environmental centre neighbouring Caddies Creek and the establishment of other local parks within Rouse Hill Town Centre. These infrastructure items have since been delivered. The VPA expired in 2018 and is no longer applicable to the site, with the contributions framework reverting back to Contributions Plan No. 8 – Kellyville/Rouse Hill as a result.

The Master Plan consent anticipated approximately 118 dwellings on the subject site, within a built form of up to 6 storeys. Contribution Plan No. 8 – Kellyville/Rouse Hill applies to the land and, in combination with the infrastructure delivered through the historical VPA, caters for local infrastructure provision to service the anticipated development yield of 118 dwellings on the site.

In October 2019, a planning proposal was lodged by Lendlease GPT, to facilitate a high density residential development containing 555 units on the site (4/2020/PLP). The planning proposal was subsequently withdrawn by the Proponent in August 2022.

The Developer is now pursuing approval for development of the land through a Development Application (1225/2023/JP) and is seeking to vary the residential density controls applicable to the site on merit. The development seeks approval for a high density residential development

of between 340-400 dwellings. The final dwelling yield will be subject to future detailed Development Applications. The development concept comprises two development lots and 4,800m² of open space. The development concept is depicted in the following figures.



Figure 2
Proposed Subdivision Plan



Figure 3
Concept Plan

The proposed development will result in 222-282 additional dwellings more than currently anticipated under the Rouse Hill Regional Centre Master Plan approval and planned and catered for with local infrastructure under the applicable CP8. A draft VPA offer has been submitted by the Developer to address the additional demand for infrastructure that would be generated by this additional unplanned yield.

2. DRAFT VOLUNTARY PLANNING AGREEMENT OFFER

On 3 June 2024, Lendlease submitted a draft VPA for the Northern Residential Precinct, Rouse Hill, in association with the Development Application for two development lots containing up to 400 dwellings (200 dwellings on each lot).

The VPA would *not* exclude the application CP8 to the development and as such, contributions would be payable in accordance with CP8 for all dwellings, calculated based on the applicable rates at the time of any development consent. The proposed development would result in contributions of approximately \$4 - \$4.7 million (based on a rate of \$7,833 – \$16,268 per dwelling), under CP8, depending on the final unit mix and yield.

The draft VPA offer proposes an *additional* monetary contribution over and above the rates payable under CP8. The additional monetary contribution would be payable as a rate of \$6,000 per dwelling, with respect to any residential dwellings approved on the site in excess of the 118 dwellings which were anticipated on the site and planned and catered for under CP8.

The additional monetary contribution would be calculated as follows:

1. \$6,000 per dwelling in excess of 60 dwellings on Lot 1; and
2. \$6,000 per dwelling in excess of 58 dwellings on Lot 2.

The total value of *additional* monetary contributions that would be secured under the draft VPA offer is approximately \$1.3 - \$1.7 million (based on 340 – 400 dwellings), depending on the final development yield approved through future Development Applications.

A portion of the land is required for future intersection works at the corner of Caddies Boulevard and Commercial Road. The land required for intersection works will be dealt with separately by Transport for NSW and is not included within the VPA offer.

3. ASSESSMENT OF VOLUNTARY PLANNING AGREEMENT OFFER

Rouse Hill and the surrounding area is experiencing high levels of growth, beyond that originally anticipated under the contributions planning framework. As such, additional active open space is required in this locality to support the additional infrastructure demand. In response to the extent of uplift anticipated holistically across the centre, the Rouse Hill Precinct Plan (which includes this site) considers the need for additional active open space. The Precinct Plan identifies that:

“there is only capacity to cater for an additional 500-1,000 dwellings within the Strategic Centre (beyond that already anticipated under the current controls) subject to further embellishments to increase capacity. Any proposal to increase residential yields must ensure an appropriate infrastructure solution is established and contribution mechanism out in place.”

The Development Application indicates a dwelling yield of between 340-400 dwellings on the site, which would result in 222-282 additional dwellings over the dwellings anticipated under the Masterplan and existing contributions framework.

The value of contributions towards active open space under other comparable Voluntary Planning Agreements and Contributions Plans within the Shire ranges from approximately \$1,300 to \$15,000 per dwelling. The VPA offer is shown below in comparison to comparable VPAs and total contribution rates currently applicable under Contribution Plans throughout the Shire, which include a specific contribution rate for active space.

| Contributions Plan or VPA Offer | Contribution to Active Open Space per dwelling | Total Contribution per dwelling |
|---------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------|
| CP8 – Kellyville Rouse Hill | \$2,507 - \$7,136/dw | \$7,833 - \$22,294/dw |
| CP15 – Box Hill | \$6,139 - \$12,277/dw | \$25,849 - \$51,698/dw |
| CP17 – Castle Hill North | \$1,432 - \$2,696/dw | \$22,453 - \$42,265/dw |
| CP19 – Showground Precinct | \$3,389 - \$6,675/dw | \$10,154 - \$20,000/dw |
| Lot 5 Commercial Road VPA | \$6,000/dw | N/A |
| 55 Coonara Avenue VPA | \$4,769/dw | N/A |
| Subject VPA Offer | \$6,000/dw | First 118 Dwellings: \$7,833 - \$22,294/dw > 119 Dwellings: \$13,833 - \$28,294/dw |

Table 1
Comparison of VPA Offer with Active Open Space and Total Contribution Rates

The above table indicates that the value of the draft VPA offer appears to be commensurate with contributions payable under Council’s Contribution Framework and other comparable Voluntary Planning Agreements.

The proposed development is a master planned development outcome on a larger consolidated site where there is scope for the Developer to provide passive open space, community facilities and on-site drainage solutions internal to the site as part of the development. This is distinct from more fragmented developments sites which are entirely reliant on public spaces and provision to meet infrastructure demand. As a result, noting the requirement to also pay contributions under CP8, it is reasonable for the VPA to relate specifically to active open space, being the key local infrastructure item that is unable to be addressed through CP8 contributions, by the Developer on-site or through conditions of development consent.

It is considered that the combination of the Section 7.11 Contributions under CP8 (for the entire development), the VPA offer (for yield above 118 dwellings) and the outcomes delivered within the Development Application represent a fair and reasonable contribution which will be able to sufficiently respond to the increased local infrastructure demand. The additional monetary contribution towards active open space (\$1.3 - \$1.7 million) would be available to Council for expenditure on active open space facilities in the future, as determined by Council.

Should Council resolve to accept the draft VPA, in principle, the VPA will undergo legal review and may require minor administrative changes and amendments to reflect the advice of the solicitors. In addition, Council officers have identified the following components that will require further negotiation/revision prior to public exhibition:

- The draft VPA states that the Agreement will be Registered on Title following receipt of the Development Consent for the Development Application. However, it is the preference of Council that the Agreement be Registered on Title promptly after the Agreement has been entered into. The Agreement would generally include a written provision that states that the VPA only becomes “operational”/“active” if a Development Consent is granted.
- The Location Plan provided in Schedule 1 of the draft VPA is unclear. The Location Plan will need to be replaced to clearly demonstrate the location of the site subject to the VPA.

CONCLUSION

The VPA offer, in combination with the outcomes to be delivered within the Development Application and the applicable Section 7.11 contributions, would sufficiently address the local infrastructure demand generated from the proposed development. Therefore, it is recommended that the VPA offer from Lendlease GPT (Rouse Hill), in association with the Development Application for the Northern Residential Precinct, Rouse Hill, be accepted, in principle.

Should Council agree in-principle with the draft VPA offer, the draft package will be subject to legal review (at the cost of the developer) and placed on public exhibition for a minimum of 28 days. A further report would then be considered by Council following exhibition of the draft VPAs, for a decision on whether or not to enter into the VPA.

Council's consideration of the VPA offer is distinct to the separate assessment and determination of the Development Application, which will be determined by the Sydney Central City Planning Panel based on its merits. The Development Assessment process will follow the normal process. However, if accepted by Council, the VPA would be able to be put in place in the scenario where the Development Application is approved and the Developer is able to achieve a higher yield than currently anticipated as a result.

ATTACHMENTS

1. Draft Voluntary Planning Agreement, June 2024 (28 pages)

PLANNING AGREEMENT Commercial Road, Rouse Hill

THE HILLS SHIRE COUNCIL
Lendlease GPT (Rouse Hill) Pty Ltd

www.thehills.nsw.gov.au

ATTACHMENT 1

THE HILLS
Sydney's Garden Shire



The Hills Shire Council

May 2024

3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest BC 2153 Phone (02) 9843 0555

**Planning Agreement
Summary Sheet**

| | | |
|--------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------|
| Council | Name | The Hills Shire Council |
| | Address | 3 Columbia Court Norwest, NSW 2153 |
| | Telephone | (02) 9843 0555 |
| | Facsimile | (02) 9843 0258 |
| | Email | council@thehills.nsw.gov.au |
| | Representative | Mr Michael Edgar – General Manager |
| | | |
| Developer | Name | Lendlease GPT (Rouse Hill) Pty Ltd |
| | Address | Level 14, Tower Three, International Towers Sydney, Exchange Place, 300 Barangaroo Avenue, Barangaroo NSW 2000 |
| | Telephone | 0415 799 206 |
| | Email | dael.palte@lendlease.com |
| | Representative | Dael Palte |
| | | |
| Landowner | Name | Planning Ministerial Corporation |
| | Address | Level 32, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 |
| | Telephone | 02 9860 1406 |
| | Email | stephen.dewick@planning.nsw.gov.au |
| | Representative | Stephen Dewick |
| Land | | Lot 20 DP 270520 Commercial Road, Rouse Hill |
| Development Application | | Precinct Plan for the Land. |
| Planning Proposal | | Not applicable |
| Dedication Land | | Not applicable |

| | |
|-------------------------------|----------------|
| Works | Not applicable |
| Monetary Contributions | See Schedule 3 |
| Security Amount | Not applicable |

DRAFT

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Planning Agreement

Dated

Parties

The Hills Shire Council ABN 25 034 494 656 of 3 Columbia Court, Baulkham Hills, NSW 2153
(**Council**)

Lendlease GPT (Rouse Hill) Pty Ltd ABN 49 106 393 917 of Level 14, Tower Three, International Towers Sydney, Exchange Place, 300 Barangaroo Avenue, Barangaroo New South Wales 2000
(**Developer**)

Planning Ministerial Corporation ABN 36 691 806 169 of Level 32, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 (**Landowner**).

Background

- A. Council is the consent authority pursuant to the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**) for the Proposed Development.
- B. The Land is subject to the Rouse Hill Regional Centre Masterplan, approved by Baulkham Hills Shire Council on 26 March 2004 (**RHRC Masterplan**).
- C. The RHRC Masterplan sets out a framework for future development of the Rouse Hill Regional Centre (**RHRC**). The RHRC is split into a number of precincts. The precincts are subject to precinct plans which must be approved by Council, and the application for precinct plans are described as "Level 2" Development Applications. Once a precinct plan is approved, detailed development applications are lodged which are described as "Level 3" Development Applications.
- D. The Developer has made a Level 2 Development Application (Application No: 1225/2023/JP) for the Proposed Development to seek approval for a new Precinct Plan and Design Guidelines to be applied for the future development of the Northern Residential Precinct at Rouse Hill, located on the Land.
- E. As the Level 2 Development Application seeks to increase the permissible number of Dwellings on the Land, this planning agreement seeks to provide contributions for public infrastructure to cater for the increased population.
- F. The Developer is required to make Development Contributions in the nature of monetary contributions, subject to the terms of this Agreement.

Operative provisions

1. Defined meanings

Words used in this document and the rules of interpretation that apply are set out and explained in the definitions and interpretation clause at the back of this Agreement.

2. Planning agreement under the Act

The Parties agree that this document is a planning agreement within the meaning of **subdivision 2, Division 7.1, Part 7** of the Act.

3. Application of this document

This document is made in respect of the Proposed Development and applies to the Land.

4. No restriction on Council's Powers

This Agreement or anything done under this Agreement:

- (a) is not to be taken as approval or consent by Council as a regulatory authority; and
- (b) does not in any way inhibit, deter or prejudice Council in the proper exercise of its functions, duties or powers,

pursuant to any legislation including the Act, the *Roads Act 1993* (NSW) and the *Local Government Act 1993* (NSW).

5. Operation of this Agreement

5.1 Until this planning agreement becomes effective in accordance with clause 5.2, this document constitutes the Developer's offer to enter into the planning agreement if consent under section 4.16 of the Act is granted to a "Level 2" Development Application for the Proposed Development.

5.2 This planning agreement only comes into effect and requires payment of Monetary Contributions once the following occurs:

- (a) the Development Consent for the "Level 2" Development Application is granted subject to a condition imposed under section 7.7(3) of the Act requiring this planning agreement to be entered into; and
- (b) consent under section 4.16 of the Act is granted to a "Level 3" Development Application which seeks approval for Dwellings on the Land in excess of 118 Dwellings, as further described in Schedule 2

6. Dedication Lands (intentionally left blank)**7. Dedication (Intentionally left blank)****8. Monetary Contributions****8.1 Payment**

The Developer must pay the Monetary Contribution following receipt of the relevant Level 3 Development Consent in accordance with the times listed in Schedule 3.

Payment of the Monetary Contribution may be made by cheque or electronic bank transfer to Council's nominated bank account.

8.2 Annual Increases

On each anniversary of the date of this document the Monetary Contribution applicable immediately prior to that anniversary will be increased by the same percentage as the annual percentage increase, if any, in the Consumer Price Index All Group Index Number for Sydney most recently published prior to the relevant anniversary. The increased Monetary Contribution will be the Monetary Contribution in the subsequent 12 months.

8.3 Public Purpose

The Monetary Contribution is required for the funding of the construction of, or improvements to local infrastructure and the public domain in the vicinity of the Land (including those specified in section 7.4(2) of the Act) as determined by the General Manager of Council from time to time and Council will apply the Monetary Contribution for those purposes.

- 9. Works (intentionally left blank)**
- 10. Ownership of Works (intentionally left blank)**
- 11. Determination of Value (Intentionally left blank)**
- 12. Access to the land and location of Works (intentionally left blank)**
- 13. Protection of People, Property and the Environment (intentionally left blank)**
- 14. Damage and Repairs to the Works (intentionally left blank)**
- 15. Variation of Works (intentionally left blank)**
- 16. Hand-Over of Works (intentionally left blank)**
- 17. Failure to Carry out and Hand-Over Works (intentionally left blank)**
- 18. Works-As-Executed-Plan (intentionally left blank)**

19. **Rectification of Defects (intentionally left blank)**
20. **Cost of Works carried out by the Council (intentionally left blank)**
21. **Indemnity and Insurance (intentionally left blank)**
22. **Provision of Security (intentionally left blank)**
23. **Easements Covenants and Restrictions on Title (intentionally left blank)**
24. **Application of s7.11 and s7.12 of the Act**

24.1 For the purpose of section 7.4(5) of the Act, this document does not exclude the operation of section 7.11, section 7.12 and 7.24 of the Act in relation to any Level 3 Development Application/s for the Proposed Development of the Land.

25. **Modifications**

25.1 In the event that the Proposed Development is changed, modified or amended prior to completion of the development, and a further development or modification application is made for the development of the Land, then any Development Contribution made pursuant to this Agreement shall, to the extent that it is lawful:

- (a) be taken into account as part of any development contribution for the purpose of any planning agreement relating to a later application in respect of the Land; and
- (b) be taken into account in determining any development contribution under section 7.11 and section 7.12 of the Act; and
- (c) be taken into account in determining whether or not any planning agreement excludes the operation of section 7.11 and/or section 7.12 of the Act; and
- (d) be taken into account for the purposes of section 7.11(6) of the Act; and
- (e) be taken into account for the purposes of section 4.15 of the Act.

26. **Termination**

26.1 Development Consents

If Development Consent is granted by the Council with respect to the Development Application(s), this document terminates with respect to that particular Development Consent:

- (a) on the lapse of the Development Consent; or
- (b) on the formal surrender of the Development Consent; or
- (c) on the final determination by a Court of competent jurisdiction issuing a declaration that the Development Consent is invalid.

26.1 Bankruptcy & Insolvency

This Agreement will immediately terminate if:

- (a) Any company officer of the Developer becomes subject of bankruptcy proceedings or becomes a bankrupt.
- (b) The Developer becomes subject of external administration or insolvency proceedings.

27. Consequences

- 27.1 On the date of termination or rescission of this document, subject to the following sub-paragraphs each party releases each other from any obligation to perform any term, or any liability arising out of, this document after the date termination.
- 27.2 Any unapplied Monetary Contribution, bond or Bank Guarantee that has been provided to Council will be refunded to the Developer as soon as practicable after the date of termination.
- 27.3 Termination or rescission of this document does not release either party from any obligation or liability arising under this document before termination or rescission.

28. Private Certifiers

Where Council is not the certifying authority for any aspect of the Proposed Development the Developer must on the appointment of a private certifier provide a copy of this Agreement to the private certifier.

29. Notices

- 29.1 Any notice to or by a party under this document must be in writing and signed by the sender or, if a corporate party, an authorised officer of the sender.
- 29.2 Any notice may be served by delivery in person or by post or transmission by facsimile to the address or number of the recipient specified in the Summary Sheet or most recently notified by the recipient to the sender.
- 29.3 Any notice is effective for the purposes of this document upon delivery to the recipient or production to the sender of a facsimile transmittal confirmation report before 4.00pm local time on a day in the place in or to which the written notice is delivered or sent or otherwise at 9.00am on the next day following delivery or receipt.

30. Breach Notice and Rectification

- 30.1 If the Developer is, in the opinion of Council, in breach of a material obligation under this document, Council may provide written notice of the breach to the Developer and require rectification of that breach within a reasonable period of time (**Breach Notice**).
- 30.2 Unless there are compelling reasons to extend or abridge the period of time permitted for rectification, a reasonable period of time is taken to be fourteen days from receipt of written notification of the breach.
- 30.3 If the breach is not rectified within the time specified in the Breach Notice, or otherwise agreed between the Parties, Council may rectify the breach as the agent of the Developer and at the risk of the Developer. The Developer must pay all reasonable costs incurred by the Council in remedying the breach.

31. Dispute resolution**31.1 Disputes**

If there is any dispute, difference of opinion or failure to agree relating to or arising from this document that dispute must be referred for determination under this clause.

31.2 No legal proceedings

The Parties must not bring or maintain any action on any Dispute (except for urgent injunctive relief to keep a particular position) until it has been referred and determined as provided in this clause.

31.3 Notice of disputes (Dispute Notice)

A Party referring a Dispute for determination must do so by written notice to the other parties which must specify the nature of the Dispute and a nominated officer of the referring party with sufficient authority to determine the Dispute.

31.4 Negotiated resolution and selection of expert

- (a) On service of the Dispute Notice the receiving Parties must refer the Dispute to an officer with sufficient authority to determine the Dispute. The nominated officers of each Party must meet at least once and use reasonable endeavours to resolve the Dispute by negotiation within seven days of service of the Dispute Notice. Any resolution must be recorded in writing and signed by each nominated officer. By agreement, the nominated officers may employ the services of a mediator to assist them in resolving the Dispute.
- (b) If the nominated officers are unable to resolve the Dispute within seven days of service of the Dispute Notice they must endeavour within the following seven-day period to appoint an expert by agreement. That appointment must be recorded in writing and signed by each nominated officer.
- (c) If the nominated officers do not record the appointment of an expert within that second seven day period, the expert must be appointed, at the request of any party, by the President for the time being (or if none, the senior elected member) of the Law Society of New South Wales.

31.5 Assistance to the Expert (the Expert)

- (a) Once the Expert has been appointed (the Expert), the Parties must:
 - (i) each use their best endeavours to make available to the Expert all information the Expert requires to settle or determine the Dispute; and
 - (ii) ensure that their employees, agents or consultants are available to appear at any hearing or enquiry called by the Expert.
- (b) The Parties may give written submissions to the Expert but must provide copies to the other Parties at the same time.

31.6 Expert's decision

- (a) The decision of the Expert must:
 - (i) be in writing and give reasons; and

- (ii) be made and delivered to the parties within one month from the date of submission of the dispute to the Expert or the date of completion of the last hearing or enquiry called by the Expert, if later.
- (b) The Expert may conduct the determination of the Dispute in any way it considers appropriate but the Expert may, at its discretion, have regard to the Australian Commercial Disputes Centre's guidelines for expert determination of disputes or such other guidelines as it considers appropriate.
- (c) The Expert's decision is final and binding on the parties.
- (d) The Expert must act as an expert and not as an arbitrator.

31.7 Expert's costs

- (a) The Expert must also determine how the expenses relating to the reference of the Dispute (including the Expert's remuneration) should be apportioned between the parties and in default of a decision by the Expert those expenses must be borne by the parties equally.
- (b) In determining the apportionment of costs the Expert may have regard to what the Expert, in its reasonable opinion, considers to be a lack of good faith or a failure to use reasonable endeavours by any party in assisting the Expert or resolving the dispute between the parties' nominated officers as required by this clause.

31.8 Continual performance

Each Party must continue to perform its obligations under this document while any dispute is being determined under this clause.

32. Registration of document on Title

32.1 Acknowledgement

The Developer agrees to register this document under section 7.6 of the Act on the Land and on registration by the Registrar-General the Agreement will be binding on and enforceable against the owners of the Land from time to time as if each owner for the time being had entered into this document. For the avoidance of doubt, this Agreement will not be required to be registered on any future strata lots that may be developed on the Land.

32.2 Consents to Registration

The Developer must register this Agreement on the title of the Land within sixty (60) days after it receives Development Consent for the Level 2 Development Application. Each Party must promptly execute any document and perform any action necessary to affect the registration of this document on the title of the Land.

32.3 Release from Registration

Provided the Developer is not in breach of any of its obligations under this document, Council will at the request of the Developer release part of the Land from registration of this document where the Development Contributions have been made and no other money is owing to Council under this document. The obligations of the Council are satisfied when Council provides the Developer with a signed Request in registrable form for the release of registration of this document.

32.4 Registration Expenses

The Developer must pay Council's reasonable expenses including registration fees, any stamp duty, legal costs and disbursements, for the registration of this document and the subsequent removal of registration, on an indemnity basis.

33. Costs

33.1 The Developer is to pay to the Council, the Council's costs associated with the negotiation, preparation, exhibition, legal review, execution and registration of this Agreement within 30 days of a written demand by the Council for such payment.

34. GST

If any payment made by one party to any other party under or relating to this document constitutes consideration for a taxable supply for the purposes of GST or any similar tax, the amount to be paid for the supply will be increased so that the net amount retained by the supplier after payment of that GST is the same as if the supplier was not liable to pay GST in respect of that supply. This provision is subject to any other agreement regarding the payment of GST on specific supplies, and includes payments for supplies relating to the breach or termination of, and indemnities arising from, this document.

35. General

35.1 Assignment

- (a) A party must not transfer any right or liability under this document without the prior consent of each other party, which shall not be unreasonably withheld, except where this document provides otherwise.
- (b) In the event that:
 - (i) the Landowner enters into a contract for the sale of the Land the subject of the "Level 2" Development Consent or any "Level 3" Development Consents; and/or
 - (ii) the Developer enters into an agreement with a third party to transfer its interests in the Proposed Development,

the Landowner and/or Developer, as applicable (as vendor) shall disclose to the purchaser the existence of this Agreement and shall ensure as a condition of settlement of any such sale or transfer their respective obligations under this Agreement are sufficiently assigned or novated (on terms as set out in this Agreement in Schedule 4 (or on substantially similar terms)) to the incoming purchaser/transferee.
- (c) Notwithstanding clause 35.1(a), the parties agree to enter into the novation deed on terms (or substantially similar terms) as set out in Schedule 4 to this Agreement if the Landowner and the Developer have entered into a contract for

the sale of the Land the subject of the "Level 2" Development Consent or any "Level 3" Development Consents with a third party which:

- (i) discloses the existence of this Agreement; and
 - (ii) requires the incoming purchaser to enter into a novation deed on terms (or substantially similar terms) as set out in Schedule 4 to this Agreement, and which provides an agreement that the incoming third party will accept and comply with all rights and liabilities of the Developer under the Agreement, in accordance with the terms of this Agreement, as if it were the Developer.
- (d) For the avoidance of doubt, if the Developer transfers its obligations in accordance with this clause, the Developer will be fully released from its obligations under this agreement including payment of Monetary Contribution.

35.2 Governing law and jurisdiction

- (a) This document is governed by and construed under the law in the State of New South Wales.
- (b) Any legal action in relation to this document against any party or its property may be brought in any court of competent jurisdiction in the State of New South Wales.
- (c) Each party by execution of this document irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

35.3 Amendments

Any amendment to this document has no force or effect, unless effected by a document executed by the parties.

35.4 Third parties

This document confers rights only upon a person expressed to be a party, and not upon any other person.

35.5 Pre-contractual negotiation

This document:

- (a) expresses and incorporates the entire agreement between the parties in relation to its subject matter, and all the terms of that agreement; and
- (b) supersedes and excludes any prior or collateral negotiation, understanding, communication or agreement by or between the parties in relation to that subject matter or any term of that agreement.

35.6 Further assurance

Each party must execute any document and perform any action necessary to give full effect to this document, whether before or after performance of this document.

35.7 Continuing performance

- (a) The provisions of this document do not merge with any action performed or document executed by any party for the purposes of performance of this document.
- (b) Any representation in this document survives the execution of any document for the purposes of, and continues after, performance of this document.
- (c) Any indemnity agreed by any party under this document:
 - (i) constitutes a liability of that party separate and independent from any other liability of that party under this document or any other agreement; and
 - (ii) survives and continues after performance of this document.

35.8 Waivers

Any failure by any party to exercise any right under this document does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

35.9 Remedies

The rights of a party under this document are cumulative and not exclusive of any rights provided by law.

35.10 Counterparts

This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

35.11 Party acting as trustee

If a party enters into this document as trustee of a trust, that party and its successors as trustee of the trust will be liable under this document in its own right and as trustee of the trust. Nothing releases the party from any liability in its personal capacity. The party warrants that at the date of this document:

- (a) all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust;
- (b) the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this document on behalf of the trust and that this document is being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust;
- (c) no restriction on the party's right of indemnity out of or lien over the trust's assets exists or will be created or permitted to exist and that right will have priority over the right of the beneficiaries to the trust's assets.

35.12 Representations and warranties

The Parties represent and warrant that they have power to enter into this document and comply with their obligations under the document and that entry into this document will not result in the breach of any law.

35.13 Severability

If a clause or part of a clause of this document can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this document, but the rest of this document is not affected.

36. Definitions and interpretation

In this document unless the context otherwise requires:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Business Day means a day that is not a Saturday, Sunday, public holiday or bank holiday in New South Wales.

Construction Certificate has the same meaning as in the Act.

Developer means a persons who has sought a change to an environmental planning instrument or who has made, or proposes to make, an application for development consent.

Development Contributions means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit including the Works, or a combination of any of them.

Dispute Notice means written notice provided by a Party referring a dispute for determination, specifying the nature of the dispute and a nominated officer of the referring party with sufficient authority to determine the dispute.

Dwelling means a suite of rooms occupied or used, or so constructed or adapted, as to be capable of being occupied or used as a separate domicile. For the purposes of this Agreement, a Dwelling may also be a unit in a residential apartment building.

Encumbrance includes any mortgage or charge, lease, (or other right of occupancy) or profit a prendre.

Environment has the same meaning as set out in the Dictionary to the *Protection of the Environment Operations Act 1997* (NSW).

Force Majeure Event means any event or circumstance, or a combination of events or circumstances:

- (a) which arises from a cause beyond the reasonable control of a party, including:
 - (i) an act of God,
 - (ii) strike, lockout, other industrial disturbance or labour difficulty,

- (iii) war (declared or undeclared), act of public enemy, blockade, revolution, riot, insurrection, civil commotion,
 - (iv) lightning, storm, flood, fire, earthquake, explosion, epidemic, quarantine
 - (v) embargo, unavailability of any essential equipment or materials, unavoidable accident, lack of transportation, or
 - (vi) anything done or not done by or to a person, except the party relying on force majeure;
- (b) which the Developer takes all reasonable precautions to protect itself against, and uses all reasonable endeavours to mitigate the consequences of (which does not require the Developer to settle a labour dispute if, in the Developer's opinion, that is not in its best interests); and
- (c) which the Developer notifies the Council of, as soon as practicable after becoming aware of the event or circumstance.

GST means any tax, levy, charge or impost implemented under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST Act**) or an Act of the Parliament of the Commonwealth of Australia substantially in the form of, or which has a similar effect to, the GST Act.

Land means Lot 20 in DP270520.

"Level 2" Development Application means the development application for the precinct plan as further described in Schedule 2.

"Level 3" Development Application means a detailed development application for the development proposed in the precinct plan as further described in Schedule 2.

"Level 2" Development Consent means the development consent granted to a "Level 2" Development Application by the Council under section 4.16 of the Act.

"Level 3" Development Consent means the development consent granted to a "Level 3" Development Application by the Council under section 4.16 of the Act.

Location Plan means the plan contained in Schedule 1.

Lots means the subdivision of the Land into Lot 1 and Lot 2 as shown in Schedule 2.

Monetary Contributions means the monetary development contributions required to be paid to the Council as specified in Schedule 3.

Party means a party to this document, including their successors and assigns.

Proposed Development means the development approved by the Level 2 Development Consent.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Security means a Bank Guarantee or bond in favour of the Council on terms satisfactory to the Council, or such other form of security as the Council may require in its absolute discretion.

36.2 Interpretation

In this document unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) the singular includes the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) reference to a person includes any other entity recognised by law and vice versa;
- (e) where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (f) any reference to a party to this document includes its successors and permitted assigns;
- (g) any reference to a provision of an Act or Regulation is a reference to that provision as at the date of this document;
- (h) any reference to any agreement or document includes that agreement or document as amended at any time;
- (i) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;
- (j) the expression **at any time** includes reference to past, present and future time and the performance of any action from time to time;
- (k) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (l) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (o) when a thing is required to be done or money required to be paid under this document on a day which is not a Business Day, the thing must be done and the money paid on the immediately following Business Day; and
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated.

Execution Page

The common seal of **The Hills Shire Council** was
affixed under a resolution passed by council on
.....
in the presence of:

General Manager_____
Mayor_____
Print Name_____
Print Name_____
Witness_____
Print Name

Executed by **Lendlease GPT (Rouse Hill) Pty
Ltd** in accordance with s127 of the *Corporations
Act 2001* (Cth):

Secretary/Director_____
Director_____
Print name_____
Print name

Signed, sealed and delivered on behalf of the
Planning Ministerial Corporation by its duly
authorized signatory:

Signature_____
Signature of witness_____
Name and title_____
Name of witness

WASHINGTON, CHICAGO AND FORDING WILL LEAD TO BE A REGION

PLAN FORM 1 (A2)

DETAIL PLAN

SECTION 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839,

Schedule 2 – Proposed Development

- A “Level 2” Development Application for a precinct plan and updated design guidelines to accommodate:
 - Up to 400 residential Dwellings including:
 - Subdivision to create Precinct property including roads, open space for recreation and water sensitive urban design; and
 - Subdivision to create two development Lots each capable of accommodating up to 200 Dwellings each.
 - Associated civil works, landscaping and fencing; and
 - Drainage works and dedication of associated land to Council.
- “Level 3” Development Applications will be lodged for each Lot.



Land Use Plan showing the two proposed development Lots

Schedule 3 – Monetary Contributions

1. Calculation of Monetary Contribution

- 1.1. The Land is proposed to be subdivided into two development Lots, identified as Lot 1 and Lot 2, as depicted in the Plan in Schedule 2.
- 1.2. The Monetary Contribution under this agreement is \$6,000 (including GST) per Dwelling over 60 Dwellings on Lot 1, and \$6,000 per Dwelling over 58 Dwellings on Lot 2, as detailed in the table below.
- 1.3. The Monetary Contribution will be made prior to the issue of an Occupation Certificate for residential occupation of any Dwelling above the respective Dwelling threshold for each Lot.
- 1.4. For the avoidance of doubt, as detailed in the table, the Monetary Contributions:
- 1.4.1. will not be paid on Lot 1 until an Occupation Certificate is issued for any Dwelling above the 60th Dwelling, regardless of the status of the number of Dwellings on Lot 2; and
- 1.4.2. will not be paid on Lot 2 until an Occupation Certificate is issued for any Dwelling above the 58th Dwelling, regardless of the status of the number of Dwellings on Lot 1.

| Contribution | Land | Public Purpose | Manner and Extent | Timing |
|-----------------------|--------------------------------|-------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Monetary Contribution | Lot 1 (7562m ²) | Active Open Space | \$6,000 (including GST) per Dwelling over 60 Dwellings (starting at the 61 st Dwelling) | To be paid prior to issue of an Occupation Certificate per Dwelling starting at the 61 st Dwelling |
| Monetary Contribution | Lot 2 (7420m ²) | Active Open Space | \$6,000 (including GST) per Dwelling over 58 Dwellings (starting at the 59 th Dwelling) | To be paid prior to issue of an Occupation Certificate per Dwelling starting at the 59 th Dwelling |

Schedule 4 – Deed of Novation

DRAFT

**Deed of Novation of Rouse Hill Planning Agreement - Commercial Road,
Rouse Hill**

Hills Shire Council and

Lendlease GPT (Rouse Hill) Pty Ltd and

Planning Ministerial Corporation and

[New Developer and Landowner]

This **DEED OF NOVATION** is made on _____

BETWEEN

Hills Shire Council of ABN 25 034 494 656 of 3 Columbia Court, Baulkham Hills, NSW 2153 (**the Council**)

AND

Lendlease GPT (Rouse Hill) Pty Ltd ABN 49 106 393 917 of Level 14, Tower Three, International Towers Sydney, Exchange Place, 300 Barangaroo Avenue, Barangaroo New South Wales 2000 (**the Existing Developer**)

AND

Planning Ministerial Corporation ABN 36 691 806 169 of Level 32, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 (**the Existing Landowner**)

AND

[INSERT] (**New Developer and Landowner**)

BACKGROUND

- A The Existing Developer, the Existing Landowner and the Council are parties to the 'Rouse Hill Planning Agreement – Commercial Road, Rouse Hill' dated [X] (**the Planning Agreement**) which relates to Lot 20 in DP270520 (**the Land**).
- B The Existing Developer, the Existing Landowner and New Developer and Landowner have entered into a land sale agreement pursuant to which the New Developer and Landowner agrees to acquire the Land, with the date when the transfer occurs being the **Effective Date**.
- C This Deed is entered into pursuant to clause [X] (*Assignment and Novation*) of the Planning Agreement to transfer the rights and obligations of the Existing Developer and the Existing Landowner to the New Developer and Landowner on the Effective Date.

OPERATIVE PROVISIONS

It is hereby agreed as follows.

1. Definitions

- (a) Unless the context otherwise requires, any capitalised term which is defined in the Planning Agreement and which is not defined in this Deed, has the same meaning as defined in the Planning Agreement.
- (b) In this Deed:
- Effective Date** has the meaning given in 'Background'.
- Planning Agreement** has the meaning given in 'Background'.
- Land** has the meaning given in 'Background'.

2. Interpretation

In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- (b) A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian currency.
- (e) A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- (h) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (i) References to the word 'include' or 'including' are to be construed without limitation.
- (j) A reference to a party to this Deed includes a reference to the servants, agents and contractors of the party, the party's successors and assigns.

3. Effective Date

The Existing Developer and the New Developer and Landowner must notify Council when the Effective Date occurs. If the Effective Date does not occur within 12 months of signing of this Deed, then either party has the right to terminate this Deed by notice to the other parties.

4. Novation

On and from the Effective Date:

- (a) the New Developer and Landowner shall punctually perform the obligations of the Existing Developer and the Existing Landowner under the Planning Agreement as far as they are not performed and the New Developer and Landowner acknowledges itself bound by the provisions of the Planning Agreement in substitution for the Existing Developer and the Existing Landowner;
- (b) the Council agrees to the novation in clause 4(a) as if the New Developer and Landowner was the original party to the Planning Agreement; and
- (c) the Council shall release and forever discharge the Existing Developer and the Existing Landowner from further performance of the Planning Agreement.

5. No security

Parties confirm that no security has been provided by the Existing Developer and Existing Landowner to Council under the Planning Agreement and no additional security is required to be provided by New Developer and Landowner to Council under the Planning Agreement as a result of execution of this deed.

6. Notices

On and from the Effective Date, the New Developer and Landowner address and contact details for the purposes of giving a notice under the Planning Agreement are those set out below, or as the New Developer and Landowner otherwise notifies the Council from time to time.

[insert New Developer and Landowner details]

7. Counterparts

This Deed may be executed by the parties in any number of counterparts. The executed counterparts together constitutes the Deed. This Deed commences on the date when the last party has executed this Deed or a counterpart of this Deed.

8. Costs

The Existing Developer shall reimburse the Council for the costs and disbursements of the Council in connection with the preparation, negotiation or execution of this Deed.

9. Entire Agreement

This Deed contains everything the parties have agreed on in relation to the matters it deals with. No party can rely on an earlier document, or on anything said or done by another party (or by a director, officer, agent or employee of that party) before this Deed was executed.

10. Governing law

This Deed is governed by and must be construed according to the law applying in New South Wales.

Execution page

Executed as a deed.

The common seal of **The Hills Shire Council** was
affixed under a resolution passed by council on
.....
in the presence of:

General Manager

Mayor

Print Name

Print Name

Witness

Print Name

Executed by **Lendlease GPT (Rouse Hill) Pty Ltd** in
accordance with s127 of the *Corporations Act 2001*
(Cth):

Secretary/Director

Director

Print name

Print name

Signed by [insert name of New Developer and Landowner] in
accordance with section 127(1) of the *Corporations Act 2001*
(Cth) by:

Signature of Director

Signature of Director/Secretary

Name of Director in full

Name of Director/Secretary in full

**Signed, sealed and delivered on behalf of the Planning
Ministerial Corporation by its duly authorized signatory:**

Signature

Signature of Witness

Name and title

Name of Witness

| | |
|----------------------|--------------------------------------------------------------------------------------|
| ITEM 3 | VOLUNTARY PLANNING AGREEMENT OFFER – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP) |
| THEME: | SHAPING GROWTH |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| | STRATEGIC PLANNING COORDINATOR |
| AUTHOR: | KAYLA ATKINS |
| RESPONSIBLE OFFICER: | MANAGER – FORWARD PLANNING NICHOLAS CARLTON |

PURPOSE AND EXECUTIVE SUMMARY

This report recommends that Council accept, in principle, a draft Voluntary Planning Agreement ('VPA') offer submitted by Spotlight Property Group in association with the planning proposal for land at 21-23 Victoria Avenue, Castle Hill (4/2021/PLP).

The planning proposal was previously considered by Council at the Ordinary Meeting on 14 May 2024. It seeks to facilitate a high density commercial development comprising 48,410m² of gross floor area within a built form up to 12 storeys. Council resolved to submit the planning proposal for Gateway Determination however identified within its resolution that an appropriate mechanism was required to secure the dedication of land necessary for the widening of Carrington Road and upgrade of the intersection at Victoria Avenue and Carrington Road, at no cost to Council.

Following further negotiations and discussions between Council officers and the Proponent, the Proponent submitted a draft VPA offer on 3 June 2024. This is being reported to Council for consideration in satisfaction of this component of Council's previous resolution.

The VPA would require the Developer to dedicate approximately 676m² of the site to Council, being the area required to facilitate the widening of Carrington Road and upgrade of the intersection of Victoria Avenue and Carrington Road. The dedication would occur at no cost to Council. The VPA would *not* exempt the development from the payment of other contributions under the relevant Section 7.11 or Section 7.12 Contributions Plans. Accordingly, the obligation to dedicate the land would be *in addition to* the payment of the full value of monetary contributions under Contributions Plan No. 19 – Showground Precinct (CP19) in association with future development of the land.

The VPA offer, in combination with the contributions payable under CP19, represents a fair and reasonable contribution towards future infrastructure costs. The VPA would secure a material public benefit for the community in association with the planning proposal, as it will remove the liability for Council to pay full market value for the acquisition of this land in the future through separate negotiations and/or compulsory acquisition.

RECOMMENDATION

1. The draft Voluntary Planning Agreement offer for 21-23 Victoria Avenue, Castle Hill be accepted, in principle, and be subject to drafting and legal review (at the cost of the Proponent), prior to public exhibition.
 2. The draft Voluntary Planning Agreement be updated, as required, prior to public exhibition to incorporate the recommendations of the legal review.
 3. The draft Voluntary Planning Agreement be publicly exhibited concurrently with the associated planning proposal (4/2021/PLP) and site-specific Development Control Plan for at least 28 days, in accordance with the Environmental Planning and Assessment Act 1979.
 4. Council consider a further report on the outcomes of the public exhibition of the Planning Proposal, draft Development Control Plan and draft Voluntary Planning Agreement.
-

IMPACTS**Financial**

The land is subject to Contributions Plan No. 19 – Showground Station Precinct (CP19) and future development on the site would be levied in accordance with this Plan. The VPA would not exclude the application of this Plan.

The VPA would secure the dedication of land at no cost to Council for the purpose of road widening and intersection upgrades at Carrington Road and Victoria Avenue, Castle Hill. This would remove the liability for Council to acquire this land in the future.

Strategic Plan - Hills Future

The draft VPA would contribute to the delivery of infrastructure, which will enhance and maintain amenity in well-planned and liveable neighbourhoods. In particular, the dedication of land at no cost to Council will secure land necessary for road widening and intersection upgrades.

LINK TO HILLS SHIRE PLAN**Strategy:**

8.1 Provide new and refurbished infrastructure in a timely manner that meets the needs of our growing Shire.

Outcomes:

8 Infrastructure meets the needs of our growing Shire.

LEGISLATIVE CONTEXT

The legislative framework for Planning Agreements is established within Part 7, Division 7.1, Subdivision 2 of the Environmental Planning and Assessment Act 1979 (Clauses 7.4 to 7.10). Under subsection 7.4(c) of the Act, Council may enter into a Voluntary Planning Agreement with a developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for, or applied towards, a public purpose. In accordance with section 7.5 of the Act, a planning agreement cannot be entered into unless public notice has been given and the agreement has been publicly exhibited for a period of 28 days. This Planning Agreement offer has been made in association with a planning proposal (4/2021/PLP).

PROPONENT

Blueprint Australia

OWNER

Spotlight Property Group

POLITICAL DONATIONS

None disclosed by Proponent

1. BACKGROUND

The site is known as 21-23 Victoria Avenue, Castle Hill. It has an area of approximately 21,048m² and comprises two separate lots bound by Carrington Road to the south, Salisbury Road to the north and Victoria Avenue to the west. It is approximately 700 metres walking distance from Showground Metro Station.

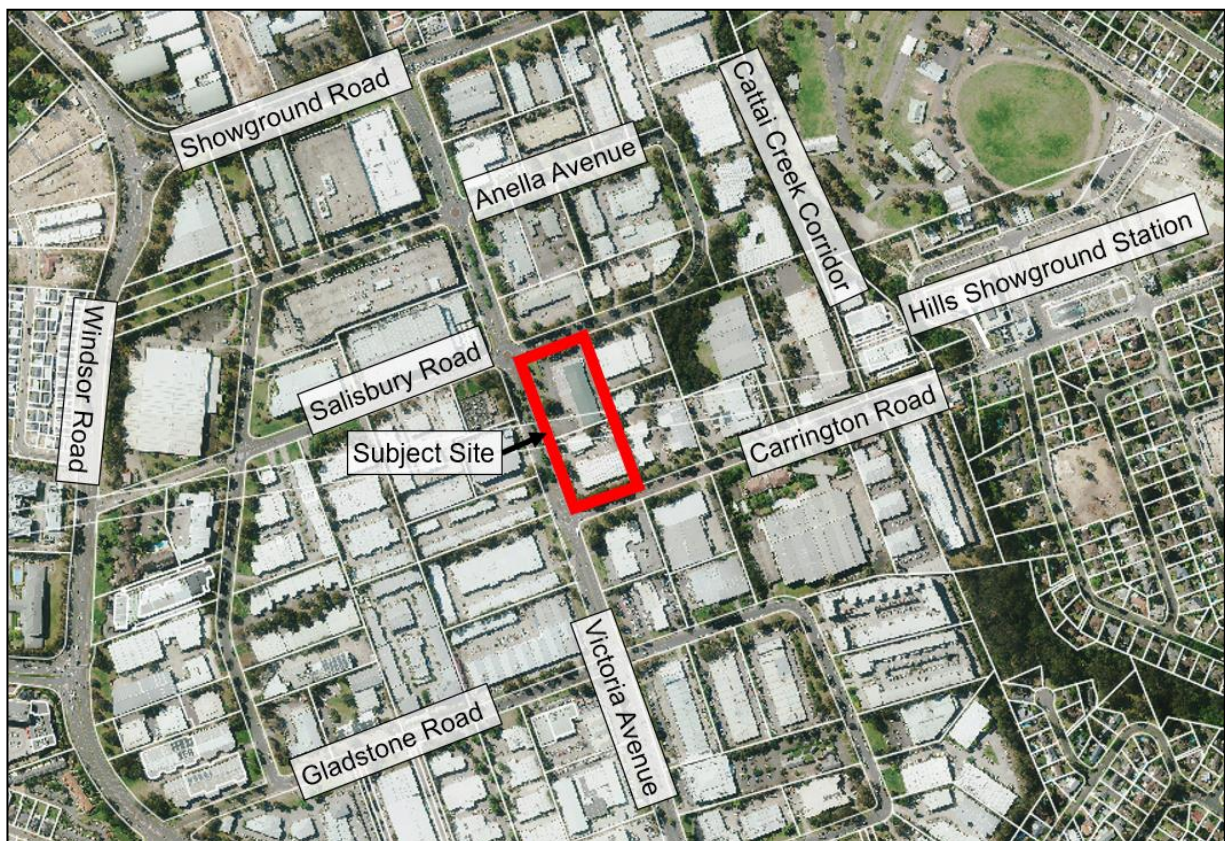


Figure 1

Aerial view of subject site and surrounding locality

At the Ordinary Meeting on 14 May 2024, Council considered a planning proposal for the site. The planning proposal seeks to facilitate a commercial and retail development including specialised retail, commercial offices, medical suites, a child care centre, business premises and gym, in a built form up to 12 storeys. The planning proposal would amend LEP 2019 to:

- Increase the maximum Height of Building to RL140.5 (up to 12 storeys on this land); and
- Introduce a maximum Floor Space Ratio of 2.3:1.

Council resolved as follows:

1. *The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:*
 - a) *Increase the maximum height of buildings from 20 metres to RL140.5.*
 - b) *Increase the maximum floor space ratio from 1:1 to 2.3:1.*
2. *Draft The Hills Development Control Plan 2012 Part D Section X – 21-23 Victoria Avenue, Castle Hill (Attachment 8) be publicly exhibited concurrently with the planning proposal.*
3. *Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.*

As part of the assessment of the planning proposal and concurrent progression of design work for traffic and transport upgrades in the locality, it was identified that a portion of the site will be required to facilitate the widening of Carrington Road and the upgrade and signalisation of the intersection of Victoria Avenue and Carrington Road as identified under CP19. The Proponent had communicated an intent to dedicate this land to Council as a material public benefit associated with the planning proposal, as reflected in Point 3 of Council's resolution.



Figure 2
Land to be dedicated through VPA (purple)

2. DRAFT VOLUNTARY PLANNING AGREEMENT OFFER

On 3 June 2024, Spotlight Property Group submitted a draft VPA offer (Attachment 1) in satisfaction of Point 3 of Council's resolution.

The draft VPA offer proposes to dedicate to Council 676m² of land for the purpose of widening Carrington Road and upgrading the intersection of Victoria Avenue and Carrington Road to a signalised intersection. The dedication would occur at no cost to Council.

The VPA would *not* exclude the application of CP19 to the development. As such, the dedication would be *in addition* to the monetary contributions payable under CP19, calculated based on the applicable rates at the time of any development consent being issued. The VPA simply relates to the *additional* material public benefit offered in association with the planning proposal, being the dedication of land at no cost.

3. ASSESSMENT OF VOLUNTARY PLANNING AGREEMENT OFFER

The VPA offer, in combination with the contributions payable under CP19, represents a fair and reasonable contribution towards future infrastructure costs, on the basis that:

- CP19 currently applies to the land. At the time of preparing and adopting CP19, the strategically identified employment outcomes within this area of the Norwest Strategic Centre were known and as such, CP19 generally accounts for the uplift and extent of growth proposed on the site through the planning proposal. The payment of contributions under CP19 is therefore appropriate in this instance to address the local infrastructure demands associated with development of the land. The VPA offer does *not* exempt the development from payment of contributions under CP19. The benefits under the VPA offer are *in addition* to the contributions payable under CP19.
- The dedication of the land to Council at no cost is a material public benefit associated with the planning proposal. The need for additional land-take has been identified as an outcome of design preparation for the intersection upgrade. The VPA will secure the dedication of the strip of the land originally identified for road widening along Carrington Road (approximately 301 sqm of land zoned SP2 Infrastructure) as well as the additional land areas now required to accommodate the intersection upgrade (approximately 375 sqm of land zoned E3 Productivity Support). The VPA will remove the potential liability for Council to compensate the landowner for any of this land as part of separate negotiations and/or compulsory acquisition processes in the future.
- It is noted that the Developer will be eligible to account for a portion of the land to be dedicated for the purpose of calculating the site area and GFA potential as part of a future Development Application. Accordingly, the Developer will be able to realise a portion of the GFA potential from some of the dedicated land, prior to it being dedicated to Council at no cost.
- Council resolved to support the progression of the planning proposal to Gateway Determination and commence discussions with the Proponent with respect to an infrastructure mechanism to secure the dedication of this land for road widening and intersection upgrade works. The terms of the VPA offer reflect and align with this decision of Council.

CONCLUSION

The draft VPA offer is fair and reasonable. It maintains the obligation to pay the full contributions under CP19 as part of future development and secures an additional material public benefit to the community through dedicating the land necessary for road widening and intersection upgrade works at this location, thereby removing this future infrastructure cost liability for Council.

It is recommended that the draft VPA offer be accepted, in principle, and progress to the next phase of drafting, legal review and public exhibition concurrent with the planning proposal and draft Development Control Plan.

ATTACHMENTS

1. Draft Voluntary Planning Agreement Offer (5 pages)

3 June 2024

Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Norwest NSW 2153

Via email: KAtkins@thehills.nsw.gov.au

Dear Mr. Edgar

**Re: VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER
PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)**

This letter sets out the offer of Spotlight Property 2 Pty Ltd (the 'Spotlight Property Group') for a Voluntary Planning Agreement associated with the Planning Proposal relating to 21-23 Victoria Avenue, Castle Hill (4/2021/PLP).

The VPA supports the Planning Proposal lodged by Spotlight Property Group over land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) to amend The Hills Local Environmental Plan (LEP) 2019 as follows:

- Increase the maximum height of buildings from 20 metres to RL140.5.
- Increase the maximum floor space ratio from 1:1 to 2.3:1.

The purpose of this letter is to confirm an offer under Section 7.4 of the Environmental Planning and Assessment Act 1979 (the Act) to enter into a Voluntary Planning Agreement (VPA) with The Hills Council (Council) and Spotlight Property Group. The public benefit offer is for the dedication of land for the widening of Carrington Road and intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council. The VPA will provide a suitable mechanism for Spotlight Property Group and Council to secure the land transfer necessary to deliver the road upgrades.

It is noted that the land to be dedicated for the proposed road widening and intersection upgrade remains subject to change based on further consultation between Council and Transport for NSW. This matter is expected to be confirmed prior to the negotiation process for the VPA.

This letter outlines the proposed terms relating to the public benefit proposed to be included within the Voluntary Planning Agreement. This is to be negotiated and publicly exhibited with the Planning Proposal post Gateway Determination.

Proposed Planning Agreement Terms

| | |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parties | The Hills Shire Council (Council); and Spotlight Property 2 Pty Ltd (Developer) |
| Description of the land (s7.4(3)(a)) | 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) |
| Description of the planning proposal (s7.4(3)(b)(i)) | <p>The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) seeks the following amendments to The Hills LEP 2019:</p> <ul style="list-style-type: none"> • Increase the maximum height of buildings from 20 metres to RL140.5. • Increase the maximum floor space ratio from 1:1 to 2.3:1. <p>The Planning Proposal and Planning Agreement will facilitate the dedication of land for future road widening of Carrington Road and intersection upgrade at Victoria Avenue and Carrington Road.</p> |
| The development to which the agreement applies (s7.4(3)(b)(ii)) | <p>This Agreement will apply to development of the land as put forward in the Planning Proposal and proposed by the Developer to be subject of a Development Application.</p> <p>The Development will substantially reflect the proposed development as set out in the Planning Proposal consistent with the Instrument Change (namely a mixed-use development, including commercial and specialised retail, and new public infrastructure for a linear park, footpaths and roads) (Proposed Development).</p> <p>The total Gross Floor Area of the Proposed Development on the land under the proposed amendments to the LEP is 48,410 square metres in accordance with the Planning Proposal.</p> <p>This Agreement does not apply to other development on the land unrelated to the Planning Proposal.</p> |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nature and extent of the provision to be made by the developer, and the times and manner in which the provision is to be made (s7.4(3)(c)) | <p>The Developer will dedicate land for public roads identified in Attachment 1, at no cost to Council. The public benefit aims to enable the orderly delivery of road upgrades to Carrington Road and Victoria Avenue, consistent with relevant strategic planning documents, through the transfer of land to Council.</p> <p>The total area of land to be dedicated is approximately 676 square metres. The extent of the land dedication remains subject to change based on further consultation between Council and Transport for NSW. This matter is expected to be confirmed prior to the negotiation process for the VPA.</p> <p>The land is to be dedicated to Council prior to the issue of an Occupation Certificate for the Development.</p> |
| Application of Section 7.11, 7.12 and 7.24 of the Act (s7.4(3)(d)) | <p>The Agreement does not exclude the application of Section 7.11, 7.12 and 7.24 of the Act to the Development.</p> <p>The Developer does not consider that an amendment to an existing adopted Contributions Plan will be required if the Planning Agreement is entered into.</p> |
| Benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11 (s7.4(3)(e)) | <p>The benefits under the Planning Agreement are not to be taken into account when determining a development contribution under Section 7.11.</p> |
| Mechanism for the resolution of disputes under the agreement (s7.4(3)(f)) | <p>The Developer proposes that Planning Agreement will provide for mediation of disputes between the parties, at their own cost, before the parties exercise any other legal rights in relation to the dispute.</p> |
| The enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer (s7.4(3)(g)) | <p>The Planning Agreement can be registered on the title to the Land and will be removed once the land for the road upgrades is dedicated.</p> <p>If the Developer fails to dedicate the land at the time required under the Planning Agreement, the Planning Agreement will provide that Council can compulsorily acquire that land for \$1.</p> |
| Costs | <p>The Developer agrees to pay the Council's reasonable costs in connection with the negotiation, preparation, and execution of the Planning Agreement. The Developer requires that Council provide an estimate of the likely costs.</p> |

| | |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Other | Spotlight Property 2 Pty Ltd is currently the owner of the Land. The Development may be carried out by a separate entity or future owner of the Land. The Planning Agreement will therefore include provision for assignment of the rights and obligations under the agreement, subject to the Developer providing Council with a novation deed under which the transferee agrees to carry out the Developer's requirements under the Planning Agreement. |
| Defined Terms | <p>Development means the development of the Land proposed to be carried out, by the Developer in accordance with the Planning Proposal.</p> <p>Development Consent means consent granted under Part 4 of the Act to carry out the future development of the Land.</p> <p>Land means land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382).</p> <p>Other Development means development carried out by the Developer on the land which is unrelated to the Planning Proposal.</p> <p>Planning Proposal means the Planning Proposal 4/2021/PLP prepared by Ethos Urban.</p> |

The Spotlight Property Group looks forward to working with The Hills Shire Council to facilitate an appropriate development outcome for the site and wishes to contribute to the surrounding community and wider LGA through the dedication of land for the widening of Carrington Road and intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council.

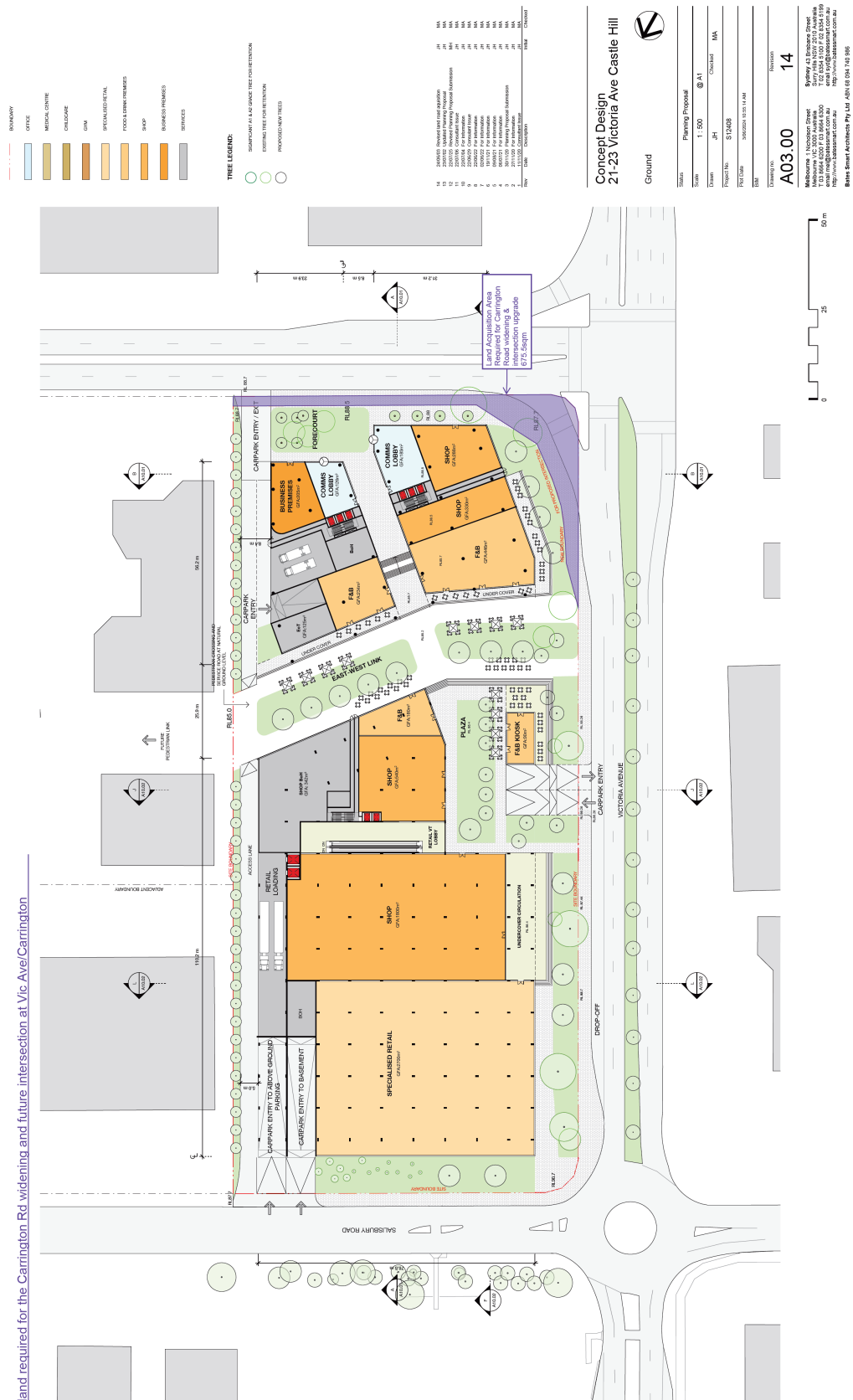
Should Council require any further information in relation to this matter please contact Travis Reid of Blueprint Australia on 0402 487 681.

Yours sincerely,



Zac Fried
Deputy Executive Chairman
Spotlight Group
On behalf of Spotlight Property 2 Pty Ltd

*land required for the Carrington Rd widening and future intersection at Vic Ave/Carrington



Ground

| | | |
|-------------|------------------------|------------|
| Status | Planning Proposal | |
| Scale | 1 : 500 | @ A1 |
| Datum | JH | Checked MA |
| Project No. | S12408 | |
| Plot Date | 30/03/2024 10:05:14 AM | |
| BIM | | |

| | |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Drawing no. A03.00</p> <p>14</p> <p>Revision</p> | <p>Melbourne, 1 Nicholson Street Melbourne VIC 3000 T 02 9664 6200 P 02 9664 6300 email me@batesmart.com.au http://www.batesmart.com.au</p> <p>Sydney 43 Brisbane Street Sydney NSW 2010 Australia T 02 9354 5100 P 02 9354 5199 email syo@batesmart.com.au http://www.batesmart.com.au</p> <p>Bates Smart Architects Pty Ltd AIN 68 04 74 996</p> |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

BATESSMART²

| | |
|----------------------|-------------------------------------------------------------------------|
| ITEM 4 | PLANNING PROPOSAL – MELIA COURT AND GLEN ROAD, CASTLE HILL (5/2024/PLP) |
| THEME: | SHAPING GROWTH |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| | GRADUATE TOWN PLANNER |
| | ERIKA JUAN |
| AUTHOR: | STRATEGIC PLANNING COORDINATOR |
| | JESSIE WISEMAN |
| RESPONSIBLE OFFICER: | MANAGER – FORWARD PLANNING |
| | NICHOLAS CARLTON |

PURPOSE

This report relates to the planning proposal for land at Melia Court and Glen Road, Castle Hill (5/2024/PLP). The matter is being reported to Council for a decision on whether or not the planning proposal should be submitted to the Department of Planning, Housing and Infrastructure (the Department) for a Gateway Determination.



RECOMMENDATION

The planning proposal for land at Melia Court and Glen Road, Castle Hill *not* proceed to Gateway Determination.

IMPACTS

Financial

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

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to the Shire's housing needs. The proposal seeks to increase housing density in an area that has not been identified for growth, is not in walking distance to the Metro Stations and that is heavily environmentally constrained.

The planning proposal does not demonstrate strategic or site specific merit to warrant amendments to the current controls.

LINK TO HILLS SHIRE PLAN

Strategy:

5.1 The Shire’s natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

Outcomes:

5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity

LEGISLATIVE CONTEXT

The legislative framework for Planning Proposals which amend a Council’s Local Environmental Plan is established within Part 3, Division 3.4 of the *Environmental Planning and Assessment Act 1979* (Clauses 3.31 to 3.37). This report seeks a decision of Council as to whether or not to prepare and submit a planning proposal to the Department for Gateway Determination in accordance with Sections 3.33 and 3.34 of the Act.

PROPONENT

EINV Group Pty Ltd

OWNERS

Castle Hill Glen Pty Ltd

POLITICAL DONATIONS

None disclosed by Proponent.

EXECUTIVE SUMMARY

This report recommends that the planning proposal applicable to land at Melia Court and Glen Road, Castle Hill *not* proceed to Gateway Determination. The Planning Proposal seeks to facilitate a high density residential development on the site comprising 185 dwellings within six residential flat buildings (3-6 storeys in height with 147 apartments) and 38 terraces (2-3 storeys in height). The proposal also identifies a proposed publicly accessible park, nature corridors, a nature reserve and a central loop road with a single entrance to the site via Glen Road.

The planning proposal does not satisfy either the strategic or site specific merit test and it is recommended that it should *not* proceed to Gateway Determination, on the basis that:

- a. The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council’s Local Strategic Planning Statement and Castle Hill Precinct Plan (recently adopted by Council on 11 June 2024), as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.

- b. The site is not identified as being suitable for development uplift within any of the relevant strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station). The land was considered as part of the broader investigation areas around these stations however was not deemed as an appropriate area for any uplift above what can be achieved under the current controls.
- c. The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site or the current and future character of development on the surrounding land. A lower scale and density of development with a smaller footprint, reduced vegetation clearing and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.
- d. The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.
- e. The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broader range of potential outcomes in comparison to the intended development outcome submitted by the Proponent. The proposal would not provide certainty that the outcomes illustrated in the concept plans will be delivered.
- f. The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.

1. HISTORY

08/08/2006 A subdivision application (DA No. 1089/2006/ZA) was approved for the subject site. The subdivision consent, as amended, facilitates 1 community lot, 22 residential lots (742m² to 1,193m²) and a new cul-de-sac (extract below). Physical works were commenced on the subject site prior to 8 August 2011 and therefore the consent remains active for the developer to progress.



Figure 2
Extract of Approved Subdivision Plan

The existing approval is considered to be a more appropriate outcome for the site, particularly in terms of balancing environmental constraints, blending in with the surrounding local character and infrastructure capacity within the locality.

- 2013** North West Rail Link Corridor Strategy was released by the State Government in 2013 to guide development along the North West Rail Link Corridor over a 20-25 year period. It includes a structure plan for each of the Station Precincts, including Castle Hill and Cherrybrook. The structure plans identify areas with potential for growth and articulates the desired development outcomes for these key growth areas. The subject site was not identified for growth as part of this Strategy, noting that it generally identifies uplift in well-located areas within closer proximity and walking distance of the Metro Stations.
- 11/09/2015** Land transferred/sold to current owner.
- 25/01/2018** Modification of Development Consent 1089/2006/ZA/C was approved, subject to conditions. The modification primarily related to amending the landslide risk stabilisation methodology.
- 07/10/2021** Pre-lodgement meeting held with Council officers for a proposal to rezone the land to R3 Medium Density Residential to facilitate approximately 64 townhouses on the site.
- 03/11/2021** Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 3). Concerns were raised regarding inconsistency with surrounding development, impact on scenic and district views, site not within walking catchment of a centre, environmental constraints, access and traffic impacts, questionable benefit of proposed public park and built form outcomes. It was advised that, based on the information provided, it would be difficult for Council officers to conclude that a planning proposal to facilitate medium density development demonstrates strategic and site specific merit.
- 01/06/2023** Pre-lodgement meeting held with Council officers for a Scoping Proposal for a potential planning proposal application that would seek to facilitate a residential development comprising residential flat buildings and terrace style units, facilitating 191 dwellings on the site.
- 14/06/2023** Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 4). The feedback identified a number of inconsistencies with the strategic framework, site specific concerns and included preliminary views of public authorities. The letter recommended that the Proponent strongly reconsider the lodgement of a planning proposal for this site, having regard to the substantial strategic and site-specific merit issues detailed.
- 04/03/2024** Planning proposal lodged with Council.
- 07/05/2024** Proponent presented the planning proposal at a Councillor Briefing session.
- 15/05/2024** Planning proposal reported to the Local Planning Panel for advice.
- 20/05/2024** Council officers wrote to the Proponent advising of the Panel advice and inviting the Proponent to withdraw the planning proposal. The Proponent subsequently declined the opportunity to withdraw the application.

2. THE SITE

The subject site is referred to by the Proponent as “Rogans Hill Park” 1020 Melia Court, Castle Hill and comprises three separate torrens title lots under single ownership (Lot 1020 in DP 876671, Lot 1021 in DP 876671 and Lot 2 in DP 576773). The subject site is triangular in shape

and has a cumulative site area of approximately 45,024m². It has frontages to both Glen Road and Melia Court, with vehicular access currently only available from Glen Road.

The site is currently vacant and includes grassed areas and vegetation, in particular Blue Gum High Forest which is listed as a Critically Endangered Ecological Community. The site features a steep topography, sloping from north to south with a change in elevation of approximately 60m across the site. The site is zoned C4 Environmental Living and is identified on the Landslide Risk Map under The Hills Local Environmental Plan (LEP) 2019.

The site is surrounded by Rogans Hill Reservoir and environmental land to the west, low density residential areas to the north and environmental living areas to the east. It is located approximately 1.5km and 1.7km walking distance from Cherrybrook and Castle Hill Metro Stations, respectively. The following figure shows an aerial image of the site and surrounds.



Figure 3

Aerial view of subject site (outlined in yellow) and surrounds

3. DESCRIPTION OF PLANNING PROPOSAL

a) Planning Proposal

The planning proposal seeks to facilitate a mix of medium and high-density residential development on the site comprising:

- Six residential buildings, with heights ranging from three to six storeys, containing 147 apartments;
- 38 terraces (ranging between two and three storeys);
- A publicly accessible park, nature corridors and nature reserve; and
- A central loop road.

An image of the proposal submitted by the Proponent is shown in the following figure.



Figure 4
Aerial view of the site

The proposed master plan submitted by the Proponent is shown in the following figure.



Figure 5
Proposed Master Plan

To achieve this outcome, the planning proposal seeks to amend The Hills LEP to:

- Rezone the subject site from C4 Environmental Living to R3 Medium Density Residential, R4 High Density Residential, C2 Environmental Conservation and RE1 Public Recreation;
- Increase the height of building controls from a maximum of 9m to a maximum of 10m to 22m across the site.

A comparison between the outcomes envisaged under the strategic planning framework, The Hills LEP and the planning proposal is provided in the following table.

| Planning Control | LEP 2019 | Strategic Policies ¹ | Planning Proposal |
|--------------------|---------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Land Zone | C4 Environmental Living | No change | C2 Environmental Conservation R3 Medium Density Residential R4 High Density Residential RE1 Public Recreation |
| Height of Building | 9m (2 storeys) | No change | 10m - 22m (3-6 storeys) |
| Minimum Lot Size | 2,000sqm | No change | No change |
| Floor Space Ratio | N/A | No change | No change |
| Residential yield | 22 dwellings ² | No change | 185 dwellings |

Notes:
¹ While considered as part of the broader investigation areas surrounding Castle Hill and Cherrybrook Metro Station, the site is outside of the area identified as suitable for change under the Local Strategic Planning Statement, Housing Strategy, NWRL Corridor Strategy (2013), The Hills Corridor Strategy (2015), Cherrybrook Place Strategy and Castle Hill Precinct Plan (recently adopted by Council on 11 June 2024).
² Subdivision application (DA No. 1089/2006/ZA) approved 8 August 2006 and physically commenced before 8 August 2011.

Table 1
Comparison between planning proposal and outcomes envisaged under the planning framework

The proposed LEP map amendments are shown in the following figures.

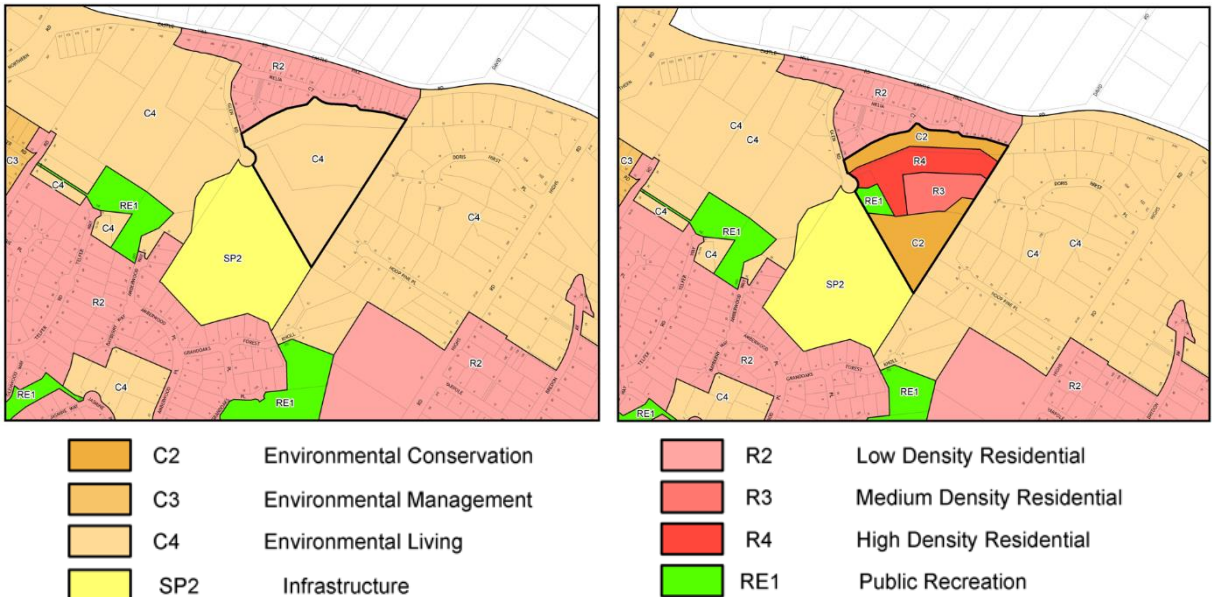


Figure 6
Existing (left) and proposed (right) land use zone maps

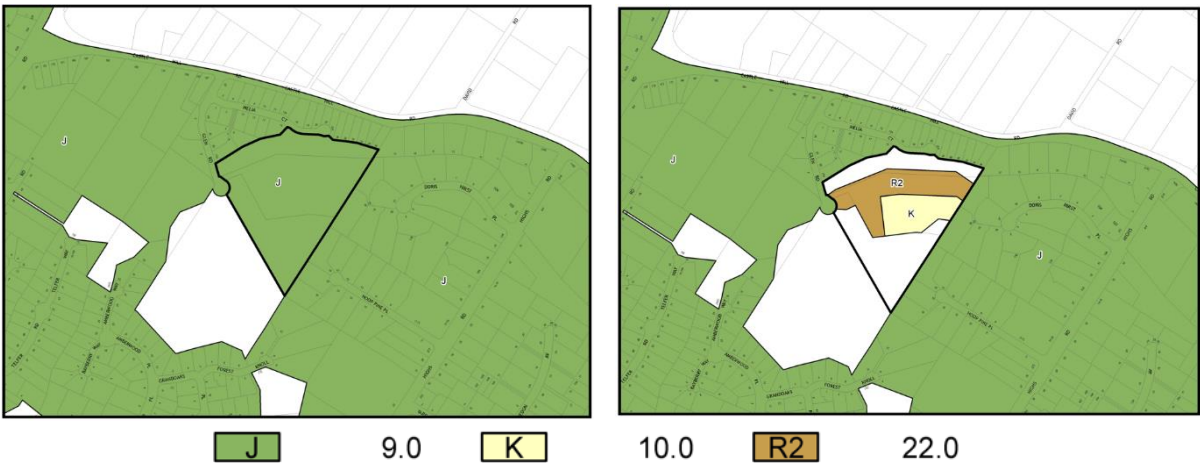


Figure 7
Existing (left) and proposed (right) maximum height of building maps

b) Planning Agreement

The planning proposal is accompanied by a letter of offer to enter into a Planning Agreement. The letter of offer includes preliminary details of infrastructure and public benefits the developer intends to deliver in association with the development. The letter of offer includes:

- The delivery of a future public park around 2,000m² in size that features play equipment, landscaping and areas for passive recreation. The letter indicates the Proponent's intent for the ownership to be transferred to Council.
- 15% of the total floor area to be used as affordable rental housing for at least 15 years from the date of occupation and managed by a registered community housing provider.
- Regeneration of some of the bushland.
- Construction of a new footpath along Glen Road through to Castle Hill Road.

At this stage, the Proponent has not provided a total monetary value of the proposed works, land and monetary contributions.

4. LOCAL PLANNING PANEL

On 15 May 2024, the planning proposal was presented to the Local Planning Panel, who issued the following advice:

1. *The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council's Local Strategic Planning Statement and draft Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.*
2. *The site is not identified as being suitable for development uplift within any of the relevant aforementioned strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station).*
3. *The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site. A lower scale and density of development with a smaller footprint, reduced vegetation clearing*

and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.

4. *The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.*
5. *The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broad range of potential outcomes and do not provide certainty that the outcomes illustrated in the concept plans will be delivered.*
6. *The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.*

A copy of the Council Officer's Assessment Report and Meeting Minutes are provided as Attachments 1 and 2 to this report, respectively.

5. MATTERS FOR CONSIDERATION

A detailed technical assessment of the planning proposal is contained within the Council Officer Assessment Report to the Local Planning Panel, dated 15 May 2024 and provided as Attachment 1 to this report. A summary and discussion of the key technical considerations associated with the planning proposal is provided below.

a) Strategic Context

When assessing a planning proposal, Council is required to first determine whether a planning proposal has 'strategic merit', having regard to the applicable strategic planning framework and policies. If a proposal does not demonstrate 'strategic merit' then it should not proceed. The determination of 'site specific' merit is only relevant as the second phase of the assessment process, if strategic merit has first been demonstrated.

The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council's Local Strategic Planning Statement and Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.

Under the current policy framework, including current Government reforms and priorities, high-density infill development opportunities are to be focussed within the walkable catchment areas immediately surrounding transport hubs (such as Metro Stations) or well serviced centres with a range of amenities and services, in accordance with the principles of transit-oriented development. This transit oriented approach is also reflected in local planning policies.

In this regard, the subject site has been previously considered as part of broader investigations areas associated with precinct planning processes following the announcement and delivery of the Sydney Metro Northwest (in particular around the Castle Hill and Cherrybrook Metro Stations). As part of these processes, it was determined that the current controls are appropriate for the site and it would not be suitable for any development uplift at this location, particularly given the environmental constraints, distance from the Metro Stations and distance from essential services (such as schools, local shopping centres). This land was not 'excluded' from the investigations which were completed. Rather, it was investigated, considered and deemed unsuitable for uplift by both State Government and Council in the relevant strategies, with local strategies considered as recently as May 2024.

The Proponent's material identifies the subject site as being within 800m – 1000m walking distance of a Metro Station. However, this is not the case and the site is well outside the 800m walking catchment from both stations. Specifically, the site is around 1.5km walking distance from Cherrybrook Metro Station and 1.7km walking distance from Castle Hill Metro Station. This is nearly a 20 minute walk, which is exacerbated by steep topography and limited connectivity at this distance from the station, as shown in Figure 8.

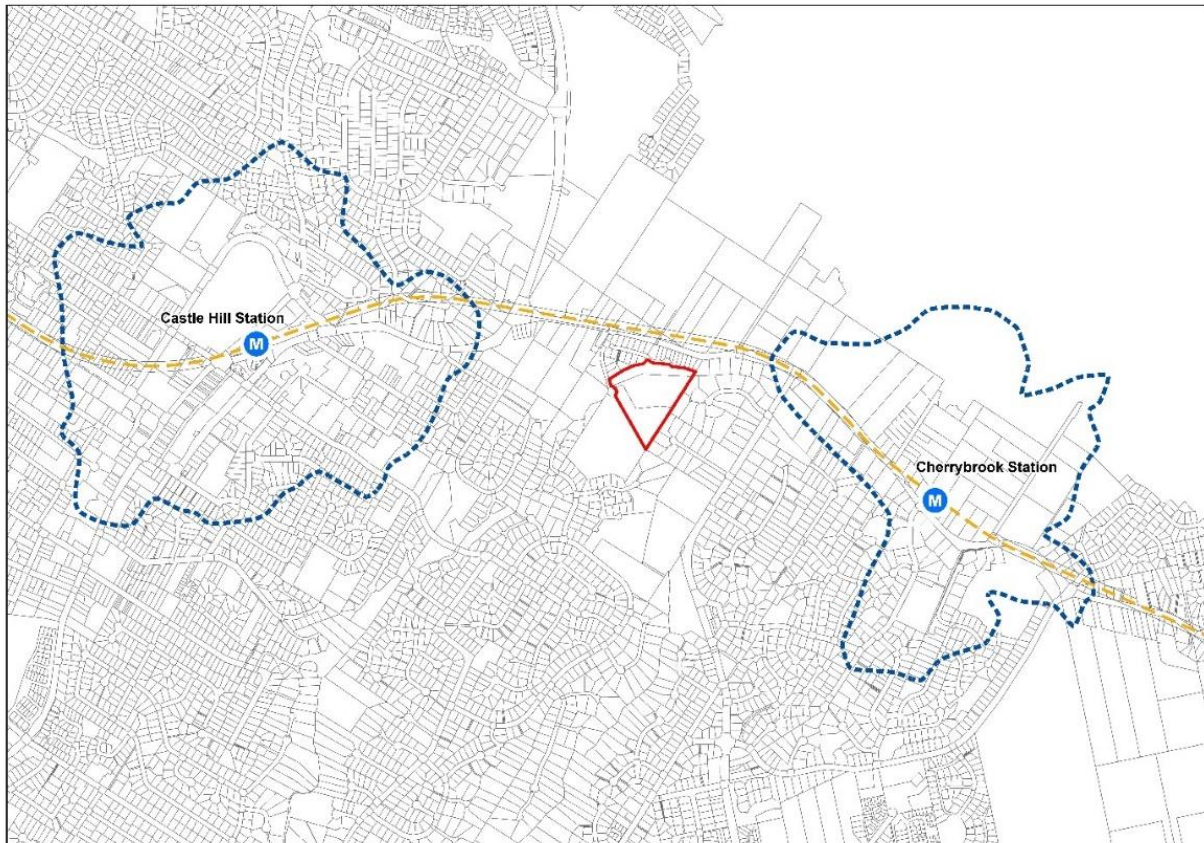


Figure 8
800m Walkability Catchments from Nearby Metro Stations
(Subject sites outlined in red, 800m walkability catchments shown as dashed blue line)

The planning proposal does not align with objectives for the increased supply of housing in the right locations. It is noted that the site would not even appear to satisfy the criteria for the recently exhibited Government reforms relating to diverse and well-located housing (low and mid-rise housing), noting it is outside of the catchment of the transport hub or Metro station.

The proposal does not respond to any new infrastructure, changing circumstances or changing population or demographic trends. Outcomes on this site were already considered as part of the broader investigation areas and planning processes in response to the provision of the Sydney Metro Northwest. The supply of housing in this location at the density and built form proposed is not warranted, noting the significant areas which are already identified as suitable for residential uplift in closer proximity to centres and transport infrastructure and without the significant environmental issues that are present on the subject site.

The State Government's Local Environmental Plan Making Guideline clearly indicates that it is encouraged that where a planning proposal fails to adequately demonstrate strategic merit the relevant PPA is unlikely to progress the proposal. Therefore, it is recommended that the planning proposal *not* progress given its fundamental inconsistencies with the strategic planning framework and inability to demonstrate strategic merit, as detailed above.

During the pre-lodgement and scoping phases, prior to lodgement of the planning proposal, the Proponent was clearly advised by Council officers of these fundamental strategic merit issues which were extremely unlikely to be able to be resolved (refer Attachments 3 and 4).

b) Site-Specific Considerations

Notwithstanding that the proposal fails to satisfy the strategic merit test, a summary and discussion of the site-specific considerations is also provided below.

| Key Consideration | Comment |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Suitability of the Proposed Density and Visual Impact | <p><u>Proposed Density</u></p> <p>The locality is characterised by low (to very low) density residential developments and environmental living. The site and surrounds form an important ‘environmental spine’ along Castle Hill Road, noting that Castle Hill Road is located on a prominent ridgeline. These features led to the application of an environmental living zone to this area to preserve views, vegetation and land affected by geotechnical constraints.</p> <p>The proposed development seeks to deliver a medium to high density development (around 88 dwellings per hectare) that does not align with the well-established local character. This scale of development is inconsistent with the surrounding character of the area and the objectives of the C4 Environmental Living Zone. It is more consistent with higher density development that is typically considered to be appropriate in the 800m walkable catchment of Metro Station Precincts. This is further discussed in Section 5(a) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p><u>Visual Impact</u></p> <p>The Proponent has submitted a Visual Impact Assessment prepared by Audax Urban, which concluded the following:</p> <ul style="list-style-type: none">Some of the views were found to have nil or negligible view impacts – including View 1 (end of the cul-de-sac at Doris Hirst Place), View 2a (panoramic view from Melia Court) View 2b (framed view from Melia Court) and View 5 (within the site near the eastern boundary).View 4 was found to be fully within the site and the report concluded it has no aesthetic and scenic qualities visible from the locality.The proposed development was found to have a high level of visibility when viewed from Glen Road (View 3), but claimed the visual catchment is limited and the built form will be well screened by the proposed vegetation. <p>With respect to the view from Glen Road, it is questioned how the proposed development would be appropriately screened when viewed from Glen Road noting the substantial amount of vegetation proposed to be removed. The accuracy of the view assessment from Melia Court is also questioned, particularly given the view assessment is undertaken from the opposite side of Melia Court (furthest away from the proposed development), which would likely understate the extent of the visual impacts. It remains the view of Council officers that the proposal will significantly impact the scenic landscape of this locality, particularly when viewed from Glen Road and Melia Court.</p> |

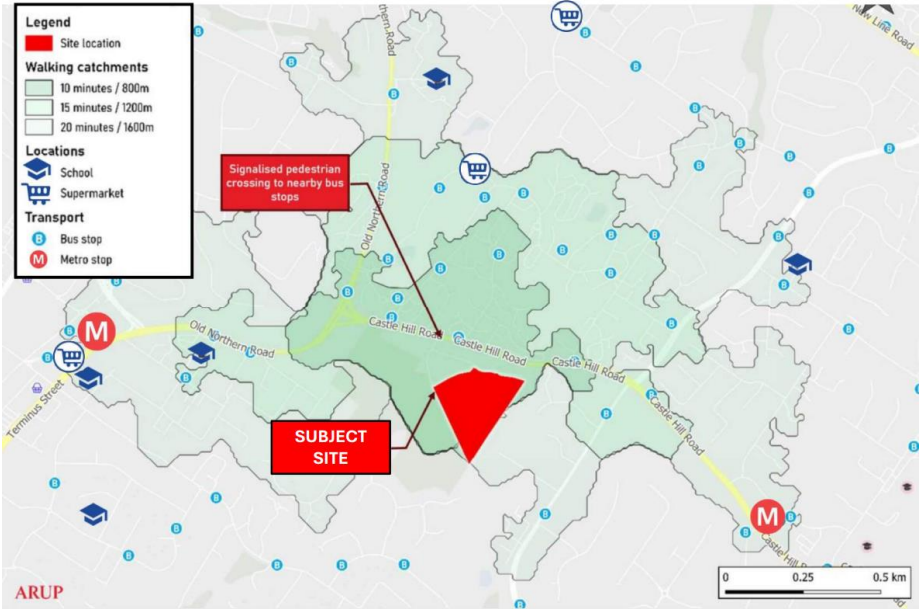
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| Appropriateness of Proposed Planning Mechanisms | <p><u>Land Zone</u></p> <p>The C4 Environmental Living zone (existing zoning) has typically been used within The Hills Shire to retain natural drainage channels, protect vegetation, scenic views, topographical features and to reduce the risk of geotechnical hazards. Its application is most effective when applied to a large contiguous area. Approving the planning proposal in its current form poses a potential risk of setting a precedent for applications seeking a similar outcome, which could in turn compromise the integrity of the continuous C4 Environmental Living zoned land in this locality and further impact biodiversity values.</p> <p>The proposed R3 Medium Density Residential and R4 High Density Residential zoning is not supported as it would allow for a significant overdevelopment of the site in a manner which does not align with the character or objectives for development within this locality and which is not appropriate having regard to the site specific constraints applicable to the land.</p> <p>The proposed RE1 Public Recreation and C2 Environmental Conservation zones are not supported, as these may trigger an acquisition liability for Council. Irrespective of the acquisition liability risks, the areas proposed for these zoned are not suitable for public recreation in any case due to the size, location and environmental characteristics.</p> <p><u>Height of Building Control</u></p> <p>The proposal seeks to increase the maximum height of building controls varying between 10m and 22m to facilitate a built form outcome ranging from three to six storeys. The proposed height of buildings is inconsistent with the character and objectives for development within the locality, noting the low density residential and environmentally sensitive nature of the area.</p> <p><u>Maximum Floor Space Ratio Control</u></p> <p>No FSR controls are currently applicable to the subject site and the proposal, as submitted, does not seek to apply any FSR controls. In the absence of such controls, Council has no real certainty or control over the future density or scale on this site, or the number of dwellings that could ultimately be delivered. The proposed planning controls would not give certainty that the outcome within the Proponent's development concepts would not be exceeded on the land. This is not appropriate and should the proposal proceed in any form, an FSR control would be required.</p> <p><u>Housing Mix and Diversity</u></p> <p>The Proponent has not indicated if they seek to apply Council's housing diversity clause, which requires at least 30% of new apartments to be suitable for families. Should the proposal proceed, it is expected it would need to be amended to achieve consistency with this clause for the apartment component of the proposed development.</p> <p><u>Development Control Plan (DCP)</u></p> <p>Should the proposal proceed, a site-specific DCP would be required to manage future development outcomes on the site. However, Council officers are of the view the fundamental issues with the proposal are beyond those which could be resolved through site-specific development controls.</p> |

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| | Refer to Section 5b of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1). |
| Environmental Considerations | <p><u>Biodiversity</u></p> <p>The <i>Biodiversity Conservation Act 2016</i> includes mandatory requirements for biodiversity assessment and reporting and requires proponents to demonstrate appropriate and sufficient steps have been taken to avoid and minimise impacts to areas identified and mapped as containing biodiversity values. The subject site is mapped on the State Government’s sensitive biodiversity values map, as shown below.</p> <div data-bbox="509 672 1418 1305"></div> <p>Legend Biodiversity Values Map</p> <p>Figure 9 Sensitive Biodiversity Values Map</p> <p>The Proponent has submitted a Biodiversity Development Assessment Report (BDAR) which identifies that approximately 2.5 hectares of Blue Gum High Forest (an entity that is at risk of serious and irreversible impacts) is present on the site, primarily on the southern portion. Two threatened species of fauna, the Powerful Owl and Grey-Headed Flying-Fox, were detected (vocalisations) during surveys of the subject land. While the Dural Land Snail was not detected on site, it has been previously recorded in the locality and as such, it assumed that it is present as a precautionary measure.</p> <p>The location and design of the proposed development has not been adequately informed by the biodiversity values. Further, the extent of earthworks and the asset protection zone has not been accurately considered as part of the assessment and are expected to result in additional impacts not quantified or reflected in the material submitted.</p> <p>The historic (commenced) subdivision consent which allows for 22 residential lots was considered against the legislative framework that was in force at that time (2006). Since this time, biodiversity assessment requirements have</p> |

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| | <p>become more robust, particularly with the implementation of the <i>Biodiversity Conservation Act 2016</i>. The current legislation requires detailed consideration of entities at risk of serious and irreversible impact and where a proposal is determined to have such impacts, the relevant decision-maker is prevented from granting planning approval for the proposed development.</p> <p>Importantly, any new development application would be assessed in full under the current requirements, irrespective of the previous subdivision consent or the extent of clearing which it may allow. New development under the current legislation would need to demonstrate appropriate and sufficient steps have been taken to firstly avoid and then secondly minimise impacts to areas identified and mapped as containing biodiversity values. It is expected that impacts on biodiversity values are avoided by restricting the location of development, including asset protection zones, to areas that are lacking biodiversity values and areas clear of native vegetation.</p> <p>The development as proposed is considered highly likely to result in serious and irreversible impacts to the Blue Gum High Forest. A lower scale and density development with a smaller footprint and reduced need for vegetation clearing and cut and fill would be a more appropriate response, similar to the outcomes within the surrounding area. This is further discussed in Section 5(c) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p><u>Tree Removal</u></p> <p>The Proponent has submitted an Arboricultural Impact Assessment Report which indicates that the subject site is partially cleared and there are thicker sections of bushland towards the northern and southern ends. It also indicates the native bushland around the clearing is mapped as Blue Gum High Forest.</p> <p>In summary, the Proponent's Arboricultural Impact Assessment Report recommends the removal of at least 209 trees. Of these trees, 72 are of high retention value (including 69 Sydney Blue Gum Trees). The Proponent's material estimates that this impact is relatively similar to that which has already been approved under the current Development Approval (as amended). However, as detailed above, it is not certain that this same extent of clearing and development would be approved under the current biodiversity legislation. Furthermore, it is likely that additional trees beyond this will require removal as the Proponent's report has not fully considered the impacts of the proposed earthworks or asset protection zones in their entirety with respect to tree removal. Factoring in the removal of these additional trees, it is likely that the planning proposal would result in more environmental impacts compared to the original subdivision approval (as amended).</p> <p><u>Geotechnical and Landslide Risk</u></p> <p>Under Clause 7.6 – Landslide Risk of LEP 2019, the site is identified and mapped as susceptible to landslide risk. This clause seeks to limit development to the commensurate underlying geotechnical conditions and to restrict development on unsuitable land. An initial Geotechnical Assessment Report and a Structural Report were submitted with the proposal.</p> <p>The current development consent that facilitates 22 residential lots on the subject site (1089/2006/ZA/C) proposed stabilisation of the site by a "big dig" methodology which involves construction of retaining walls around the</p> |

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| | <p>boundaries of the site and removal and replacement of landslide material in the central part of the site.</p> <p>The Proponent's report indicates that the future cost of landslide mitigation measures was found to be uneconomical for conventional low density residential housing development. It notes that the ground conditions across the site comprise a deep soil creep landslide over shale bedrock and landslip issues arise when excess groundwater enters the soil underlying the development after prolonged periods of rainfall.</p> <p>The Proponent's reports identify various landslide management and construction strategies as part of the current planning proposal. It concludes that the proposed development is considered feasible from a geotechnical perspective, noting that appropriate additional site investigation, design assessments and construction monitoring normally associated with this type of development would need to be carried out. The initial assessments have not included a comprehensive assessment of the site in its entirety, rather the inferred preliminary geotechnical model and recommendations are based on limited subsurface investigations at discrete locations and notes that additional detailed investigations and monitoring would be required.</p> <p>Overall, the Proponent's report is fairly high level in nature and does not include any discussion on how the vegetation constraints will be addressed and managed in conjunction with the geotechnical works that would also be required to facilitate this scale of development. Notwithstanding the Proponent's comments around the costs of geotechnical stabilisation, this does not warrant the approval of a scale and extent of development that is inconsistent with the prevailing environmental and low density character of the surrounding area. The Proponent's report has not demonstrated that the proposal is acceptable from a geotechnical risk perspective.</p> <p>It is not recommended that the planning proposal proceed given the fundamental strategic merit issues and the range of site specific matters. However, if the proposal was to proceed in any form, it is critical that further investigations be required to properly assess the suitability of the site for this scale of proposed development, including a full risk assessment of potential landslip events. It is also recommended that Council would need to engage an expert consultant (from Council's Geotechnical Review Panel) to undertake an independent peer review of the Proponent's reports and assessments and advise Council directly on the implications and risks of developing on the land, as it relates to topography, potential instability and erosion. As noted above, given the range of other fundamental issues with the proposal which have led to the conclusion that the proposal should not proceed, this additional work has not been undertaken at this time.</p> <p><u>Stormwater Management</u></p> <p>The proposal is supported by a Stormwater Management Strategy as set out in the Proponent's Civil Engineering Assessment. Part of the strategy proposes a swale running from east to west sitting at the northern boundary of the site to service upstream flows. However, concern is raised that runoff from the north-eastern corner of the site will likely bypass the swale behind the shoring wall. Once flows hit the shoring wall, they can potentially end up as concentrated flows that may potentially end up in the adjoining site at 23 Doris Hirst Place.</p> |

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| | A number of additional concerns are raised with the proposed onsite detention (OSD) and structural measures including the location of OSD tanks and the proposed connections, noting the site's steep topography and the presence of significant trees. It is considered that the planning proposal has not adequately addressed stormwater management. This is further discussed in Section 5c of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1). |
| Traffic and Parking | <p><u>Traffic</u></p> <p>The Proponent submitted a Transport Impact Assessment which indicates that the road network near the subject site is expected to operate at a 'good' level of operation in 2023 and 2033 (both with and without the proposed development). However, the accuracy of these results is questioned and further information is required on which roads have been included within this assessment. This is discussed in further detail in Section 5(d) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p>The proposed uplift is likely to increase traffic generation and contribute to existing traffic congestion along Castle Hill Road, in addition to the growth that is also expected to occur close to Castle Hill and Cherrybrook Metro Stations. Given the site is outside of the walkable catchment of these stations, it is expected that residential dwellings at this location would have a relatively high traffic generation given the need for residents to rely on private vehicles.</p> <p>While no traffic or transport infrastructure upgrades have been identified by the Proponent (aside from parking signage), if the proposal was to proceed, intersection upgrades would be required at the Glen Road and Castle Hill Road intersection for a designated right turn lane. Additional road widening would also be required along Glen Road from Castle Hill Road to Melia Court to facilitate the increased traffic flow. Given these upgrades have not been identified in the current contributions framework (being Council's Section 7.12 Contributions Plan), it is anticipated that these upgrades would need to form part of a VPA or assessment of a future development application should the proposal proceed.</p> <p><u>Parking</u></p> <p>Having regard to the yields proposed, the proposal will result in insufficient parking when assessed against the requirements of The Hills DCP 2012. This would require additional site work to accommodate the additional parking spaces, that would result in additional environmental impacts. There is limited rationale for allowing reduced parking provision on this site, given it is outside of the walkable catchment of the Castle Hill and Cherrybrook Metro Stations. This is discussed in further detail in Section 5(d) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> |
| Infrastructure Demand | As previously discussed in Section 3(b) of this report, the Proponent has submitted a letter of offer to enter into a Planning Agreement. The offer does not adequately address the increased demand for infrastructure that would be required to support the proposed development, is substantially less than any comparable contributions plans that levy high density residential development and does not provide any tangible public benefits for the community. Detailed comments regarding the proposed offer are provided in Section 5(e) of the |

| Key Consideration | Comment |
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| | <p>Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p>While it may well be possible for the Proponent to amend the infrastructure offer to better meet the increased demand resulting from the proposed development, there would be limited utility in continued infrastructure negotiations and expending further resources by either party given that the proposal to date has not been able to demonstrate strategic or site-specific merit.</p> <p>As shown in the following figure that was prepared and submitted by the Proponent, the subject sites are not in close proximity to any essential services, such as nearest shops and schools.</p> <div></div> <p>Figure 10 Proximity to Schools, Public Transport and Supermarkets (Source: Proponent's Briefing Material)</p> <p>Additionally, the majority of the schools that are shown within this figure are already at or over capacity and will be required to accommodate further increases in student numbers as a result of the significant residential growth that has been strategically identified in more suitable locations.</p> <p>Of relevance, a recent article by the Sydney Morning Herald indicated that schools in North West Sydney are already operating at double or triple their enrolment caps, pushing some campuses to exceed their official capacity by 1000 students. An analysis of the capacity of public schools nearby to the subject site is provided in Table 2.</p> |

| Key Consideration | Comment | | | |
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| | School | 2024 Students | 2024 Cap | % Over Cap |
| | Oakhill Drive Public School | 762 | 370 | 206% |
| | Castle Hill Public School | 1013 | 624 | 162% |
| | Cherrybrook Public School | 923 | 509 | 181% |
| | Castle Hill High School | 1883 | 840 | 224% |
| | Cherrybrook Technology High School | 2060 | 1580 | 130% |
| | <p>Table 2</p> <p>Planned Capacity and Enrolment Numbers for Nearby Schools (Source: Sydney Morning Herald)</p> <p>As shown above, the enrolment numbers for nearby schools are substantially exceeding the planned capacity. It is <i>not</i> the case that this site has good access to school infrastructure with capacity to accommodate growth. Given these critical infrastructure shortfalls, it would be inappropriate to approve uplift of this scale in the proposed location, particularly noting the substantial growth already projected in other locations (such as in Release Areas and in Station Precincts). This would only further exacerbate the issues Government is currently experiencing in providing sufficient school places to service growth that is underway and strategically identified.</p> | | | |

Table 3
Overview of Matters for Consideration

6. OPTIONS

Option 1– Not Proceed to Gateway Determination (Recommended)

1. The recommendation of this report is that the planning proposal *not* proceed to Gateway Determination, on the basis that the planning proposal has not demonstrated either strategic or site specific merit.

Comment:

A decision to progress to Gateway Determination would place greater weight on the current objectives and priorities of the Government to increase housing supply, irrespective of the inconsistencies with the existing state and local policy documents and notwithstanding that the majority of the Government’s reforms appear to be promoting increased housing outcomes in highly serviced urban areas, rather than environmentally sensitive areas. If the planning proposal was to progress, it would also need to overcome some significant remaining site specific issues.

While the below is considered to be an option, this is not the recommendation of Council officers, given the current policy settings against which the planning proposal has been assessed and significant environmental considerations. If the Council was to resolve that the proposal should

proceed to Gateway Determination, it is recommended that the following matters should form part of any resolution of Council.

Option 2 – Proceed to Gateway Determination

1. The planning proposal applicable to land at Melia Court and Glen Road Castle Hill be amended to:
 - a) Provide a revised concept of a lower scale and density with a smaller footprint and reduced vegetation clearing that clearly demonstrates that the development does not result in serious and irreversible impacts to the Blue Gum High Forest. The location of development, including asset protection zones, should be in areas lacking biodiversity and areas clear of native vegetation.
 - b) Include updated biodiversity, geotechnical, bushfire and stormwater reports that address the revised concept. These are to ensure they properly assess the suitability of the site for the scale of development including a full risk assessment of landslip events.
 - c) Apply an alternative zone to the RE1 Public Recreation and E2 Environmental Conservation for environmentally sensitive areas together with a mechanism that provides for ongoing protection and management, without creating an acquisition liability for Council.
 - d) Apply an appropriate floor space ratio and a reduced height control (based on design work that also resolves other matters within this resolution).
2. Council engage an expert consultant from its Geotechnical Review Panel to undertake an independent review of the proponents reports and assessments and advise Council directly of the implications and risks of developing on the land to the scale and density proposed as it relates to topography, potential instability and erosion.
3. Following these amendments, Council consider a further report with respect to:
 - a) The suitability of the revised concept and planning proposal;
 - b) A revised draft Voluntary Planning Agreement, which clarifies the issues identified with the Letter of Offer submitted by the Proponent identified in this report and secures appropriate development contributions in association with future development of the land.
 - c) A site-specific draft Development Control Plan and revised development concepts, which resolve the site-specific issues referred to within this Report.

CONCLUSION

This report recommends that the planning proposal *not* proceed to Gateway Determination, on the basis that the planning proposal has not demonstrated either strategic or site specific merit. The strategic planning framework encourages housing in the right locations and the protection of the environment. The planning proposal is not able to meet the key objectives to deliver on these outcomes.

The environmental constraints of the site are significant and the proposal has not demonstrated that these constraints can be overcome to deliver an appropriate development outcome, in the context of environmentally sensitive land where no uplift is anticipated within the strategic planning framework. The proposed outcomes are beyond the capacity of the site and are not supported.

ATTACHMENTS

1. Council Officer Assessment Report to the Local Planning Panel, 15 May 2024 (32 pages)
2. Local Planning Panel Meeting Minutes, 15 May 2024 (2 pages)
3. Council Officer Pre-lodgement Feedback Letter (November 2021) (3 pages)
4. Council Officer Scoping and Pre-lodgement Feedback Letter (June 2023) (8 pages)

LOCAL PLANNING PANEL MEETING 15 MAY 2024

THE HILLS SHIRE

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| ITEM-1 | LOCAL PLANNING PANEL - PLANNING PROPOSAL – MELIA COURT AND GLEN ROAD, CASTLE HILL (5/2024/PLP) | Attachment 1 |
| THEME: | Shaping Growth | |
| MEETING DATE: | 15 MAY 2024 | |
| | LOCAL PLANNING PANEL | |
| GROUP: | SHIRE STRATEGY GRADUATE TOWN PLANNER | |
| AUTHOR: | ERIKA JUAN STRATEGIC PLANNING COORDINATOR JESSIE WISEMAN | |
| RESPONSIBLE OFFICER: | MANAGER FORWARD PLANNING NICHOLAS CARLTON | |

PURPOSE

This report presents the planning proposal for land at Melia Court and Glen Road, Castle Hill (5/2024/PLP), to the Local Planning Panel (LPP) for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

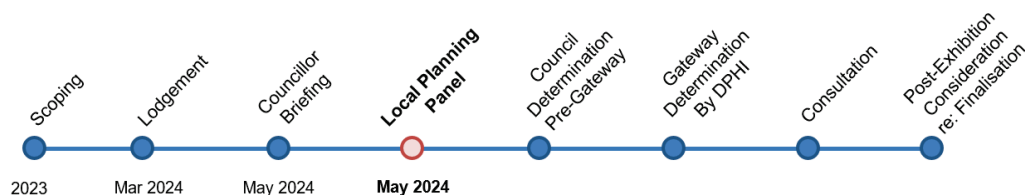


Figure 1
Timeline of Indicative Process to Date

RECOMMENDATION

1. The planning proposal does not satisfy either the strategic or site specific merit test and should *not* proceed to Gateway Determination, on the basis that:
 - a. The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council's Local Strategic Planning Statement and draft Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.
 - b. The site is not identified as being suitable for development uplift within any of the relevant aforementioned strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station).

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- c. The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site. A lower scale and density of development with a smaller footprint, reduced vegetation clearing and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.
- d. The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.
- e. The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broad range of potential outcomes and do not provide certainty that the outcomes illustrated in the concept plans will be delivered.
- f. The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.

| | |
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| Proponent | EINV Group Pty Ltd |
| Owner | Castle Hill Glen Pty Ltd |
| Location | Lot 1020 in DP 876671 Melia Court, Castle Hill Lot 2021 in DP 876671 Melia Court, Castle Hill Lot 2 in DP 576773 Glen Road, Castle Hill |
| Arboriculture Consultant | H2O Consulting Group Pty Ltd |
| Architecture / Urban Design Consultant | DKO Architecture (NSW) Pty Ltd |
| Biodiversity and Vegetation Management Consultant | Fraser Ecological Consulting |
| Bushfire Consultant | Blackash Bushfire Consulting |
| Civil Engineering, Services, Flood Impact and Structural Consultant | Northrop Consulting Engineers |
| Community and Economic Needs Consultant | Hill PDA Consulting |
| Contamination and Geotechnical Consultant | Tetra Tech Coffey |
| Communication Consultant | Urban Concepts |
| Heritage Consultant | Weir Phillips Heritage and Planning |
| Landscape Architecture Design Consultant | Land And Form Studios Pty Ltd |
| Planning Consultant | Paro Consulting (Paro Planning Pty Ltd) |
| Quantity Surveyor Consultant | MBM |

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|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Survey Consultant | Chadwick Cheng |
| Transport Consultant | ARUP Australia Pty Ltd |
| Visual Impact Consultant | Audax Urban Pty Ltd |
| Site Area | 45,024m ² |
| List of Relevant Strategic Planning Documents | Greater Sydney Region Plan Central City District Plan North West Rail Link Corridor Strategy Cherrybrook Station Precinct Place Strategy The Hills Corridor Strategy Local Strategic Planning Statement and Supporting Strategies Section 9.1 Ministerial Directions Draft Castle Hill Precinct Plan |
| Political Donation | Nil Disclosed |

1. THE SITE

The subject site is located at 1020 Melia Court, Castle Hill and comprises three separate torrens title lots under single ownership (Lot 1020 in DP 876671, Lot 1021 in DP 876671 and Lot 2 in DP 576773). It is triangular in shape and has a cumulative site area of approximately 45,024m². It has frontages to both Glen Road and Melia Court, with vehicular access currently only available from Glen Road.



Figure 2
Aerial view of subject site and surrounds

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The site is currently vacant and includes grassed areas and vegetation, in particular Blue Gum High Forest which is listed as a Critically Endangered Ecological Community. The site features a steep topography, sloping from north to south with a change in elevation of approximately 60m across the site.

It is surrounded by Rogans Hill Reservoir and environmental land to the west, low density residential areas to the north and environmental living areas to the east. It is located approximately 1.5km and 1.7km walking distance from Cherrybrook and Castle Hill Metro Stations, respectively.

2. BACKGROUND

08/08/2006 A Subdivision application (DA No. 1089/2006/ZA) was approved for the subject site. The subdivision consent facilitates 1 community lot, 22 residential lots (742m² to 1,193m²) and a new cul-de-sac (extract below). Physical works were commenced on the subject site prior to 8 August 2011 and therefore the consent remains active for the developer to progress.



Figure 3
Extract of Approved Subdivision Plan

- 25/01/2018** Modification of Development Consent 1089/2006/ZA/C was approved, subject to conditions. The modification primarily related to amending the landslide risk stabilisation methodology.
- 07/10/2021** Pre-lodgement meeting held with Council officers for a proposal to rezone the land to R3 Medium Density Residential to facilitate approximately 64 townhouses on the site.
- 03/11/2021** Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 1). Concerns were raised regarding inconsistency with

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surrounding development, impact on scenic and district views, site not within walking catchment of a centre, environmental constraints, access and traffic impacts, questionable benefit of proposed public park and built form outcomes. It was advised that, based on the information provided, it would be difficult for Council officers to conclude that a planning proposal to facilitate medium density development demonstrates strategic and site specific merit.

01/06/2023 Pre-lodgement meeting held with Council officers for a Scoping Proposal for a potential planning proposal application that would seek to facilitate a residential development comprising residential flat buildings and terrace style units, facilitating 191 dwellings on the site.

14/06/2023 Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 2). The feedback identified a number of inconsistencies with the strategic framework, site specific concerns and included preliminary views of public authorities (Sydney Water, Endeavour Energy, Transport for NSW and NSW Environment and Heritage Group). The letter recommended that the Proponent strongly reconsider the lodgement of a planning proposal for this site, having regard to the substantial strategic and site-specific merit issues detailed.

04/03/2024 Planning proposal lodged with Council.

07/05/2024 Proponent presented the planning proposal at a Councillor Briefing session.

3. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate a high density residential development on the site comprising 185 dwellings within six residential buildings (3-6 storeys in height with 147 apartments) and 38 terraces (2-3 storeys in height). The proposal also identifies a proposed publicly accessible park, nature corridors, a nature reserve and a central loop road with a single entrance to the site via Glen Road.

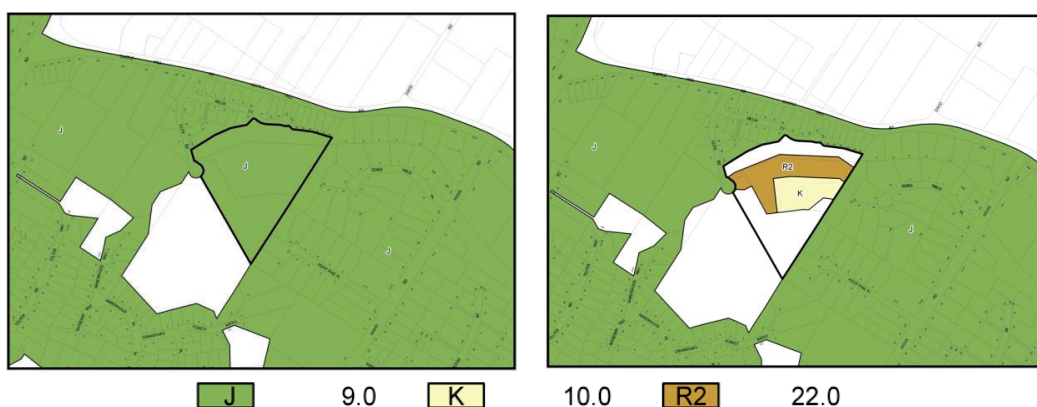
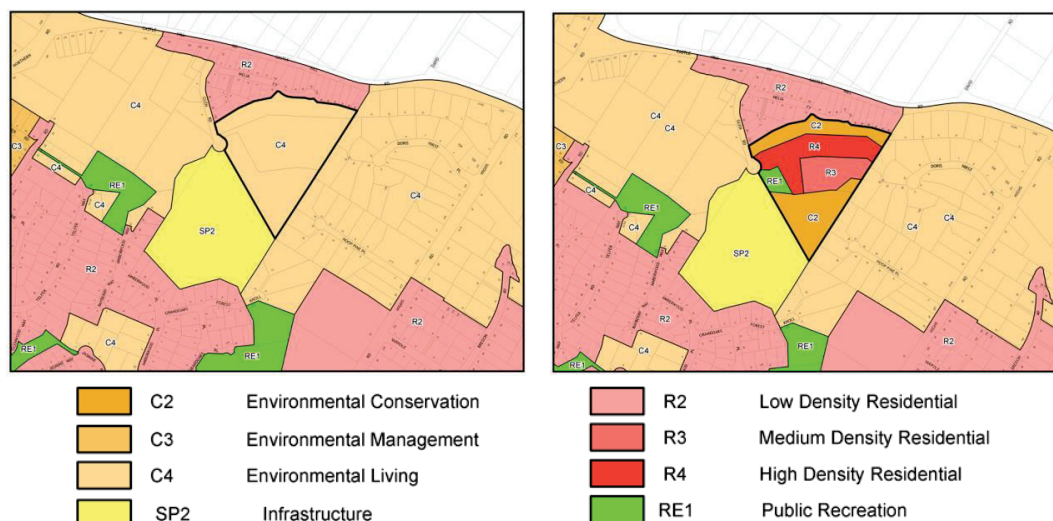
To enable this outcome, the proposal seeks to amend The Hills LEP 2019 to:

- Rezone the site from C4 Environmental Living to R3 Medium Density Residential, R4 High Density Residential, C2 Environmental Conservation and RE1 Public Recreation.
- Increase the maximum height of building control from 9m to a range of 10m to 22m.

The proposed LEP map amendments are shown in the figures below.

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A comparison between the outcomes envisaged under the strategic planning framework, The Hills Local Environmental Plan (LEP) 2019 and the planning proposal is provided in the following table.

| Planning Control | LEP 2019 | Strategic Policies ¹ | Planning Proposal |
|--------------------|---------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Land Zone | C4 Environmental Living | No change | C2 Environmental Conservation R3 Medium Density Residential R4 High Density Residential RE1 Public Recreation |
| Height of Building | 9m (2 storeys) | No change | 10m - 22m (3-6 storeys) |
| Minimum Lot Size | 2,000sqm | No change | No change |
| Floor Space Ratio | N/A | No change | No change |
| Residential yield | 22 dwellings ² | No change | 185 dwellings |

Notes:
¹ The site is outside of any areas identified for change under the Local Strategic Planning Statement, Housing Strategy, NWRL Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Place Strategy and Draft Castle Hill Precinct Plan.
² Subdivision application (DA No. 1089/2006/ZA) approved 8 August 2006 and physically commenced before 8 August 2011.

Table 1

Comparison between planning proposal and outcomes envisaged under the planning framework

The proposed master plan and extracts of the development concepts submitted by the Proponent in support of the planning proposal are shown in the following figures.

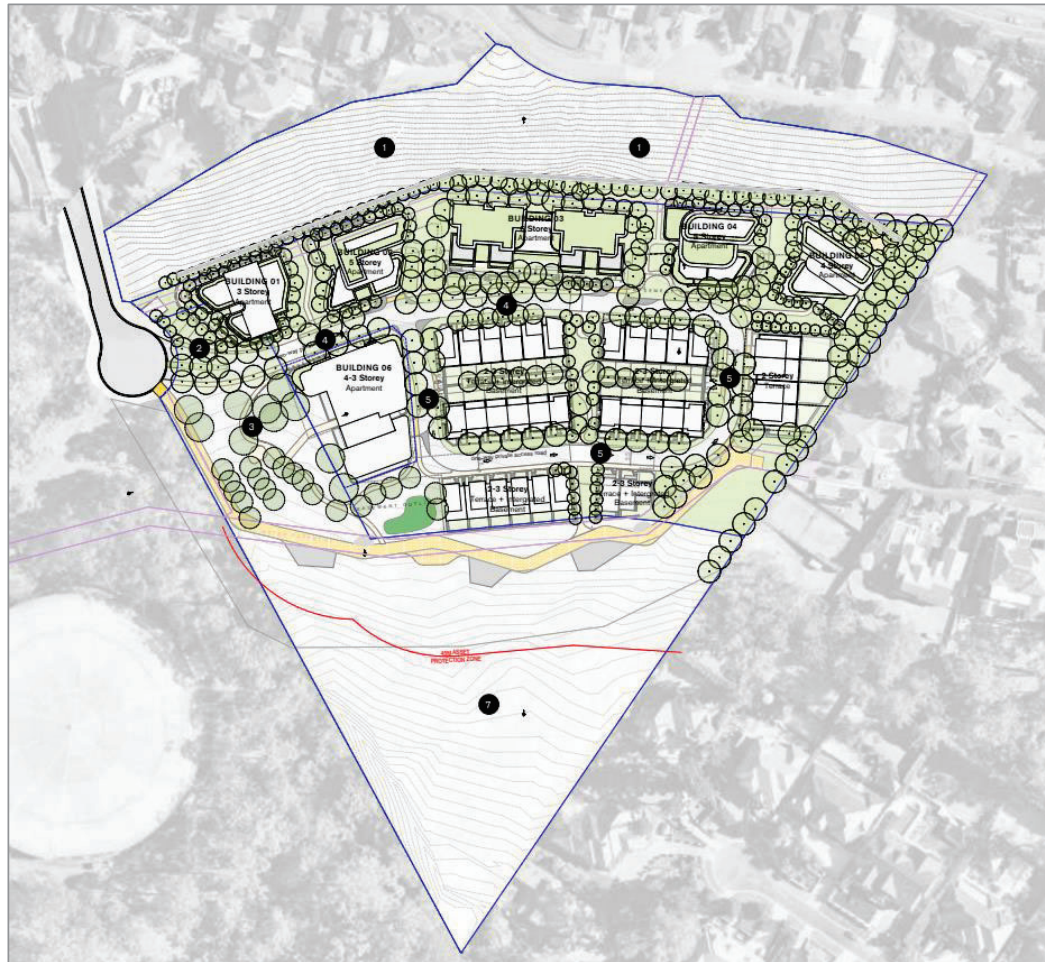


Figure 6
Proposed Master Plan



Figure 7
View of proposed townhouse typology



Figure 8
Aerial view of the site

Planning Agreement Offer

The Proponent submitted a letter of offer to enter into a Voluntary Planning Agreement, which would include:

- Embellishment and dedication of a public park around 2,000m² in size with play equipment, landscaping and areas for passive recreation, with ownership to be transferred to Council.
- 15% of the total floor area to be used as affordable rental housing for at least 15 years from the date of occupation and managed by a registered community housing provider.

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- Regeneration of some of the bushland within the proposed C2 Environmental Conservation zone in accordance with a future vegetation management plan.
- Construction of a new footpath along Glen Road through to Castle Hill Road.

At this stage, the Proponent has not provided a total monetary value of the proposed works, land and monetary contributions. An assessment of the proposed letter of offer (based on the information available) is provided in further detail in Section 5 of this report.

4. STRATEGIC MERIT CONSIDERATIONS

The planning proposal has been assessed having regard to the following strategic merit considerations:

- a) Greater Sydney Region Plan and Central City District Plan
- b) Section 9.1 Ministerial Directions
- c) The Hills Future 2036 – Local Strategic Planning Statement
- d) The Hills Corridor Strategy
- e) Draft Castle Hill Precinct Plan

a) Greater Sydney Region Plan and Central City District Plan

Objective 6 of the Region Plan and Planning Priority C3 of the District Plan relate to services and social infrastructure to meet people's changing needs. The District Plan notes that growth increases demand on existing services and infrastructure. While the Proponent has submitted a proposed letter of offer to enter into a Planning Agreement, the planning proposal is inconsistent with this objective as the proposed offer does *not* provide any tangible public benefits and fails to provide an appropriate infrastructure solution to cater for the proposed uplift. This is discussed in further detail in Section 5 of this report.

Objective 7 of the Region Plan and Planning Priority 4 of the District Plan seek to ensure that communities are healthy, resilient and socially connected. The District Plan articulates the characteristics of places with high concentrations of social connectors which include access to high frequency public transport, walkable town centres, high provision of social infrastructure (such as community and neighbourhood hubs, sports fields, clubs) and access to education and learning. Noting the planning proposal is outside the walkable catchment of Metro Stations and seeks to provide high density residential development outside of a defined local or strategic centre or walkable catchment from these services and facilities, it is unlikely to enhance physical activity and social connection.

Objectives 10 and 11 of the Region Plan and Planning Priority C5 of the District Plan seek to encourage provision of greater housing supply that is diverse and affordable with access to jobs, services and public transport. While the planning proposal broadly contributes to the supply of housing, Council is well on track to meet and exceed the housing targets set out in the District Plan for The Hills Shire, with future growth anticipated in Station Precincts and Release Areas that are better located to be serviced by amenities and public transport. The Region Plan also acknowledges that more intensive urban renewal is not suitable in instances where sites are challenged by topographic or other characteristics. Given the location of the site, the surrounding local character and the significant constraints impacting development of the land, this area is not considered to be the right location for more dense forms of housing as proposed.

The Region Plan sets locational criteria for urban renewal investigation opportunities. However, the planning proposal is inconsistent with the criteria, primarily due to its distance from the stations of the Sydney Metro Northwest. Generally, the walkable catchment correlates with how far the average person could walk in 10 minutes and how far someone will

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be willing to walk between their origin or destination and a transport node (with a focus on land that is within 800 metres of a transport node).

The Proponent's material identifies the subject site as being within 800m – 1000m walking distance of a Metro Station, however this is not the case. The subject site is located well outside the 800m walking catchment and is around 1.5km walking distance from Cherrybrook Metro Station and 1.7km walking distance from Castle Hill Metro Station. This is nearly a 20 minute walk that is exacerbated by steep topography and limited connectivity at this distance from the station. The feedback received from Transport for NSW as part of the scoping process identified that the site is *not* within an easy walking distance (e.g. 800m walking catchment) of a Metro Station.

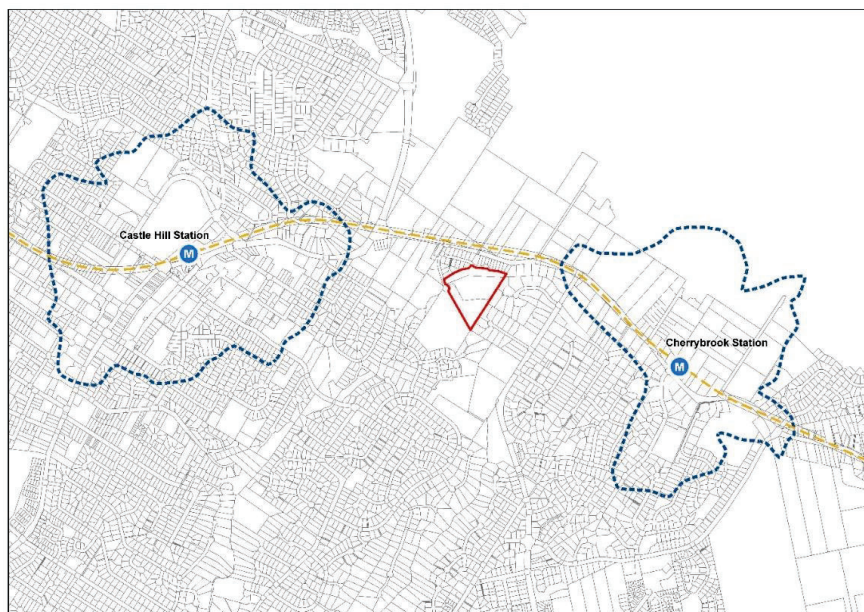


Figure 9

800m Walkability Catchments from Nearby Metro Stations
(Subject sites outlined in red, 800m walkability catchments shown as dashed blue line)

The planning proposal does not align with objectives for supply of housing in the right locations. Furthermore, it would not even meet the criteria for the recently exhibited Government reforms relating to diverse and well located housing (noting its distance from a transport hub or Metro stations extends beyond this). The proposal does not respond to any new infrastructure, changing circumstances or changing population or demographic trends. The supply of housing in this location at the density and built form proposed, is not warranted, noting the areas already identified as suitable for residential uplift in proximity to centres and transport infrastructure and the prevailing environmental issues at the subject location.

Objectives 27 and 28 of the Region Plan and Planning Priority C15 of the District Plan seek to protect and enhance bushland, biodiversity and scenic and cultural landscapes. The proposal is inconsistent with these objectives as it does not seek to adequately protect and enhance areas of critically endangered Blue Gum High Forest. This is further discussed in Section 5 of this report.

Objective 31 of the Region Plan and Planning Priority C17 of the District Plan seek to encourage high quality open space areas that can be enjoyed by the community. While the planning proposal includes an open space area, the functionality and usability of the proposed

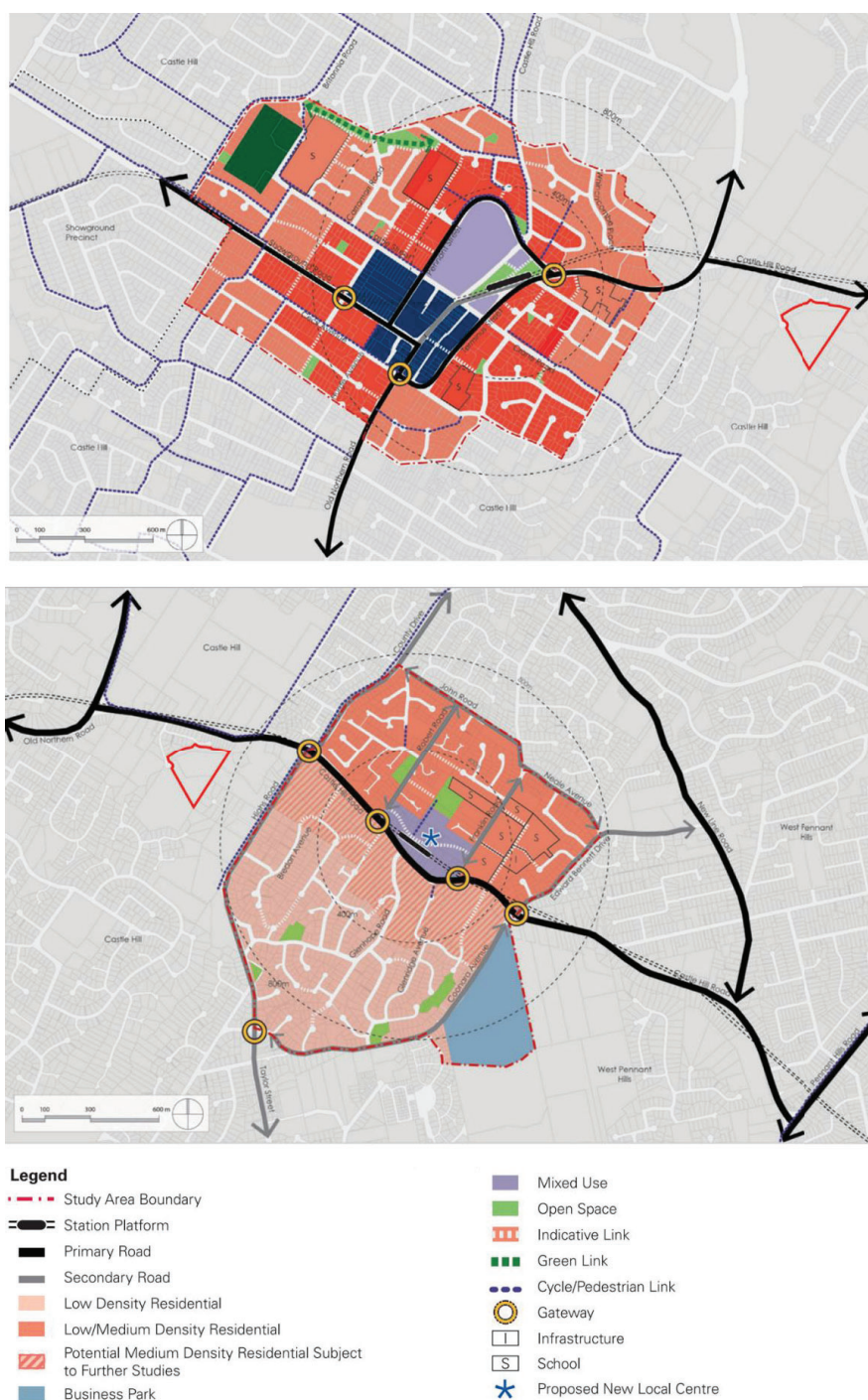
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public open space is questioned, given its size, location and the type of vegetation present on the site. This proposed open space area would primarily service this individual development, noting the site is not easily accessible for surrounding any surrounding residential catchment and would essentially be an isolated pocket of high density development separate from any centralised public transport nodes or services.

b) Section 9.1 Ministerial DirectionsDirection 1.16 North West Rail Link Corridor Strategy

Direction 1.16 promotes transit-oriented development and requires planning proposals within the Sydney Metro North West Corridor to give effect to the objectives, growth projections and proposed future character for each Precinct as set out in the NWRL Corridor Strategy.

The site is not identified as being suitable for development uplift within the Strategy. Rather, consistent with the principles of transit oriented development, it identifies land in closer proximity to stations (within the walkable catchment from each station) as more suitable areas for medium and high density development to occur. The planning proposal is inconsistent with this direction.

**Figure 10**

Structure Plan – North West Rail Link Corridor Strategy – Castle Hill (above) and Cherrybrook (below)

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Direction 1.22 Implementation of the Cherrybrook Station Place Strategy

The objectives of this direction are to facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy. It also seeks to actively support the consistent delivery of objectives in the District Plan and Greater Sydney Region Plan.

The site is located outside the Cherrybrook Station Precinct, as defined by the Place Strategy, which generally aligns with the 800-metre walkable catchment from the station. The Strategy identifies land within the 400-metre walkable catchment as suitable for medium density.

The State Government has commenced the implementation of the Place Strategy recommendations and further investigations through a state-led rezoning process. While the details regarding the state-led rezoning process have not been made available, it is anticipated that rezoning would remain consistent with the Place Strategy and this Ministerial Direction and be focused to land within the 400-metre walkable catchment, in accordance with the Place Strategy. The planning proposal is inconsistent with this Direction with respect to facilitating higher density development in close proximity to the station.



Figure 11
Structure Plan – Cherrybrook Place Strategy

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Direction 3.1 Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. It also states that a planning proposal must not reduce the environmental protection standards that apply to land identified for environment conservation purposes in a LEP (including by modifying development standards that apply to the land).

The current C4 Environmental Living zone aims to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, to ensure residential development does not have an adverse effect on those values. The only residential development permitted in this zone are dwelling houses and attached dual occupancies. Multi dwelling housing and residential flat buildings are prohibited.

In the context of Castle Hill Road, which is located on a prominent ridgeline, the C4 Environmental Living zone is an appropriate response that recognises the scenic views, topography, vegetation and land affected by geotechnical constraints. The land zoning, larger minimum lot size requirements and other associated development controls (such as maximum site coverage) all seek to reduce the scale of permissible development in this particular area. The zone and controls perform an important function in maintaining the integrity of the scenic and environmental characteristics and Council's Housing Strategy indicates the commitment to continuing this approach.

The proposed introduction of the R3 Medium Density Residential and R4 High Density Residential zones will diminish the protection offered by the C4 Environmental Living zone. The Proponent's consultant reports and Council's internal mapping indicate that there are critically endangered ecological community areas on the site, that would be removed as a result of the Proposal. The planning proposal seeks to apply a C2 Environmental Conservation zone to some portions of the site. Whilst this zone offers a higher level of protection to smaller portions of the site, it is a highly restrictive zone that is generally only applied where public ownership is intended and would not offset the overall detrimental impact of permitting medium and high density across the remainder of the site.

The site is heavily constrained by various environmental factors, including steep topography, landslide risk and the presence of Blue Gum High Forest, which is listed as a Critically Endangered Ecological Community under the federal *Environment Protection and Biodiversity Conservation Act 1999* and an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*.

Whilst the historic (commenced) subdivision consent allows for 22 residential lots (DA1089/2006/ZA), the original consent was granted nearly 20 years ago and was considered against the legislative framework that was in force at that time. Since this time, the legislative framework has become more robust, particularly with the introduction of the *Biodiversity Conservation Act 2016*. The current legislation requires detailed consideration of entities at risk of serious and irreversible impact and where a proposal is likely to have such impacts on biodiversity values, consent is not able to be granted at the development application stage.

A critically endangered ecological community (Blue Gum High Forest) is present on the subject site and the planning proposal seeks to remove a significant area of the critically endangered ecological community, which is an entity at risk of serious and irreversible impact. It is extremely unlikely that the environmental issues which underpin the C4 Environmental Living zoning and associated controls in this location, can be suitably resolved. Therefore, the planning proposal is considered to be inconsistent with this Ministerial Direction.

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Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area. Any Aboriginal areas, objects, places or landscapes must also be conserved.

The subject site is located within the vicinity of several heritage items listed under The Hills LEP 2019 and the Hornsby Local Environmental Plan 2013, as shown in Figure 12. The Proponent has submitted a Heritage Impact Statement prepared by Weir Phillips Heritage and Planning (dated January 2024) to assess the potential impacts of the proposal on the nearby heritage items. The heritage items consist of single storey residences, a gate and gate posts and a retirement village. A detailed list of heritage items is provided in Attachment 19.

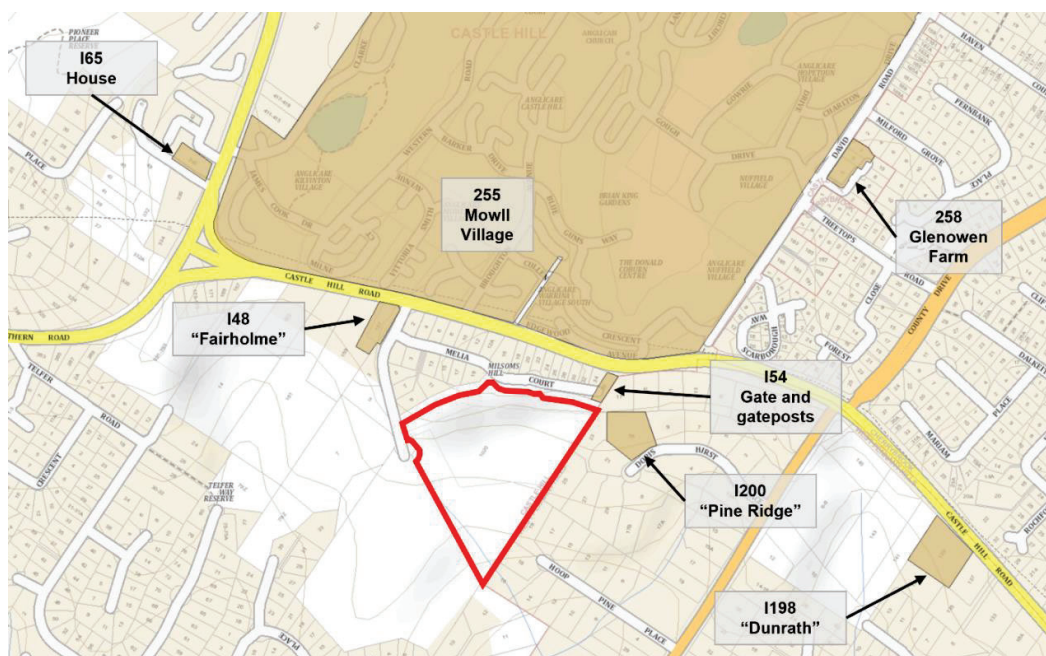


Figure 12
Location of Nearby Heritage Items

The Proponent's Heritage Impact Statement concludes that the proposed works will not impact on the fabric of any of the nearby heritage items or block existing significant view corridors to or from them. It notes the proposal will be concealed within the immediate setting of all the items, except for the outbuildings once part of the Pine Ridge Homestead. It also notes that these outbuildings are not visible from the public domain and do not rely on the character of their setting to explain their significance. The proposal is considered consistent with this direction.

Direction 4.1 Flooding

The purpose of this Direction is to ensure that planning proposals are consistent with the Government's flood related policies. It also seeks to ensure that planning proposals that apply to flood prone land are commensurate with flood behaviour and consider potential flood impacts both on and off the subject land. The Direction applies to all planning proposals that seek to create, alter or remove a zone or provision affecting flood prone land.

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The Proponent's Planning Proposal report indicates that the land is not identified as being flood affected on Council mapping for the purpose of Clause 5.21 *Flood Planning* of The Hills LEP 2019. Whilst Clause 5.21 of the LEP does not include mapping of the flood planning area, based on a preliminary review, various flood affectations have been identified on (and surrounding) the subject site. It is located within the Excelsior Creek Catchment, with a tributary and overland flow path traversing the western boundary (towards the southern end of the site). The southern portion of the subject site is identified as land that is subject to flood related development controls under The Hills Development Control Plan (DCP) 2012. A map showing some of the high level flood affectations is shown in Figure 13.

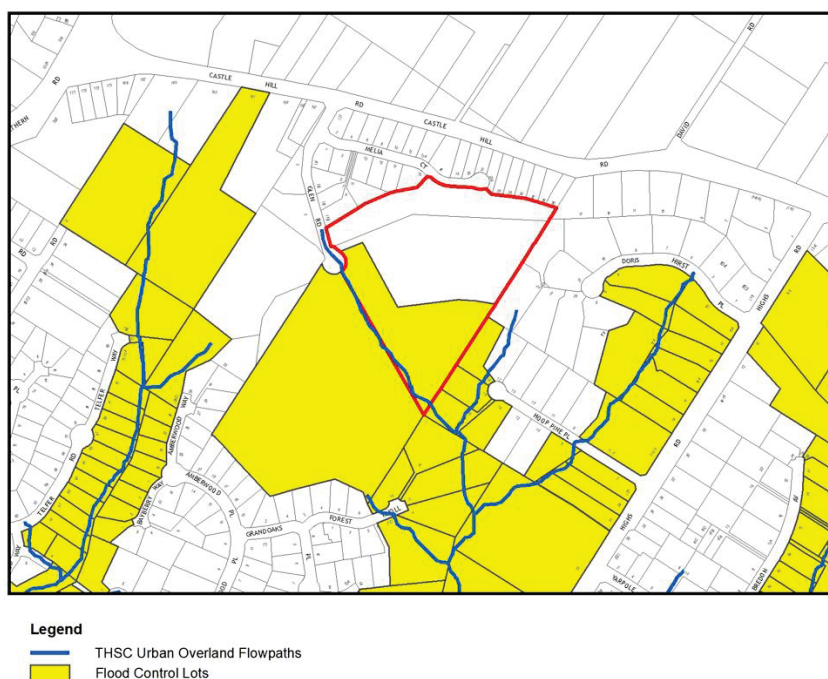


Figure 13
High Level Flood Affectations

In recognition of the flooding and stormwater constraints of the site, a Flood Impact and Risk Assessment (prepared by Northrop dated 19 November 2023) was submitted with the proposal (provided as Attachment 17 to this report). The proposal is also supported by a Stormwater Management Strategy as set out in the Proponent's Civil Engineering Assessment (prepared by Northrop dated 31 January 2024).

The Flood Impact and Risk Assessment indicates that several drainage easements run through the northern part of the site from Melia Court and a water supply easement runs through the middle of the site. It identifies that flooding is limited to within the drainage gully to the west of the site and that the site is marginally affected by local overland flow from Glen Road and the upstream Melia Court. It is indicated that the proposed development generally complies with the Ministerial Direction. Council officers have not been able to confirm the veracity of the flood modelling outcome at this stage and should the proposal proceed to Gateway Determination a revised report would be required that provides further details of the modelling for further assessment of the site and the engineering response in its entirety.

Based on the information submitted, Council officers are not yet satisfied that potential flood risks have been overcome or that the associated stormwater management strategy is satisfactory. This may be able to be resolved subject to additional work by the Proponent,

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however this has not been requested at this time given the range of fundamental issues with the proposal which have led to the conclusion that the proposal should not proceed to Gateway Determination.

Direction 4.4 Remediation of Contaminated Land

This direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The Proponent submitted a Preliminary Site Investigation prepared by Tetra Tech Coffey Pty Ltd (dated 17 November 2023) to identify potential contamination issues which may pose a constraint to site development and to determine whether additional site investigation or assessment would be required to support the development assessment process.

While it did not identify significant indications of contamination, it did identify potential contamination risks that would need to be resolved. Should the proposal proceed, further investigations would be required to demonstrate that contamination risks can be suitably addressed.

Direction 5.1 Integrated Land Use and Transport

This Direction aims to improve access to housing, jobs and services by walking, cycling and public transport. It also seeks to reduce travel demand and dependence on cars, support the efficient viable operation of public transport services and provide for the efficient movement of freight. The Planning Proposal is inconsistent with the objectives of this Direction as the site is not within the walking catchments of the Metro Stations (either Cherrybrook or Castle Hill) and as such will likely increase dependence on cars, noting that the area is not well serviced by the Sydney Metro Northwest. This is further discussed in Section 5 of this report.

Direction 6.1 Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of infrastructure and prevent the reduction of permissible residential density on land. Under the current provisions, the C4 Environmental Living zoning and minimum lot size control of 2,000m² would allow for limited development to occur, with the existing subdivision application likely representing the maximum yields that could be reasonably be accommodated on the subject site. The subject site has not been identified in Council's strategic plans as an area for additional residential development, principally due to the significant environmental constraints on the site and its distant location from both Castle Hill and Cherrybrook Metro Stations. The existing controls are considered appropriate and no additional uplift is warranted.

c) Local Strategic Planning Statement

Council's Local Strategic Planning Statement: *Hills Future 2036* (LSPS) outlines the 20-year vision for land use planning, population, housing, economic growth and environmental management for The Hills Shire. Accompanying the LSPS are key strategies that outline guiding principles, of which the Housing Strategy and Environment Strategy is of relevance to the proposal.

Council's LSPS seeks to provide housing in the right locations, close to transport and to protect biodiversity and scenic landscapes. It envisages the majority of future residential uplift will occur in Station Precincts and Release Areas. The LSPS articulates there is sufficient land zoned or identified for future uplift to meet the Shire's housing targets to 2036 and beyond, with there already being zoned capacity for approximately 50,000 additional dwellings within The Hills Shire and a further 10,000 strategically identified additional dwellings that Council is working towards unlocking as part of detailed precinct planning processes. Council

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is also on track to meet and exceed its housing targets, with more than 22,600 dwellings being approved since 2016 (as at June 2023) and nearly 15,600 dwellings completed in this same period (as at June 2023). As such, there is limited justification for providing additional housing outside of areas already identified as being suitable for uplift, where recent infrastructure investment can be readily capitalised on to enable transit oriented development outcomes.

The site is not located within the walkable catchment of either the Castle Hill or Cherrybrook Metro Stations. The proposal seeks to provide medium and high density residential development on a site that is identified as containing critically endangered ecological communities, in a location that has not been planned to accommodate this level of uplift and in an area which has been specifically identified for low-impact residential only to protect and maintain the environmental, aesthetic and scenic qualities of the locality. Given this, the planning proposal does not demonstrate consistency with the vision and priorities articulated within Council's LSPS.

d) The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council in November 2015 and articulates Council's vision for future growth for Station Precincts within The Hills Shire. The site is not identified as being suitable for development uplift within this Strategy. Land in closer proximity to stations (within the walkable catchment from each station) has been identified as more suitable areas for high density development to occur.

While the subject sites are not identified on the opportunities map for either Castle Hill or Cherrybrook (given they were considered suitable for development uplift), they are shown on the constraints mapping completed for the broader locality, as shown below. This mapping indicates the subject site features significant vegetation and a watercourse. The Strategy states that any future development on private land, in close proximity to this vegetation will need to be guided by a flora and fauna assessment and will need to avoid, mitigate and/or offset impacts to any threatened entities found on sites.

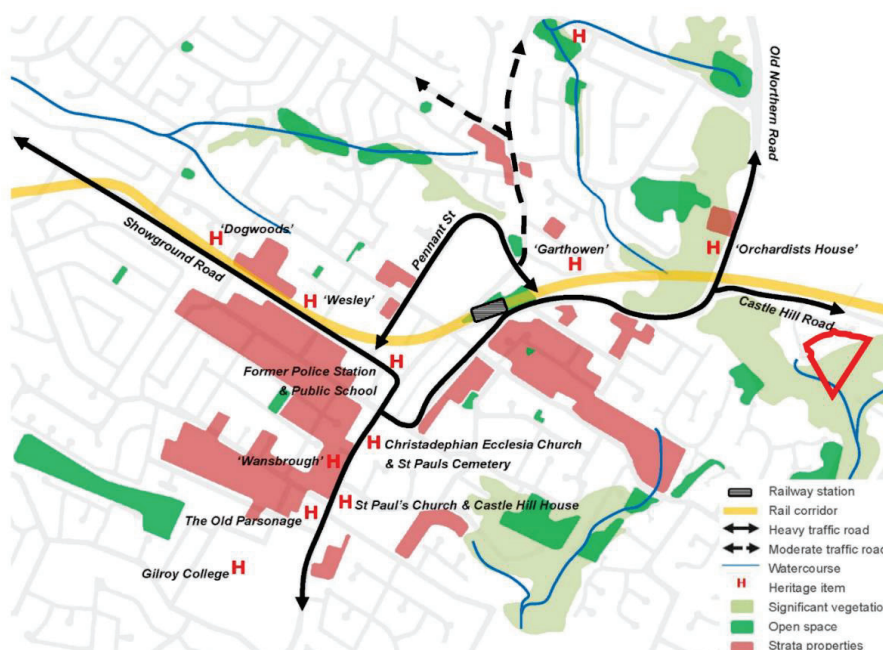


Figure 14
Constraints – The Hills Corridor Strategy – Castle Hill

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e) Draft Castle Hill Precinct Plan

In mid-2023, Council exhibited a Draft Precinct Plan for the Castle Hill Strategic Centre. It sets a 20-year vision for Castle Hill that builds on the high-level outcomes envisaged within previous strategic planning documents and draws on a range of technical studies. The Plan articulates how the strategic objectives and outcomes for Castle Hill will be implemented over the next 20 years, drilling down into finer grain, site specific detail to inform future development and potential changes to planning controls and the infrastructure contributions framework.

The site is not identified as being suitable for development uplift within this draft Plan, nor is it identified within the Strategic Centre. Land in closer proximity to the station (within the walkable catchment from the station) has been identified as a more suitable area for medium and high density development to occur. Areas towards the periphery of the strategic centre are expected to remain unchanged or develop under the existing controls, especially those areas subject to significant constraints (such as geotechnical matters and critically endangered vegetation).

5. SITE SPECIFIC MERIT CONSIDERATIONS

The planning proposal requires consideration of the following site-specific matters:

- a) Suitability of the Proposed Density and Visual Impact
- b) Appropriateness of Proposed Planning Mechanisms
- c) Environmental Considerations
- d) Traffic and Parking
- e) Infrastructure Demand

a) Suitability of the Proposed Density and Visual Impact

The locality is characterised by low (to very low) density residential developments and environmental living. The site and surrounds form an important 'environmental spine' along Castle Hill Road, noting that Castle Hill Road is located on a prominent ridgeline. Therefore, an environmental living zone has been applied to preserve views, vegetation and land affected by geotechnical constraints. The proposed development seeks to deliver a medium to high density development that would be significantly out of alignment with the well-established local character, representing and entirely different built form outcome and significant increase in building heights and density. Densities in the surrounding area generally range from around 3 dwellings per hectare to 11 dwellings per hectare.

A density calculation has been undertaken for the proposed development. When looking at the 2.1 hectare portion of the site that is proposed for development, the proposed density is approximately 88 dwellings per hectare. This scale of development is inconsistent with the surrounding character of the area and the objectives of the C4 Environmental Living Zone. It is more consistent with higher density development that is typically considered to be appropriate in the 800m walkable catchment of Metro Station Precincts, rather than in low density neighbourhoods that are constrained by environmental values and identified for low-impact development which protects environmental, aesthetic and scenic values. Further the proposed mechanisms do not provide any certainty as to the density outcomes noting that no floor space ratio control has been proposed (this is further discussed in the following section). Therefore, the proposed built form and density it is not considered appropriate for the subject site.

The Proponent has submitted a Visual Impact Assessment prepared by Audax Urban (dated February 2024) (Attachment 25) to assess the visual effects of the proposal on the existing

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views within the site's surrounding residential context with special regard to aesthetic scenic qualities of the locality and surrounding vantage points. It concluded the following:

- Some of the views were found to have nil or negligible view impacts – including View 1 (end of the cul-de-sac at Doris Hirst Place), View 2a (panoramic view from Melia Court) View 2b (framed view from Melia Court) and View 5 (within the site near the eastern boundary).
- View 4 was found to be fully within the site and the report concluded it has no aesthetic and scenic qualities visible from the locality.
- The proposed development was found to have a high level of visibility when viewed from Glen Road (View 3), but claimed the visual catchment is limited and the built form will be well screened by the proposed vegetation.

With respect to the view from Glen Road, it is questioned how the proposed development would be appropriately screened when viewed from Glen Road noting the substantial amount of vegetation proposed to be removed. The accuracy of the view assessment from Melia Court is also questioned, particularly given the view assessment is undertaken from the opposite side of Melia Court (furthest away from the proposed development), which would likely understate the extent of the visual impacts. It remains the view of Council officers that the proposal will significantly impact the scenic landscape of this locality, particularly when viewed from Glen Road and Melia Court.

b) Appropriateness of Proposed Planning MechanismsLand Zone

The planning proposal seeks to rezone the site from C4 Environmental Living to C2 Environmental Conservation, R3 Medium Density Residential, R4 High Density Residential and RE1 Public Recreation.

The C4 Environmental Living zone has typically been used within The Hills Shire to retain natural drainage channels, protect vegetation, scenic views and topographical features and to reduce the risk of geotechnical hazards. Its application is most effective when applied to a large contiguous area. Approving the planning proposal in its current form poses a potential risk of setting a precedent for applications seeking a similar outcome, which could in turn compromise the integrity of the continuous C4 Environmental Living zone land in this locality and further impact biodiversity values.

The proposed R3 Medium Density Residential and R4 High Density Residential zoning is not supported as it would allow for a significant overdevelopment of the site in a manner which does not align with the character or objectives for development within this locality and which is not appropriate having regard to the site specific constraints applicable to the land.

The proposed RE1 Public Recreation and C2 Environmental Conservation zones are not supported, as these may trigger an acquisition liability for Council. Irrespective of the acquisition liability risks, the areas proposed for these zoned are not suitable for public recreation in any case due to the size, location and environmental characteristics. Should the Proponent proceed with the existing consent for the land, a Vegetation Management Plan (VMP) and a Section 88B restriction are required to protect significant vegetation on the site.

Maximum Height of Building

The planning proposal seeks to apply maximum height of building controls to the subject land, varying between 10m and 22m to facilitate a built form outcome ranging from three to six storeys (as shown in Figure 15). The proposed height of buildings is inconsistent with the character and objectives for development within the locality, noting the low density residential and environmentally sensitive nature of the area.

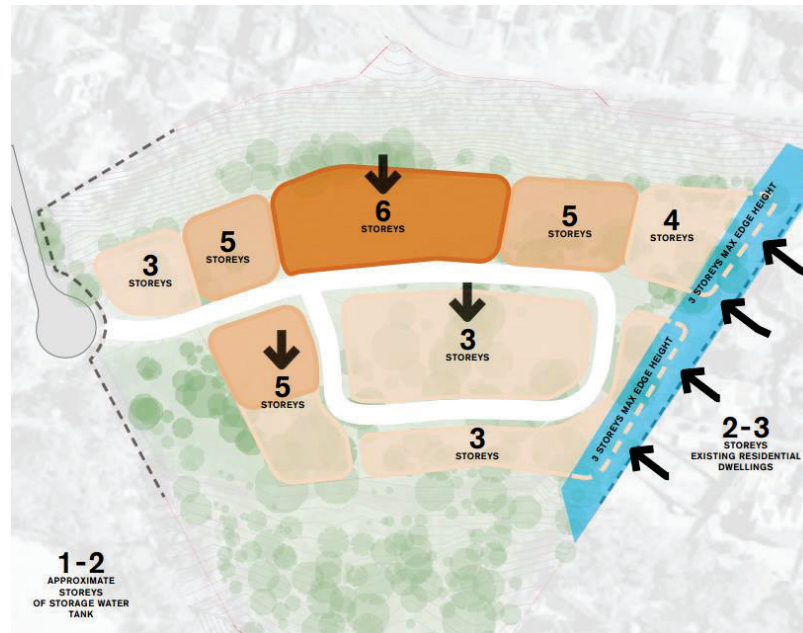


Figure 15
Indicative Built Form Outcomes
(Source: Proponent's Urban Design Report, DKO)

Maximum Floor Space Ratio Control

No FSR controls are currently applicable to the subject site and the proposal, as submitted, does not seek to apply any FSR controls to the site. In the absence of such controls, Council would be reliant upon the maximum height of building controls to guide future built form outcomes and as such, has no real certainty or control over the future bulk and scale on this site, or the number of dwellings that could ultimately be delivered on the site. This is not appropriate and should the proposal proceed in any form, a FSR control would be required.

Housing Mix and Diversity

The Proponent has not indicated if they seek to apply Council's housing diversity clause, which requires at least 30% of new apartments to be suitable for families in response to the demographics of the Shire. Should the proposal proceed, it is expected that proposal would need to be amended to achieve consistency with the housing diversity clause for the apartment component of the proposed development.

Development Control Plan (DCP)

Should the proposal proceed, a site-specific DCP would be required to deal with future development outcomes on the site to ensure that the intended built form outcome that supports the planning proposal is delivered. It is anticipated that at a minimum, development controls would relate to matters such as streetscape, character, setbacks, access to the site, vegetation management, waste management, parking and the preservation of vegetated setbacks.

There are a number of concerns with the design of the proposal shown in the concept plans that would need to be amended in order to meet standard DCP requirements. In particular, the accommodation of waste collection vehicles in basements and the presentation of bins on the street with enough space for collection is not demonstrated. It is considered overall however that the fundamental issues with the proposal are beyond those which could be resolved through site specific development controls, as the overall development outcome would be out

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of context and inappropriate for the locality and having regard to the site specific constraints and characteristics.

c) Environmental ConsiderationsBiodiversity

The *Biodiversity Conservation Act 2016* includes mandatory requirements for biodiversity assessment and reporting and requires proponents to demonstrate appropriate and sufficient steps have been taken to avoid and minimise impacts to areas identified and mapped as containing biodiversity values. The subject site is mapped on the State Government's sensitive biodiversity values map, as shown in the figure below.

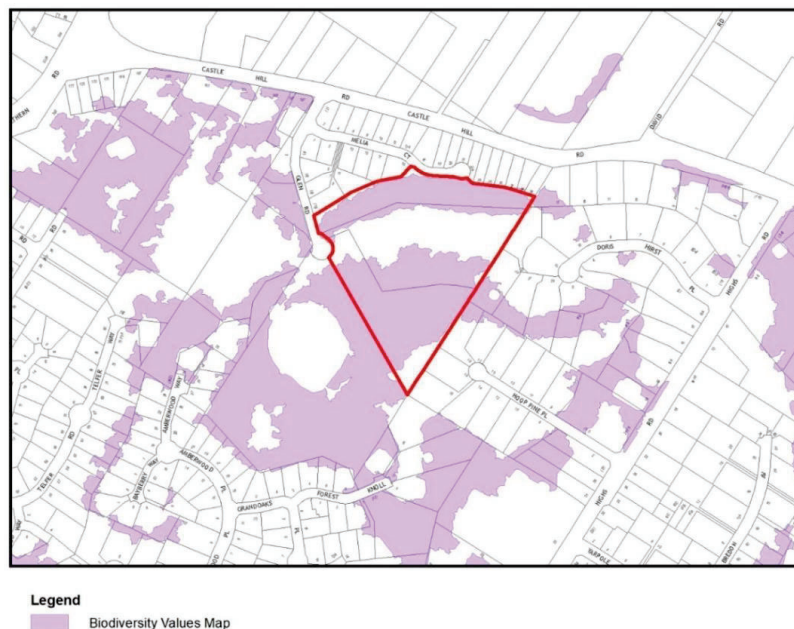


Figure 16
Sensitive Biodiversity Values Map

The Proponent has submitted a Biodiversity Development Assessment Report (BDAR) prepared by Fraser Ecological Consulting (dated 6 February 2024 and provided as Attachment 12). The BDAR identifies that approximately 2.5Ha of Blue Gum High Forest is present on the site, primarily on the southern portion. It indicates that the vegetation along the northern boundary does not constitute Blue Gum High Forest and is dominated by weeds and the central part of the site contains introduced grasses and weeds. Two threatened species of fauna, the Powerful Owl and Grey-Headed Flying-Fox, were detected (vocalisations) during surveys of the subject land. It also noted that while the Dural Land Snail was not detected on site, it has been previously recorded in the locality and as such, it is assumed that there it is present as a precautionary measure.

The BDAR identifies that Blue Gum High Forest is an entity that is at risk of serious and irreversible impacts and has identified some mitigation measures. However, the location and design of the proposed development has not been adequately informed by the biodiversity values. Further, the extent of earthworks and the asset protection zone has not been accurately considered as part of the assessment. Therefore, the development as proposed is considered highly likely to result in serious and irreversible impacts to the Blue Gum High

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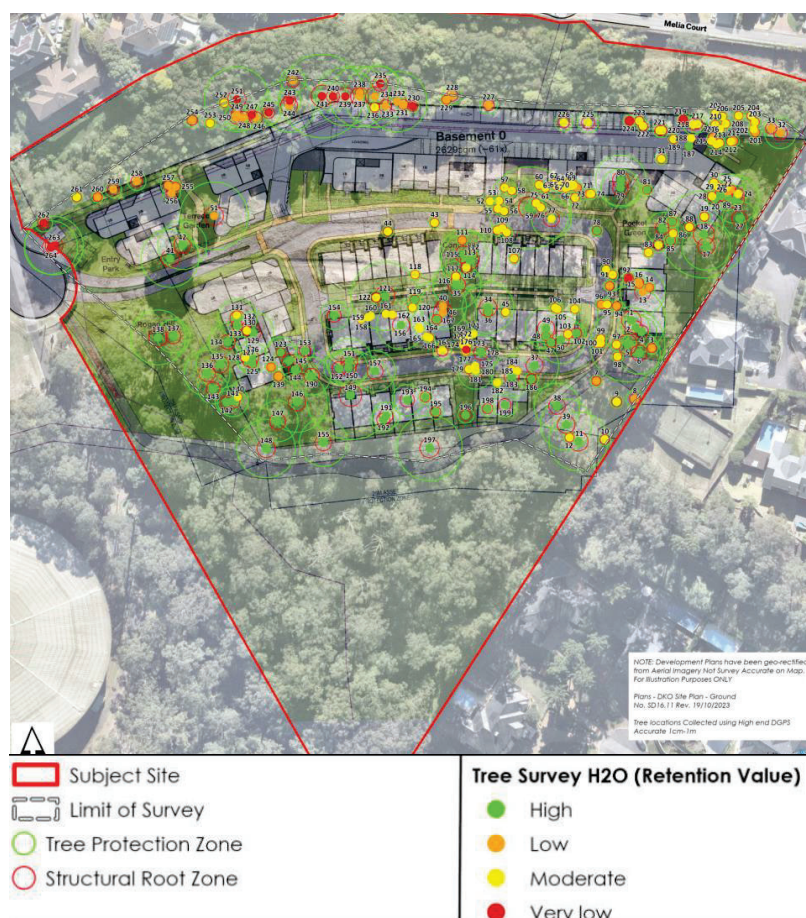
Forest. A lower scale and density development with a smaller footprint and reduced need for vegetation clearing and cut and fill would be a more appropriate response, similar to the outcomes within the surrounding area.

It is recommended that the proposal in its current form *not* proceed to Gateway Determination as it is an inappropriate environmental outcome that has not had proper regard to the biodiversity values of the land, has not been designed to adequately protect vegetation and is unlikely to satisfy the relevant requirements of the *Biodiversity Conservation Act 2016*.

Tree Removal

The Proponent has submitted an Arboricultural Impact Assessment Report that was prepared by H2O Consulting Group (dated 30 January 2024), which is provided as Attachment 11 to this report. The Arboricultural Impact Assessment Report indicates that the subject site is partially cleared and there are thicker sections of bushland towards the northern and southern ends. It also indicates the native bushland around the clearing is mapped as Blue Gum High Forest of the Sydney Basin Bioregion, which is listed as a Critically Endangered Ecological Community under the federal *Environment Protection and Biodiversity Conservation Act 1999* and an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*.

The report stated a tree survey had been undertaken, which indicated 263 trees were located within approximately 10m of the proposed building footprint on the subject site. It found the trees consisted of various canopy forming species that align with locally occurring native vegetation along with a number of exotic and potential species. Of the trees surveyed, the tree health ranged from poor to excellent, with the majority displaying fair to good structure. The indicative location and retention value of these trees are shown in the following figure.



The Arboricultural Impact Assessment indicates that there are 187 trees located within the proposed building footprint that will require removal. This includes 66 ecologically significant Sydney Blue Gum trees, most of which (60) are of High Retention Value. A total of 63 High Retention Value Trees are located within the proposal footprint and will require removal to make way for construction works.

The Arboricultural Impact Assessment notes that the proposal is also expected to have a major encroachment into the TPZ of an additional 22 trees, including nine trees of High Retention Value (Sydney Blue Gum trees). Given the extensive excavation works that will be required to establish the underground carparks, and considerable amounts of overhead works to construct the buildings, none of these trees are expected to remain viable, thus have been recommended for removal.

In summary, the Proponent's Arboricultural Impact Assessment Report recommends the removal of at least 209 trees. Of these trees, 72 are of high retention value (including 69 Sydney Blue Gum trees). However, it is likely that additional trees beyond this will require removal as the report has not properly considered the proposed earthworks or asset protection zones in their entirety.

Geotechnical and Landslide Risk

Under Clause 7.6 – Landslide Risk of LEP 2019, the site is identified and mapped as susceptible to landslide risk. This clause seeks to limit development to the commensurate underlying geotechnical conditions and to restrict development on unsuitable land. An extract of the Landslip Risk Map from LEP 2019 is shown in Figure 18 below.

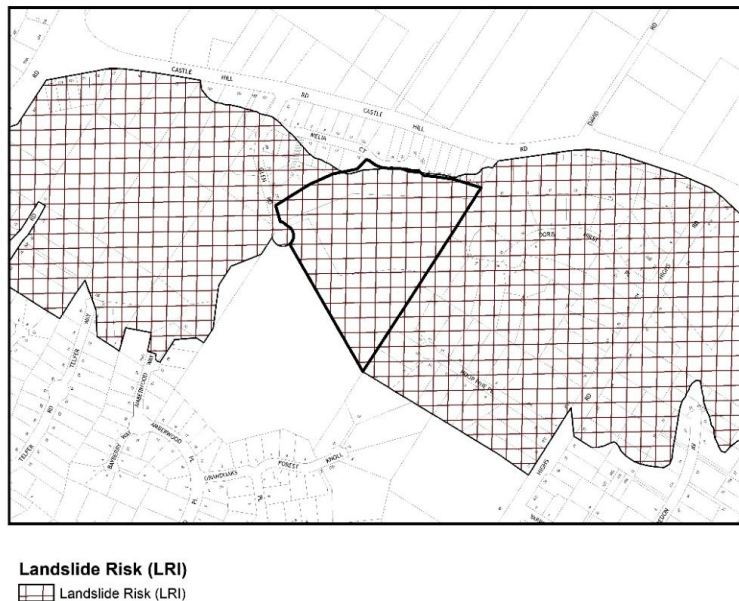


Figure 18
Landslide Risk Map – LEP 2019 (subject site outlined in black)

In recognition of the geotechnical constraints of the site, an Initial Geotechnical Assessment Report (prepared by Tetra Tech Coffey dated 8 November 2023) was submitted with the proposal (provided as Attachment 18). The purpose of the Proponent's report is to review geotechnical information that is currently available for this site as a basis for comment on the perceived feasibility of this development, together with discussion on potential geotechnical design strategies for the construction the proposed development on this landslide site. The proposal is also supported by a Structural Report, prepared by Northrop dated 1 February 2024 (provided as Attachment 22 to this report). The purpose of this report is intended to assist with assessment of safety of the build as well as understanding the structural systems proposed for use.

By way of background, the current development consent that facilitates 22 residential lots on the subject site (1089/2006/ZA/C) proposed stabilisation of the site by a “big dig” methodology which involves construction of retaining walls around the boundaries of the site and removal and replacement of landslide material in the central part of the site. Following consideration by the Geotechnical Review Panel, the site stabilisation strategy was approved in concept with further site investigation, geotechnical reporting and peer review required as part of the conditions of consent. This included requirements for all structures to be located within the site and the approval not relying on anchoring under the adjoining properties to the east.

The Proponent's report indicates that the future cost of landslide mitigation measures for the site was found to be uneconomical for conventional low density residential housing development. It notes that the ground conditions across the site comprise a deep soil creep

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landslide over shale bedrock and landslip issues arise when excess groundwater enters the soil underlying the development after prolonged periods of rainfall.

The following landslide management and construction strategies are identified as part of the current planning proposal:

- i. Installing a permanent anchored shoring wall at the northern edge of the site which will act to retain the hillside above the development and also act as a cutoff drain to reduce the amount of water entering the development from uphill.
- ii. In areas that have basements which are close to the slip plane, over-excavating down to the slip plane, installing a drainage layer and building back up with site won engineered fill.
- iii. In areas that don't have basements or where the basement level is well above the slip plane, installing a series of drainage channels in the soil to remove excess water from the soil.
- iv. All proposed structures will be designed as suspended structures supported on bored piers/ piles (or equivalent) to limit surcharge loading on the ground material.

The report concludes that the proposed development is considered feasible from a geotechnical perspective. It also notes that appropriate additional site investigation, design assessments and construction monitoring normally associated with this type of development would need to be carried out. The initial assessments have not included a comprehensive assessment of the site in its entirety, rather the inferred preliminary geotechnical model and recommendations are based on limited subsurface investigations at discrete locations. Specifically, the report notes additional detailed investigations and monitoring would be required including:

- Borehole drilling in the northern third of the site to characterise ground conditions for retaining wall design and the installation of groundwater observations wells.
- Rock core borehole drilling in the central part of the site to fully assess the strength and nature of defects within the slightly weathered to fresh shale and laminite, this will be required for building and retaining wall footing/socket design.
- Excavation of deep test pits near the top of the slope with the aim of identification of existing slide planes, and if found, sampling and laboratory shear box testing should be carried out to better assist its peak and residual shear strengths.
- Ongoing groundwater levels monitoring and comparison with rainfall records to assess current site groundwater levels, fluctuations and flow directions for detailed design groundwater modelling.

Overall, the Proponent's report is fairly high level in nature and does not include any discussion on how the vegetation constraints will be addressed and managed in conjunction with the geotechnical works that would also be required to facilitate this scale of development. The report also provides limited detail on alternate land uses that would be permissible if the proposed land use zones are applied (for example, seniors living, shop top housing, neighbourhood shops, centre-based child care facilities etc.) and whether different forms of slope stabilisation are required for these different land uses (notwithstanding that these are not the intended development outcome as submitted by the Proponent). Notwithstanding the Proponent's comments around the costs of geotechnical stabilisation, this does not warrant the approval of a scale and extent of development that is inconsistent with the prevailing environmental and low density character of the surrounding area. The Proponent's report has not demonstrated that the proposal is acceptable from a geotechnical risk perspective.

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Stormwater Management

The proposal is supported by a Stormwater Management Strategy as set out in the Proponent's Civil Engineering Assessment (prepared by Northrop dated 31 January 2024).

Part of the strategy proposes a swale running from east to west sitting at the northern boundary of the site to service upstream flows. The swale is proposed to run at a minimum of 1% and connect into existing stormwater pit at Glen Road, subject to approval and internal sizing calculations. However, concern is raised that runoff from the north eastern corner of the site will likely bypass the swale behind the shoring wall. Once flows hit the shoring wall, they can potentially end up as concentrated flows that may potentially end up in the adjoining site at 23 Doris Hirst Place.

A number of additional concerns are raised with the proposed onsite detention (OSD) and structural measures:

- Stage 1 OSD tank and filtration system to be located within Basement Level 1 will present several issues including dirty road runoff in a confined space that can cause unpleasant odours, difficulty in accessing the detention/filtration system for maintenance and the requirement for deep pits and pipes to drain the water out.
- Stage 2 OSD tank located under the western leg of the loop road may not be ideal noting the steep grade of the road and the need for the tank to have horizontal base and top for maximum storage.
- The bioretention basin is connected to the third OSD tank may not be possible due to the presence of significant trees. Further, recessing the area intended for the bioretention basin can be challenging considering the steep topography of the site.
- Due to site's steep topography, it may not be possible for the third OSD tank to be fully in-ground which requires further consideration of safety and aesthetics.
- There could be developed areas that will bypass the OSD and water quality provisions for the site. Sizing the OSD tank and stormwater quality treatment devices needs to overcompensate for these bypassing areas.
- The installation of drainage layers or channels as part of structural measures requires consideration of how they are incorporated in the stormwater management strategy.

The planning proposal has not adequately addressed stormwater management.

d) Traffic, Active Transport and ParkingTraffic

The Proponent submitted a Transport Impact Assessment (prepared by ARUP and dated 30 January 2024), provided as Attachment 23 to this report. It indicates that the road network near the subject site is expected to operate at a 'good' level of operation in 2023 and 2033 (both with and without the proposed development), as shown in the following figure. However, the accuracy of these results is questioned, noting that Castle Hill Road already experiences delays in the AM and PM peak periods under current conditions. The traffic modelling undertaken has not considered the potential traffic generations from the surrounding approved and planned developments, such as the proposed subdivisions west of Glen Road. Therefore, further information is required on which roads have been included within this assessment (to

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THE HILLS SHIRE

ensure that it also considers other intersections in the broader locality that will be impacted by the proposed development).

| Peak Period | Scenario | DoS | Average delay (s) | Level of Service | Max. queue (m) |
|-------------|------------------------------|------|-------------------|------------------|----------------------|
| AM Peak | Existing 2023 | 0.71 | 5 | A | 140m (east approach) |
| | 2023 with proposal | 0.72 | 6 | A | 145m (east approach) |
| | Future 2033 without proposal | 0.78 | 6 | A | 175m (east approach) |
| | Future 2033 with proposal | 0.79 | 7 | A | 180m (east approach) |
| PM Peak | Existing 2023 | 0.75 | 4 | A | 190m (east approach) |
| | 2023 with proposal | 0.77 | 5 | A | 205m (east approach) |
| | Future 2033 without proposal | 0.83 | 5 | A | 255m (east approach) |
| | Future 2033 with proposal | 0.85 | 6 | A | 270m (east approach) |

Figure 19

Traffic Modelling Results Castle Hill Road and Glen Road Intersection
(Source: Proponent's Transport Impact Assessment)

The Proponent's Transport Impact Assessment indicates that access to and from the site is provided via Glen Road. Unrestricted parking is currently permitted on both sides of Glen Road and is used by existing residents. The Proponent's Transport Impact Statement notes that the road carriageway of Glen Road is generally narrow and vehicles are unable to pass each other where there are vehicles parked on both sides of the road (noting existing traffic volumes are quite low). It recommends that kerbside restrictions (such as 'no parking' restrictions) be considered at regular intervals on both sides of Glen Road to allow vehicles to pass each other. Given the proposed development will result in additional traffic generation, the proposed signage mechanism is not considered an appropriate solution, and the road would need to be widened to accommodate the increased traffic flows.

Right turns are not currently permitted from Castle Hill Road to Glen Road on weekdays during peak hours, noting that there are significant safety issues associated with making right turns in this location. While the Proponent's Transport Impact Assessment recommends that traffic be diverted to utilise a detour that is approximately 3 kilometres long with an estimated travel time of 6 minutes (via Robert Road, John Road, County Drive and back onto Castle Hill Road) this is not considered an appropriate or suitable option. This will place increased pressure on the broader road network. It is also likely that road users will ignore the right turn restrictions, continuing to make the right turn across Castle Hill Road into Glen Road, despite it being prohibited. This poses a significant road safety issue for road users.

Given the foregoing, the proposal is unable to demonstrate an acceptable and safe traffic management solution to support the proposal.

Parking

The site is subject to the minimum parking requirements as set out in The Hills Development Control Plan (DCP) 2012. The Proponent's Transport Impact Assessment indicates that given the site is located within the Sydney Metro Northwest Corridor (as defined by the NSW Government and shown in Figure 20), the minimum parking rates for residential developments

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THE HILLS SHIRE

within the Corridor are applicable to the subject site (being 1 space per unit and 1 visitor space per 5 units). The proposed parking rates are detailed in Figure 21.

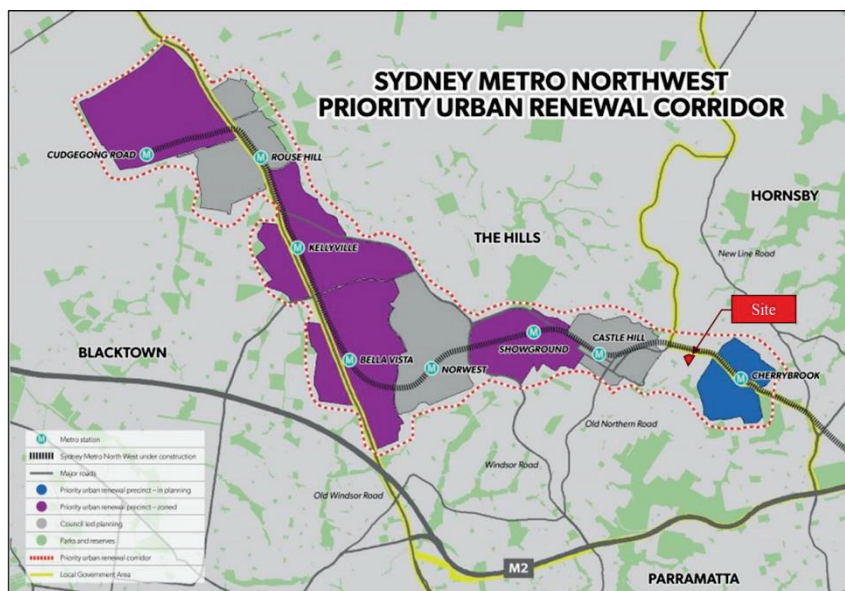


Figure 20

Sydney Metro Northwest Corridor (Source: Proponent's Transport Impact Assessment)

| Building type | Yield | Required car parking spaces | Required visitor car parking spaces | Total required car parking spaces | Proposed parking spaces |
|----------------|-------|-----------------------------|-------------------------------------|-----------------------------------|-------------------------|
| 1 bedroom unit | 44 | 44 | 30 | 177 | 189 |
| 2 bedroom unit | 73 | 73 | | | |
| 3 bedroom unit | 30 | 30 | | | |
| Terraces | 38 | 38 | 8 | 46 | 76 |
| Total | | 185 | 38 | 223 | 265 |

Figure 21

Proposed Parking Rates (Source: Proponent's Transport Impact Assessment)

The subject site is not located within any of the identified Station Precincts and it is not considered reasonable for the proposed development to solely rely on the reduced parking rates within Council's DCP, noting that the site is outside of walkable catchment of the stations and residents will be heavily reliant on private vehicles given the substantial distance from the Metro Stations.

Council's parking rates for residential flat buildings, shop top housing and multi-dwelling housing as identified in Part C Section 1 Parking of The Hills DCP would apply to the subject site, which includes the following provisions:

- 1 space per 1 bedroom unit
- 2 spaces per 2 or 3 bedroom unit
- 2 visitor spaces per 5 units

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Having regard to the yields proposed, the proposal will result in insufficient parking (a shortfall of approximately 144 parking spaces) when assessed against the requirements of The Hills DCP 2012. This is detailed below in Table 4.

| Parking Requirement | Number of Dwellings | Number of Parking Spaces |
|-----------------------------------|---------------------|--------------------------|
| 1 space per 1 bedroom unit | 35 | 35 |
| 2 spaces per 2 or 3 bedroom units | 150 | 300 |
| 2 visitor spaces per 5 units | - | 74 |
| Total | 185 | 409 |

Table 4
Comparison of DCP Parking Rates

This would require additional site work to accommodate the additional parking spaces and would result in additional environmental impacts, noting that the proposed density is excessive and already cannot be suitably accommodated with the developable site almost completely taken up by basement car parking structures and landslip remediation. This is not in keeping with the principles of ecological sustainable design.

e) Infrastructure Considerations

Local Infrastructure Demand

It is critical that any future development is matched by appropriate infrastructure to serve the growing population of residents and workers, including playing fields, local parks, community facilities, drainage facilities and transport infrastructure. The proposed uplift of 185 dwellings (and approximately 370 people) will generate demand for approximately:

- 9% of a new sports field;
- 9% of a local park;
- 9% of a netball court;
- 9% of a tennis court; and
- 3% of a local community centre.

The proposed uplift sought as part of this planning proposal is significantly higher than what was expected under the existing strategic framework, noting that no uplift (beyond the current approved large lot subdivision) was identified for this site. Accordingly, it has not been planned or catered for under the applicable contributions plan, being Council's Section 7.12 Contribution Plan, which only envisaged incremental development within established urban areas. Therefore, it is not an appropriate mechanism for levying the proposed development.

The Proponent has submitted a letter of offer to enter into a Planning Agreement (provided as Attachment 7 to this report). The letter of offer prepared by Paro Consulting (dated 16 February 2024) includes preliminary details of infrastructure and public benefits the developer intends to deliver in association with the development. The letter of offer includes:

- The delivery of a future public park around 2,000m² in size that features play equipment, landscaping and areas for passive recreation. The letter indicates the Proponent's intent for the ownership to be transferred to Council.
- 15% of the total floor area to be used as affordable rental housing for at least 15 years from the date of occupation and managed by a registered community housing provider.
- Regeneration of some of the bushland, within the proposed C2 Environmental Conservation zone in accordance with a future vegetation management plan.
- Construction of a new footpath along Glen Road through to Castle Hill Road.

LOCAL PLANNING PANEL MEETING 15 MAY 2024**THE HILLS SHIRE**

At this stage, the Proponent has not provided a total monetary value of the proposed works, land and monetary contributions. Notwithstanding the absence of this information, a preliminary review of the offer has been undertaken by Council Officers (using assumptions where required).

The following comments are raised with respect to the proposed offer:

- Given the size, location and environmental characteristics of the land, the proposed park is not considered functional or usable. The park is smaller than the minimum criteria of 5,000m² in the Recreation Strategy, is not in a location where the Recreation Strategy identifies that additional parks are required, the land is constrained by the presence of Blue Gum High Forest, steep topography, landslide risk and a drainage gully along the western boundary. The survey plan also indicates that a sewer line runs through the proposed location of the park. This park would primarily be accessible by, and in service to, residents of this development rather than providing any public benefit for the broader community.
- With respect to the proposed affordable rental housing, noting Council has not entered into an affordable housing contributions scheme (with investigations currently underway) and does not administer any affordable housing accommodation, there is no mechanism to attribute the contribution towards affordable housing. This part of the proposal should be considered as part of any future residential component of development on the site or through a separate arrangement with an organisation which is able to provide such housing.
- The proposed environmental conservation works and footpath along Glen Road are not considered to be a public benefit as such works would likely be required by way of a condition of development consent as part of any future development application process.
- The offer does not include any consideration of the demand created by the development for active open space facilities or traffic and transport infrastructure.

The offer does not adequately address the increased demand for infrastructure that would be required to support the proposed development, is substantially less than any comparable contributions plans that levy high density residential development and does not provide any tangible public benefits for the community.

CONCLUSION

This report recommends that the planning proposal *not* proceed to Gateway Determination, on the basis that the planning proposal has not demonstrated either strategic or site specific merit. The strategic planning framework encourages housing in the right locations and the protection of the environment. The planning proposal is not able to meet the key objectives to deliver on these outcomes.

The environmental constraints of the site are significant and the proposal has not demonstrated that these constraints can be overcome to deliver an appropriate development outcome, in the context of environmentally sensitive land where no uplift is anticipated within the strategic planning framework. The proposed outcomes are beyond the capacity of the site and are not supported.

LOCAL PLANNING PANEL MEETING 15 MAY 2024**THE HILLS SHIRE**

ATTACHMENTS (PROVIDED UNDER SEPARATE COVER)

1. Council Officer Pre-lodgement Feedback Letter (November 2021) (4 pages)
2. Council Officer Scoping and Pre-lodgement Feedback Letter (June 2023) (8 pages)
3. Planning Proposal Report (82 pages)
4. Urban Design Report (44 pages)
5. Concept Architectural Drawings (10 pages)
6. Survey Plan (2 pages)
7. Public Benefit Offer (2 pages)
8. Quantity Surveyor's Report (6 pages)
9. Landscape Drawings (14 pages)
10. Landscape Architecture Design Report (46 pages)
11. Arboricultural Impact Assessment (54 pages)
12. Biodiversity Development Assessment Report (160 pages)
13. Bushfire Study (90 pages)
14. Civil Engineering Assessment and Feasibility Report (16 pages)
15. Communication Plan (54 pages)
16. Community and Economic Needs Assessment (36 pages)
17. Flood Impact and Risk Assessment (42 pages)
18. Geotechnical Assessment (20 pages)
19. Heritage Impact Statement (36 pages)
20. Preliminary Site Investigation (56 pages)
21. Services Infrastructure Report (18 pages)
22. Structural Report (8 pages)
23. Transport Impact Assessment (54 pages)
24. Vegetation Management Plan (74 pages)
25. Visual Impact Assessment (32 pages)

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON 15 MAY 2024

PRESENT:

| | |
|---------------|--------------------------|
| Pamela Soon | Chair |
| Glennys James | Expert |
| Jeremy Swan | Expert |
| Tony Chahine | Community Representative |

DECLARATIONS OF INTEREST:

NIL

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 15 May 2024:

| | | |
|----------------|---|-----------------------------------------|
| Megan Munari | - | Principal Coordinator, Forward Planning |
| Jessie Wiseman | - | Strategic Planning Coordinator |
| Erika Juan | - | Graduate Town Planner |

ITEM 1: LOCAL PLANNING PANEL - PLANNING PROPOSAL – MELIA COURT AND GLEN ROAD, CASTLE HILL (5/2024/PLP)**COUNCIL OFFICER'S RECOMMENDATION:**

The planning proposal should not proceed to Gateway Determination.

PANEL'S ADVICE:

1. The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council's Local Strategic Planning Statement and draft Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.
2. The site is not identified as being suitable for development uplift within any of the relevant aforementioned strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station).
3. The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site. A lower scale and density of development with a smaller footprint, reduced vegetation clearing and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.
4. The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.
5. The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broad range of potential outcomes and do not provide certainty that the outcomes illustrated in the concept plans will be delivered.
6. The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.

VOTING:

Unanimous



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

3 November 2021

Knight Frank Australia Pty Ltd
L 22 Angel Place
123 Pitt Street
SYDNEY NSW 2000

Attention: Ms Amy Vaughan

Via Email: Amy.Vaughan@au.knightfrank.com

Our Ref: FP35

Dear Ms Vaughan

PRE-LODGEEMENT FEEDBACK – MELIA COURT AND GLEN ROAD, CASTLE HILL

I refer to our pre-lodgement meeting held on 7 October 2021 and thank you for presenting your plans for the site. It is understood that you are seeking to rezone the land to R3 Medium Density Residential to facilitate approximately 64 townhouses on the site. The following information is provided as Officer-level feedback for your consideration.

▪ **Strategic Merit**

The proposed R3 Medium Density Residential zoning is inconsistent with surrounding development in the locality, which is typically characterised by larger lots with single dwellings. The site also forms part of an important corridor of land zoned E4 Environmental Living. Strategically, this corridor largely reflects the significant landslide risk and geotechnical constraints for land south of Castle Hill Road. The E4 corridor also reinforces the importance of maintaining scenic and district views along the ridgeline of Castle Hill Road, which is a planning priority within the Central City District Plan. The proposed R3 Medium Density Residential zoning would appear to be contrary to these aims.

Typically, the R3 Medium Density Residential zoning is most appropriately used within The Hills Shire in locations where the principles of transit-oriented development can be demonstrated. Proximity to a local centre and supporting services, including public transport is a key strategic priority in terms of accommodating additional density. This site is not located within a reasonable walking catchment of a centre.

While it is acknowledged that the proposed development seeks to provide additional housing supply and increase diversity of housing choice, other critical elements of the strategic planning framework discussed above are also key considerations and inconsistencies with these may be difficult to overcome. Notably, Council's Local Strategic Planning Statement (LSPS) identifies sufficient land along the Sydney Metro Northwest Corridor and greenfield precincts of North Kellyville and Box Hill in order to meet the Shire's housing needs to 2036 and beyond.

- **Environmental Constraints**

In addition to maintaining the scenic views to the ridgeline as mentioned above, the site is heavily constrained by a number of environmental factors, including steep topography, landslide risk and Blue Gum High Forest, which is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016. Parts of the site are also identified on the Biodiversity Values Map and there is potential for development and associated clearing on the site to trigger the Biodiversity Offset Scheme. Consideration should be given to any potential clearing, given that Council cannot grant consent to development that would result in a Serious and Irreversible Impact. Further, the ability to provide the proposed public benefit of walking tracks throughout the site is questioned, given the critically endangered nature of the vegetation.

With respect to landslide risk, it is acknowledged that such geotechnical constraints have been considered extensively in granting consent for the existing Community Title subdivision approval. However, the resulting lot size under the current consent would not circumvent the existing minimum lot size of 2,000m². The proposed development would result in a substantial increase in density and smaller resulting lot sizes. The development's ability to overcome the landslide risk on the site is questioned, as the proposed development outcome would potentially result in increased landslide risk. Please note that the application would need to peer reviewed through to Council's Geotechnical Review Panel at the cost of the Proponent.

Additionally, the steep slope of the site presents further challenges with respect to the level difference of new dwellings and the interface with existing dwellings adjoining the site. The proposed density increase will also have implications for stormwater drainage to the south of the site. A future planning proposal application will need to demonstrate that these issues can be appropriately resolved.

- **Access, Traffic and Infrastructure Demand**

Access to and from the site is currently provided via Glen Road. The proposed density increase is likely to contribute to existing traffic impacts along Castle Hill Road, which already experiences delays in the AM and PM peak periods under current conditions. While the planning proposal would result in increased housing supply, the strategic planning framework emphasises the provision of housing in the right locations, where such impacts are minimised or appropriately addressed through infrastructure upgrades.

Council's LSPS states that there is sufficient land zoned to meet residential supply targets, though the challenge for The Hills is the ability to service the new planned growth with appropriate infrastructure. The uplift sought through this planning proposal is unplanned and therefore uncatered for within Council's existing local Contributions framework. A mechanism will be required to ensure that the local infrastructure demand generated by the proposal can be adequately funded. Additionally, consultation will be required with Transport for NSW as part of the planning proposal process, to determine the impact on regional infrastructure and the need for any upgrades.

- **Proposed Public Park**

The preliminary planning submission indicates the construction and dedication of a public park to Council. It is noted that the site is largely isolated in a location that is not widely known to be accessible to the public. As such, the benefit of providing a public park in this location is questioned.

- **Technical Matters and Built Form Outcome**

From a review of the preliminary planning submission, it is difficult to establish the proposed LEP mechanisms, particularly with respect to the proposed minimum lot size. Further, the future

medium density dwelling typology and associated subdivision titling arrangements is unclear, given that the R3 Medium Density Residential zone would permit a range of dwelling types. This includes multi dwelling housing, attached dwellings and small lot housing (integrated housing). Any future planning proposal application would need to clearly stipulate the proposed LEP amendments, subdivision arrangement and dwelling typology and built form outcome. The proposed dwelling arrangement appears to represent a multitude of gun barrel arrangements and a garage-dominant streetscape. The development concept should give further consideration to internal amenity of the proposed built form, having consideration Part B Section 9 – Small Lot Housing (Integrated Housing) and Part B Section 10 – Medium Density Residential (Terraces) of The Hills DCP 2012. These controls may be an appropriate foundation for the development of a site specific DCP to guide built form outcomes on the site, if all other strategic and site specific issues identified in this letter could be overcome.

Based on the information provided it would be difficult for Council officers to conclude that a planning proposal to facilitate medium density development on this site demonstrates strategic and site specific merit. However, should you wish to progress with lodging a planning proposal application with Council, the applicable fee would be the 'Major' fee, being **\$70,620**. Please contact me on 9843 0404 if you wish to discuss the matter further.

Yours faithfully



Kayla Atkins
STRATEGIC PLANNING COORDINATOR



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

14 June 2023

Mr Basil Lim
Director
Env Group
Level 8, 100 Christie Street,
ST LEONARDS NSW 2065

Via Email: basil.lim@einv.com.au

Our Ref: 5/2023/PPLP

Dear Basil,

**SCOPING PROPOSAL & PRELODGE MEETING
MELIA COURT & GLEN ROAD, CASTLE HILL (5/2023/PPLP)**

I refer to the above matter and thank you for submitting a Scoping Report and attending the Pre-lodgement meeting held on 1 June 2023. This letter provides feedback on the Scoping Report and planning proposal, in accordance with the Department of Planning and Environment's *Local Environmental Plan Making Guideline*.

Please note that the comments contained within this letter are preliminary in nature and may be superseded following the submission and assessment of the planning proposal and supporting documentation, should you choose to progress with the lodgement of an application. These comments represent the views of Officers only based on a consistent application of the strategic planning framework and Council's adopted policy settings.

1. Preliminary Advice as to Whether the Proposal has Strategic and Site-Specific Merit

Preliminary commentary is provided below with respect to the potential for the proposal to satisfy the strategic and site-specific merit tests. Please note that these comments are preliminary officer level comments only, based on the scoping material submitted. The comments below do not represent the final views of Council officers, which can only be established following thorough assessment of your full application and supporting technical studies. Furthermore, these preliminary comments do not impact the discretion of the elected Council to form a different view with respect to the proposal, if lodged and reported to Council for Determination.

Strategic Merit

- Give effect to the relevant plans and demonstrate consistency with the relevant LSPS

| Strategic Framework | Comment |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Greater Sydney Region Plan and Central City District Plan | The Greater Sydney Region Plan and Central District Plan contain objectives that seek to protect and enhance biodiversity and scenic landscapes. |

| | |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>The proposal seeks to rezone land on a site identified as containing Blue Gum High Forest, which is a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016. It is unclear how the proposal will manage the development of the land in terms of protecting the critically endangered ecological community and facilitating the proposed development. Based on the information provided to date, it is considered unlikely that the proposal would be able to demonstrate consistency with these objectives.</p> <p>The current zoning of the site, C4 Environmental Living, contains objectives to maintain the scenic and district views (in this case along the ridgeline of Castle Hill Road) consistent with the Central City District Plan. The zone seeks to allow for low-impact residential development to protect ecological, scientific or aesthetic values and contribute to protecting biodiversity. The scale, density and yield of the proposed development would be well beyond what is considered “low-impact”, given the large building footprint and the level of earthworks and stabilisation works required to facilitate development. The planning proposal would appear to enable a built form that would be visible above the tree canopy on the ridgeline and that would detract from the significant district views.</p> <p>Under the current policy framework, high-density infill development opportunities are focussed within the walkable catchment immediately surrounding the new metro stations, in accordance with the principals of transit oriented development. The site is not within the walkable catchment of high frequency public transport or the Castle Hill Strategic Centre or Cherrybrook Metro Station. The planning proposal is therefore unlikely to be consistent with the Priorities and Actions of the Region and District Plans which seek to provide increased housing in the right locations within close proximity to jobs, services and public transport.</p> <p>Given these inconsistencies with the Greater Sydney Region Plan and Central City District Plan, it is the preliminary view of Council officers that it would be highly unlikely that the proposal would be capable of demonstrating strategic merit or consistency with the Region and District Plans.</p> |
| The Hills Local Strategic Planning Statement (LSPS) | <p>Council's LSPS seeks to provide housing in the right locations, close to transport and to protect biodiversity and scenic landscapes.</p> <p>The LSPS envisages the majority of future residential uplift to occur along the Sydney Metro Northwest Corridor and greenfield precincts of North Kellyville and Box Hill. There is sufficient land zoned or identified for future uplift in order to meet the Shire's housing targets to 2036 and beyond. Council is one of the only Metropolitan Council's that has met its 2016-2021 housing target and is on track to meeting its 2021-2026 housing target. As such, there is limited justification for providing additional housing outside of areas already identified as being suitable for uplift, where recent</p> |

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| | <p>infrastructure investment can be readily capitalised on to enable transit oriented development outcomes.</p> <p>The site is not located within the walkable catchment of Castle Hill or Cherrybrook Metro Stations. The proposal seeks to provide high density residential development on a site that is identified as containing critically endangered ecological communities, in a location that has not been planned to accommodate this level of uplift and in an area which has been specifically identified for low-impact residential only in order to protect and maintain the environmental, aesthetic and scenic qualities of the locality. Given this, it is highly unlikely that the planning proposal would be able to demonstrate consistency with the vision and priorities articulated within Council's LSPS, which has been formally assured by the Greater Cities Commission.</p> |
| North West Rail Link Corridor Strategy | The site is not identified as being suitable for development uplift within this Plan. Land in closer proximity to stations (within the walkable catchment from each station) has been identified as more suitable areas for high density development to occur. |
| Cherrybrook Station Precinct Place Strategy | The site is not identified as being suitable for development uplift within this Plan. Land in closer proximity to the station (within the walkable catchment from the station) has been identified as a more suitable area for high density development to occur. |
| The Hills Corridor Strategy | The site is not identified as being suitable for development uplift within this Plan. Land in closer proximity to stations (within the walkable catchment from each station) has been identified as more suitable areas for high density development to occur. |
| Draft Castle Hill Precinct Plan | The site is not identified as being suitable for development uplift within this draft Plan. Land in closer proximity to the station (within the walkable catchment from the station) has been identified as a more suitable area for high density development to occur. |
| Section 9.1 Ministerial Directions | <p>Direction 3.1 Conservation Zones seeks to conserve environmentally sensitive areas. The direction states that planning proposals must not reduce the environmental protection standards that apply to land identified for environmental conservation purposes in an LEP (including modifying development standards that apply to the land). The Planning Proposal would appear to be inconsistent with this Ministerial Direction.</p> <p>The proposal would need to demonstrate consistency with Direction 4.1 Flooding which seeks to ensure that planning proposals consider the potential flood impacts both on and off the subject site. There is concern about the potential to achieve consistency with this direction, given the topography and landslip risk associated with the site, and the Sydney</p> |

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| | Water easement that traverses the site. This is discussed further below. |
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- *Response to a change in circumstances that has not been recognised by the existing planning framework*

There has been no change in circumstances that has not been recognised by the existing planning framework. The existing planning framework has appropriately responded to the introduction of the Sydney Metro Northwest through the corresponding Corridor Strategies, Place Strategies and draft Precinct Plans, none of which identify the site as being suitable for development uplift. Under these plans, the focus of higher density development is in proximity to these Stations.

Site-Specific Merit

- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)*

The site is heavily constrained by a number of environmental factors, including steep topography, landslide risk and the presence of Blue Gum High Forest, which is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016. Under Clause 7.6 – Landslide Risk of LEP 2019, the site is identified and mapped as susceptible to landslide risk. This clause seeks to restrict development on unsuitable land to ensure that development is commensurate with the underlying geotechnical conditions.

The geotechnical engineering response that would likely be required to stabilise the land for the proposed development outcome would heavily conflict with the protection of environmental values (including critically endangered vegetation) on the site.

Any future planning proposal for the site would need to demonstrate that the development concept and required engineering works would not result in serious and irreversible impacts to the endangered ecological community on site. Considering the substantial clearing required to facilitate the proposal, the development would trigger the Biodiversity Offset Scheme. The NSW Environment and Heritage Group (EHG) stated in their submission, that the planning proposal in its current form does not meet requirements in relation to biodiversity assessment and floodplain risk management. EHG noted that the proposal is likely to have significant impact on the local biodiversity values given the extent of the proposed engineering works. Significant Biodiversity Assessment would be required to demonstrate the impact of the proposed development on the endangered ecological community. Further discussion on the issues raised by EHG are provided in the next section of this letter. The submission received from EHG is provided as Attachment 2.

The southern portion of the site is identified as a flood control lot. The proposed development is likely to redirect overland flow paths across the site, potentially impacting the adjoining properties. The proposed density increase would also have implications for stormwater drainage south of the site and would substantially increase the level of impervious surfaces. A Flooding Impact Assessment would be required to identify the potential flooding impacts of the proposed development and demonstrate that the proposal does not increase flood risk. It is noted that this matter was raised as a concern in the submission received from Sydney Water, which is discussed further in the next section of this letter. A copy of Sydney Water's submission is also provided as Attachment 5.

The planning proposal would be required to demonstrate how the required protection of biodiversity is balanced with the extensive engineering work required to mitigate landslide risks on the site and the proposed boardwalk through the Blue Gum Heigh Forest, especially during construction of the proposed development. In assessing the planning proposal Council would also be required to consider the risk of setting a precedent for applications seeking a similar outcome, which could in turn compromise the integrity of the continuous C4 Environmental Living zone land and further impact local biodiversity.

- *the built environment, social and economic conditions*

The proposed high density development is inconsistent with the character of surrounding low to very low density residential development. The site and surrounds form an important 'environmental spine' along Castle Hill Road. The bulk and scale of the proposed development is likely to detract from district scenic views along the ridgeline of Castle Hill Road.

The Scoping Proposal indicates that the resulting development density would be 42 dwellings per hectare. This is inconsistent with the surrounding character of the area and the objectives of the C4 Environmental Zone. Further, the density calculation has been undertaken across the whole site, much of which is undevelopable due to dense, critically endangered vegetation. The proposed development outcome is closer to a density of 83 dwellings per hectare when calculated based on the 2.3 hectare portion of the site that is proposed for development. This scale of development is consistent with high density development that is typically considered to be appropriate in the inner walkable catchment of Metro Station Precincts, rather than in low density neighbourhoods that are constrained by environmental values and identified for low-impact development only which protects environmental, aesthetic and scenic values.

The central park is unlikely to provide a substantial public benefit, considering the isolated location of the site. The central park is likely to only service the future residents of the proposed development. The stated benefit of allowing residents to enjoy recreational walks through the adjacent bushland also has the potential to impact on the flora and fauna habitats and seasonal behaviours and would need to be further considered.

- *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The proposed density increase is likely to contribute to existing traffic impacts along Castle Hill Road. Right turn movements from Castle Hill Road onto Glen Road are currently prohibited during peak times. The proposal will need to consider the potential safety issues associated with this and the extent to which the development uplift would further exacerbate these issues.

It is unclear from the Scoping Proposal whether the proposed park is intended to be dedicated to Council. This is unlikely to be supported as it would require Council to own and maintain land for a public purpose, without any significant public benefit for the community, beyond servicing residents of development on this site.

Any proposal would need to consider and include an infrastructure mechanism to ensure the funding and delivery of any new or upgraded upgrades to local infrastructure required as a result of the proposed development.

2. Views of Public Authorities – Preliminary Consultation

As part of the Scoping and Pre-lodgement process, Council has undertaken consultation with the following State Government agencies to obtain their preliminary views on the proposal:

- Sydney Water;
- Endeavour Energy;
- Transport for NSW; and
- NSW Environment and Heritage Group (EHG).

A submission has been received from each of these authorities.

Endeavour Energy and Sydney Water confirmed that an augmentation of the existing local network would be required to service the proposed development. Additionally, Sydney Water noted a critical water main within an easement traverses the site. Sydney Water raised concerns with the soil

conditions and the slope stability of the site, as the proposed development has the potential to increase the risk to the watermain during water leak and break events.

Transport for NSW responded with no concerns or objections raised in relation to the proposed development, however provided recommendations for further consideration in the preparation of a traffic study.

The submission received from the NSW Environment and Heritage Group raised a number of issues and provided guidance for further technical studies that need to be undertaken. The critical concerns raised in their submission are summarised as follows:

- It is likely that the current proposal could have significant impacts on local biodiversity values given the extent of engineering works covers more than 55% of the site.
- Given the impacts to Serious and Irreversible Impact (SII) entities due to the proposed extent of the R3 zoning, the Proponent would be unlikely to be able to demonstrate how the proposal has avoided and minimised impacts to biodiversity values on the site.
- The proposal does not sufficiently identify threatened entities, nor provide adequate protection through appropriate zoning and ongoing management of avoided land with significant biodiversity values.
- Approval of the current rezoning proposal could lead to future DAs being refused given that section 7.16 of the Biodiversity Conservation Act states that a consent authority *must* refuse to grant consent if it is of the opinion that the proposed development is likely to result in a serious and irreversible impact on biodiversity values.

A copy of all submissions received from public authorities are provided as Attachments 2-5.

3. Recommendations and Changes to Scope of Proposal

It is recommended that you strongly reconsider the lodgement of a planning proposal for this site, having regard to the substantial strategic and site-specific merit issues detailed above. Based on a preliminary review of the Scoping Material submitted, it is considered extremely unlikely that a proposal of this nature would be capable of overcoming these matters and satisfying the strategic and site specific merit tests.

However, should you wish to proceed with lodging a formal application, the following amendments are recommended to ensure clarity and certainty on the outcomes depicted within the scoping proposal:

- a) The proposal would need to clearly identify where the proposed land zones would be mapped across the site. Additionally, the proposal would need to demonstrate where the increased height controls would apply across the site. It should be noted that the Scoping Proposal identifies a maximum 10m height limit but proposes a built form of 4-5 storeys, which would exceed this height limit. Consistency between planning proposal documentation and architectural plans is required to ensure clarity throughout the assessment process. If any land is proposed to be dedicated to Council, this should also be clearly stated in your planning proposal material.
- b) The proposal must clearly distinguish between tree retention, removal and proposed replanting of trees. Tree planting and retention must consider the presence and extent of any proposed basement parking or stormwater infrastructure to be provided.
- c) The proposal must clearly stipulate how the proposed native vegetation on the site will be managed into the future. Careful consideration is required with respect to how residents will or will not utilise this bushland area, having regard to the potential to create disturbance to native flora and fauna habitats and seasonal behaviours.

Please note that the suggested amendments above merely relate to the level of information required for Council to properly understand and assess the proposed planning outcome. They are not to be taken as an exhaustive list of amendments to the development outcome, nor are they matters that would resolve the strategic and site specific merit issues identified earlier in this letter. Consideration should also be given to the comments provided by State Agencies and the level of detail that would be required to enable their proper assessment of any proposal.

4. Nomination of the Planning Proposal Category & Council Assessment Fees

In accordance with the Local Environmental Plan Making Guideline the planning proposal falls within the category of 'Complex'. In accordance with the Hills Shire Council adopted fees and charges, a 'Complex' proposal will be subject to a lodgement fee of \$177,850 under the 2022/2023 Fees and Charges. Please note that any planning proposal application lodged on or after 1 July 2023 would likely be subject to a new fee following the adoption of Council's fees and charges for the 2023/2024 financial year.

5. Consultation Requirements and Assessment Timeframes

Council's Planning Proposal Policy is provided as Attachment 1 for your reference. This Policy identifies how the planning proposal process occurs, the stages at which you will have the opportunity to address the elected Council, and submission requirements for lodgement.

Should Council resolve to support a planning proposal and progress to Gateway Determination, it is anticipated that further formal consultation with government agencies will occur following the issue of a Gateway Determination, concurrent with public exhibition of the planning proposal. Public exhibition and consultation will occur in accordance with the Gateway Determination and for a minimum of 28 days should one be issued.

The Department of Planning and Environment has implemented its Planning Reform Action Plan, which seeks to fast track planning proposal assessment timeframes and provides minimal opportunity to obtain timeframe extensions. As such, Council is unable to defer consideration of critical elements such as infrastructure solutions or a draft development control plan to the post-Gateway stage. It is envisaged that these elements will be reported to the Local Planning Panel and Council concurrently with the planning proposal so please ensure that all required supporting material is submitted at the time of lodgement.

6. Recommended Investigations and Studies to Support the Proposal

If you choose to proceed with the lodgement of a planning proposal application, the following information should be submitted, at a minimum, as part of your planning proposal lodgement package:

- Application Form, Owners Consent and completed Political Donations forms;
- A Planning Proposal Report, which addresses the Department of Planning and Environment's *Local Environmental Plan Making Guideline*;
- Master Plan/Structure Plan/Urban Design Report;
- Full set of Architectural Plans;
- Environmental Constraints Reports (Biodiversity Development Assessment Report (BDAR) and detailed surveys, stormwater and flooding);
- Geotechnical Report;
- Heritage Assessment Report;
- Site Contamination Report (and a Remediation Plan if required);
- Traffic, Parking and Accessibility Report;
- Infrastructure Demand Analysis and Public Benefit Offer;
- Draft Development Control Plan; and
- Presentation material for Councillor briefing session in accordance with Council's Planning Proposal Policy (Attachment 1).

7. Infrastructure Solution

The current contributions framework applicable to the site does not plan or cater for the additional demand for infrastructure that would be generated from the planning proposal and as such a new infrastructure mechanism will be required to deliver the infrastructure necessary to support the uplift in development potential.

Any planning proposal should be accompanied by an infrastructure solution that will ensure the delivery of appropriate infrastructure contributions and outcomes to support the proposed development. Contributions (in the form of works or monetary contributions) towards active and passive open space, drainage infrastructure, traffic infrastructure will be necessary to support the proposal and a public benefit should be considered for the broader benefit of the community.

I trust this information is sufficient to assist you in considering whether to prepare and submit a planning proposal application. Should you require further information, please contact Emma Langan, Senior Town Planner on 9843 0243 or at elangan@thehills.nsw.gov.au.

Yours faithfully



Nicholas Carlton

MANAGER – FORWARD PLANNING

ATTACHMENT 1: THSC PLANNING PROPOSAL POLICY
ATTACHMENT 2: NSW ENVIRONMENT AND HERITAGE GROUP SUBMISSION
ATTACHMENT 3: ENDEAVOUR ENERGY SUBMISSION
ATTACHMENT 4: TRANSPORT FOR NSW SUBMISSION
ATTACHMENT 5: SYDNEY WATER SUBMISSION

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| ITEM 5 | LTC RECOMMENDATIONS MAY 2024 - GUM NUT CLOSE, NORTH KELLYVILLE – PROPOSED ‘NO STOPPING 8.00-9.30AM & 2.30-4.00PM SCHOOLDAYS’ RESTRICTIONS |
| THEME: | SHAPING GROWTH |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| AUTHOR: | ROAD SAFETY OFFICER |
| | ANGELA VERNICOS |
| RESPONSIBLE OFFICER: | PRINCIPAL COORDINATOR – TRAFFIC & ROADS MANAGEMENT |
| | RODNEY PAVITT |

SOURCE OF ENQUIRY

Concerns have been raised by the community in North Kellyville regarding vehicles turning right into the Hills Adventist College carpark driveway off Gum Nut Close during peak school pickup and drop off times blocking through traffic heading east along Gum Nut Close. They have requested that ‘No Stopping 8.00-9.30am and 2.30-4.00pm school days’ restrictions are installed on the northern side of Gum Nut Close near Messenger Street.

RECOMMENDATION

Council approve the installation of ‘No Stopping 8.00-9.30am and 2.30-4.00pm school days’ restrictions on the northern side of Gum Nut Close, North Kellyville between Messenger Street and the boundary of 7 and 9 Gum Nut Close.

IMPACTS

Financial

The two ‘No Stopping’ signs will be installed at an estimated cost of \$400 with funds available in Council’s Signs and Line marking budget.

Parking

The installation of ‘No Stopping 8.00-9.30am and 2.30-4.00pm school days’ restrictions on Gum Nut Close, North Kellyville will result in the loss of approximately two on street parking spaces during these days and times. There is on street parking available in the surrounding street network.

Strategic Plan - Hills Future

The recommendation of this report demonstrates Council’s aim of achieving a safer road network through the installation, renewal and modification of traffic facilities.

LINK TO HILLS SHIRE PLAN

Strategy:

6.1 Strategically plan for the North West Sector growth through the development and construction of transport infrastructure, integrated local roads, parks and other civil infrastructure.

Outcomes:

6 Safe, convenient and accessible transport options and a variety of recreational activities that support an active lifestyle

REPORT

The Hills Adventist College is a Kindergarten to Year 12 private school located on the corner of Hezlett Road and Gum Nut Close, North Kellyville with over 500 students. Gum Nut Close is a single lane local road with a 50km/h speed limit which provides a road connection between Gum Nut Close and McMillian Circuit. Gum Nut Close has two lanes of five metres width each separated by a central planted median swale. Traffic signals are installed at the intersection of Hezlett Road and Gum Nut Close.

The Hills Adventist College has an internal Kiss and Drop area within their school carpark. Parents enter and exit the school carpark via a combined entry/exit driveway off Gum Nut Close. There are no restrictions to the access into or out of the driveway to the school carpark.(Figure 1)



Figure 1: Gum Nut Close, North Kellyville – locality plan (Source: Intramaps)

As the school population has increased in size additional congestion on Gum Nut Close has resulted, particularly during the peak afternoon school pickup times when parents queue along Gum Nut Close to enter the school carpark. Parents are also able to park on street along both sides of Gum Nut Close to the west of the school carpark driveway.

Vehicles access the school carpark from both the west and east along Gum Nut Close. Queues of vehicles waiting to turn left into the school carpark along Gum Nut Close can extend past the traffic signals at the intersection of Hezlett Road.

When vehicles are queued to turn left into the carpark the vehicles waiting to turn right from Gum Nut Close into the school carpark cannot enter the carpark. This queue blocks this section of the road for vehicles travelling east along Gum Nut Close as there are also cars parking along the northern side of Gum Nut Close along with a central swale and a total lane width of only 5 metres. (Figure 2)



Figure 2: Gum Nut Close, North Kellyville – afternoon queues of vehicles to Hills Adventist College carpark

Complaints from the community have been received about the queues of vehicles blocking Gum Nut Close for vehicles travelling east at the peak times along Gum Nut Close. Gum Nut Close provides a signalised access to Hezlett Road, particularly for those wishing to turn right onto Hezlett Road.

Discussion with the Principal of the Hills Adventist College regarding access to the school driveway indicates they would like to retain both the left and right turn movements from Gum Nut Close into the school carpark. Adding additional vehicles into the queue turning left into the school driveway could result in longer queues on Gum Nut Close adversely impacting Hezlett Road which is a sub-arterial road.

To better facilitate the movement of through traffic travelling east along Gum Nut Close past the school carpark driveway it is proposed to install a small section of 'No Stopping 8.00 -9.30am and 2.30 - 4.00pm school days' restrictions along the northern side of Gum Nut Close between Messenger Street and the boundary of the properties at 7/9 Gum Nut Close. (Figure 3)

This will allow approximately seven vehicles to wait on Gum Nut Close to turn right into the school driveway whilst allowing through traffic to pass on their left. Outside of these days and hours on street parking would be available in this section of Gum Nut Close.

The affected residents in Gum Nut Close, North Kellyville have been consulted regarding the proposed parking restrictions and no objections have been received.



Figure 3: Gum Nut Close, North Kellyville – proposed ‘No Stopping 8.00-9.30am & 2.30-4.00pm school days’ restrictions (Source: Intramaps)

TECHNICAL OFFICERS RECOMMENDATION TO LTC

Council approve the installation of ‘No Stopping 8.00-9.30am and 2.30-4.00pm school days’ restrictions on the northern side of Gum Nut Close, North Kellyville between Messenger Street and the boundary of 7 and 9 Gum Nut Close.

LTC RECOMMENDATION TO COUNCIL

No comments were received from the Mayor, Member for Kellyville, TfNSW or the Police.

ATTACHMENTS

Nil.

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| ITEM 6 | LTC RECOMMENDATIONS MAY 2024 - HILLVIEW ROAD NORTH KELLYVILLE – PROPOSED PARKING RESTRICTIONS |
| THEME: | SHAPING GROWTH |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| AUTHOR: | TRAFFIC ENGINEER VANATHY KANESAN |
| RESPONSIBLE OFFICER: | PRINCIPAL COORDINATOR – TRAFFIC & ROADS MANAGEMENT RODNEY PAVITT |

SOURCE OF ENQUIRY

Concerns have been raised by a resident about the potential safety risks experienced by motorists travelling along the section of Hillview Road between Stringer Road and Mungo Road, North Kellyville.

RECOMMENDATION

The Committee endorse the installation of ‘No Parking’ restrictions on Hillview Road, North Kellyville, as detailed in Attachment 1 to the report.

IMPACTS

Financial

The estimated cost for the installation of ‘parking signs is \$600.00. Sufficient funds are available available in Council’s Signs and Line marking budget.

Parking

The proposed parking restrictions will not result in loss of any legal parking spaces on this section of Hillview Road, North Kellyville.

Strategic Plan - Hills Future

The recommendation of this report demonstrates Council’s aim of achieving a safer road network through the installation, renewal and modification of traffic facilities.

LINK TO HILLS SHIRE PLAN

Strategy:

6.1 Strategically plan for the North West Sector growth through the development and construction of transport infrastructure, integrated local roads, parks and other civil infrastructure.

Outcomes:

6 Safe, convenient and accessible transport options and a variety of recreational activities that support an active lifestyle

REPORT

Hillview Road between Stringer Road and Mungo Road. North Kellyville is classified as a Local Road under Council's Road Hierarchy and has a 50 km/h default speed limit. The westbound carriageway is approximately 4.5 metres wide, while the eastbound carriageway is approximately 5.5 metres wide, with a marked double centerline.



Figure 1: Locality map (Source : Nearmap)

Concerns have been raised regarding cars parked on the southern side of the road in this section. When parked in this location, they are positioned within 3 metres of the double centerline, which constitutes an offense under Rule 208(6) of the NSW Road Rules. This situation often forces through traffic to cross over the double centerline, posing a road safety risk.



Figure 2: Parked vehicles in Hillview Road

To address this issue, Council is proposing to introduce ‘No Parking’ restrictions adjacent to the existing double centreline in this section of Hillview Road from Mungo Road to house No. 2, as detailed in the attached plan.

The proposed parking restrictions will not result in loss of any legal onstreet parking spaces, as this section of Hillview Road has already been restricted by the NSW Road Rules. However, it would be Council’s intention to restore that parking by relocating the BB double centreline once the development at 5-29 Kumbatine Crescent is completed.

Directly affected residents of Hillview Road were consulted for their views. Three responses were received, and all were in favour of the proposal.

The proposed parking restrictions are shown in Attachment 1 to the report.

TECHNICAL OFFICERS RECOMMENDATION TO LTC

The Committee endorse the installation of ‘No Parking’ restrictions on Hillview Road, North Kellyville, as detailed in Attachment 1 to the report.

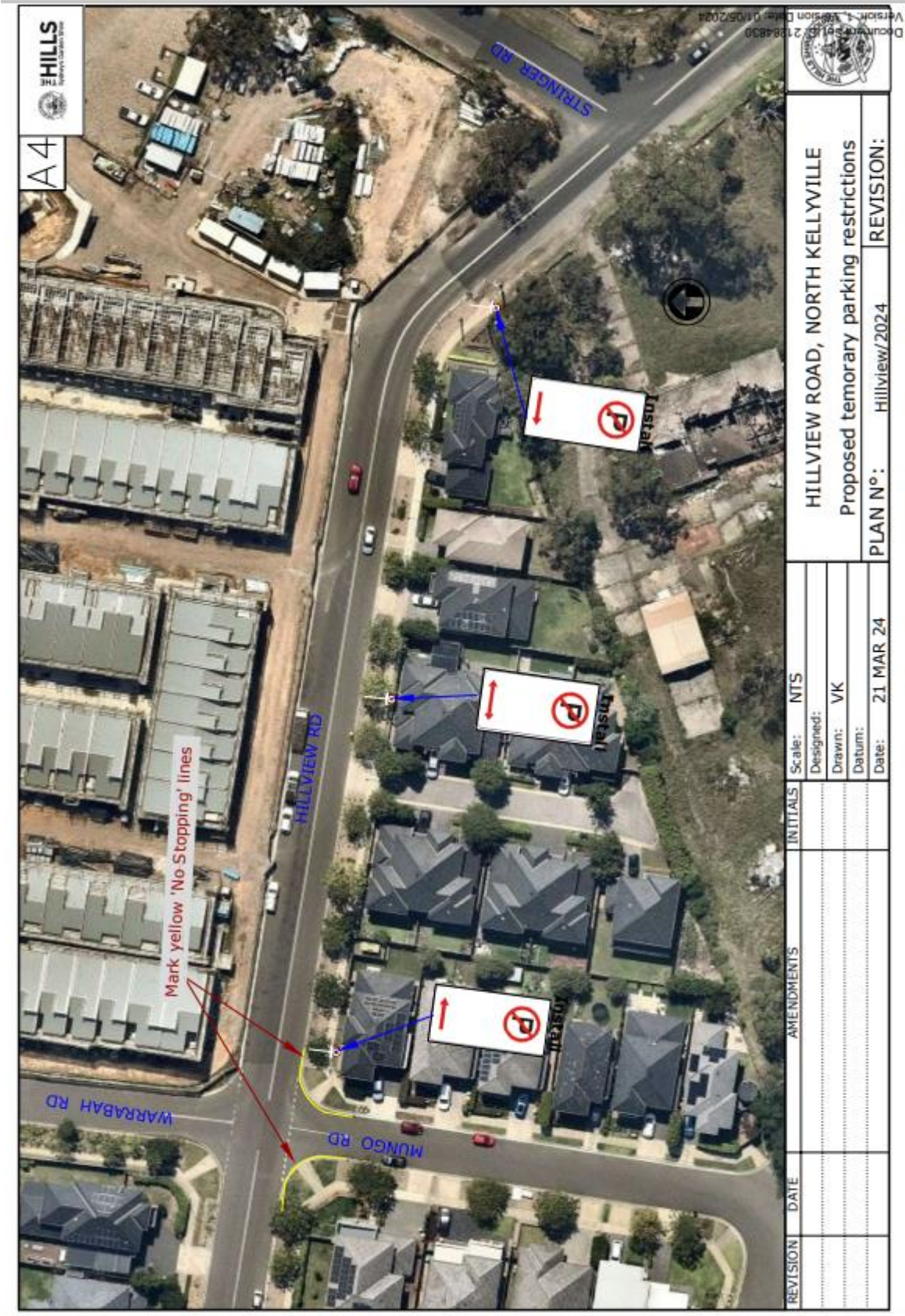
LTC RECOMMENDATION TO COUNCIL

No comments were received from the Mayor, Member for Kellyville, TfNSW or the Police.

ATTACHMENTS

1. Hillview Road North Kellyville – Proposed Parking Restrictions – Plan (1 Page)

ATTACHMENT 1. HILLVIEW ROAD NORTH KELLYVILLE – PROPOSED PARKING RESTRICTIONS – PLAN



TO STRIVE FOR BETTER THINGS

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| ITEM 7 | LTC RECOMMENDATIONS MAY 2024 - SANCTUARY DRIVE, ROUSE HILL – PROPOSED 2023/24 AUSTRALIAN GOVERNMENT BLACKSPOT INTERSECTION UPGRADES AT CADDIES BOULEVARD & GRANDIFLORA STREET |
| THEME: | SHAPING GROWTH |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| AUTHOR: | ROAD SAFETY OFFICER ANGELA VERNICOS |
| RESPONSIBLE OFFICER: | PRINCIPAL COORDINATOR – TRAFFIC & ROADS MANAGEMENT RODNEY PAVITT |

SOURCE OF ENQUIRY

Council has received \$210,000 funding under the 2023/24 Australian Blackspot program to improve road safety on Sanctuary Drive, Rouse Hill at the intersections of Caddies Boulevard and Grandiflora.

RECOMMENDATION

Council approves the 2023/24 Australian Blackspot funded upgrades to the two intersections on Sanctuary Drive at Caddies Boulevard and Grandiflora Street, Rouse Hill according to the plans at Attachments 1 and 2 in this report.

IMPACTS

Financial

Revenue from this will amount to \$210,000. This revenue has been budgeted in the 2023/24 Capital Works Program as Project Number 610279. Any variations to the budget due to this report will be reflected in a future Budget Review.

Parking

The construction of a designated right turn bay at the intersections of Sanctuary Drive and Caddies Boulevard and Sanctuary Drive and Grandiflora Street, Rouse Hill will result in the removal of approximately 20 parking spaces on Sanctuary Drive. There is additional parking in the surrounding street network.

Strategic Plan - Hills Future

The recommendation of this report demonstrates Council's aim of achieving a safer road network through the installation, renewal and modification of traffic facilities.

LINK TO HILLS SHIRE PLAN

Strategy:

6.1 Strategically plan for the North West Sector growth through the development and construction of transport infrastructure, integrated local roads, parks and other civil infrastructure.

Outcomes:

6 Safe, convenient and accessible transport options and a variety of recreational activities that support an active lifestyle

REPORT

Sanctuary Drive, Rouse Hill is a major collector road that provides a 2.2km connection between Samantha Riley Drive where it intersects with a two-lane roundabout and Windsor Road with a signalised intersection. It has traffic volumes of over 11,000 vehicles per day, a posted 50km/h speed limit and a parking lane treatment with a number of intersecting roads from the residential estates of Rouse Hill.

Caddies Boulevard is a major collector road providing access between Commercial Road and Sanctuary Drive as well as Rouse Hill Town Centre. Grandiflora Street is a local road connecting Sanctuary Drive and Freshwater Road (Figure 1)



Figure 1: Sanctuary Drive, Rouse Hill – locality plan

Currently these two intersections on Sanctuary Drive operate with 'Give Way' controls on Caddies Boulevard and Grandiflora Street. There are no designated right turn bays on Sanctuary Drive at either intersection. (Figure 2)

There is a large vehicle movement using these intersections to access into and out of Rouse Hill Town Centre and the Rouse Hill Metro Station.



Figure 2: Sanctuary Dr, Rouse Hill- intersection pictures at Caddies Blvd and Grandiflora St (Source: Google maps)

The section of Sanctuary Drive between Caddies Boulevard and Grandiflora Street, Rouse Hill has a crash history with 5 reported injury crashes between 1 July 2016 and 30 June 2021. These crashes include vehicles turning right into and out of these intersections and rear end crashes.

As a result of this five-year reported injury crash history along this length of Sanctuary Drive, Council received 2023/24 Australian Government Blackspot Project funding of \$210,000 to upgrade the following two intersections to improve road safety:

1. Sanctuary Drive and Caddies Boulevard
2. Sanctuary Drive and Grandiflora Street

The approved Australian Government Blackspot project will improve road safety along Sanctuary Drive by implementing the following upgrades at these intersections: (Figure 3):

- 1 Upgrading the intersection of Sanctuary Drive and Caddies Boulevard to a designated right turn bay on Sanctuary Drive and a 'STOP' control on Caddies Boulevard at the intersection with an extension of the central concrete island with kerb blisters on Sanctuary Drive.
2. Upgrading the intersection of Sanctuary Drive and Grandiflora Street to a designated right turn bay on Sanctuary Drive and a 'STOP' control on Grandiflora Street at the intersection with kerb blisters on Sanctuary Drive.

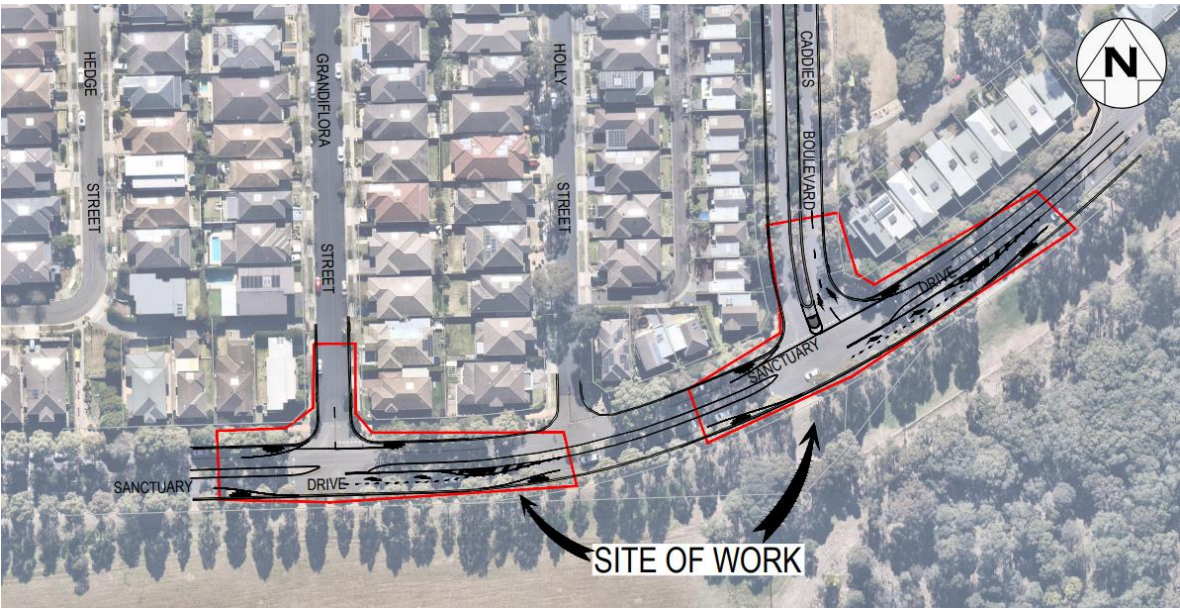


Figure 3: Sanctuary Drive, Rouse Hill – proposed intersection upgrades at Caddies Blvd and Grandiflora St.

The concept plans for this Australian Government Blackspot funded project at the two intersections on Sanctuary Drive, Rouse Hill are attached to this report as Attachments 1 and 2.

The proposed upgrade of the existing ‘Give Way’ treatments to ‘STOP’ controls on Caddies Boulevard and Grandiflora Street at both intersections with Sanctuary Drive meets the required Transport for NSW warrants based on the limited sight distance at each intersection, which is under the 90 metres required at an intersection with a 50km/h speed limit. (Figure 4)

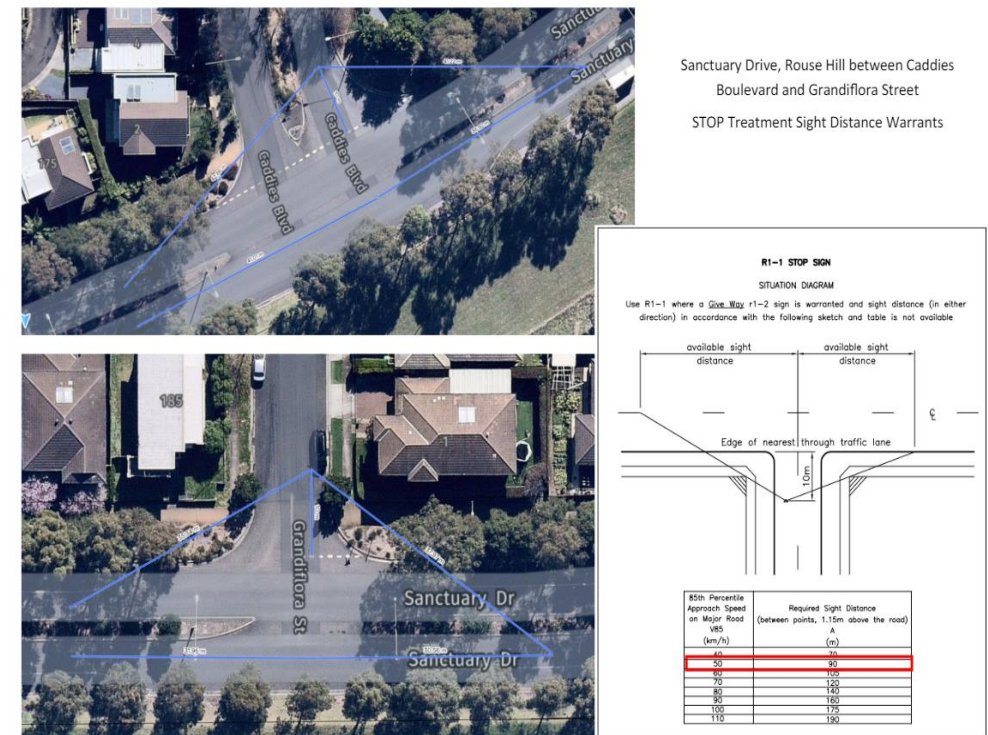


Figure 4: Sanctuary Drive, Rouse Hill – Available sight distance at the intersections of Sanctuary Drive and Caddies Blvd and Grandiflora St.

The affected residents have been consulted and no objections to these two intersection upgrades on Sanctuary Drive have been received.

Upgrading Sanctuary Drive with the proposed designated right turn bays, concrete blister islands and STOP controls at the intersections of Caddies Boulevard and Grandiflora Street will improve safety for both through traffic along Sanctuary Drive and vehicles turning right into and out of these two intersections.

TECHNICAL OFFICERS RECOMMENDATION TO LTC

Council approves the 2023/24 Australian Blackspot funded upgrades to the two intersections on Sanctuary Drive at Caddies Boulevard and Grandiflora Street, Rouse Hill according to the plans at Attachments 1 and 2 in this report.

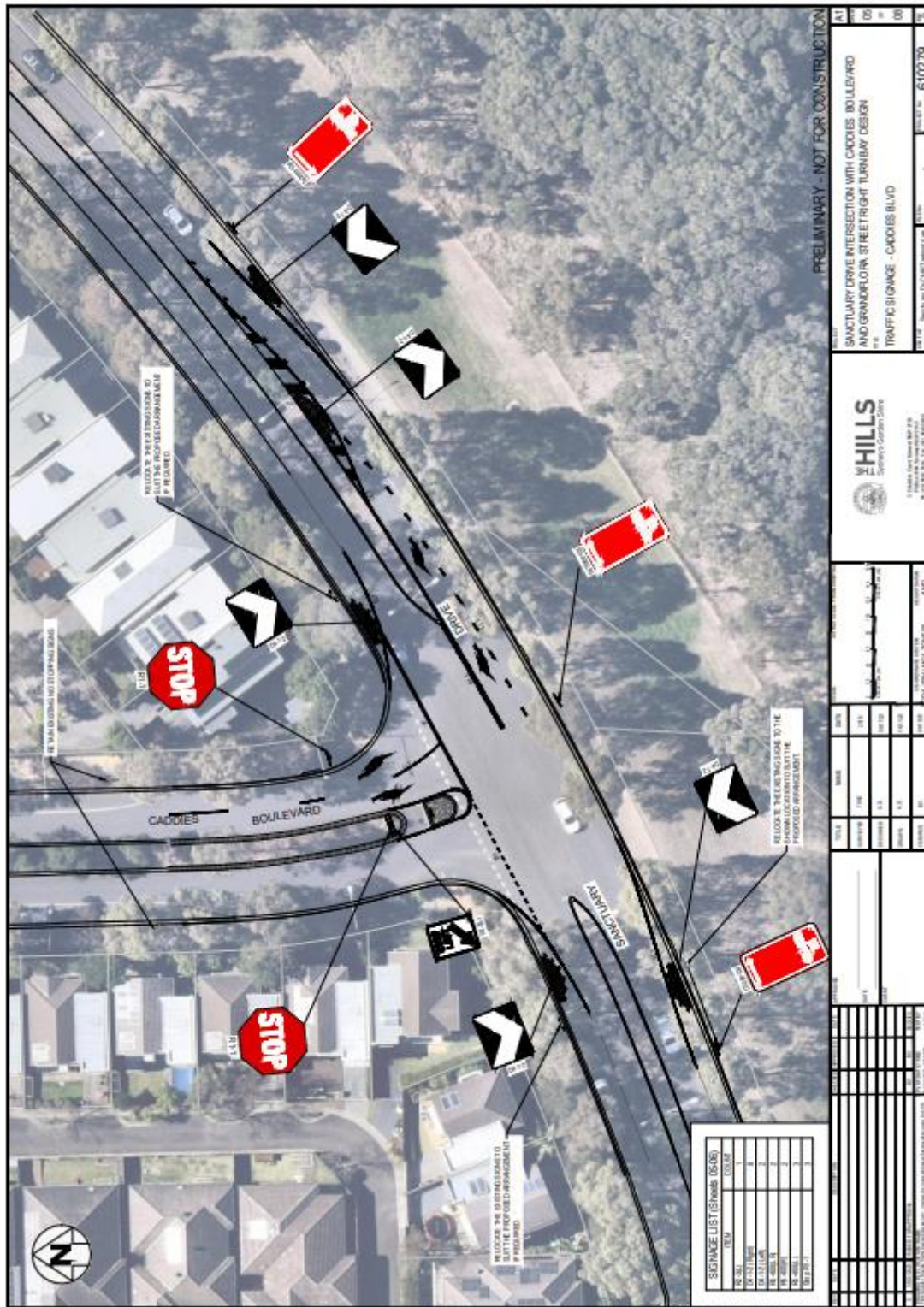
LTC RECOMMENDATION TO COUNCIL

No comments were received from the Mayor, Member for Kellyville, TfNSW or the Police.

ATTACHMENTS

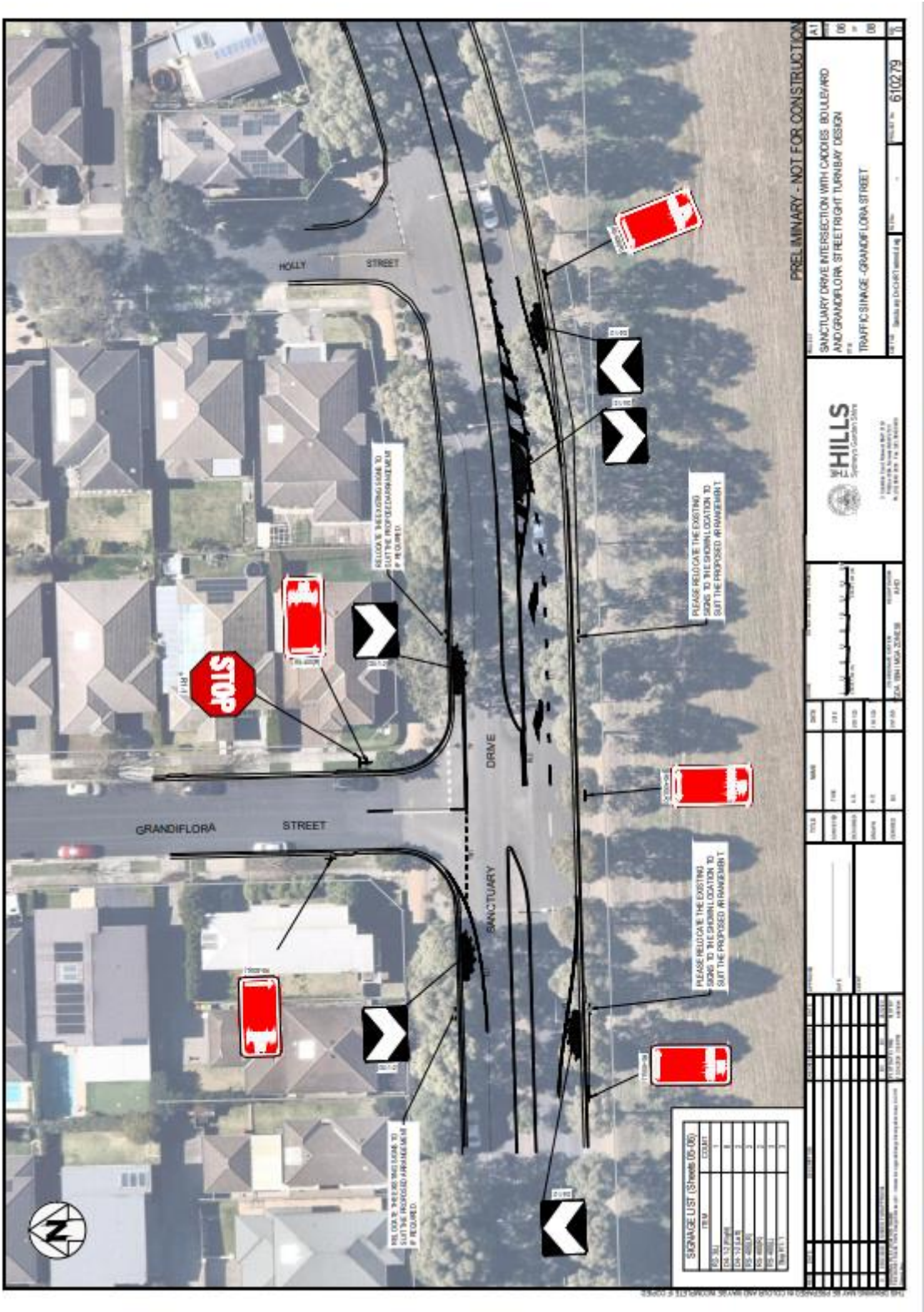
1. Sanctuary Dr & Caddies Blvd, Rouse Hill – proposed intersection upgrade plans (1 Page)
2. Sanctuary Dr & Grandiflora St, Rouse Hill – proposed intersection upgrade plans (1 Page)

Attachment 1: Sanctuary Dr & Caddies Blvd, Rouse Hill – proposed intersection upgrade plans



TO STRIVE FOR BETTER THINGS

Attachment 2: Sanctuary Dr & Grandiflora St, Rouse Hill – proposed intersection upgrade plans



TO STRIVE FOR BETTER THINGS

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| ITEM 8 | BUDGET REVIEW AS AT 31 MAY 2024 |
| THEME: | PROACTIVE LEADERSHIP |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | FINANCE AND CORPORATE STRATEGY |
| | MANAGER – FINANCIAL CONTROL & REPORTING |
| AUTHOR: | MICHAEL PAN |
| | MANAGER – FINANCIAL STRATEGY |
| | AVA CHEUNG |
| RESPONSIBLE OFFICER: | GROUP MANAGER FINANCE & CORPORATE STRATEGY / CFO |
| | CHANDI SABA |

PURPOSE

The purpose of this Report, as required by the Local Government Act and associated regulations, is to enable Council to review its actual Income and Expenditure against the adopted budget and to consider variations to the budget.

RECOMMENDATION

The proposed budget variations as listed in this report and in Attachment 1, Pages 1 to 5 and the variations detailed in page 7-21 be adopted.

IMPACTS

Financial

Recurrent Operations

Original adopted budget forecasted an operating surplus of \$9.0m. As at April budget review this was revised to \$14.0m. Variation proposed in this Review will result in an operating surplus of \$16.0m. The main surplus arises from Waste Management operations and these funds will need to be transferred to the Waste Management Reserve.

Capital Works

Capital Works budget variations proposed in this review will result in a revised budget of \$338m, a total variation of \$0.4m is due to new projects and the increased funding required for existing projects.

Total Expenditure

Council is projected to spend in this financial year a total of \$549.0m in delivering both Recurrent and Capital Expenditure; details on all variations are listed elsewhere in this report.

Internal Restrictions

Council’s Internal Restrictions as at April budget review was total \$113.8m. After variations proposed in this Review, it will be kept the amount to \$113.8m.

Strategic Plan - Hills Future

This has no direct impact on the Hills Shire Plan.

LINK TO HILLS SHIRE PLAN

Strategy:

4.2 Maintain a strong financial position that supports the delivery of services and strategies and ensures long term financial sustainability.

Outcomes:

4 Prudent management of financial resources, assets and people for long term sustainability

REPORT

The Local Government Code of Accounting Practice requires the inclusion of some income received as income for the year, even though the associated expenditure may be incurred in future periods. As the Statutory Format reflects a somewhat misleading result, the Management Reporting Format uses matching principles to monitor Council’s financial performance. The table below details the comparison between the Statutory Format and Management Reporting Format along with proposed Budget variations.

This year the Budget has been set with the aim to set aside 30% - 40% of the General-Purpose Income for asset renewal and other future non-cyclical expenditure. This income that is set aside is reserved and is referred in this report as ‘Transfer to Reserves’. It is important to control recurrent expenditure so that these funds can be set aside within these ranges.

The budget forecasts \$200.0m in delivering recurrent operations such as Roads, Parks, Buildings Maintenance, Library Services, Community Development & Events, Economic Development Activities, Regulatory Services, Subdivision & Development Activities and Waste Management etc.

Furthermore, Council is planning to deliver 301 Capital Works Projects totalling \$338m, property development activity totalling \$2.5m and purchase of Plant & Equipment totalling \$8.5m. Additional details regarding Capital Works projects are available in Attachment 1.

| Recurrent Operations | | | | | | | |
|----------------------|--------------------------------------------------------------------------------|---------------------------------------------------|----------------|-------------------------|----------------------------|---------------------------|-----|
| Statutory Format | Description | Management Reporting Format (Matching Principles) | | | | | Ref |
| Current Budget | | Original Budget | Current Budget | Proposed Revised Budget | Proposed Contra Variations | Proposed Other Variations | |
| | | \$000 | \$000 | \$000 | \$000 | \$000 | |
| (128,489) | Rates & Annual Charges | (127,961) | (128,489) | (129,200) | - | (711) | 1 |
| (28,570) | User Charges & Fees | (30,081) | (28,570) | (28,570) | - | - | |
| (13,627) | Interest Revenues – Operational | (6,733) | (13,627) | (13,627) | - | - | |
| (4,386) | Interest Revenue- Restricted/Capital | - | - | - | - | - | |
| (16,676) | Other Revenues – Operating | (13,782) | (16,676) | (16,757) | (81) | - | |
| (14,725) | Grants & Contributions – Operating | (18,644) | (14,725) | (14,725) | - | - | |
| (143,456) | Grants & Contributions – Capital | - | - | - | - | - | |
| (1,452) | Profit From Disposal of Assets | - | - | - | - | - | |
| - | Trf From Internal Restrictions ¹ | - | (5,529) | (5,529) | - | - | |
| - | Trf From External Restrictions ² | - | (7,584) | (7,637) | - | (53) | 5 |
| (351,381) | Total Revenue | (197,201) | (215,201) | (216,046) | (81) | (764) | |
| 76,241 | Employment Costs | 76,360 | 76,241 | 75,641 | (600) | - | |
| 60,959 | Materials, Contracts | 58,193 | 60,959 | 60,454 | 692 | (1,197) | 2,3 |
| 28,746 | Depreciation and Amortisation | 27,053 | 28,746 | 28,746 | - | - | |
| 35,209 | Other Expenses | 26,586 | 35,209 | 35,198 | (11) | - | |
| 201,156 | Total Expenditure | 188,192 | 201,156 | 200,040 | 81 | (1,197) | |
| | | | | | | | |
| (150,225) | Operating Result (Surplus)/Deficit | (9,009) | (14,045) | (16,006) | - | (1,961) | |
| | | | | | | | |
| | Movement in Reserves | | | | | | |
| | Operating Surplus as above | (9,009) | (14,045) | (16,006) | - | (1,961) | |
| | Add back: Depreciation | (27,053) | (28,746) | (28,746) | - | - | |
| | | (36,062) | (42,791) | (44,752) | - | (1,961) | |
| | Transfer to Reserves | | | | | | |
| | Transfer to Asset Related Reserves | 4 | 1,758 | 1,758 | - | - | |
| | Transfer to Other Reserves | 8,954 | 12,237 | 14,198 | - | 1,961 | 4 |
| | Funds available to Transfer to Reserves | 50 | 50 | 50 | - | - | |
| | Transfer to Reserves - Equivalent to Depreciation amount for renewal of Assets | 27,053 | 28,746 | 28,746 | - | - | |
| (150,225) | Total Movement in Reserves | 36,062 | 42,791 | 44,752 | - | 1,961 | |

Note

1. Transfer from Internal Restrictions represents funds that were quarantined by Council resolutions in prior years utilised now for expenditure relating to the current year

2. Transfer from External Restrictions represents funds that were quarantined by legislation (e.g. Section 7.11 Development Contributions and Grants) in prior years utilised now for expenditure relating to the current year or income relating to the current year.

TO STRIVE FOR BETTER THINGS

Income – Net Increase \$711k as detailed below:

1. **Waste Levy Income – Increase \$711k**
Increase in Waste Levy is due to greater than anticipated growth from multi-unit and standard dwellings. As this income can only be spent on waste related expenditure it is proposed to transfer these funds to Waste Management Reserve. Total income this year \$36.4m as compared to \$33.3m in FY 22/23.

Expenditure – Net decrease \$1.2m as detailed below:

2. **Waste Contract Expenditure – Decrease \$1.3m**
Decrease in waste collection service cost by \$0.76 million due to lower than anticipated waste contract price index. Actual index 3% as compared to budgeted index of 8%, due to higher inflation rate when waste budget was formed in forward plan time. Decrease in kerb side clean up collection cost by \$0.24m as lower than anticipated requests. Decrease in waste tipping cost by \$0.25m due to lower than anticipated waste tipping volumes this financial year compared to previous years. It is proposed to transfer these funds to Waste Management Reserve.
3. **Vegetation Tree Maintenance Contract Expenditure – Increase \$53k**
Increase expenditure due to increase of tree planting activities in this Financial Year. It is proposed to fund this expenditure from Street Tree Contribution in Restricted Asset.

MOVEMENT IN RESERVES

4. **Transfer to/from Reserve – \$2.0m**
\$2.0m Transfer to Waste Management Reserve due to an increase in Waste Levy and savings in contractor expenditure as per Note 1 and Note 2 above.
5. **Transfer from Prior year Income - \$53k**
\$53k Transfer from prior year’s Restricted Asset Income for the street tree contribution as per Note 3 above.

Capital Purchases

| Purchase & Sale of Assets | Original Budget \$000 | Current Budget \$000 | Proposed Revised Budget \$000 | Proposed Contra Variations \$000 | Proposed Other Variations \$000 | Ref |
|-----------------------------------------------|--------------------------|-------------------------|----------------------------------|-------------------------------------|------------------------------------|-----|
| Capital Purchases (Plant & Equipment) | 6,013 | 8,462 | 8,462 | | | |
| Sale of Assets | (1,794) | (3,225) | (3,225) | | | |
| Total | 4,219 | 5,237 | 5,237 | | | |
| Funded from Asset related Reserves | (4,219) | (5,586) | (5,586) | | | |
| Transfer to Asset related Reserves | | 349 | 349 | | | |
| Total transfer to/from Asset related Reserves | (4,219) | (5,237) | (5,237) | | | |

There are no variations proposed in this Review.

Capital Works

The Works Program consists of all Renewal, New Infrastructure Projects and Land Acquisition Projects as summarised below. The proposed variations will result in a total works program of \$338m in this financial year. All variations on each project and comments are listed in Attachment 1 Page 7-21.

| Capital Works | Original Budget \$000 | Current Budget \$000 | Proposed Revised Budget \$000 | Council Approved Variations \$000 | Proposed Other Variations \$000 | Ref |
|----------------------------------------------|--------------------------|-------------------------|----------------------------------|--------------------------------------|------------------------------------|---------|
| Construction | 55,678 | 124,191 | 124,658 | 0 | 468 | 6,7 |
| Design & Survey | 8,617 | 44,087 | 44,087 | 0 | 0 | |
| Design & Construction | 9,132 | 81,611 | 81,276 | 0 | (335) | 8 |
| Total Capital Works New & Renewal | 73,427 | 249,888 | 250,021 | 0 | 133 | |
| Land | 37,032 | 76,959 | 76,959 | 0 | 0 | |
| Total Capital Works (excl. VPA) | 110,459 | 326,847 | 326,980 | 0 | 133 | |
| VPA / WIK delivered by Developers | | | | | | |
| Infrastructure | 0 | 2,987 | 3,319 | 332 | 0 | * |
| Land | 0 | 130 | 130 | 0 | 0 | |
| Total Delivered by Developers | 0 | 3,117 | 3,448 | 332 | 0 | |
| Project Development & Delivery | 7,635 | 7,635 | 7,635 | 0 | 0 | |
| Total Capital Works (incl VPA / WIK) | 118,094 | 337,599 | 338,064 | 332 | 133 | |
| Source of Funds | | | | | | |
| Grants & Contributions | (3,529) | (57,650) | (57,985) | 0 | (335) | 8 |
| Externally Restricted Asset - AIF | (16,484) | (28,175) | (28,175) | 0 | 0 | |
| Externally Restricted Asset - Sec 7.11 | (72,040) | (210,146) | (210,277) | (332) | 202 | 6,7,8,* |
| Externally Restricted Asset - Grants | 0 | (1,000) | (1,000) | 0 | 0 | |
| Reserves | (26,041) | (40,627) | (40,627) | 0 | 0 | |
| Total Capital Works | (118,094) | (337,599) | (338,064) | (332) | (133) | |

* Council approved variation of \$0.3m:

- FY2023/24 Offset Contribution of \$331,723 under CP15HWLR through a Works-in-Kind agreement as approved by Council on 22 May 2022. It is proposed to fund this variation from Contribution Plan 15.

NEW PROJECTS - \$0.1m

- \$132,973 requested by Transport for NSW (TfNSW) for footpath connection works associated with the Memorial Avenue upgrade as identified in CP12. With the road upgrade nearing completion, it is proposed that this reimbursement be approved and funded from S7.11 CP12.

CONTRA VARIATIONS

- 7. \$18,630 additional funding requested for Deepwater Circuit Reserve – Stormwater Basin (Project 310233) to cover vegetation Maintenance works required in the Vegetation Maintenance Plan. The additional funds will be offset by savings from Indwarra Ave Reserve, North Kellyville stormwater basin project (Project 310211). This project is completed and has sufficient funds to cover the maintenance costs.
- 8. Release of bond Money \$334,537 for the road construction at 70 Terry Rd, Box Hill that was required as a development consent condition. At the time of subdivision, the developer could not deliver this work as the design and construction of the underlying culvert had not been completed. In October 2023, A tender (T23-0202) for Project 710057 - Terry Road, Box Hill - Culvert Crossing B was awarded, which included this outstanding work. It is proposed that the bond money of \$334,537 be released to replace the current funding source (S7.11 CP15) for this project.

Developer Contributions – Projected Balance EOFY

The Environmental Planning & Assessment Act enables Councils to prepare Developer Contribution Plans to provide public amenities such as Open Space, Roads, and Community Buildings etc. The Contributions are levied via Development Consents.

There are currently 13 Contribution Plans. Contributions must be treated as revenue when received but are required to be held until expended. Estimated future expenditure in the next 15 years will amount to \$1.7bn.

Table below summarises the budgeted position.

| | Original Budget | Current Budget | Proposed Revised Budget | Proposed Contra variations | Proposed Other Variations | Ref |
|-----------------------------------|-----------------|----------------|-------------------------|----------------------------|---------------------------|---------|
| | \$000 | \$000 | \$000 | \$000 | \$000 | |
| Opening Balance (Surplus)/Deficit | (197,503) | (199,005) | (199,005) | 0 | 0 | |
| Contributions | (59,000) | (59,000) | (59,000) | 0 | 0 | |
| Interest | (4,385) | (4,385) | (4,385) | 0 | 0 | |
| Expenditure | 88,523 | 238,321 | 238,451 | 332 | (202) | 6,7,8,* |
| Closing Balance (Surplus)/Deficit | (172,365) | (24,069) | (23,939) | 332 | (202) | |

Section 7.11 funds invested as at 1 July 2023 amounted to \$199.0m. If all the budgeted Expenditure and Income materialises in this financial year, it is anticipated that Section 7.11 funds will amount to \$24.0m as at 30 June 2024, reflecting the multi-year projects carried over from last financial year. It is anticipated that this balance will be higher due to multi-year capital works projects that will still be in progress as of 30 June 2024.

Gap Funding

The cap on all contribution plans have been removed as of 1 January 2021. While Council has received all gap funding relating to CP12 and CP13, it has only partially received gap funding relating to CP15. Council did not receive gap funding relating to all capped consents issued prior to October 2019 under this plan.

Furthermore, significant increases in land prices and capital cost have been observed in CP15. As reported elsewhere in the business paper, a Revised CP15 has been submitted and reviewed by IPART. In its final report released on 12 April 2024, IPART recommended a reduction of Council’s proposed contribution rates of \$95,139 to \$77,362 per dwelling, resulting in a funding gap of \$122m. IPART recommended that Council seeks alternative source of funding outside CP15 for this gap. At the time of writing this report, Council officers are currently awaiting the Minister’s endorsement of IPART’s recommendations before the revised plan is adopted.

The \$122m funding gap arose despite Council’s tireless effort in preparing a plan and keeping the plan up to date since the precinct was rezoned by the State Government in 2013. Factors contributing to this funding gap were beyond Council’s control:

- Rezoning of land by the State Government before a contribution plan was developed;
- Historical capping of contribution rates by the State Government;
- Council not receiving \$89m of gap funding during the period when contribution rates were capped and Council is still currently receiving capped rates on development applications approved during this period;
- Long review process by IPART, which could take up to 2 years, resulting in delay in Council levying updated contribution rates. The delays also impact Council’s ability to reflect timely changes in economic environment, escalating land prices and construction cost estimates etc;
- Lower cost estimates recommended by IPART resulting in lower contribution rates at the beginning of the plan, however cost increases later on are not fully recoverable from the plan; and
- Fragmented land acquisition requirements and compulsory land acquisition process.

Accordingly, CP15 infrastructure will need to be delivered on a priority basis until alternative funding is secured.

Real Estate & Investment Property Assets

This section relates to a summary of Property Development Activities.

| Real Estate & Investment Property Assets | Original Budget | Current Budget | Proposed Revised Budget | Proposed Contra variations | Proposed Other Variations | Ref |
|------------------------------------------|-----------------|----------------|-------------------------|----------------------------|---------------------------|-----|
| | \$000 | \$000 | \$000 | \$000 | \$000 | |
| REAL ESTATE | | | | | | |
| Development/Acquisition Cost | - | 2,259 | 2,259 | - | - | |
| Funded by transfer from Reserves | - | (2,259) | (2,259) | - | - | |
| INVESTMENT PROPERTY | | | | | | |
| Castle Mall improvements | - | 200 | 200 | - | - | |
| Funded from Castle Mall Reserve | - | (200) | (200) | - | - | |

CONCLUSION

This Opinion by the Responsible Accounting Officer is required under the Local Government (General) Regulation 2021 – Clause 203(2).

Council's Group Manager – Finance & Corporate Strategy / CFO, as the Responsible Accounting Officer, advises that the Council's projected financial position is satisfactory.

The investments shown in Attachment 1 page 5-6 have been made in accordance with the Act, the Regulations and Council's Investment Policy.

ATTACHMENTS

1. May Budget Review (23 pages)

ATTACHMENT 1

The Hills Shire Council

Statutory Format 2023/2024

Statement of Income By Program

PAGE 1

| Description | Original Budget | Approved Changes | | | | Current Budget | YTD Actual | Projected | Recommended Changes | | Ref * |
|--------------------------------------------|-----------------|------------------|-----------|-----------|-----------|----------------|-------------|-----------|------------------------|------------|-------|
| | 2023/24 | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | 2023/24 | Include | Revised | For Council Resolution | | |
| | \$'000 | Review | Review | Review | Review | \$'000 | Commitments | Budget | Contra Var. | Other Var. | |
| | | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | |
| REVENUE - RECURRENT | | | | | | | | | | | |
| Corporate Management | (90,634) | (2) | (1) | (570) | (143) | (91,350) | (91,379) | (91,351) | (1) | 0 | |
| Infrastructure & Transport Planning | (1,712) | (566) | 0 | 14 | 0 | (2,265) | (2,120) | (2,265) | 0 | 0 | |
| Forward Planning | (1,006) | (34) | 0 | 0 | (145) | (1,186) | (1,293) | (1,186) | 0 | 0 | |
| Asset Management, Roads & Parks | (1,868) | 0 | (500) | (4) | 0 | (2,372) | (1,505) | (2,372) | 0 | 0 | |
| Property Dev, Buildings & Special Projects | (9,998) | 0 | (374) | 471 | (212) | (10,113) | (9,126) | (10,113) | 0 | 0 | |
| Fire Control | (409) | 0 | 0 | 0 | 0 | (409) | (323) | (409) | 0 | 0 | |
| Councillors & Executive Services | (9) | 0 | 0 | 0 | 0 | (9) | (7) | (9) | 0 | 0 | |
| Financial Strategy, Payroll & Rates | (663) | 0 | 0 | (23) | (367) | (1,054) | (1,066) | (1,054) | 0 | 0 | |
| Human Resources & Wellbeing | (130) | (1,635) | 0 | 0 | 0 | (1,765) | (1,765) | (1,765) | 0 | 0 | |
| Expenditure & Revenue | (13,224) | 0 | 5,207 | (5,596) | 0 | (13,613) | (12,691) | (13,613) | 0 | 0 | |
| Fleet & Shire Presentation | (433) | 0 | 0 | 0 | 0 | (433) | (422) | (433) | 0 | 0 | |
| Civil & Roads Maintenance | (1,870) | 0 | 545 | (800) | (450) | (2,575) | (2,849) | (2,575) | 0 | 0 | |
| Parks & Bushland Maintenance | (320) | (30) | 0 | (109) | (16) | (475) | (352) | (475) | 0 | 0 | |
| Buildings Operations | 0 | 0 | 0 | 0 | 0 | 0 | (10) | 0 | 0 | 0 | |
| Development Assessment | (4,243) | 0 | 400 | 500 | 0 | (3,343) | (2,691) | (3,343) | 0 | 0 | |
| Subdivision & Development Certification | (5,141) | 0 | 0 | 291 | 1,000 | (3,850) | (4,039) | (3,850) | 0 | 0 | |
| Environment & Public Health | (546) | 0 | 0 | 0 | (19) | (565) | (596) | (565) | 0 | 0 | |
| Resource Recovery | (36,406) | 0 | 0 | 0 | 0 | (36,406) | (37,220) | (37,117) | 0 | (711) | 1 |
| Regulatory Services | (3,441) | 0 | 450 | (370) | (240) | (3,601) | (3,308) | (3,681) | (80) | 0 | |
| Children's Services | (6,366) | 0 | 0 | (24) | 0 | (6,390) | (5,976) | (6,390) | 0 | 0 | |
| Hills Community Care | (7,417) | 0 | 0 | (728) | 0 | (8,145) | (7,666) | (8,145) | 0 | 0 | |
| Customer Relations | (3,948) | 0 | 0 | 0 | (784) | (4,732) | (5,238) | (4,732) | 0 | 0 | |
| Community Outcome | (805) | 0 | 0 | (16) | (5) | (827) | (834) | (827) | 0 | 0 | |
| Library Services | (789) | 2 | 0 | (2) | 0 | (789) | (787) | (789) | 0 | 0 | |
| Waves Aquatic Centre | (5,821) | 0 | 0 | 0 | 0 | (5,821) | (5,672) | (5,821) | 0 | 0 | |
| Total Recurrent Revenue | (197,201) | (2,265) | 5,727 | (6,967) | (1,381) | (202,087) | (198,937) | (202,879) | (81) | (711) | |
| Externally/Internally Restricted Income | (83,399) | (39,766) | (5,273) | (8,021) | (11,383) | (147,841) | (73,091) | (148,176) | 0 | (335) | 8 |
| Gain/Loss on Sales of Asset | (1,452) | 0 | 0 | 0 | 0 | (1,452) | (1,486) | (1,452) | 0 | 0 | |
| Revenue as Per Income Statement | (282,052) | (42,031) | 454 | (14,988) | (12,764) | (351,381) | (273,514) | (352,508) | (81) | (1,046) | |

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

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Statement of Expenditure By Program

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| Description | Original | Approved Changes | | | | Current | YTD Actual | Projected | Recommended Changes | | Ref * |
|--------------------------------------------|----------|------------------|-----------|-----------|-----------|----------|-------------|-----------|------------------------|------------|-------|
| | Budget | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Budget | Include | Revised | For Council Resolution | | |
| | 2023/24 | Review | Review | Review | Review | 2023/24 | Commitments | Budget | Contra Var. | Other Var. | |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | |
| EXPENDITURE - RECURRENT | | | | | | | | | | | |
| Corporate Management | 9,788 | 185 | (15) | 167 | 195 | 10,320 | 8,647 | 10,251 | (69) | 0 | |
| Infrastructure & Transport Planning | 3,233 | 1,051 | 11 | (14) | 0 | 4,281 | 3,548 | 4,281 | 0 | 0 | |
| Forward Planning | 5,511 | 184 | (42) | (80) | 0 | 5,573 | 4,866 | 5,573 | 0 | 0 | |
| Asset Management, Traffic & Parks | 7,943 | 490 | 22 | (56) | 0 | 8,399 | 7,795 | 8,399 | 0 | 0 | |
| Property Dev, Buildings & Special Projects | 5,275 | 367 | (3) | 1,330 | 212 | 7,181 | 4,853 | 7,181 | 0 | 0 | |
| Fire Control | 5,257 | 1,007 | 0 | (40) | 0 | 6,224 | 4,562 | 6,224 | 0 | 0 | |
| Councillors & Executive Services | 1,992 | 5 | 5 | (25) | 0 | 1,978 | 1,759 | 1,978 | 0 | 0 | |
| Financial Control & Reporting | 1,214 | 0 | (11) | 0 | 2 | 1,204 | 1,226 | 1,204 | 0 | 0 | |
| Financial Strategy, Payroll & Rates | 4,974 | 4 | (9) | 23 | (2) | 4,990 | 5,968 | 4,990 | 0 | 0 | |
| Human Resources & Wellbeing | 2,278 | 327 | (54) | 0 | 0 | 2,551 | 2,323 | 2,551 | 0 | 0 | |
| Information Technology | 8,449 | 1,339 | 207 | 0 | 0 | 9,995 | 8,952 | 9,995 | 0 | 0 | |
| Expenditure & Revenue | 2,020 | 0 | (49) | 10 | 0 | 1,981 | 1,777 | 1,981 | 0 | 0 | |
| Project Delivery | 1,284 | 0 | 8 | 0 | 0 | 1,292 | 1,203 | 1,292 | 0 | 0 | |
| Buildings Operations | 9,859 | 220 | (323) | 0 | 325 | 10,081 | 8,275 | 10,081 | 0 | 0 | |
| Fleet Management | 6,381 | 3,036 | 51 | 800 | 0 | 10,269 | 9,609 | 10,269 | 0 | 0 | |
| Civil & Roads Maintenance | 15,594 | (2,491) | 364 | 704 | 300 | 14,472 | 13,850 | 14,472 | 0 | 0 | |
| Parks & Bushland Maintenance | 17,591 | (434) | 81 | (691) | 16 | 16,562 | 15,472 | 16,615 | 0 | 53 | 3 |
| Development Assessment | 7,939 | 152 | 22 | 114 | (2) | 8,225 | 7,244 | 8,260 | 35 | 0 | |
| Subdivision & Development Certification | 4,838 | 26 | 0 | 50 | 102 | 5,017 | 4,629 | 5,107 | 90 | 0 | |
| Environment & Public Health | 4,712 | 8 | 0 | (78) | 19 | 4,661 | 4,073 | 4,661 | 0 | 0 | |
| Resource Recovery | 36,406 | 0 | 0 | 0 | 0 | 36,406 | 32,054 | 35,156 | 0 | (1,250) | 2 |
| Regulatory Services | 5,723 | 62 | (23) | 98 | 168 | 6,027 | 5,578 | 6,052 | 25 | 0 | |
| Marketing & Communications | 1,325 | 0 | 12 | 80 | 0 | 1,417 | 1,521 | 1,417 | 0 | 0 | |
| Children's Services | 6,577 | 0 | 0 | 24 | 0 | 6,601 | 6,222 | 6,601 | 0 | 0 | |
| Hills Community Care | 9,120 | 169 | 0 | 728 | 0 | 10,016 | 8,724 | 10,016 | 0 | 0 | |
| Customer Relations | 10,973 | 72 | 47 | 0 | 82 | 11,175 | 10,154 | 11,175 | 0 | 0 | |
| Community Outcome | 6,600 | 168 | 13 | 16 | 5 | 6,802 | 5,889 | 6,802 | (0) | 0 | |
| Library Services | 8,388 | 219 | (5) | 2 | 0 | 8,604 | 7,463 | 8,604 | 0 | 0 | |
| Waves Aquatic Centre | 6,547 | 0 | 0 | 0 | 0 | 6,547 | 5,916 | 6,547 | 0 | 0 | |
| Internal Recoveries | (56,652) | 0 | 0 | 211 | 0 | (56,441) | (52,989) | (56,441) | 0 | 0 | |
| Total Recurrent Expenditure | 161,139 | 6,166 | 308 | 3,374 | 1,422 | 172,409 | 151,164 | 171,293 | 81 | (1,197) | |
| Depreciation and Amortisation | 27,053 | 0 | 0 | 1,694 | 0 | 28,746 | 24,526 | 28,746 | 0 | 0 | |
| Expenditure as Per Income Statement | 188,192 | 6,166 | 308 | 5,067 | 1,422 | 201,156 | 175,690 | 200,040 | 81 | (1,197) | |

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

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Income Statement

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| Description | Original Budget 2023/24 \$'000 | Quarter 1 Review \$'000 | Quarter 2 Review \$'000 | Quarter 3 Review \$'000 | Quarter 4 Review \$'000 | Current Budget 2023/24 \$'000 | YTD Actual Include Commitments \$'000 | Projected Revised Budget \$'000 | Recommended Changes For Council Resolution Contra Var. \$'000 | Other Var. \$'000 | Ref * |
|---------------------------------------------|-----------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|----------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------------------------------------|----------------------|----------|
| RECURRENT | | | | | | | | | | | |
| Revenue | | | | | | | | | | | |
| Rates & Annual Charges | (127,961) | 0 | 0 | (430) | (98) | (128,489) | (129,249) | (129,200) | 0 | (711) | 1 |
| User Charges & Fees | (30,081) | 0 | 850 | 715 | (55) | (28,570) | (28,117) | (28,570) | 0 | 0 | |
| Investment Revenues - Operational | (6,733) | 0 | (1,000) | (5,633) | (260) | (13,627) | (12,900) | (13,627) | 0 | 0 | |
| Investment Revenues - Restricted/Capital | (4,386) | 0 | 0 | 0 | 0 | (4,386) | (9,919) | (4,386) | 0 | 0 | |
| Other Revenues - Operational | (13,782) | (1,605) | (875) | 99 | (513) | (16,676) | (15,949) | (16,757) | (81) | 0 | |
| Other Revenues - Restricted/Capital | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Grants & Contributions - Operational | (18,644) | (660) | 6,752 | (1,718) | (455) | (14,725) | (12,724) | (14,725) | 0 | 0 | |
| Grants & Contributions - Restricted/Capital | (79,013) | (39,766) | (5,273) | (8,021) | (11,383) | (143,456) | (63,172) | (143,790) | 0 | (335) | 8 |
| Profit From Disposal of Assets | (1,452) | 0 | 0 | 0 | 0 | (1,452) | (1,486) | (1,452) | 0 | 0 | |
| Total Revenue | (282,052) | (42,031) | 454 | (14,988) | (12,764) | (351,381) | (273,514) | (352,508) | (81) | (1,046) | |
| Expenditure | | | | | | | | | | | |
| Employment Costs | 76,360 | 161 | 246 | (605) | 79 | 76,241 | 68,924 | 75,641 | (600) | 0 | |
| Materials, Contracts & Plant Running Exp | 58,193 | 775 | (496) | 1,419 | 1,068 | 60,959 | 56,962 | 60,454 | 692 | (1,197) | 2,3 |
| Depreciation and Amortisation | 27,053 | 0 | 0 | 1,694 | 0 | 28,746 | 24,526 | 28,746 | 0 | 0 | |
| Other Expenses | 26,586 | 5,230 | 558 | 2,560 | 275 | 35,209 | 26,573 | 35,198 | (11) | 0 | |
| Total Expenditure | 188,192 | 6,166 | 308 | 5,067 | 1,422 | 201,156 | 176,985 | 200,040 | 81 | (1,197) | |
| Operating Result (Surplus)/Deficit | (93,860) | (35,865) | 763 | (9,920) | (11,342) | (150,225) | (96,529) | (152,468) | 0 | (2,243) | |
| Add | | | | | | | | | | | |
| Transfer to/(from) Reserves | 36,011 | (3,693) | 1,192 | 3,593 | 109 | 37,212 | 37,562 | 39,173 | 0 | 1,961 | 4 |
| Transfer from Prior Years Section 7.11 | 0 | 0 | 0 | 0 | 0 | 0 | (1,283) | 0 | 0 | 0 | |
| Transfer from Prior Years Grants | 0 | (208) | (7,227) | 0 | (149) | (7,584) | (7,584) | (7,637) | 0 | (53) | 5 |
| Less | | | | | | | | | | | |
| Depreciation & Amortisation | (27,053) | 0 | 0 | (1,694) | 0 | (28,746) | (24,526) | (28,746) | 0 | 0 | |
| Investment Revenues - Restricted/Capital | 4,386 | 0 | 0 | 0 | 0 | 4,386 | 9,919 | 4,386 | 0 | 0 | |
| Grants & Contributions - Restricted/Capital | 79,013 | 39,766 | 5,273 | 8,021 | 11,383 | 143,456 | 63,172 | 143,790 | 0 | 335 | 8 |
| Profit/Loss From Disposal of Assets | 1,452 | 0 | 0 | 0 | 0 | 1,452 | 1,486 | 1,452 | 0 | 0 | |
| Net Budget Result (Surplus)/Deficit | (50) | (0) | 0 | (0) | 0 | (50) | (17,783) | (50) | 0 | (0) | |

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

The Hills Shire Council

Balance Sheet FY23/24

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| June 2023 \$'000 | Description | FY23/24 YTD Actual \$'000 |
|--------------------------------|---------------------------------------------|------------------------------------|
| CURRENT ASSETS | | |
| 26,978 | Cash & Cash Equivalents | 11,070 |
| 450,000 | Investments | 531,392 |
| 36,945 | Receivables | 49,612 |
| 9,746 | Inventories | 9,753 |
| 2,161 | Other | 458 |
| 525,830 | TOTAL CURRENT ASSETS | 602,285 |
| NON CURRENT ASSETS | | |
| 0 | Inventories | 0 |
| 5,528,173 | Infrastructure, Property, Plant & Equipment | 5,523,633 |
| 225,760 | Investment Property | 225,760 |
| 295 | Right of Use Assets | 295 |
| 5,754,228 | TOTAL NON-CURRENT ASSETS | 5,749,687 |
| 6,280,058 | TOTAL ASSETS | 6,351,972 |
| CURRENT LIABILITIES | | |
| (46,343) | Payables | (50,113) |
| (74,389) | Contract Liabilities | (105,039) |
| (19,100) | Provisions | (21,969) |
| (139,832) | TOTAL CURRENT LIABILITIES | (177,121) |
| NON-CURRENT LIABILITIES | | |
| (322) | Lease Liabilities | (322) |
| (747) | Employee Benefit Provisions | (30) |
| (3,448) | Provisions | (3,448) |
| (4,517) | TOTAL NON-CURRENT LIABILITIES | (3,800) |
| (144,349) | TOTAL LIABILITIES | (180,921) |
| 6,135,709 | NET ASSETS | 6,171,051 |
| EQUITY | | |
| (6,135,709) | TOTAL EQUITY | (6,171,051) |

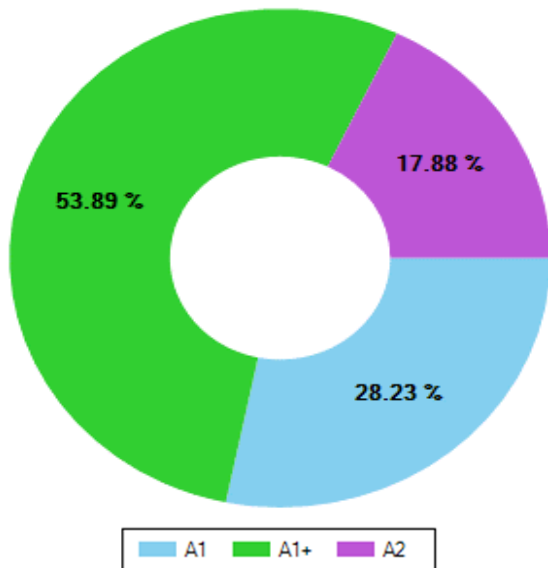
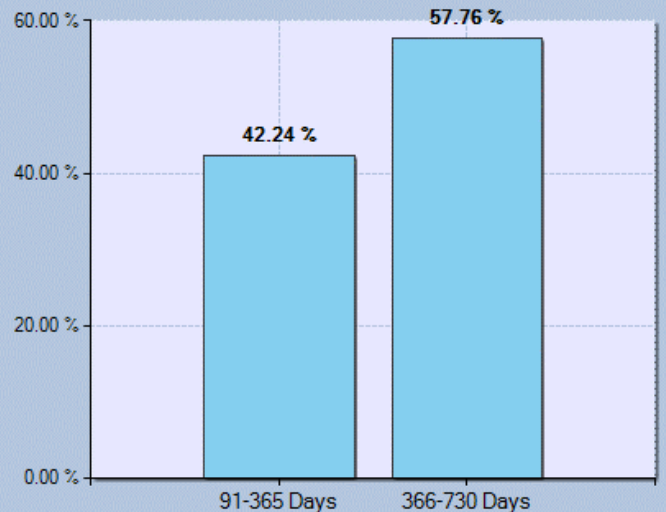
The Hills Shire Council

Monthly Budget Review 2023/2024

Cash & Investments

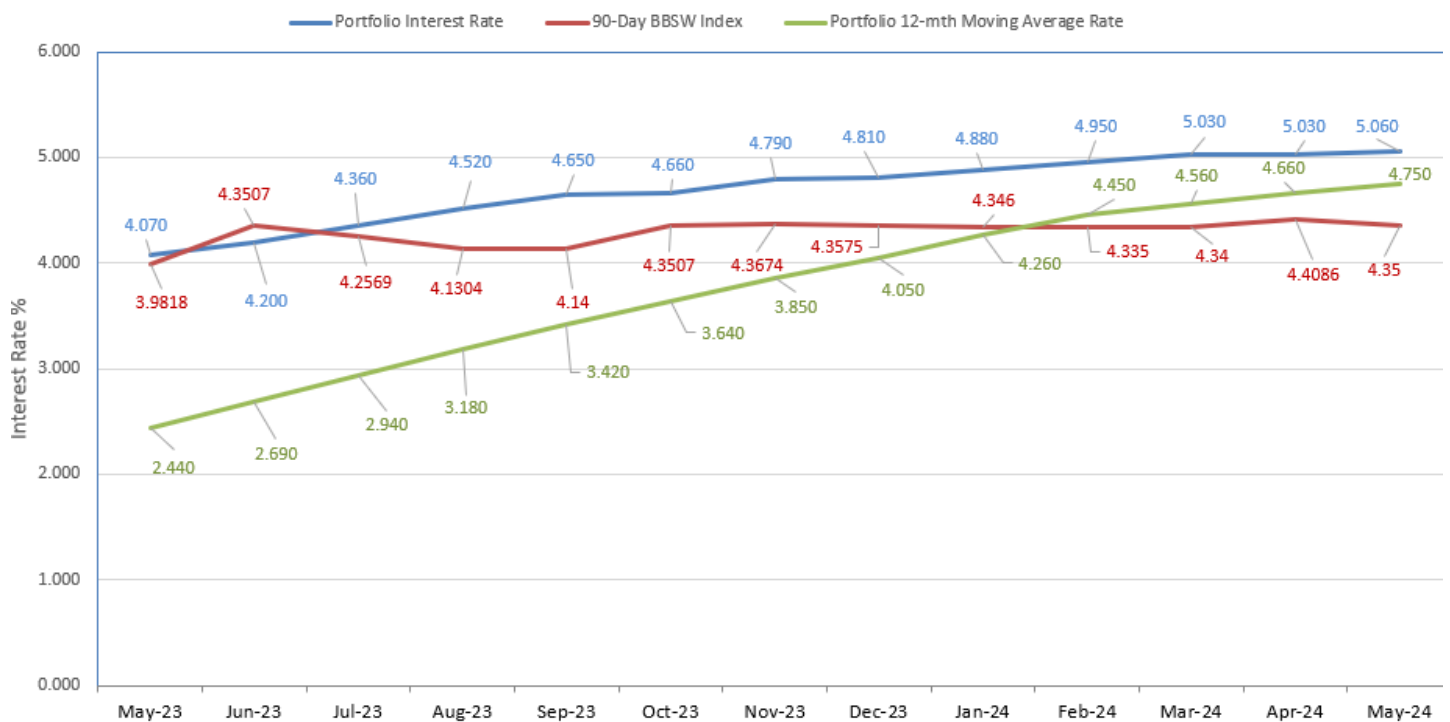
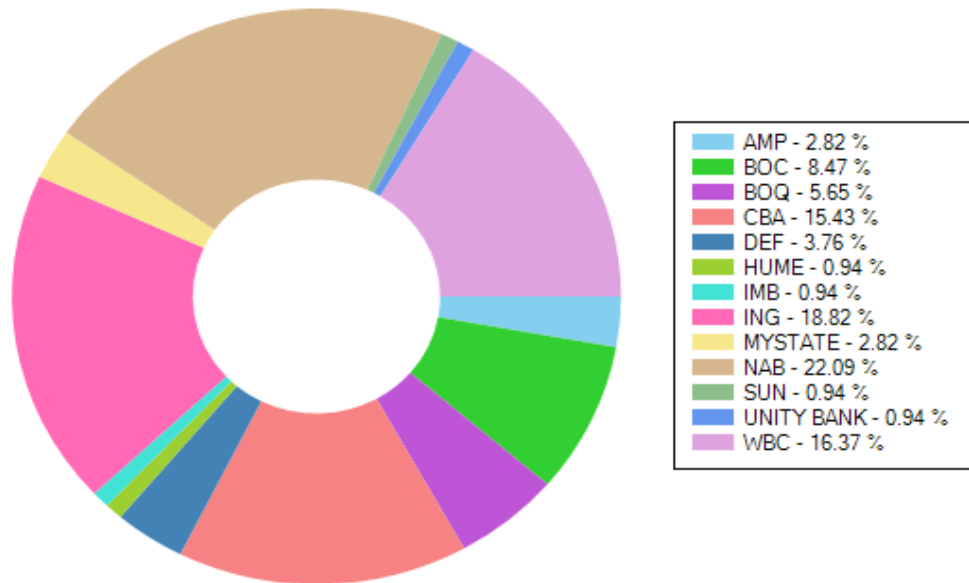
Page 5

| Description | Original Budget 2023/24 \$'000 | Quarter 1 Review \$'000 | Approved Changes Quarter 2 Review \$'000 | Quarter 3 Review \$'000 | Quarter 4 Review \$'000 | Current Budget 2023/24 \$'000 | YTD Actual \$'000 | Projected Revised Budget \$'000 | Recommended Changes For Council Resolution Contra Var. \$'000 | Other Var. \$'000 | Ref * |
|-----------------------------------------|--------------------------------------|-------------------------------|---------------------------------------------------|-------------------------------|-------------------------------|-------------------------------------|-------------------------|------------------------------------------|------------------------------------------------------------------------|----------------------|----------|
| Externally Restricted | | | | | | | | | | | |
| Section 7.11 | 190,351 | (119,146) | (10,889) | (6,814) | (1,129) | 52,374 | 227,818 | 52,244 | (332) | 202 | 6,7,8 |
| Voluntary Planning Agreements | 20,137 | (1,500) | 0 | 0 | 0 | 18,637 | 22,544 | 18,637 | 0 | 0 | |
| Grants & Contributions | 13,639 | (208) | (7,227) | (1,000) | (149) | 5,055 | 8,454 | 5,002 | 0 | (53) | 5 |
| Domestic Waste | 12,319 | 0 | 0 | 0 | 0 | 12,319 | 12,319 | 14,280 | 0 | 1,961 | 4 |
| Internally Restricted | | | | | | | | | | | |
| Reserves | 130,211 | (16,385) | (1,113) | 204 | 433 | 113,349 | 113,824 | 113,349 | 0 | 0 | |
| Contract Liabilities - AASB 15 & AASB 1 | 74,390 | 0 | 0 | 0 | 0 | 74,390 | 85,784 | 74,390 | 0 | 0 | |
| Unrestricted | | | | | | | | | | | |
| Unrestricted Cash | 28,693 | 0 | 0 | 0 | 0 | 28,693 | 71,719 | 28,693 | 0 | 0 | |
| Total Cash & Investments | 469,740 | (137,238) | (19,229) | (7,611) | (845) | 304,817 | 542,462 | 306,595 | (332) | 2,110 | |

% Invested Under S&P Credit Rating% Invested By Maturity

Cash & Investments Continued:

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% Invested By Institution

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2023/2024****Works Program**

| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|--------------------------|--------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|------------------|--------|------------------|--------------|---------|
| 110013 | Boundary Road, Box Hill - Bridge Design (CP15BRBRU) | DESIGN | Oct-22 | Oct-22 | Jun-26 | | 0 | 1,513,572 | 15 | 1,513,572 | 0 | 0 |
| 110016 | Terry Road over Killarney Chain of Ponds - Bridge Design (CP15BR2) | DESIGN | Oct-22 | Oct-22 | Jun-25 | | 0 | 10,600 | 15 | 10,600 | 0 | 0 |
| 110021 | Cycleway bridge over Glenhaven Road (near Friends Place) - Design (CP13NKCC05) | DESIGN | Jul-21 | Aug-21 | Jun-25 | | 0 | 89,494 | 10 | 89,494 | 0 | 0 |
| 110032 | Pedestrian Bridge - Arnold Ave to Gorman Ave across Strangers Creek | CONSTRUC | Mar-18 | Jan-17 | Dec-23 | Sep-23 | 0 | 348,635 | 100 | 348,635 | 0 | 0 |
| 110037 | Smalls Creek Bridge between Ross Place and Edwards Road - Design (CP13NKB01) | DESIGN | Jul-22 | | Jun-26 | | 0 | 489,415 | 0 | 489,415 | 0 | 0 |
| 110038 | Smalls Creek Bridge (approach) between Ross Place and Edwards Road - Design (CP13NKB01A) | DESIGN | Jul-22 | | Jun-26 | | 0 | 369,774 | 0 | 369,774 | 0 | 0 |
| 110039 | Cycleway bridge over Glenhaven Road (near Friends Place) - Design (CP13NKCC04) | DESIGN | Jul-22 | Aug-21 | Jun-25 | | 0 | 100,000 | 10 | 100,000 | 0 | 0 |
| 110040 | Smalls Creek Cycleway bridge from Curtis Road to Farmers Circuit (CP13NKCW08) | D&C | Jul-22 | Dec-23 | Nov-24 | | 0 | 1,540,700 | 45 | 1,540,700 | 0 | 0 |
| 110041 | Castle Hill Showground - Pedestrian Bridge (WSIG-WICR0734) - Design | DESIGN | Mar-24 | | Mar-28 | | 255,556 | 480,000 | 1 | 480,000 | 0 | 0 |
| 150028 | Bridge Renewal Program - Bulk | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | | 150,000 | 150,000 | 100 | 150,000 | 0 | 0 |
| Total For Bridges | | | | | | | 405,556 | 5,092,190 | | 5,092,190 | 0 | |
| 210086 | Waves - Special Project Works - Aquatic Centre Redevelopment | CONSTRUC | May-24 | Aug-17 | Dec-24 | | 0 | 174,936 | 100 | 174,936 | 0 | 0 |
| 210107 | Rural Fire Service Sackville North - construction of demountable buildings as Rural Fire Service training facility | CONSTRUC | May-23 | Jul-21 | Aug-23 | Aug-23 | 0 | 168,839 | 100 | 168,839 | 0 | 0 |
| 210108 | S94AOE0056 - Kellyville Park - Amenities Building (Design) | DESIGN | Jul-21 | Jul-21 | Dec-24 | | 0 | 90,000 | 40 | 90,000 | 0 | 0 |
| 210109 | Anthony Skarratt Reserve (formerly Bligh Reserve) Community Centre | D&C | Jul-21 | Jul-21 | Aug-25 | | 0 | 3,177,187 | 45 | 3,177,187 | 0 | 0 |
| 210110 | Kellyville Park Amenities Building | CONSTRUC | Mar-22 | Mar-22 | Jun-24 | | 0 | 3,253,922 | 100 | 3,253,922 | 0 | 0 |
| 210117 | Rutherford Avenue Reserve, Kellyville - Construct New Accessible Toilet | D&C | Jul-22 | Apr-23 | Dec-23 | | 0 | 27,922 | 25 | 27,922 | 0 | 0 |
| 210119 | RFS HQ - Installation of new Breathing Apparatus Fill Station, including required building services work | CONSTRUC | Jul-23 | | Jun-24 | | 0 | 50,000 | 100 | 50,000 | 0 | 0 |
| 210120 | Horseworld - Indoor Recreation Centre Design (WSIG - WILGA273) | D&C | Mar-24 | | Sep-27 | | 1,466,666 | 2,400,120 | 2 | 2,400,120 | 0 | 0 |
| 210122 | Rouse Hill Community Centre - Install Solar Energy System - 20kW | D&C | Jul-23 | Jun-23 | Dec-23 | Nov-23 | 25,000 | 25,000 | 100 | 25,000 | 0 | 0 |
| 210123 | West Pennant Hills Community Centre - Solar Install - 20kW - (approx. 50 panels) | D&C | Jul-23 | Jan-24 | Dec-23 | Jan-24 | 25,000 | 25,000 | 100 | 25,000 | 0 | 0 |

THE HILLS SHIRE COUNCIL

Monthly Budget Review 2023/2024

| Works Program | | | | | | | | | | | | | |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|-----|
| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref | Var |
| 210124 | Box Hill Fire Station - Facilities and Tanker Bay Upgrades (RFS) | CONSTRUC | Oct-23 | | Jun-25 | | 0 | 125,000 | 10 | 125,000 | 0 | | 0 |
| 210125 | The Hills Fire Control Centre upgrade: Office and Operations Room Refurbishment (RFS) | CONSTRUC | Oct-23 | Mar-24 | Jun-24 | | 0 | 230,000 | 70 | 230,000 | 0 | | 0 |
| 210126 | Rouse Hill Station Tanker Bay Extension (RFS) | CONSTRUC | Oct-23 | Apr-24 | Jun-24 | | 0 | 300,000 | 60 | 300,000 | 0 | | 0 |
| 210127 | Sackville North Training Centre Phase 2 (RFS) | CONSTRUC | Feb-24 | Dec-23 | Dec-24 | | 0 | 914,017 | 70 | 914,017 | 0 | | 0 |
| 210128 | Kellyville Park - Field 7 Refurbishment of demountable amenities and connected to services | CONSTRUC | | | Jun-24 | | 0 | 87,000 | 75 | 87,000 | 0 | | 0 |
| 210129 | Columbia Court - Council Admin Buildings - Renew Facade Painting | D&C | Mar-24 | Mar-24 | Dec-24 | | 0 | 350,000 | 30 | 350,000 | 0 | | 0 |
| 210130 | Excelsior Ave CC - Softfall Replacement | CONSTRUC | May-24 | | Dec-24 | | 0 | 77,500 | 0 | 77,500 | 0 | | 0 |
| 250539 | Rural Fire Surface Hillside, Glenorie - Renewal works tower repair/replacement project | CONSTRUC | Oct-20 | Jan-21 | Nov-24 | | 0 | 100,436 | 35 | 100,436 | 0 | | 0 |
| 250550 | Various Buildings - Upgrade Access Control System to Keyless - Rollout across Various Building Categories | CONSTRUC | Jul-21 | | Sep-24 | | 0 | 793,627 | 90 | 793,627 | 0 | | 0 |
| 250556 | Castle Grand Library - Veranda Improvement - Preliminary Investigation & Feasibility Study | DESIGN | Jul-23 | | Dec-24 | | 0 | 50,000 | 5 | 50,000 | 0 | | 0 |
| 250562 | Columbia Court Administration Buildings - Replace and Upgrade Selected CCTV Cameras | CONSTRUC | Jul-22 | | Sep-24 | | 0 | 50,000 | 15 | 50,000 | 0 | | 0 |
| 250563 | Columbia Court Administration Buildings - Renew Sections of Vinyl and Concrete Flooring | CONSTRUC | Jul-22 | | Feb-24 | | 0 | 100,000 | 100 | 100,000 | 0 | | 0 |
| 250564 | Columbia Court Administration Buildings - Upgrade Lighting Management & Control System | D&C | Jul-22 | | Apr-25 | | 0 | 177,480 | 20 | 177,480 | 0 | | 0 |
| 250565 | Crestwood Reserve - Amenities Building (Field 1 & 2) - Complete Existing Roof with Upgraded Roof Structure including associated improvements | CONSTRUC | Jul-23 | | Dec-24 | | 0 | 200,000 | 0 | 200,000 | 0 | | 0 |
| 250586 | Replacement of cladding for 12 Pennant Street, Castle Hill | CONSTRUC | Jul-22 | | Dec-23 | | 0 | 68,182 | 100 | 68,182 | 0 | | 0 |
| 250595 | Beaumont Hills Community Centre - Major Refurbishment Works, Incl. Roof & Retaining Wall | CONSTRUC | Jul-22 | May-23 | Sep-23 | | 0 | 150,000 | 100 | 150,000 | 0 | | 0 |
| 250598 | Castle Grand Community Centre - Renew the Toilet Facilities, & the Kitchenette | CONSTRUC | Jan-24 | Jul-23 | Feb-24 | | 0 | 144,035 | 100 | 144,035 | 0 | | 0 |
| 250600 | Columbia Court - Council Admin Building - Replace Roof Top Water Proofing Membrane System for Building A & B & C | CONSTRUC | Jul-22 | Aug-22 | Dec-24 | | 0 | 598,800 | 10 | 598,800 | 0 | | 0 |
| 250612 | Francesco Crescent Reserve - Amenities Building - Refurbishment Works Throughout | CONSTRUC | Oct-23 | Jan-24 | Mar-24 | | 0 | 100,000 | 100 | 100,000 | 0 | | 0 |
| 250615 | Ted Horwood Nursery - Buildings Design Project | DESIGN | Jul-22 | Jul-22 | Jun-24 | | 25,000 | 67,145 | 100 | 67,145 | 0 | | 0 |
| 250619 | Balcombe Heights Estate - Building 10 - Flooring Works | D&C | Dec-23 | Jul-23 | Feb-24 | | 150,000 | 150,000 | 100 | 150,000 | 0 | | 0 |

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2023/2024****Works Program**

| Project Code | Project Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|------------------|-------------------|--------|-------------------|--------------|----------|
| 250620 | Balcombe Heights Estate - Building 7 - Design and Convert Building 7 into Child Care Centre | DESIGN | Jul-23 | | Jun-25 | | 200,000 | 200,000 | 15 | 200,000 | 0 | 0 |
| 250621 | Balcombe Heights Estate - Buildings 7, 9, 10, 11, 14, 16, 18, 19 and 20 (incl. Tower) - Restoration Works to Roof, incl. Gutters & Down Pipes, and Painting in and out | CONSTRUC | Sep-23 | Jul-23 | Dec-23 | Jan-24 | 299,970 | 299,970 | 100 | 299,970 | 0 | 0 |
| 250622 | Baulkham Hills Library - Refurbishment Works to Internal & External Areas | CONSTRUC | Nov-23 | Nov-23 | Dec-23 | Nov-23 | 120,000 | 120,000 | 100 | 120,000 | 0 | 0 |
| 250623 | Bella Vista Farm Park - Homestead - Replace decking over the heritage Well, and Roof repair works | CONSTRUC | Jul-23 | Nov-23 | Jun-24 | | 180,000 | 180,000 | 50 | 180,000 | 0 | 0 |
| 250624 | Castle Grand Community Centre - Replacement of HVAC Cooling Towers | DESIGN | Jul-23 | | Jun-24 | | 100,000 | 100,000 | 0 | 100,000 | 0 | 0 |
| 250625 | Castle Grand Community Centre - Replacement of Solar Energy System Components | D&C | Jul-23 | Apr-24 | Aug-24 | | 25,000 | 25,000 | 25 | 25,000 | 0 | 0 |
| 250626 | Castle Hill Cemetery - Amenities Building - Convert Store Room to Site Office | CONSTRUC | Feb-24 | | Jun-24 | | 50,000 | 0 | 0 | 0 | 0 | 0 |
| 250627 | Castle Hill Heritage Park - Amenities Building - Renewal Works, Incl. Toilets F&F, and Painting In & Out | D&C | Jul-23 | Sep-23 | Oct-23 | Sep-23 | 75,000 | 75,000 | 100 | 75,000 | 0 | 0 |
| 250628 | Castle Hill Showground - Harvey Lowe Pavilion - Upgrade certain elements of the HLP Theatre, and Install Naan Oven into Kitchen | D&C | Jul-23 | Apr-24 | Aug-24 | | 250,000 | 250,000 | 80 | 250,000 | 0 | 0 |
| 250629 | Columbia Court - Council Admin Building A, B & C - Mechanical & Electrical Component Upgrades and Replacements | D&C | Jul-23 | | Jun-24 | | 300,000 | 0 | 0 | 0 | 0 | 0 |
| 250630 | Dural District Pony Club - Renewal work to Kitchen and Septic system | CONSTRUC | Jul-23 | Sep-23 | Jul-24 | | 150,000 | 150,000 | 85 | 150,000 | 0 | 0 |
| 250631 | Dural Recreation Centre - Replace Damaged Timber Flooring | CONSTRUC | Dec-23 | Dec-23 | Jun-24 | Apr-24 | 320,000 | 320,000 | 100 | 320,000 | 0 | 0 |
| 250632 | Gooden Reserve - Club Rooms / Amenities Building - Refurbishment Works Throughout | CONSTRUC | Jul-23 | Jul-23 | Apr-24 | Apr-24 | 150,000 | 150,000 | 100 | 150,000 | 0 | 0 |
| 250633 | Greenup Park - Amenities Building - Refurbishment Works Throughout | CONSTRUC | Jul-23 | Sep-23 | Mar-24 | Mar-24 | 200,000 | 200,000 | 100 | 200,000 | 0 | 0 |
| 250634 | Louise Avenue, Baulkham Hills, Scouts Hall - Renewal Roofing Works | CONSTRUC | Sep-23 | Sep-23 | Oct-23 | Nov-23 | 150,000 | 150,000 | 100 | 150,000 | 0 | 0 |
| 250635 | Rouse Hill Community Centre - Refurbishment Works Throughout | CONSTRUC | Dec-23 | Jul-23 | Feb-24 | Jan-24 | 100,000 | 100,000 | 100 | 100,000 | 0 | 0 |
| 250636 | Yattenden Oval - Amenities Building - Modify Existing Toilet into a Public Accessible Toilet | CONSTRUC | Oct-23 | Jul-23 | Jan-24 | Jan-24 | 150,000 | 150,000 | 100 | 150,000 | 0 | 0 |
| 250637 | Crestwood Reserve - Gym Balustrades - Extra funding for The Hills District Rugby League Club | CONSTRUC | | | Jun-24 | | 0 | 25,000 | 0 | 25,000 | 0 | 0 |
| Total For Buildings | | | | | | | 4,511,636 | 16,721,118 | | 16,721,118 | 0 | 0 |
| Parks | | | | | | | | | | | | |
| 310139 | Stringer Road Reserve Northern playing fields (CP13NKLPE02) | D&C | Feb-17 | Jan-17 | Sep-24 | | 0 | 18,499,142 | 75 | 18,499,142 | 0 | 0 |
| 310146 | CP13NKPOS04 - Pathway (natural materials), fencing to protect - Withers Road Reserve - North Kellyville | D&C | Jul-21 | Nov-21 | Jun-24 | Jun-24 | 0 | 374,117 | 100 | 374,117 | 0 | 0 |

THE HILLS SHIRE COUNCIL

Monthly Budget Review 2023/2024

Works Program

| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|--------------|---------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|
| 310166 | Samantha Riley Drive Reserve, Kellyville - Southern Playing Fields near Glenhaven Road - Construction (CP13NKLFP01) | CONSTRUC | Oct-18 | Jan-18 | Sep-24 | Sep-24 | 2,966,908 | 8,912,530 | 100 | 8,912,530 | 0 | 0 |
| 310192 | Brindlee Parkway Reserve, Box Hill - Embellishment (CP15BHPF04) | CONSTRUC | Jul-18 | Jul-18 | Sep-24 | Jun-24 | 3,185,794 | 12,345,405 | 100 | 12,345,405 | 0 | 0 |
| 310193 | The Water Lane Reserve, Box Hill - Playing Fields (CP15BHPF06000AIF) | CONSTRUC | Jul-18 | Jul-18 | Dec-25 | | 675,639 | 9,244,758 | 25 | 9,244,758 | 0 | 0 |
| 310202 | McCaill Parkway Reserve, Box Hill - Opp. Intersection of Terry Rd and Rubidea St - Design (CP15LOCALBHP09) | DESIGN | Jul-23 | Aug-23 | Jun-25 | | 100,000 | 100,000 | 20 | 100,000 | 0 | 0 |
| 310211 | Indwarra Ave Reserve - Basin and Passive Recreation - Construction (CP13NKCWB030) | CONSTRUC | Nov-23 | Oct-23 | Jun-24 | May-24 | 736,263 | 749,626 | 100 | 730,996 | -18,630 | 7 |
| 310266 | Cattai Creek Corridor Revitalisation | D&C | Mar-24 | May-24 | Dec-24 | Jul-23 | 0 | 3,685,416 | 100 | 3,685,416 | 0 | 0 |
| 310223 | Caddies Creek Reserve playing fields - Stage 2 | DESIGN | Jul-23 | Oct-23 | Jun-25 | | 0 | 500,000 | 0 | 500,000 | 0 | 0 |
| 310232 | Castle Hill Showground, Castle Hill - Detailed design Stage 1 | DESIGN | Sep-20 | Sep-20 | Dec-24 | | 0 | 302,061 | 80 | 302,061 | 0 | 0 |
| 310233 | CP13NKL0504 - Open Space Embellishment - Deepwater Circuit Reserve - North Kellyville | CONSTRUC | Nov-21 | Nov-21 | Nov-22 | Apr-23 | 0 | 0 | 100 | 18,630 | 18,630 | 7 |
| 310241 | Anthony Skarratt Reserve (Bligh Reserve) - Preliminary Studies for Masterplan (CP15BHPF05) | D&C | Dec-23 | Jul-22 | Aug-25 | | 0 | 10,512,402 | 90 | 10,512,402 | 0 | 0 |
| 310249 | Fred Caterson Reserve, Castle Hill - Expansion (3 fields, carpark, amenities, light) (CP19PF1) | D&C | Mar-24 | Jul-21 | Dec-26 | | 4,607,161 | 4,768,873 | 15 | 4,768,873 | 0 | 0 |
| 310251 | Balcombe Heights Estate - Update Existing Master Plan | DESIGN | Jul-21 | Jul-21 | Dec-24 | | 0 | 37,945 | 70 | 37,945 | 0 | 0 |
| 310255 | George Thornton Reserve Field extension (Contribution Plan Component) - D&C (S94AOE0046) | D&C | Aug-22 | Jul-22 | Oct-24 | Jun-24 | 0 | 2,848,104 | 100 | 2,848,104 | 0 | 0 |
| 310265 | Castle Hill Showground - Stage 1 - Arena, Recreation & Carpark - Design (CP19LP3) | DESIGN | Sep-20 | Sep-20 | Dec-24 | | 0 | 1,081,193 | 80 | 1,081,193 | 0 | 0 |
| 310267 | Mason Drive Reserve - Intersection Mason Drive & Capricorn Parkway - Design (CP15LOCALBHP07) | DESIGN | Jul-22 | Jul-22 | Dec-24 | | 0 | 48,313 | 90 | 48,313 | 0 | 0 |
| 310268 | Rainforest Street Reserve - Intersection The Water Lane & Grandhill Parkway - Design (CP15LOCALBHP08) | DESIGN | Jul-22 | Jul-22 | Dec-24 | | 0 | 152,700 | 95 | 152,700 | 0 | 0 |
| 310270 | Colbarra Place Reserve - Dog off leash facility - D&C (S94AOE0045) | DESIGN | Oct-23 | Oct-23 | Jun-24 | Jun-24 | 0 | 294,372 | 100 | 294,372 | 0 | 0 |
| 310271 | Indwarra Avenue Reserve - Dog off leash facility - D&C (S94AOE0047) | D&C | Nov-23 | Oct-23 | Jun-24 | May-24 | 0 | 146,000 | 95 | 146,000 | 0 | 0 |
| 310272 | Kellyville Netball Complex - Additional courts and floodlighting - D&C (S94AOE0051) | DESIGN | Jul-22 | Jul-22 | Mar-25 | | 0 | 360,960 | 50 | 360,960 | 0 | 0 |
| 310275 | Bernie Mullane, Kellyville - Facility Expansion - Design (S94AOE0043) | DESIGN | Jul-23 | Jul-23 | Jun-24 | Feb-24 | 100,000 | 100,000 | 100 | 100,000 | 0 | 0 |
| 310276 | Cockayne Reserve, Castle Hill - Middleton Ave - Design (CP19LP2) | D&C | Jul-23 | Jul-23 | Jun-24 | Jun-24 | 1,306,395 | 1,306,395 | 0 | 1,306,395 | 0 | 0 |

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| Works Program | | | | | | | | | | | | | |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|--|
| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref | |
| 310277 | North Kellyville Public School, North Kellyville - Synthetic Playing Field - Near Hezlett Road and Curtis Road - Design (CP13NKLFP03) | DESIGN | Jul-23 | | Jun-25 | | 349,108 | 349,108 | 15 | 349,108 | 0 | | |
| 310278 | The Water Lane Reserve, Box Hill - Playing Fields (CP15BHPF06) | CONSTRUC | Jul-23 | Jun-18 | Dec-25 | | 4,235,496 | 4,235,496 | 25 | 4,235,496 | 0 | | |
| 310279 | Upgrade Sports Field Lighting and Irrigation System Controllers (Across LGA) | CONSTRUC | Jul-23 | Jul-23 | Feb-24 | Jan-24 | 157,000 | 157,000 | 100 | 157,000 | 0 | | |
| 310280 | Bernie Mullane Sports Complex - Livvie's Playground Stage 2 Design (WSIG - WICR0802) | DESIGN | Apr-24 | | Jun-26 | | 55,556 | 199,997 | 25 | 199,997 | 0 | | |
| 310284 | Kellyville Netball Complex - Additional courts and floodlighting - D&C (LRCI Phase 4) | D&C | | | Mar-25 | | 0 | 240,000 | 50 | 240,000 | 0 | | |
| 310285 | Arnold Avenue Reserve off Arnold Avenue, Kellyville - Basketball upgrade - Install two basketball shooting circles including basketball rings and linemarking (LRCI Phase 4) | CONSTRUC | | | Jun-25 | | 0 | 30,000 | 0 | 30,000 | 0 | | |
| 310286 | Bernie Mullane Sports Complex Reserve - Provide concrete slabs, retaining walls and drainage to replace approximately 500 square metres of badly worn turf on sloped, high pedestrian traffic area between sports field and amenities buildings (LRCI Phase 4) | D&C | Jan-24 | | Dec-25 | | 0 | 150,000 | 20 | 150,000 | 0 | | |
| 310287 | Caddies Creek Sports Complex off Millicroft Way, Beaumont Hills - Provide concrete slab to replace approximately 175 square metres of badly worn turf in high pedestrian traffic area between sports fields and amenities building. (LRCI Phase 4) | CONSTRUC | Jan-24 | | Jun-25 | | 0 | 60,000 | 5 | 60,000 | 0 | | |
| 310288 | Coolong Reserve off Coolong Street, Castle Hill - Install two basketball shooting circles including basketball rings and linemarking (LRCI Phase 4) | CONSTRUC | | | Jun-25 | | 0 | 30,000 | 0 | 30,000 | 0 | | |
| 310289 | Crestwood Reserve off Chapel Lane, Baulkham Hills - Install sub-surface drainage system within Field 4 (football mini-field) (LRCI Phase 4) | D&C | Feb-24 | | Jun-25 | | 0 | 75,000 | 5 | 75,000 | 0 | | |
| 310290 | Kellyville Park - Provision of smaller local children's playground in accordance with service level standards identified in Council's adopted Recreation Strategy including play equipment, playground softfall, seating and pathway connections (LRCI Phase 4) | D&C | Feb-24 | | Jun-25 | | 0 | 100,000 | 60 | 100,000 | 0 | | |
| 310293 | Castle Hill Showground - Construction of Arena (WSIG - WILGA307) | D&C | Mar-24 | | Dec-27 | | 0 | 1,147,500 | 0 | 1,147,500 | 0 | | |
| 310294 | Construction of the Central Playing Fields - two synthetic hockey fields, amenities building, multi-purpose courts, playground, dog off-leash area, pathways and car parking | D&C | Aug-19 | | Dec-24 | | 0 | 11,248,000 | 50 | 11,248,000 | 0 | | |
| 350298 | AH Whaling Reserve, Baulkham Hills - Renew Sportsfield Lighting & Power | CONSTRUC | Sep-23 | Sep-22 | Dec-23 | Dec-23 | 0 | 314,000 | 100 | 314,000 | 0 | | |
| 350301 | Balcombe Heights Estate, Baulkham Hills - Renew Playground | D&C | Nov-22 | Jul-22 | May-24 | May-24 | 0 | 211,274 | 100 | 211,274 | 0 | | |
| 350302 | Bara Way Reserve, Rouse Hill - Renew Playground | D&C | Jul-22 | Nov-23 | Feb-24 | Feb-24 | 0 | 188,546 | 100 | 188,546 | 0 | | |
| 350303 | Bella Vista Oval, Bella Vista - Renew Irrigation System & Reuse Water Tank | CONSTRUC | Aug-23 | Aug-23 | Nov-23 | Nov-23 | 0 | 178,000 | 100 | 178,000 | 0 | | |
| 350308 | Fred Caterson Reserve, Castle Hill - Tennis Courts Shade Structures | D&C | Mar-23 | Sep-22 | Aug-23 | Mar-24 | 0 | 48,500 | 100 | 48,500 | 0 | | |

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| 350310 | Fred Caterson Tennis Centre, Castle Hill - Renew Electrical Reticulation to meet Australian Standards | D&C | Mar-23 | Jul-22 | Jun-24 | Mar-24 | 0 | 188,565 | 100 | 188,565 | 0 |
| 350311 | Glenhaven Oval, Glenhaven - Renew Lighting with 100 lux LED | DESIGN | Sep-22 | Jul-22 | Dec-24 | | 0 | 293,937 | 90 | 293,937 | 0 |
| 350316 | Citadel Crescent Reserve - Geotechnical Investigation for Remediation of Slope Instability | DESIGN | Feb-23 | Feb-23 | Sep-24 | | 0 | 40,000 | 95 | 40,000 | 0 |
| 350317 | Parraeena Reserve, Baulkham Hills - Remediation Works | D&C | | | Feb-25 | | 0 | 1,500,000 | 60 | 1,500,000 | 0 |
| 350318 | Park Furniture Renewal - Bulk Program | CONSTRUC | Nov-23 | Feb-24 | Jun-24 | Jun-24 | 100,000 | 100,000 | 100 | 100,000 | 0 |
| 350319 | Bundara Way Reserve, Baulkham Hills - Playground Renewal | D&C | Jul-23 | | Oct-24 | | 90,000 | 90,000 | 0 | 90,000 | 0 |
| 350320 | Col Sutton Reserve, Baulkham Hills - Renew retaining wall/spectator seating area | CONSTRUC | Jul-23 | Sep-23 | Apr-24 | Apr-24 | 170,000 | 170,000 | 100 | 170,000 | 0 |
| 350321 | Connie Lowe Reserve, Rouse Hills - Playground Renewal | D&C | Jul-23 | | Oct-24 | | 90,000 | 90,000 | 0 | 90,000 | 0 |
| 350322 | Coolong Reserve, Castle Hill - Playground Renewal | D&C | Jul-23 | | Oct-24 | | 140,000 | 140,000 | 0 | 140,000 | 0 |
| 350323 | Coorumbene Court Reserve, Bella Vista - Playground Renewal | D&C | Jul-23 | Oct-23 | Apr-24 | Apr-24 | 90,000 | 90,000 | 100 | 90,000 | 0 |
| 350324 | Crestwood Reserve, Baulkham Hills - Remortar retaining wall | CONSTRUC | May-24 | May-24 | May-24 | Jun-24 | 20,000 | 20,000 | 100 | 20,000 | 0 |
| 350325 | Gooden Drive Reserve, Baulkham Hills - Playground Renewal | D&C | Feb-24 | Feb-24 | Apr-24 | Apr-24 | 90,000 | 90,000 | 100 | 90,000 | 0 |
| 350326 | McGilvray Place Reserve, Rouse Hill - Playground Renewal | D&C | Jul-23 | Nov-23 | Mar-24 | Apr-24 | 90,000 | 90,000 | 100 | 90,000 | 0 |
| 350327 | Russell Reserve, Rouse Hill - Fence Renewal | CONSTRUC | Jul-23 | Nov-23 | Jul-24 | | 190,000 | 190,000 | 25 | 190,000 | 0 |
| 350328 | Turkeys Nest Reserve, Beaumont Hills - Design for Renewal of Retaining Wall | DESIGN | Jul-23 | Sep-23 | Jun-24 | Jun-24 | 50,000 | 50,000 | 100 | 50,000 | 0 |
| 350329 | William Harvey Reserve, Rouse Hill - Playground Renewal | D&C | Oct-23 | Oct-23 | May-24 | Mar-24 | 90,000 | 90,000 | 100 | 90,000 | 0 |
| 350330 | Yattenden Oval, Baulkham Hills - Renew Lighting with 100 lux LED | D&C | Jul-23 | | Mar-25 | | 280,000 | 280,000 | 85 | 280,000 | 0 |
| 350331 | Arnold Avenue Reserve off Arnold Avenue, Kellyville - Cricket upgrade - Extension to protective netting around the two existing cricket training nets (LRCI Phase 4) | CONSTRUC | | | Jun-25 | | 0 | 20,000 | 0 | 20,000 | 0 |
| 350332 | Fred Caterson Reserve off Gilbert Road, Castle Hill - Renewal of the existing synthetic surfaced, concrete cricket wicket at Field 6 (LRCI Phase 4) | CONSTRUC | Aug-24 | | Dec-25 | | 0 | 35,000 | 40 | 35,000 | 0 |
| 350333 | Kenthurst Park Reserve - Replacement of existing ball stop fencing with approximately 325m of black, cyclone mesh fencing of various heights with top and bottom rails and including one vehicle and two pedestrian access gates. (LRCI Phase 4) | CONSTRUC | Jan-24 | Dec-23 | Jun-24 | May-24 | 0 | 130,000 | 100 | 130,000 | 0 |

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|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-------------------|-------------------|--------|-------------------|--------------|---------|
| 350334 | Heritage Park off Heritage Park Drive, Castle Hill - Replacement of pump on children's water play facility (LRCI Phase 4) | CONSTRUC | Nov-23 | Dec-23 | Apr-24 | May-24 | 0 | 20,000 | 100 | 20,000 | 0 | 0 |
| Total For Parks Pathways | | | | | | | 19,965,320 | 99,050,235 | | 99,050,235 | 0 | |
| 410271 | Rosebery Road to Woodstream Cres, Kellyville - Cycleway | CONSTRUC | Sep-20 | Apr-24 | Dec-23 | Apr-24 | 0 | 98,366 | 100 | 98,366 | 0 | 0 |
| 410284 | Barry Road Reserve, Kellyville - Pathways and seating | DESIGN | Jul-17 | Jun-22 | Jun-24 | Jun-24 | 0 | 2,061 | 100 | 2,061 | 0 | 0 |
| 410299 | Cullen Street from Arnold Ave to Burns Rd, Kellyville - Cycleway | CONSTRUC | Jan-21 | Sep-21 | Dec-23 | Sep-23 | 0 | 120,926 | 100 | 120,926 | 0 | 0 |
| 410340 | Free Settlers Drive Reserve, Kellyville - Pathways and planting (CP12BRLL1) | CONSTRUC | Jan-22 | Apr-22 | Mar-25 | | 0 | 429,686 | 30 | 429,686 | 0 | 0 |
| 410408 | S94ART0056 - Cattai Creek Cycleway at North Kellyville | DESIGN | Jul-21 | | Jun-25 | | 0 | 390,150 | 0 | 390,150 | 0 | 0 |
| 410420 | Telfer Road, Castle Hill - FROM: Hno 17 TO: Glenwood Way - New 1.2m wide Concrete Footpath | CONSTRUC | Oct-22 | Nov-23 | Dec-23 | Dec-23 | 0 | 107,000 | 100 | 107,000 | 0 | 0 |
| 410423 | Brodie Street, Baulkham Hills - Construct new concrete 1.2m wide footpath along one side of Brodie Street | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 100,000 | 100,000 | 100 | 100,000 | 0 | 0 |
| 410424 | Bus stop connections - various locations - Construct new concrete 1.2m wide concrete footpath connections to bus stops | CONSTRUC | Jul-23 | Sep-23 | Jun-24 | May-24 | 50,000 | 50,000 | 100 | 50,000 | 0 | 0 |
| 410425 | Coolbah Street, Castle Hill - Construct new concrete 1.2m wide footpath along one side of Coolbah Street | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 117,000 | 117,000 | 100 | 117,000 | 0 | 0 |
| 410426 | Daveney Way, West Pennant Hills - Construct new concrete 1.2m wide footpath along one side of Daveney Way | CONSTRUC | Sep-23 | Sep-23 | Jun-24 | Sep-23 | 27,000 | 27,000 | 100 | 27,000 | 0 | 0 |
| 410427 | Freeman Avenue, Castle Hill - Construct new concrete 1.2m wide footpath along one side of Freeman Avenue | CONSTRUC | Sep-23 | Sep-23 | Jun-24 | Oct-23 | 48,000 | 48,000 | 100 | 48,000 | 0 | 0 |
| 410428 | Greenbank Drive, Glenhaven - Construct new concrete 1.2m wide footpath along one side of Greenbank Drive, Glenhaven between Linksley Ave and Grange Rd | CONSTRUC | Sep-23 | Sep-23 | Jun-24 | Sep-23 | 39,000 | 39,000 | 100 | 39,000 | 0 | 0 |
| 410429 | Kent Street, Baulkham Hills - Construct new concrete 1.2m wide concrete footpath along one side of Kent St between Turon Ave and Palace Rd | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 70,000 | 70,000 | 100 | 70,000 | 0 | 0 |
| 410430 | Merelynn Avenue, West Pennant Hills - Construct new concrete 1.5 m wide concrete footpath in missing section between #22 -30 Merelynn Avenue | CONSTRUC | Sep-23 | Sep-23 | Jun-24 | Sep-23 | 20,000 | 20,000 | 100 | 20,000 | 0 | 0 |
| 410431 | Mileham Avenue, Baulkham Hills - Construct new concrete 1.2m wide concrete footpath on Mileham Avenue between Waves Pool and Cameron Avenue | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 60,000 | 60,000 | 100 | 60,000 | 0 | 0 |
| 410432 | Patrick Avenue, Castle Hill - Construct new concrete 1.2m wide concrete footpath along one side of Patrick Avenue | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 62,000 | 62,000 | 100 | 62,000 | 0 | 0 |
| 410433 | Patterson Ave, Kellyville - Construct new concrete 1.2m wide footpath along one side of Patterson Ave, Kellyville between Coral Cres (northern end) and Wrights Rd | CONSTRUC | Jul-23 | Aug-23 | Sep-23 | Sep-23 | 70,000 | 70,000 | 100 | 70,000 | 0 | 0 |
| 410434 | Ward Place, Dural - Construct new concrete 1.2m wide concrete footpath to complete missing link in Ward Place outside #20 Kenhurst Rd | CONSTRUC | Sep-23 | Oct-23 | Oct-23 | Oct-23 | 6,000 | 6,000 | 100 | 6,000 | 0 | 0 |
| 410435 | Baker Crescent Shops - Design & Rejuvenation of Street / Shop fronts including McBurney Reserve (WSIG - WICR0796) | DESIGN | Mar-24 | | Sep-26 | | 51,724 | 178,167 | 2 | 178,167 | 0 | 0 |

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|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|------------------|------------------|--------|------------------|----------------|---------|
| 410436 | Norwest Blvd - construction of approximately 2.6km of 2.5-3m wide shared pedestrian/cycleway along southern side of Norwest Blvd from Windsor Rd to Old Windsor Rd | D&C | Sep-23 | Sep-23 | Jun-25 | | 0 | 2,591,603 | 20 | 2,591,603 | 0 | |
| 410437 | Ensign Pl, Castle Hill Concrete Footpath - Construction of new 60 metre long, concrete footpath link (LRCI Phase 4) | CONSTRUC | Oct-23 | Jan-24 | Jun-24 | Jan-24 | 0 | 15,000 | 100 | 15,000 | 0 | |
| 410438 | Cattal Creek - Cycleway Revitalisation from Showground (CP19CW3) | CONSTRUC | Mar-24 | May-24 | Dec-24 | | 0 | 1,639,612 | 50 | 1,639,612 | 0 | |
| 410439 | Memorial Avenue footpath connection works | CONSTRUC | | | Jun-25 | | 0 | 0 | 0 | 132,974 | 132,974 | 6 |
| 450066 | Footpath (Pathway) Renewal Program - Bulk | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | | 866,217 | 866,217 | 90 | 866,217 | 0 | |
| 450114 | Line marking of Shared Paths - Bulk Vote | CONSTRUC | Jul-23 | | Jun-24 | | 100,000 | 100,000 | 0 | 100,000 | 0 | |
| Total For Pathways | | | | | | | 1,686,941 | 7,207,788 | | 7,340,762 | 132,974 | |
| 510014 | Samantha Riley Dr - Four lane upgrade | DESIGN | Jul-22 | Jul-14 | Apr-25 | | 0 | 623,202 | 50 | 623,202 | 0 | |
| 510018 | CP13KNR03 - Four lane upgrade Withers Road (Smalls Creek TO: Barry Road) - Withers Road | D&C | Jul-21 | Aug-16 | Jun-25 | | 0 | 1,726,277 | 20 | 1,726,277 | 0 | |
| 510022 | CP13KNR02 - Hezlett Road Upgrade Stage 2 - From: Armbruster Avenue To: Withers Road - North Kellyville | CONSTRUC | Aug-16 | Aug-16 | Jun-25 | | 0 | 7,997,109 | 20 | 7,997,109 | 0 | |
| 510024 | Edwards Road to Ross Place - Road and Bridge Upgrade Design | DESIGN | Mar-23 | Mar-17 | Jun-26 | | 0 | 87,934 | 0 | 87,934 | 0 | |
| 510026 | Green Hills Drive, Rouse Hill - TfNSW Design Approvals (CP08EC2) | DESIGN | Jul-22 | Oct-22 | Jun-24 | | 0 | 38,916 | 20 | 38,916 | 0 | |
| 510041 | Withers Road Upgrade from Mile End Road to Annangrove Road - Design (CP11SA8) | DESIGN | Aug-19 | Aug-21 | Jun-25 | | 0 | 788,166 | 15 | 788,166 | 0 | |
| 510051 | CP08SA7 - Road Upgrade - Withers Road - North Kellyville | DESIGN | Jun-20 | Jun-20 | Dec-24 | | 0 | 609,201 | 25 | 609,201 | 0 | |
| 510054 | Glenhaven Road from Samantha Riley Drive to Glenhaven Road Bridge, North Kellyville - Four Lane Treatment (CP13KNR05) | DESIGN | Aug-20 | Aug-20 | Jun-25 | | 0 | 449,070 | 10 | 449,070 | 0 | |
| 510056 | The Water Lane from Hynds Road to Nelson Road, Box Hill - Road Upgrade (CP15BHRU08A) | D&C | Sep-20 | Aug-21 | Jun-25 | | 0 | 1,363,667 | 25 | 1,363,667 | 0 | |
| 510058 | Balmoral Road, Arnold Ave and Fairway Drive - Road Widening and Reconstruction (CP12BRRD1) | D&C | Aug-20 | May-20 | Jun-25 | | 0 | 96,391 | 75 | 96,391 | 0 | |
| 510064 | Terry Road, Box Hill between Mason Road (North) and Mason Road (South) - design works for reconstruction and widening including traffic signal designs (SIC) | DESIGN | Apr-20 | Apr-20 | Dec-23 | | 0 | 22,664 | 100 | 22,664 | 0 | |
| 510065 | Annangrove Road, Rouse Hill between Windsor Road and The Water Lane/Withers Road - design works for reconstruction and widening including traffic signal designs (SIC) | D&C | Jul-20 | Jul-20 | Jun-25 | | 0 | 796,090 | 20 | 796,090 | 0 | |
| 510069 | Janpieter Road, Gables - From: Birds Lane to Hno 3 - Missing Link Road - Construction (S94ART0062) | D&C | Jul-21 | Jul-21 | Dec-23 | Jul-23 | 0 | 403,102 | 100 | 403,102 | 0 | |
| 510070 | Cattal Ridge Road, Glenorie - Rural Length Treatment (S94ART0063) | D&C | Jul-21 | Nov-21 | Jun-25 | | 832,023 | 972,036 | 60 | 972,036 | 0 | |

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|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|
| 510071 | S94ART0064 - River Road - Rural length treatment | DESIGN | Jul-21 | Mar-22 | Dec-24 | | 0 | 200,000 | 0 | 200,000 | 0 | 0 |
| 510073 | CP15BHN06A - New Road, The Water Lane - Hynds Road to Aurora Street | DESIGN | Apr-22 | Jul-20 | Jun-25 | | 0 | 211,177 | 0 | 211,177 | 0 | 0 |
| 510078 | Commercial Road East, Rouse Hill - Upgrade - Design (CP08CPS2) | DESIGN | Jul-22 | | Jun-25 | | 0 | 318,931 | 15 | 318,931 | 0 | 0 |
| 510080 | Annangrove Road, Rouse Hill - From the intersection of Withers Road / The Water Lane to 160m north of Edwards Road, Construction only (CP15ANNAGROVERDAIF) | CONSTRUC | Apr-20 | | Jun-24 | | 5,364,495 | 0 | 0 | 0 | 0 | 0 |
| 510081 | Mason Road, Box Hill - From Town Centre Rd to Mason Rd bypass - Road Upgrade Design (CP15BHRU068) | DESIGN | Oct-22 | Oct-22 | Jun-24 | | 0 | 7,800 | 100 | 7,800 | 0 | 0 |
| 510082 | Boundary Rd Upgrade to Urban Collector Standard - Design (CP15BOUNDARYRD) | DESIGN | Oct-22 | Oct-22 | Jun-26 | | 0 | 633,182 | 35 | 633,182 | 0 | 0 |
| 510083 | New Road - Town Centre Rd between Terry Rd and Mason Rd (CP15BHN09) | CONSTRUC | Oct-22 | Oct-22 | Jun-25 | | 900,000 | 910,600 | 15 | 910,600 | 0 | 0 |
| 510084 | Annangrove Road, Rouse Hill - 150m north of Withers Road/ The Water Lane to 160m north of Edwards Road - Construction (CP11SA13) | CONSTRUC | Jun-24 | | Jun-26 | | 6,134,037 | 6,134,037 | 0 | 6,134,037 | 0 | 0 |
| 510085 | Annangrove Road, Rouse Hill - 150m north of Withers Road/ The Water Lane to 160m north of Edwards Road - Construction (CP15ANNAGROVERD) | CONSTRUC | Jun-24 | | Jun-26 | | 7,350,685 | 7,350,685 | 0 | 7,350,685 | 0 | 0 |
| 510086 | Samantha Riley Drive, Kellyville - Street Tree Planting Scheme | CONSTRUC | Aug-23 | | Apr-25 | | 0 | 259,250 | 50 | 259,250 | 0 | 0 |
| 510087 | Old Castle Hill Road Upgrade - Eric Felton Reserve to Gilham Street (CP17CHNRT10) | DESIGN | Dec-23 | Feb-24 | Jun-25 | | 0 | 909,790 | 5 | 909,790 | 0 | 0 |
| 510088 | Castle Street Upgrade - Grand Way to Pennant Street (CP17CHNRT11) | DESIGN | Nov-23 | Jan-24 | Jun-25 | | 0 | 913,281 | 20 | 913,281 | 0 | 0 |
| 510089 | Annangrove Road between Edwards Rd and Kenthurst Rd - rural length treatments including VAS signs,flexible barrier,threshold treatments & guideposts | CONSTRUC | Nov-23 | Dec-23 | Jun-25 | | 0 | 1,900,000 | 40 | 1,900,000 | 0 | 0 |
| 510090 | S94ART0061 - Barry Road Upgrade - HWR construction fronting Stringer Road Reserve sports complex.(S94ART0061) | CONSTRUC | Jan-24 | Feb-24 | Mar-24 | Mar-24 | 0 | 214,700 | 100 | 214,700 | 0 | 0 |
| 510091 | Relocation of two bus stop shelters - Windsor Road, Baulkham Hills (Bus Priority Infrastructure Program funded by Transport for NSW) | CONSTRUC | | | Jun-25 | | 0 | 93,103 | 50 | 93,103 | 0 | 0 |
| 510092 | Pages Wharf Road, Sackville North - Embankment Reconstruction (The Betterment Grant Funding) | CONSTRUC | | | Jun-25 | | 0 | 1,790,400 | 0 | 1,790,400 | 0 | 0 |
| 510093 | Cattai Ridge Road, Maraylya - Pavement Reconstruction (OLG) | CONSTRUC | | | Jun-25 | | 0 | 70,000 | 10 | 70,000 | 0 | 0 |
| 510094 | River Rd - Civil Works fronting No.s 2720 and 2916 River Rd, Wisemans Ferry. (OLG) | CONSTRUC | | | Jun-25 | | 0 | 750,000 | 0 | 750,000 | 0 | 0 |
| 510095 | Michael Duggin Drain - Flood Gate Replacement. (Disaster Recovery Funding Agreements) | CONSTRUC | Jul-24 | | Jul-24 | | 0 | 180,000 | 0 | 180,000 | 0 | 0 |
| 550001 | AC sheeting Program - Various - Bulk Vote | CONSTRUC | Jul-23 | Oct-23 | Jun-24 | | 2,650,000 | 2,650,000 | 100 | 2,650,000 | 0 | 0 |
| 550002 | Crack Sealing Program - Bulk Vote | CONSTRUC | Jul-23 | Aug-23 | Jun-24 | Aug-23 | 100,000 | 100,000 | 100 | 100,000 | 0 | 0 |

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| 550003 | Line marking Program - Bulk Vote | CONSTRUC | Jul-23 | Jul-23 | Jun-25 | | 150,000 | 150,000 | 80 | 150,000 | 0 | 0 |
| 550005 | Resealing Program - Bulk Vote | CONSTRUC | Jul-23 | Oct-23 | Jun-24 | | 1,620,000 | 1,620,000 | 100 | 1,620,000 | 0 | 0 |
| 550349 | Heavy Patching Program - Bulk Vote | CONSTRUC | Sep-23 | Oct-23 | Jun-24 | Feb-24 | 1,500,000 | 1,500,000 | 100 | 1,500,000 | 0 | 0 |
| 550854 | Road Rehabilitation Program - Bulk Vote | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | | 3,920,000 | 3,920,000 | 95 | 3,920,000 | 0 | 0 |
| 550856 | Kerb and Gutter Renewal - Bulk Program | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Aug-23 | 97,200 | 97,200 | 100 | 97,200 | 0 | 0 |
| 551077 | Banks Road, Castle Hill - Flush Kerb - FROM: Bend TO: End - Both Sides - Renewal - approx. 150m | CONSTRUC | Jul-21 | | Jun-25 | | 0 | 34,640 | 10 | 34,640 | 0 | 0 |
| 551194 | Chapel Hill Rd, Sackville North Embankment Stabilisation | CONSTRUC | Apr-22 | Apr-22 | Jun-25 | | 0 | 1,182,378 | 10 | 1,182,378 | 0 | 0 |
| 551195 | Pages Wharf Rd, Sackville North Embankment Stabilisation | D&C | Apr-22 | Apr-22 | Nov-22 | Nov-22 | 0 | 66,051 | 100 | 66,051 | 0 | 0 |
| 551209 | Balcombe Heights Estate, Baulkham Hills - Access Roads (Carpark) Renewal - Minor Patching & 2 Coat Seal | CONSTRUC | Jul-22 | Sep-23 | Nov-23 | Mar-24 | 0 | 107,476 | 100 | 107,476 | 0 | 0 |
| 551212 | Boundary Road , Box Hill/Gables/Maravyia FROM: Windsor Road TO: Cattai Ridge Road Rehabilitation | CONSTRUC | Jul-22 | Jul-22 | Sep-23 | May-24 | 0 | 189,247 | 100 | 189,247 | 0 | 0 |
| 551239 | Mitchells Road, Sackville North - Embankment Stabilisation - Construction | D&C | Jul-22 | Jul-22 | Jun-25 | | 0 | 1,592,614 | 10 | 1,592,614 | 0 | 0 |
| 551248 | River Road, Leets Vale - Embankment Stabilisation at Chainage 16330 - approx. 25m (80% Design only) | DESIGN | Jul-22 | | Jun-25 | | 0 | 92,950 | 10 | 92,950 | 0 | 0 |
| 551365 | River Road Flood Damage Pavement Rectification | CONSTRUC | Feb-23 | Feb-23 | Sep-23 | Sep-23 | 0 | 544,150 | 100 | 544,150 | 0 | 0 |
| 551367 | RLRRP - Regional and Local Roads Repair Program | CONSTRUC | Feb-23 | Feb-23 | Feb-24 | Nov-23 | 0 | 6,719,387 | 100 | 6,719,387 | 0 | 0 |
| 551592 | Bus Shelter Renewal - Bulk Program | CONSTRUC | Jul-23 | | Jun-24 | | 92,000 | 92,000 | 10 | 92,000 | 0 | 0 |
| 551593 | Car Park Renewal - Bulk Program | CONSTRUC | Jul-23 | Sep-23 | Jun-24 | Mar-24 | 290,000 | 278,324 | 100 | 278,324 | 0 | 0 |
| 551594 | Cattai Ridge Road, Cattai - from Boundary Road to Old Northern Road - Rehabilitation | CONSTRUC | Aug-23 | Oct-23 | Feb-24 | May-24 | 600,000 | 600,000 | 100 | 600,000 | 0 | 0 |
| 551595 | Coonara Ave, West Pennant Hills - from Castle Hill Road to The Glade - Rehabilitation | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Dec-23 | 350,000 | 350,000 | 100 | 350,000 | 0 | 0 |
| 551596 | Halcrows Road, Cattai - from Wisemans Ferry Rd to Cattai Ridge Road - Rehabilitation | CONSTRUC | Aug-23 | Oct-23 | Nov-24 | | 844,721 | 844,721 | 50 | 844,721 | 0 | 0 |
| 551597 | Settlers Close, Castle Hill - from Bennett Place to End - Rehabilitation | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Nov-23 | 118,000 | 118,000 | 100 | 118,000 | 0 | 0 |
| 551666 | River Road Embankment Stabilisation and Drainage Works along various sections of River Rd (16 sites) AGRN1025 | D&C | Dec-23 | Dec-23 | Mar-25 | | 0 | 8,094,095 | 35 | 8,094,095 | 0 | 0 |

THE HILLS SHIRE COUNCIL

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Works Program

| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-------------------|-------------------|--------|-------------------|--------------|---------|
| 551667 | Bus Shelter replacement at Hezlett Road near North Kellyville Public School | CONSTRUC | Jun-24 | Mar-24 | Jun-24 | | 0 | 28,905 | 0 | 28,905 | 0 | 0 |
| 551669 | River Road, Lower Portland/Leets Vale - improve safety and resilience of asset to future extreme weather events and maintain access to residential properties and tourist caravan parks, CH6450 (LRCI Phase 4) | CONSTRUC | Nov-24 | | Jun-25 | | 0 | 200,000 | 0 | 200,000 | 0 | 0 |
| Total For Roads | | | | | | | 32,913,161 | 69,992,899 | | 69,992,899 | 0 | |
| Traffic Facilities | | | | | | | | | | | | |
| 610005 | DDA Compliance Program | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | | 150,000 | 150,000 | 15 | 150,000 | 0 | 0 |
| 610011 | Minor Traffic Facilities and Traffic committee requests - Bulk Vote | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | Mar-24 | 150,000 | 150,000 | 100 | 150,000 | 0 | 0 |
| 610101 | S94ART0030 - Signalisation of Victoria Avenue and Salisbury Road - Castle Hill | DESIGN | Jul-23 | | Jun-25 | | 0 | 200,000 | 0 | 200,000 | 0 | 0 |
| 610109 | Signalisation of Withers Road, Barry Road and Proposed bypass - North Kellyville (CP13NKT02) | CONSTRUC | Jul-21 | | Jun-25 | | 0 | 378,787 | 20 | 378,787 | 0 | 0 |
| 610120 | Annangrove Road & Edwards Road - Roundabout - Construction (CP11RSA13) | D&C | Nov-22 | Nov-22 | Dec-24 | | 0 | 7,205,082 | 30 | 7,205,082 | 0 | 0 |
| 610124 | Boundary Rd and George St - Intersection Signalisation - Design (CP15BHR06) | DESIGN | Jul-22 | | Jun-26 | | 0 | 316,591 | 0 | 316,591 | 0 | 0 |
| 610130 | George Street & Old Pitt Town Road, Box Hill - Roundabout - Design (CP15BHR03) | DESIGN | Jul-22 | Feb-23 | Jun-25 | | 0 | 444,200 | 20 | 444,200 | 0 | 0 |
| 610139 | Showground Rd, Green Rd & Victoria Ave - Intersection Upgrade - Design (S94ART0028) | DESIGN | Jul-22 | Aug-22 | Jun-24 | | 0 | 305,903 | 100 | 305,903 | 0 | 0 |
| 610140 | Terry Road and George Street, Box Hill - Traffic Signal Design (CP15BHT12) | DESIGN | Oct-22 | | Jun-24 | | 0 | 9,100 | 100 | 9,100 | 0 | 0 |
| 610141 | Terry Road and Hynds Road, Box Hill - Traffic Signal Design (CP15BHT10) | DESIGN | Oct-22 | | Jun-24 | | 0 | 9,200 | 100 | 9,200 | 0 | 0 |
| 610143 | Intersection design of Fontana Drive, Terry Road and Old Pitt Town Road, Box Hill (CP15BHT22) | D&C | Mar-20 | Mar-20 | Nov-24 | | 0 | 5,780,848 | 50 | 5,780,848 | 0 | 0 |
| 610151 | Glenhaven Rd (outside Glenhaven School) - Signalised Pedestrian Crossing Design | DESIGN | Feb-17 | Feb-17 | Jun-25 | | 0 | 126,319 | 30 | 126,319 | 0 | 0 |
| 610160 | Free Settlers Drive, Bella Vista - Intersection Hodges Road - Roundabout - D&C (CP12BRR10) | D&C | Jan-24 | Jul-23 | Jun-25 | | 180,015 | 180,015 | 10 | 180,015 | 0 | 0 |
| 610169 | Glenhaven Road - Road upgrade survey, design & public utility investigations | DESIGN | Jul-17 | Jul-17 | Dec-24 | | 0 | 210,744 | 5 | 210,744 | 0 | 0 |
| 610193 | Street Lighting Upgrade Program | CONSTRUC | Jul-22 | Jul-22 | Jun-25 | | 150,000 | 26,111 | 30 | 26,111 | 0 | 0 |
| 610204 | Hezlett Road and Barry Road bypass - Traffic Signals (S94ART0050) | D&C | Oct-19 | Oct-19 | Jun-25 | | 0 | 202,653 | 20 | 202,653 | 0 | 0 |
| 610205 | Hezlett Road and Withers Road - Traffic Signals (S94ART0049) | DESIGN | Oct-19 | Oct-19 | Jun-26 | | 0 | 355,627 | 20 | 355,627 | 0 | 0 |
| 610211 | Highs Road, West Pennant Hills-upgrade to right turn into Wirreanda Retirement Village | D&C | Jul-19 | Jul-19 | Dec-23 | Oct-23 | 0 | 752 | 100 | 752 | 0 | 0 |

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Works Program

| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|
| 610228 | Windsor Road & Wrights Road & Kennedy Avenue - Intersection Upgrade and Traffic Signals (CP12BRT3) | DESIGN | Aug-20 | Mar-21 | Dec-24 | | 0 | 280,810 | 85 | 280,810 | 0 | 0 |
| 610234 | Fontana Drive, Terry Road and Old Pitt Town Road, Box Hill | CONSTRUC | Mar-20 | Mar-20 | Nov-24 | | 0 | 100,593 | 15 | 100,593 | 0 | 0 |
| 610243 | S94ART0052 - Upgrade Existing Traffic Signals - Old Northern Road/Old Castle Hill Road | DESIGN | Aug-21 | May-22 | Jun-25 | | 0 | 291,179 | 50 | 291,179 | 0 | 0 |
| 610247 | CP13NKR05 - One lane roundabout at intersection Withers & Foxall Rd | DESIGN | Nov-21 | Aug-21 | Jun-25 | | 0 | 35,650 | 60 | 35,650 | 0 | 0 |
| 610248 | CP15BHR01 - Roundabout Hynds Rd, Nelson Rd, Edwards Rd | DESIGN | Apr-22 | Apr-22 | Dec-25 | | 0 | 469,722 | 30 | 469,722 | 0 | 0 |
| 610249 | Roundabout Mason Rd, Old Pitt Town Rd, Nelson Rd | DESIGN | Apr-22 | Apr-22 | Dec-24 | | 0 | 146,004 | 85 | 146,004 | 0 | 0 |
| 610250 | Boundary Road / Brahman Road Intersection upgrade (CP15BHR07) | DESIGN | May-22 | Apr-22 | Dec-25 | | 0 | 316,591 | 20 | 316,591 | 0 | 0 |
| 610252 | Highs Road - Upgrade to right turn into Wirreanda Retirement Village | CONSTRUC | Feb-22 | Feb-22 | Jun-24 | | 0 | 200,000 | 0 | 200,000 | 0 | 0 |
| 610253 | Mount Carmel Drive/Valetta Drive/Old Pitt Town Road signalised intersection - Design Works (CP15BHR05) | DESIGN | Aug-22 | Mar-23 | Mar-25 | | 0 | 226,072 | 90 | 226,072 | 0 | 0 |
| 610255 | Mason Rd, Old Pitt Town Rd, Nelson Rd - Roundabout (CP15BHR02000AIF) | CONSTRUC | Apr-22 | Apr-22 | Jun-26 | | 2,524,784 | 2,557,923 | 85 | 2,557,923 | 0 | 0 |
| 610256 | Barry Road (Bypass) and Withers Road - Intersection - Construction (CP13NKNR04) | CONSTRUC | Oct-22 | Oct-22 | Jun-25 | | 0 | 1,160,849 | 20 | 1,160,849 | 0 | 0 |
| 610259 | Windsor Rd & Cook St - Traffic Signal Upgrade - Design (S94ART0054) | DESIGN | Oct-22 | Oct-22 | Dec-24 | | 0 | 508,494 | 50 | 508,494 | 0 | 0 |
| 610260 | Cattai Ridge Road, Glenorie - Intersection with Halcrows Road - Construction (S94ART0063) | CONSTRUC | Oct-22 | Oct-22 | Mar-25 | | 0 | 900,000 | 10 | 900,000 | 0 | 0 |
| 610262 | CP15 New Intersection, Road and Bridge Project Concept and Scoping Development and Feasibility Review | DESIGN | Oct-22 | Oct-22 | Dec-25 | | 0 | 177,415 | 60 | 177,415 | 0 | 0 |
| 610263 | Mt Carmel Road and Prosper Street - Signalised Intersection Design (CP15BHT17) | DESIGN | Oct-22 | Oct-22 | Dec-25 | | 0 | 20,000 | 40 | 20,000 | 0 | 0 |
| 610264 | Box Road and Nelson Road - Signalized Intersection Design (CP15BHT19) | DESIGN | Oct-22 | Oct-22 | Aug-25 | | 0 | 687,836 | 20 | 687,836 | 0 | 0 |
| 610265 | Grandhill Parkway and Box Road - Roundabout Design (CP15BHT21) | DESIGN | Oct-22 | Oct-22 | Dec-24 | | 0 | 150,000 | 75 | 150,000 | 0 | 0 |
| 610267 | Glenhaven Rd, Glenhaven - Between Larapinta Pl and Cattai Creek - Install guideposts with reflectors, install roadside barrier, improve centreline marking, and signage | DESIGN | Nov-22 | Nov-22 | Dec-23 | | 0 | 380,000 | 5 | 380,000 | 0 | 0 |
| 610268 | Blue Gum Rd, Kenthurst - Between Shoplands Rd to Pitt Town Rd - Install guideposts, edgeline, roadside barriers and signage | DESIGN | Dec-22 | Dec-22 | Dec-24 | | 0 | 220,600 | 20 | 220,600 | 0 | 0 |
| 610271 | Street Lighting Upgrade Program - Solent Circuit MPC lighting | CONSTRUC | Jul-23 | Jul-23 | Jan-24 | Nov-23 | 0 | 116,710 | 100 | 116,710 | 0 | 0 |
| 610272 | Mt Carmel Drive, Box Hill - Signalised Intersection at Old Pitt Town Road/Valetta Drive - Construction (CP15BHR05AIF) | CONSTRUC | Dec-24 | Dec-24 | Jun-26 | | 2,192,397 | 2,192,397 | 0 | 2,192,397 | 0 | 0 |

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2023/2024****Works Program**

| Project Code | Project Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Budget Comp | Revised Budget | Proposed Var | Var Ref |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|------------------|-------------------|---------------|-------------------|--------------|---------|
| 610273 | Terry Road, Box Hill - Signalised Intersection Old Pitt Town Road/Fontana Drive - Construction (CP15BHT22AIF) | CONSTRUC | Jun-24 | | Jun-26 | | 706,917 | 2,830,000 | 15 | 2,830,000 | 0 | 0 |
| 610274 | Street Lighting Upgrade Program - Windsor Road Bus Shelter Lighting upgrade | CONSTRUC | | | | | 0 | 27,626 | 0 | 27,626 | 0 | 0 |
| 610275 | Roundabout - Old Castle Hill Road and Gilham Street (CP17CHNRT1) | DESIGN | Dec-23 | Feb-24 | Jun-25 | | 0 | 45,549 | 10 | 45,549 | 0 | 0 |
| 610276 | Roundabout - Garthowen Crescent and Old Castle Hill Road (CP17CHNRT4) | DESIGN | Dec-23 | Feb-24 | Jun-25 | | 0 | 44,661 | 10 | 44,661 | 0 | 0 |
| 610277 | Roundabout - Castle Street and Carramar Road (CP17CHNRT2) | DESIGN | Nov-23 | Jan-24 | Jun-25 | | 0 | 42,849 | 20 | 42,849 | 0 | 0 |
| 610278 | Roundabout - Gilham Street and Carramar Road (CP17CHNRT3) | DESIGN | Nov-23 | Jan-24 | Jun-25 | | 0 | 43,870 | 20 | 43,870 | 0 | 0 |
| 610279 | Sanctuary Drive, Rouse Hill (between Caddies Blvd & Grandiflora St) various road safety improvements including STOP controls,kerb extensions,protected right turn lane | CONSTRUC | Dec-23 | Nov-23 | Jun-25 | | 0 | 210,000 | 20 | 210,000 | 0 | 0 |
| 610280 | Langford /Davey Rd, Dural - install flexible barriers,upgrade street lighting, edgelines, guideposts | CONSTRUC | Nov-23 | Dec-23 | Dec-24 | | 0 | 380,000 | 20 | 380,000 | 0 | 0 |
| 610281 | Elberta Avenue, Castle Hill - Construction of approximately 100 lineal metres of black, powder coated steel pedestrian safety fencing outside Excelsior Public School (LRCI Phase 4) | CONSTRUC | Oct-23 | Jan-24 | Jun-24 | Jan-24 | 0 | 45,000 | 100 | 45,000 | 0 | 0 |
| 610282 | Ironbark Ridge Reserve off Caballo Street, Rouse Hill - Pathway bollard lighting (LRCI Phase 4) | CONSTRUC | | | Jun-25 | | 0 | 40,000 | 0 | 40,000 | 0 | 0 |
| 610283 | Street Lighting Upgrade Program - Old Castle Hill Rd / First Farm Drive | CONSTRUC | Apr-24 | Feb-24 | May-24 | May-24 | 0 | 90,000 | 100 | 90,000 | 0 | 0 |
| 610284 | Installation of RMS Type 1 pedestrian fencing in Bus Zone on Fontana Drive. (Contribution from Santa Sophia College, Gables) | CONSTRUC | Apr-24 | Apr-24 | Apr-24 | Apr-24 | 0 | 25,770 | 100 | 25,770 | 0 | 0 |
| 650004 | Traffic Facilities Renewal Program - Bulk | CONSTRUC | Jul-23 | Jul-23 | Jun-24 | May-24 | 190,661 | 190,661 | 100 | 190,661 | 0 | 0 |
| Total For Traffic Facilities | | | | | | | 6,244,774 | 31,206,763 | | 31,206,763 | 0 | |
| Waterways | | | | | | | | | | | | |
| 710031 | Deepwater Circuit Reserve - Basin 7 - near Yanga Road - Design (CP13NKS WB071) | DESIGN | Sep-24 | | Jun-25 | | 0 | 63,778 | 0 | 63,778 | 0 | 0 |
| 710033 | Kumbatine Crescent Reserve - Basin 10 - near Wattleridge Crescent - Construction (CP13NKS WB101) | CONSTRUC | Nov-21 | Nov-21 | Jul-23 | Nov-23 | 0 | 603,414 | 100 | 603,414 | 0 | 0 |
| 710034 | Terry Road, Box Hill - Basin, Raingarden and Drainage Structure - D&C (CP15BH02A) | D&C | Jul-23 | Jul-23 | Dec-27 | | 2,989,924 | 2,989,924 | 20 | 2,989,924 | 0 | 0 |
| 710035 | Terry Road, Box Hill - Basin, Raingarden and Drainage Structure - D&C (CP15BH02B) | D&C | Jul-23 | Jul-23 | Jul-26 | | 1,935,453 | 1,935,453 | 20 | 1,935,453 | 0 | 0 |
| 710038 | Centaurus Way, Box Hill - Culvert Crossing - Construction (CP15CRG) | D&C | Jul-23 | Jul-23 | Jun-26 | | 1,489,606 | 1,489,606 | 50 | 1,489,606 | 0 | 0 |
| 710039 | Combined Basin, Raingardens and Drainage Structures off Hynds Rd, Box Hill - Design - C01 (KC01) | DESIGN | Jul-17 | Oct-19 | Jun-25 | | 0 | 749,171 | 80 | 749,171 | 0 | 0 |
| 710044 | George Street near Palfrey Street - Box Hill - Culvert Crossing E (CP15CRE) | D&C | Jul-22 | Aug-22 | Jun-25 | | 0 | 1,655,181 | 30 | 1,655,181 | 0 | 0 |

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Works Program

| Project Code | Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|--------------|----------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|-----------------|----------------|--------|----------------|--------------|---------|
| 710045 | Mount Carmel Drive near Caspian Street, Box Hill - Culvert Crossing A (CP15CRA) | D&C | Jul-22 | Nov-23 | Dec-24 | | 0 | 1,648,556 | 80 | 1,648,556 | 0 | 0 |
| 710046 | Basin Design - opposite Intersection Meydan St and Hedgewood Drive (CP15BH01C) | DESIGN | Jul-22 | Aug-22 | Jun-25 | | 0 | 563,943 | 30 | 563,943 | 0 | 0 |
| 710047 | Basin Design - opposite Intersection Mensie St and Hedgewood Drive (CP15BH01B) | DESIGN | Jul-22 | Aug-22 | Jun-25 | | 0 | 454,221 | 30 | 454,221 | 0 | 0 |
| 710048 | Basin Design - opposite Intersection Caspian St and Yakut St (CP15BH01A) | DESIGN | Jul-22 | Aug-22 | Jun-25 | | 0 | 496,708 | 30 | 496,708 | 0 | 0 |
| 710051 | Rainforest Reserve, Box Hill - South of The Water Lane - Raingarden - Design (CP15RGRH11) | DESIGN | Oct-24 | | Jun-25 | | 89,329 | 89,329 | 0 | 89,329 | 0 | 0 |
| 710054 | Cattai Creek Basin 1 - Samantha Riley Drive Reserve (Sports Complex), North Kellyville (CP13NKCWB011) | DESIGN | Jun-23 | Oct-23 | Aug-24 | | 0 | 208,511 | 38 | 208,511 | 0 | 0 |
| 710057 | Terry Road, Box Hill - Culvert Crossing B (CP15CRB) | D&C | Dec-21 | Dec-21 | Sep-24 | | 0 | 4,502,552 | 100 | 4,502,552 | 0 | 8 |
| 710058 | CP17CHNDR1 - Stormwater Pipe Upgrades | DESIGN | Jul-21 | May-22 | Aug-24 | | 0 | 533,270 | 50 | 533,270 | 0 | 0 |
| 710060 | Culvert Crossing at Centaurus Way Design (CP15CRG) | DESIGN | Jul-23 | Jul-23 | Jun-26 | | 0 | 250,000 | 20 | 250,000 | 0 | 0 |
| 710064 | Dam and Scour Protection Ancillary Works - near Georgia Terrace, Kellyville - Design (CP08DB54) | DESIGN | Jul-24 | | Jun-25 | | 0 | 220,000 | 0 | 220,000 | 0 | 0 |
| 710065 | Annangrove Rd (near Outback St) - BPC1 - GPT - Design (CP15BPC1) | DESIGN | Jul-22 | Aug-22 | Jun-24 | Jun-24 | 0 | 6,690 | 100 | 6,690 | 0 | 0 |
| 710066 | Annangrove Rd (Hno 279Z) - BPC2 - GPT - Design (CP15BPC2) | DESIGN | Jul-22 | Aug-22 | Jun-24 | Jun-24 | 0 | 2,754 | 100 | 2,754 | 0 | 0 |
| 710067 | Annangrove Rd (Opp. Hno 342) - BPC2 - GPT - Design (CP15BPC3) | DESIGN | Jul-22 | Aug-22 | Jun-24 | Jun-24 | 0 | 4,722 | 100 | 4,722 | 0 | 0 |
| 710068 | Annangrove Rd (near Outback St) - RGSPC01 - Raingarden - Design (CP15RGSPC01) | DESIGN | Jul-22 | Aug-22 | Jun-24 | Jun-24 | 0 | 24,653 | 100 | 24,653 | 0 | 0 |
| 710069 | Annangrove Rd (Hno 279Z) - RGSPC02 - Raingarden - Design (CP15RGSPC02) | DESIGN | Jul-22 | Aug-22 | Jun-24 | Jun-24 | 0 | 33,023 | 100 | 33,023 | 0 | 0 |
| 710070 | Annangrove Rd (Opp. Hno 342) - RGSPC03 - Raingarden - Design (CP15RGSPC03) | DESIGN | Jul-22 | Aug-22 | Sep-24 | Sep-24 | 0 | 46,178 | 95 | 46,178 | 0 | 0 |
| 710071 | Cattai Creek Cockayne Reserve Riparian restoration works - Design (S94ADR0016) | DESIGN | Sep-24 | | Jun-25 | | 0 | 54,472 | 0 | 54,472 | 0 | 0 |
| 710072 | Upgrade of Flood Warning Infrastructure - Various (WSIG-WILGA264) | CONSTRUC | Sep-23 | Jan-24 | Dec-24 | | 500,000 | 600,000 | 25 | 600,000 | 0 | 0 |
| 710078 | Blinkhorn Circuit Reserve Stormwater Management Basin Detailed Designs | DESIGN | Aug-24 | | Jun-25 | | 0 | 139,636 | 0 | 139,636 | 0 | 0 |
| 710079 | WIK 35-41 Boundary Rd Construction of Regional Drainage, Half-width Road and Cycleway - Culvert Crossing C (CP15CRC) | WIK | | | | | 0 | 2,986,899 | 100 | 3,318,622 | 331,723 | * |
| 750123 | St Pauls Ave, Castle Hill Stormwater Network Asset Upgrade - Staged Detailed Design | DESIGN | Aug-24 | | Jun-25 | | 0 | 40,000 | 0 | 40,000 | 0 | 0 |

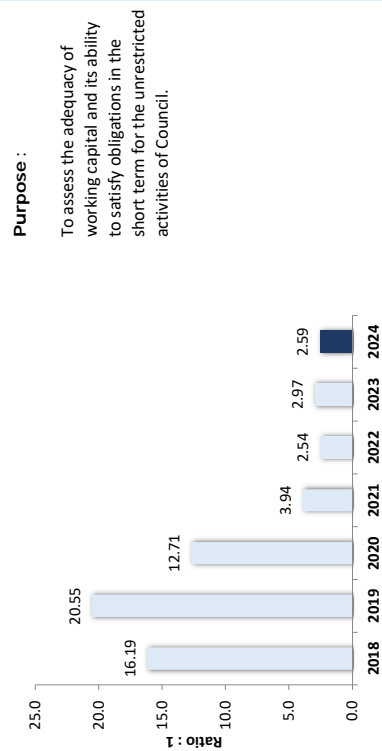
ATTACHMENT 1 PAGE 21

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2023/2024****Works Program**

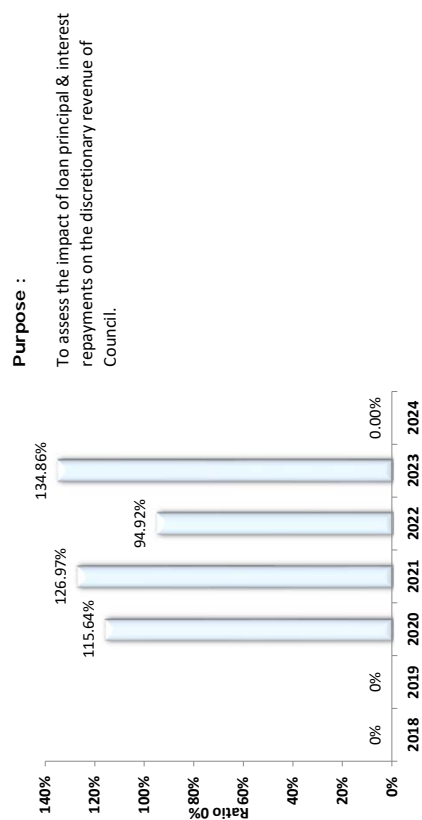
| Project Code | Project Description | Project Type | Est. Start Date | Act. Start Date | Est. Finish Date | Act. Finish Date | Original Budget | Current Budget | % Comp | Revised Budget | Proposed Var | Var Ref |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------|--------------|-----------------|-----------------|------------------|------------------|--------------------|--------------------|----------|--------------------|----------------|---------|
| 750127 | Currawong Reserve, West Pennant Hills - Waterway Stabilisation - Detailed Design | DESIGN | Jul-21 | Mar-22 | Oct-24 | | 0 | 151,677 | 96 | 151,677 | 0 | |
| 750129 | St Pauls Avenue, Castle Hill - Stormwater Renewal - Stage 1 of 4 Construction | CONSTRUC | Aug-25 | | Jun-26 | | 0 | 200,000 | 0 | 200,000 | 0 | |
| 750134 | Wiseman Road, Castle Hill Stormwater Network Asset Upgrade - Detailed Design | DESIGN | Jul-22 | Jul-22 | Mar-25 | | 0 | 40,000 | 30 | 40,000 | 0 | |
| 750135 | Dam/Basin Renewal Projects (Annual Budget for 24 Detention Basins and 2 Dedicated Dams) | CONSTRUC | Jul-23 | Jul-23 | Jun-25 | | 180,000 | 180,000 | 95 | 180,000 | 0 | |
| 750136 | Showground Precinct Cattai Creek - Investigation and Detailed Design | DESIGN | Sep-24 | | Jun-25 | | 185,000 | 185,000 | 0 | 185,000 | 0 | |
| 750137 | Stormwater Drainage Renewal Projects - Conditions 4 and 5 | CONSTRUC | Jul-23 | Jul-23 | Jun-25 | | 180,000 | 180,000 | 85 | 180,000 | 0 | |
| 750138 | Wisemans Ferry Reserve Foreshore Restoration and Stabilisation - Design | DESIGN | Nov-24 | | Jun-25 | | 150,000 | 150,000 | 0 | 150,000 | 0 | |
| 750139 | 177-179Z Wrights Road, Castle Hill - Road and drainage rehabilitation works | CONSTRUC | Aug-24 | | Jun-25 | | 0 | 125,000 | 0 | 125,000 | 0 | |
| Total For Waterways | | | | | | | 7,699,312 | 23,604,321 | | 23,936,044 | 331,723 | |
| Land | | | | | | | | | | | | |
| Total For Land | | | | | | | 37,031,823 | 77,088,648 | 0 | 77,088,648 | 0 | |
| Project Development & Delivery | | | | | | | | | | | | |
| Project Development & Delivery | | | N/A | N/A | N/A | N/A | 7,635,335 | 7,635,335 | | 7,635,335 | 0 | |
| Total for Project Development & Delivery | | | | | | | 7,635,335 | 7,635,335 | | 7,635,335 | 0 | |
| Grand Total | | | | | | | 118,093,858 | 337,599,297 | | 338,063,994 | 464,697 | |

Key Performance Indicators

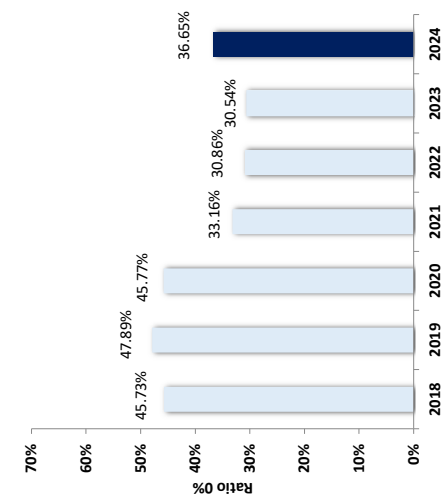
UNRESTRICTED CURRENT RATIO (Based on Actuals)



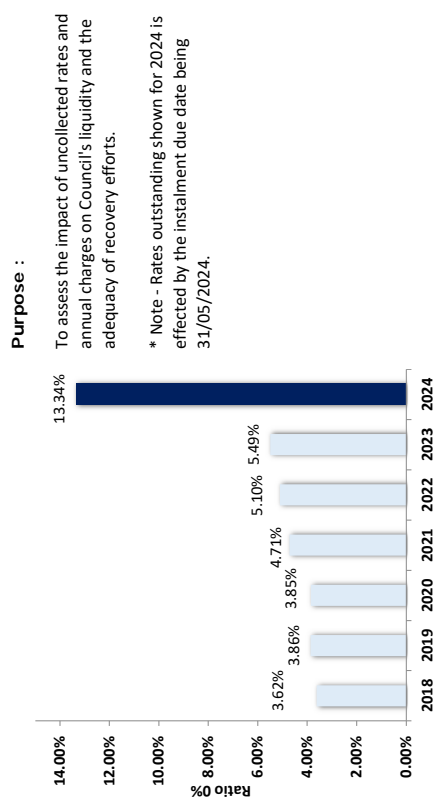
DEBT SERVICE RATIO



RATES & ANNUAL CHARGES COVERAGE RATIO (Based on Revised Budget)



RATES, ANNUAL CHARGES, INTEREST & EXTRA CHARGES OUTSTANDING RATIO



The Hills Shire Council
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| Contractor / Supplier Name | Contract Narration | Amount (Excl. GST) | Commence Date | Duration of Contract | Budgeted Y/N |
|------------------------------------------|------------------------------------------------------------------------------------|--------------------|---------------|----------------------|--------------|
| ESRI AUSTRALIA | ESRI Annual Maintenance 2024/2025 | \$ 89,360 | 2/05/2024 | 12 months | Y |
| WESTBURY CONSTRUCTIONS PTY LTD | RFS Kenthurst Office Upgrade Works | \$ 215,998 | 3/05/2024 | 12 months | Y |
| AUSTRALIA POST (MAIN ACCOUNT) | Postages April 2024 | \$ 57,525 | 3/05/2024 | 12 months | Y |
| AUDIT OFFICE OF NEW SOUTH WALES | Audit Fee for year end 30 Jun 24 | \$ 158,250 | 6/05/2024 | 12 months | Y |
| INTEGRATED NORWEST MANAGEMENT PTY LTD | T21-0274 Commercial and Retail Property Leasing and Managing Agent | \$ 90,273 | 7/05/2024 | 12 months | Y |
| WENDYS HOME CARE PTY LIMITED | T22-0138 Hills Community Care In-Home Respite Care Services Panel | \$ 51,247 | 7/05/2024 | 12 months | Y |
| S.M.A. MOTORS PTY. LIMITED T/A CITY HINO | Order is for the replacement of Q24-01119 Tipper Truck | \$ 160,476 | 8/05/2024 | 12 months | Y |
| SENSEN NETWORKS GROUP PTY LTD | Vehicle hware & sware Mnt 010723 -300624; SenBOS Lic fee & hosting 010723 - 300624 | \$ 80,425 | 9/05/2024 | 12 months | Y |
| TJ & RF FORDHAM PTY LTD | T22-0224 Brindle Parkway Reserve Construction | \$ 249,361 | 9/05/2024 | 12 months | Y |
| TJ & RF FORDHAM PTY LTD | T23-0009 Stringer Road Reserve | \$ 70,998 | 10/05/2024 | 12 months | Y |
| TJ & RF FORDHAM PTY LTD | T23-0009 Stringer Road Reserve | \$ 174,712 | 21/05/2024 | 12 months | Y |
| TJ & RF FORDHAM PTY LTD | T22-0047 Samantha Riley Drive Reserve Construction | \$ 110,024 | 23/05/2024 | 12 months | Y |
| DELL AUSTRALIA PTY LTD | Dell ME5024 | \$ 256,356 | 29/05/2024 | 12 months | Y |

Consultancy & Legal Expenses

| Expense | Expenditure YTD \$ * | Budgeted Y/N |
|---------------|----------------------|--------------|
| Legal Fees | \$ 1,459,648.77 | Y |
| Consultancies | \$ 2,783,506.02 | Y |

* Excludes commitments

| | |
|----------------------|--------------------------------------------------------------------------|
| ITEM 9 | COUNCIL’S COMMUNITY GRANTS POLICY- FINANCIAL ASSISTANCE FUNDING REQUESTS |
| THEME: | BUILDING A VIBRANT COMMUNITY & PROSPEROUS ECONOMY |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | CUSTOMER AND COMMUNITY SERVICES |
| AUTHOR: | ALEX CAUCHI |
| | MANAGER COMMUNICATIONS AND COMMUNITY |
| | KERRIE WILSON |
| RESPONSIBLE OFFICER: | ACTING GROUP MANAGER – CUSTOMER AND COMMUNITY SERVICES |

PURPOSE

This report is to recommend grant applications for financial assistance through the Other Financial Assistance program.

RECOMMENDATION

Council approves the allocation of \$70,000 from the *Other Financial Assistance Grant program* as recommended by the assessment panel (ECM 21376631).

IMPACTS

Financial

The total funding recommendation equates to \$70,000.

The allocation of \$70,000 recommended by the panel will be funded by the budget allocated to Other Financial Assistance Grants and Donations budget. To date \$220,711 has been expended or committed which represent 67% of the current adopted Budget of \$327,611. There are sufficient funds available to accommodate this proposal.

Strategic Plan - Hills Future

Council’s Community Grants Program is a mechanism which contributes to facilitating connected and inclusive community access to a range of services and facilities that contribute to health and wellbeing’.

LINK TO HILLS SHIRE PLAN

Strategy

1.3 Facilitate the provision of services across the community.

OUTCOMES:

1 A connected and inclusive community with access to a range of services and facilities that contribute to health and wellbeing

BACKGROUND

Council provides financial assistance through the Other Financial Grant Assistance program under Section 356 of the Local Government Act 1993.

Other Financial Assistance is not limited to specific financial limits. Successful applicants are required to submit an audit report within the acquittal.

Individuals, not-for-profit community organisations and commercial/private organisations can apply under this category for dollar-for-dollar match funding amounts in accordance with the requirements of Section 356.

Types of projects that may be funded are projects and programs for the community, heritage projects, events, declared natural disaster recovery activity, or charity fundraising – with matching dollar – for – dollar and meet the eligibility criteria. Other projects and activities may also be funded at the sole discretion of Council.

Other projects and activities may also be funded at the sole discretion of Council.

REPORT**Other Financial Assistance Grant**

The Other Financial Grant Assistance is available for application throughout the financial year with no set open and close date. Applicants are eligible to make one application through this program per annum. The applications are assessed under Council's Community Grants Policy, 3/2021-2024.

Assessments of the grant applications is conducted by a panel chaired by the Mayor or delegate, a minimum of three Councillors and an external member such as an Audit and Risk Committee member. This is then followed by a report to Council for endorsement.

The full panel comprised of Mayor Dr Peter Gangemi, Deputy Mayor Cllr Mitchell Blue, Cllr Rosemarie Boneham, Cllr Ryan Tracey, and Mr Michael Ellacott, representing the Audit and Risk Committee.

The assessment panel met on Thursday 23 May 2024 to review the eligible applications.

Two applications were presented to the panel for assessment.

1. The Sanctuary – The Hills Women's Shelter \$ 40,000.00
2. The Lisa Harnum Foundation Ltd \$ 30,000.00

The detailed panel recommendation has been distributed to Councillors under separate cover.

CONCLUSION

The two applications assessed by the panel and have been recommended for financial assistance under the Other Financial Grant program 2023/24.

| | Name of Applicant | Amount Recommended |
|-------|-------------------------------------------|--------------------|
| 1 | The Sanctuary – The Hills Women’s Shelter | \$ 40,000.00 |
| 2 | The Lisa Harnum Foundation Ltd | \$ 30,000.00 |
| Total | | \$70,000.00 |

ATTACHMENTS

- 1. Other Financial Assistance Grants Summary 2023/2024 – **Confidential Memo – Forwarded Under Separate Cover** – (ECM 21376631).

| | |
|----------------------|-------------------------------------------------------------------|
| ITEM 10 | PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS |
| THEME: | VALUING OUR SURROUNDINGS |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | DEVELOPMENT AND COMPLIANCE |
| AUTHOR: | SUBDIVISION TECHNICAL OFFICER LEANNE PRACY |
| RESPONSIBLE OFFICER: | MANAGER SUBDIVISION AND DEVELOPMENT CERTIFICATION DAVID MUNDAY |

PURPOSE

The purpose of this report is to seek endorsement of the following property dealing relating to a development matter. The legal documents associated with the matter require execution under Council seal in order to be lodged with Land Registry Services in accordance with the requirements of the Real Property Act 1900.

RECOMMENDATION

Council consent to the release of the easement for public access from the title of Lot 700 DP 1284895, Residue Lot Temporary Drainage Basin Old Pitt Town Road Box Hill and all associated documents be authorised for execution under Council seal.

IMPACTS

Financial

This matter has no direct financial impact upon Council’s adopted budge or forward estimates.

LINK TO HILLS SHIRE PLAN

Strategy:

5.1 The Shire’s natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

Outcomes:

5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity

REPORT

A request has been received for the release of a temporary public access easement from the title of Lot 700 DP 1284895, Residue Lot Temporary Drainage Basin Old Pitt Town Road Box Hill.

The easement was created over a temporary turning head constructed partially within the site at the end of Manege Street to facilitate vehicle movements in the street until the road extension was completed.

The Subdivision of Lot 700 DP 1284895 has been approved by Development Consent 1401/2020/ZB which includes the extension of Manege Street making the turning head redundant. The easement is to be removed prior to the registration of the subdivision.

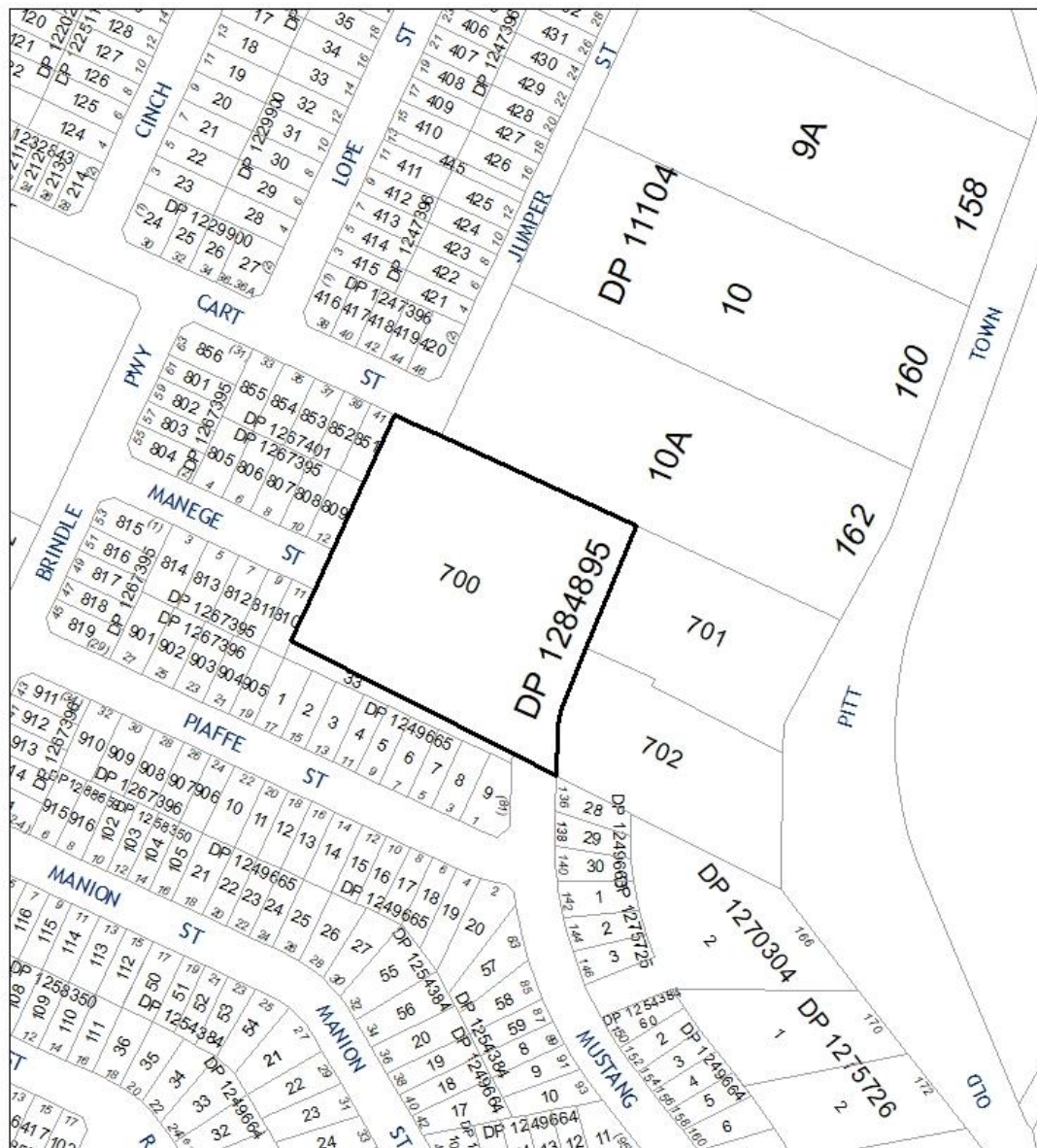
Council is the authority having the right to release these easements.

ATTACHMENTS

1. Locality Plan (1 page).
2. Location Of Easement to Be Released (1 page).
3. Approved Plan of Subdivision 1401/2020/ZB (1 page).

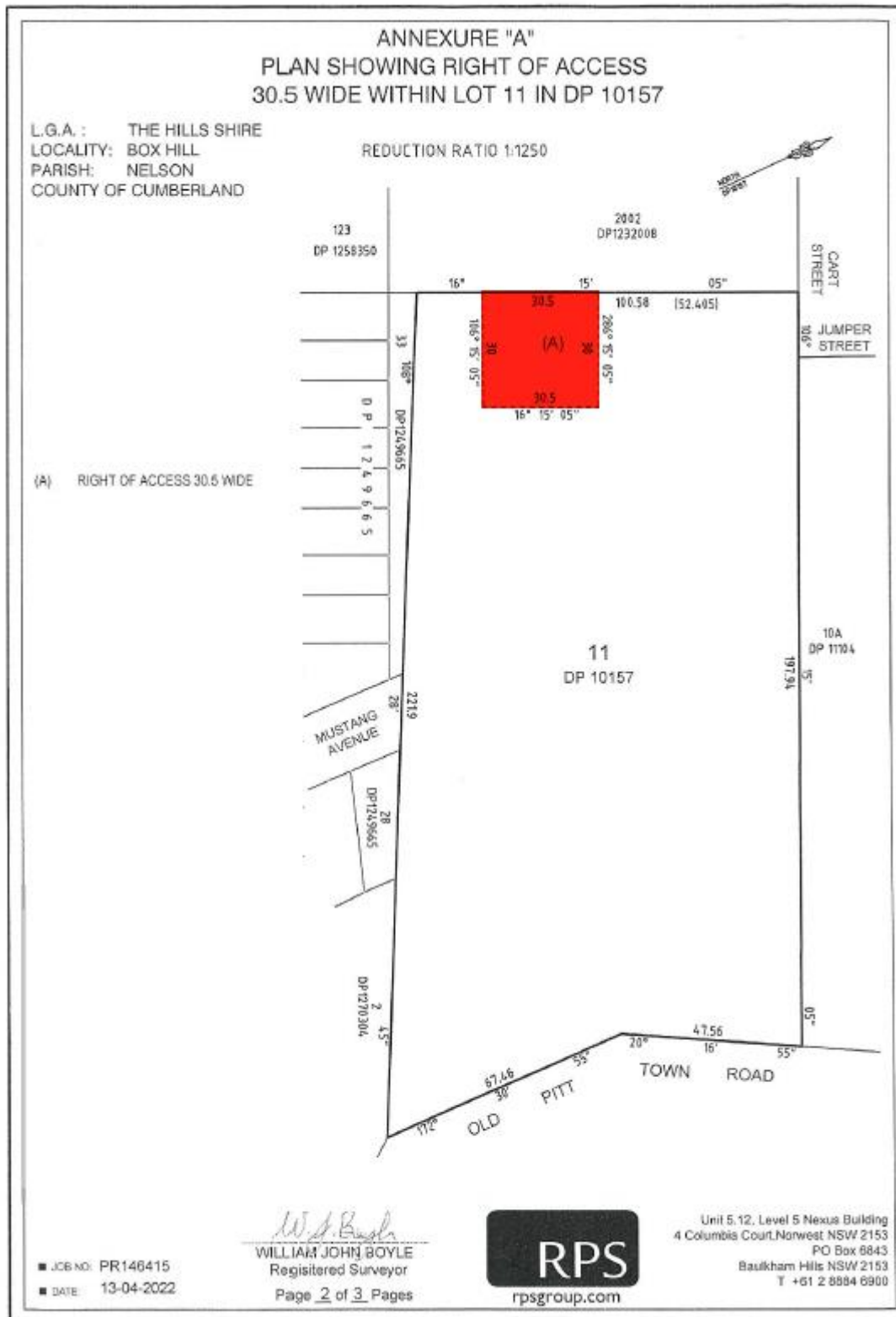
ATTACHMENT 1 – LOT 700 DP 1284895, RESIDUE LOT, TEMPORARY DRAINAGE BASIN
OLD PITT TOWN ROAD BOX HILL

LOCALITY PLAN



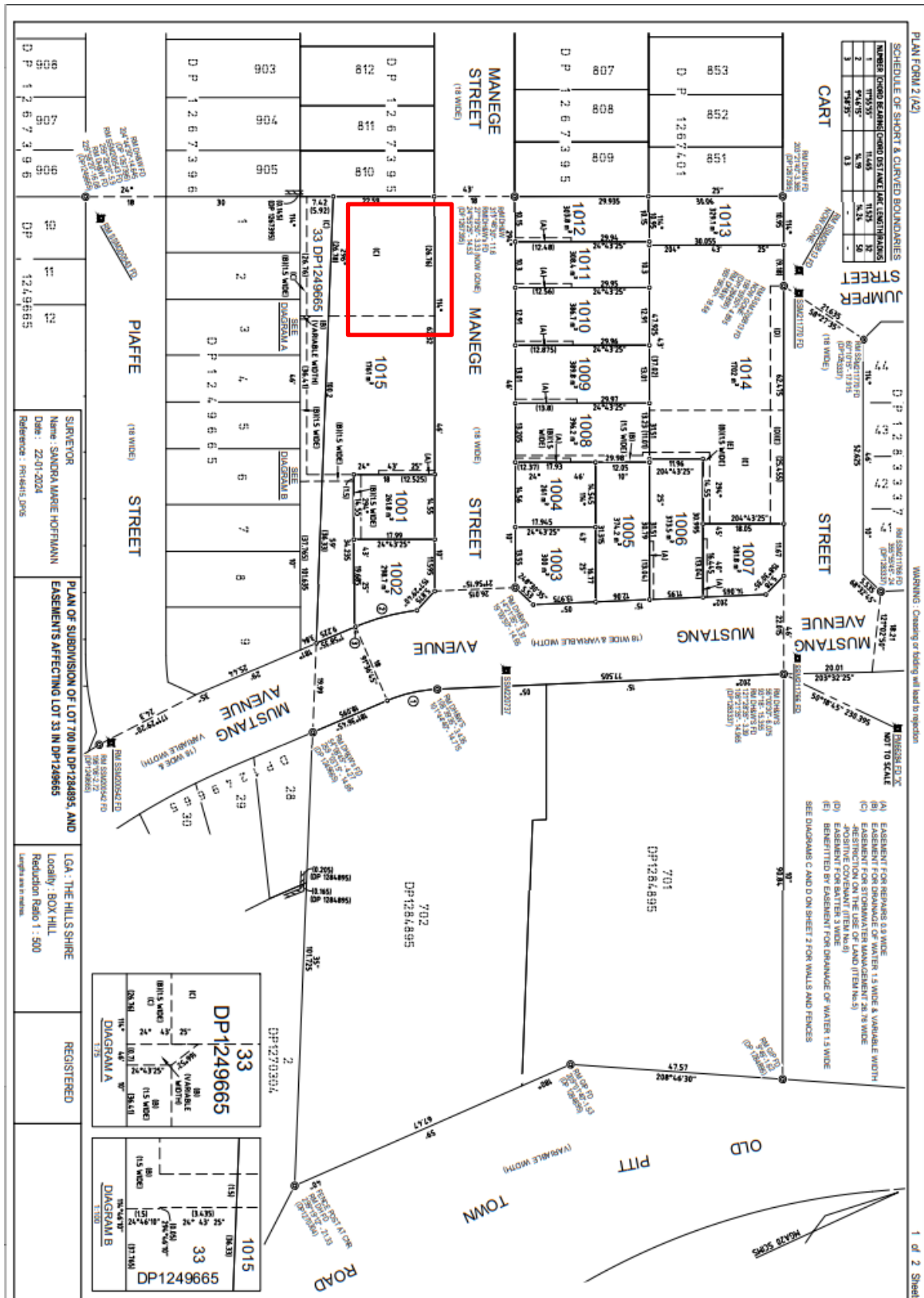
☐ SUBJECT SITE

ATTACHMENT 2 – LOT 700 DP 1284895 SHOWING LOCATION OF EASEMENT TO BE RELEASED – SHADED RED



TO STRIVE FOR BETTER THINGS

APPROVED PLAN OF SUBDIVISION 1401/2020/ZB



Easement to be released shown in red on approved plan

| | |
|----------------------|-------------------------------------------------------------------------------------------------------|
| ITEM 11 | PROPOSED SHORT-TERM LICENCE - A FILMING BASE-STATION AT FORMER “HORSEWORLD” 191 MAGUIRES ROAD, GABLES |
| THEME: | VALUING OUR SURROUNDINGS |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| AUTHOR: | PROPERTY OFFICER MEGAN BOWIE |
| RESPONSIBLE OFFICER: | TARRYN MARKS MANAGER - STRATEGIC PROPERTY & BUILDINGS |

PURPOSE

The purpose of this report is to seek Council’s approval to enter a short-term Licence agreement at the former “Horseworld” site (being Lot 100 DP 1240512) 191 Maguires Road GABLES NSW 2765 with ESA PRODUCTIONS 9 PTY LTD (ABN 23 665 094 520) for use as a base-station for a local filming production.

RECOMMENDATION

Council to provide authorisation to the General Manager to enter into a Licence agreement with ESA PRODUCTIONS 9 PTY LTD (ABN 23 665 094 520) as per the terms outlined within this report.

IMPACTS

Financial

Revenue from this licence will amount to approximately \$4,727.28 excl GST. This revenue has not been budgeted and will be reflected in a future Budget Review.

Strategic Plan - Hills Future

Building a vibrant community

LINK TO HILLS SHIRE PLAN

Strategy:

2.3 Supporting visitor economy in The Sydney Hills for planned growth.

Outcomes:

2 Well informed local and potential companies about the range of employment opportunities, locations and business intelligence about the region.

REPORT

Council has received a request from Endemol Shine Production, ESA PRODUCTIONS 9 PTY LTD (ESA), requesting the use of the former “Horseworld” site, being Lot 100 DP 1240512, 191 Maguires Road GABLES NSW 2765, as a filming base-station for an off-site local filming production for an eight-day period in July 2024.

This site is an “Operational” landholding. See Image 1 for a Locality & Zoning plan.

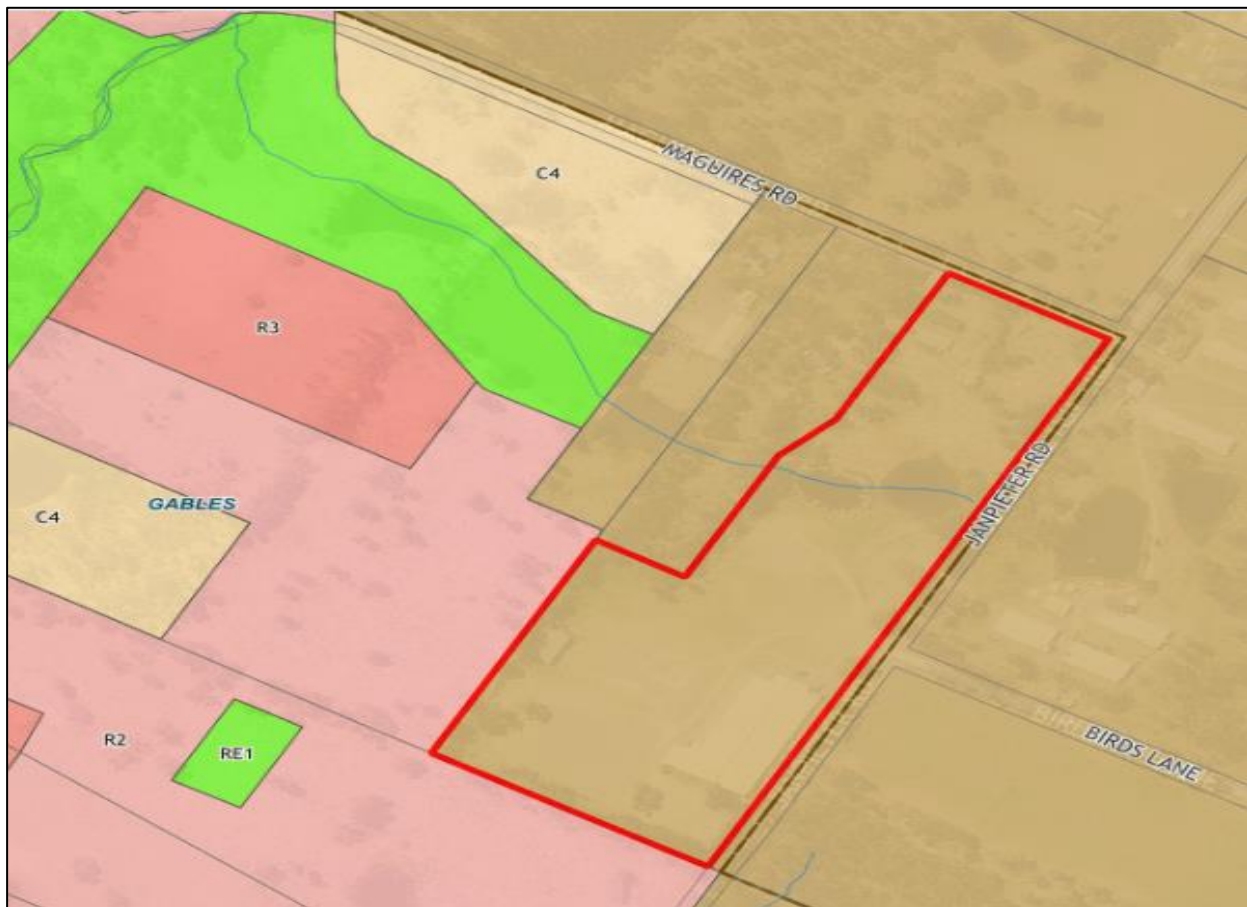


Image 1 - Locality & Zoning Plan – “Horseworld” 191 Maguires Road Gables NSW 2765 (RU6)

Primarily, the site will be used for the parking of filming and catering trucks, cast and crew vehicles, shuttle transport of persons to-and-from the off-site filming location, as well as a daily breakfast service to approximately sixty (60) cast and crew. During the day there will be approximately 10-15 staff onsite.

The agreement permits the use of the southwestern portion of the land (areas located around the Arena only) see Image 2. The area will be either Option 1 or Option 2 depending on site conditions immediately preceding occupation of site, i.e. the least weather affected area (option) will be utilised. The existing buildings will not be utilised. There are no utility services that will be provided such as power, water or on-site wastewater treatment systems.

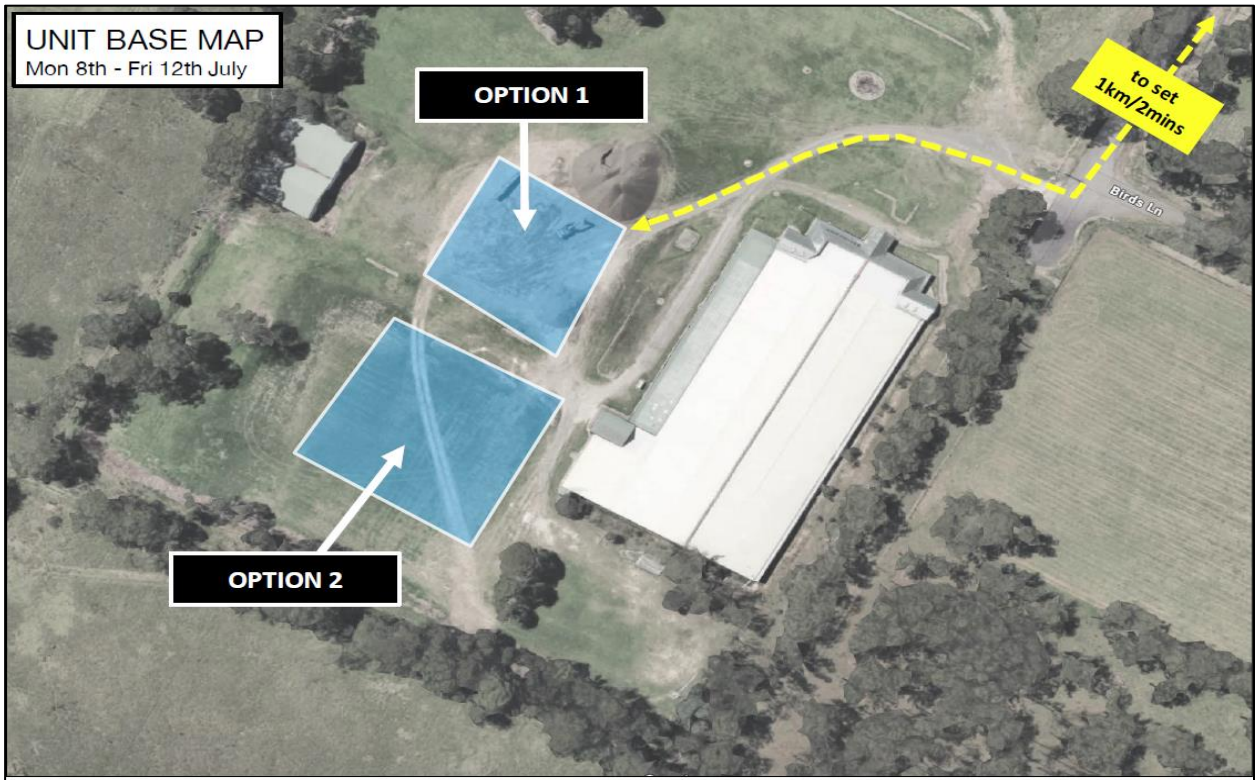


Image 2 – Site area to be used – “Horseworld” 191 Maguires Road Gables NSW 2765

As the duration of this filming production is a small timeframe of eight-days, 5 July 2024 to 12 July 2024 (inclusive), it is recommended that Council’s adopted 2024-2025 Fees & Charges be applied on a per day basis (a minimum of eight (8) days). In the event that additional days are required, e.g. filming impacted by inclement weather, the General Manager be authorised to extend the agreement as necessary at the same rate for each additional day (or part-day).

When determining the appropriate licence fee, in accordance with NSW filming protocol, due to the approximately 60 staff using the premises, the use is considered to be ‘high impact’. Accordingly, the daily licence fee \$590.91 excl. GST/day applies.

| Description | Unit | Fee (excl. GST) | Year 2024/2025 GST | Fee (incl. GST) | Statutory |
|----------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------|-----------------------|--------------------|-----------|
| Ultra Low impact filming (less than 10 crew) | | No fees apply | | | Nil |
| Please refer to NSW Filming protocol- if filming is to take place in a facility or venue relevant charges will apply as per fees and charges | | | | | |
| Low impact filming (11-25 crew) | Each | \$178.18 | \$17.82 | \$196.00 | Nil |
| Medium impact filming (25-50 crew) | Each | \$356.36 | \$35.64 | \$392.00 | Nil |
| High impact Filming | Each | \$590.91 | \$59.09 | \$650.00 | Nil |

Extract from Council’s adopted Fees & Charges 2024-2025.

The site will be inspected by Council staff prior to and post term of agreement.

Council will require a damages bond of \$1,000 excl. GST as well as copies of current insurances (including Public Liability Insurance and Workers Compensation & Employers Liability).

As part of the licence agreement, the relocation, removal and reinstatement of any minor items on site is subject to written approval from Council and will be at the Licensee's own cost.

CONCLUSION

Film production has been encouraged within Australia and NSW with the full support of the Federal and NSW Governments and will provide a significant boost to the economy and the employment of industry professionals and casual works. The project may have a financial benefit in the north-western suburbs of Sydney using a range of local suppliers and services. The request for the use of Council land is considered reasonable as the proposal to have a local filming production within the Hills Shire will boost the local economy and employment opportunities.

ATTACHMENTS

Nil.

| | |
|----------------------|--------------------------------------------------------------------------------|
| ITEM 12 | PROPOSED LAND ACQUISITION – PART LOT 1 DP 566727, PART 197 NELSON ROAD, NELSON |
| THEME: | DELIVERING & MAINTAINING INFRASTRUCTURE |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | SHIRE STRATEGY |
| AUTHOR: | SENIOR PROPERTY OFFICER AMY BROOKS |
| RESPONSIBLE OFFICER: | MANAGER – STRATEGIC PROPERTY & BUILDINGS TARRYN MARKS |

PURPOSE

This report recommends that Council purchase part Lot 1 DP 566727, (part of 197 Nelson Road, Nelson) for local road widening purposes for the planned intersection upgrade (new roundabout) at Nelson Road, Mason Road & Old Pitt Town Road, Box Hill

RECOMMENDATION

1. Council agrees to the purchase part Lot 1 in DP 566727 (being part of 197 Nelson Road, Nelson) for the amount contained in the Confidential Councillor Memo (subject to final design and survey), and disturbance costs as outlined in this report and in accordance with legislation. The Contract of Sale and any required Deeds, Plans, Instruments, Transfers, and all other associated documents required to be authorised for execution under Seal.
2. Council funds this acquisition from Council's Internal Restrictions - Roads Reserves and reimburse Roads Reserves when the Revised CP15 is endorsed by the Minister and adopted by Council.
3. Upon acquisition, Council classifies part Lot 1 in DP 566707 as "Operational" Land and deemed non rateable pursuant to Sections 25 and 556 of the Local Government Act 1993.
4. Upon acquisition, part Lot 1 in DP 566727 is to be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993 and the required documents be authorised for execution under seal for lodgement at NSW Land Registry services.

IMPACTS**Financial**

Whilst the capital cost of the intersection upgrade at Old Pitt Town Road, Mason Road, and Nelson Road (BHR02), and the land required for the roundabout on the western side of Nelson and Old Pitt Town Road (the Box Hill release area side) have been included in the current adopted CP15 (Amendment B), the required land acquisitions on the eastern side were yet to be identified at the time of the adoption of the plan. Hence the agreed acquisition cost as contained within the Councillor Confidential Memo for the subject land has not been included in CP15 Amendment B.

However, this land acquisition has been identified in the Revised CP15 (CP15BHR02009) which has been reviewed by IPART in April 2024 and is currently awaiting Ministerial endorsement. The Revised plan has provided sufficient funds for this acquisition.

The owner's disturbance costs are estimated to be \$10,000 and Council's acquisition costs are estimated to be \$20,000.

Given the above, it is proposed that the above proposed acquisition be initially funded from Council's Roads Reserve (NON15BHR02009) and Roads Reserves be reimbursed by CP15 for the costs of this acquisition following the Minister's endorsement and Council's adoption of the Revised CP15.

Including funds committed in the current approved budget, CP15 is in deficit and will be borrowing from other contribution plans to purchase this property once the Revised plan is adopted by Council, as permitted under the Environmental Planning & Assessment Act 1979.

It is also noted that IPART's final report on the Revised CP15 recommended that Council seek an alternative funding source for a gap of \$122m. Accordingly, CP15 infrastructure will need to be delivered on a priority basis until alternative funding is secured.

This funding gap arose despite Council's tireless effort in preparing a plan and keeping the plan up to date since the precinct was rezoned by the State Government in 2013. Factors contributing to this funding gap were beyond Council's control:

- Rezoning of land by the State Government before a contribution plan was developed;
- Historical capping of contribution rates by the State Government;
- Council not receiving \$89 million of gap funding during the period when contribution rates were capped and Council is still currently receiving capped rates on development applications approved during this period;
- Long review process by IPART, which could take up to 2 years, resulting in delay in Council levying updated contribution rates. The delays also impact Council's ability to reflect timely changes in economic environment, escalating land prices and construction cost estimates etc;
- Lower cost estimates recommended by IPART resulting in lower contribution rates at the beginning of the plan, but cost increases later on are not fully recoverable from the plan;
- Fragmented land acquisition requirements and compulsory land acquisition process.

Strategic Plan - Hills Future

This purchase will enable Council's program of capital works to be delivered as outlined in Council's operation plan.

LINK TO HILLS SHIRE PLAN**Strategy:**

8.1 Provide new and refurbished infrastructure in a timely manner that meets the needs of our growing Shire.

Outcomes:

8 Infrastructure meets the needs of our growing Shire.

REPORT

As a part of the proposed upgrade to to install a new roundabout and undertake road widening at the intersection of Old Pitt Town Road / Mason Road / Nelson Road, Box Hill, Council approached the landowner to acquire a portion of the property known as Lot 1 DP 566727, (part of 197 Nelson Road, Nelson) (Subject Land).

The subject land is currently RU6 Transition under The Hills Shire Council Local Environmental Plan 2019 (LEP) and contains a total area of 72.5m² (Subject to final survey). Refer to Image 1 for a locality & zoning map and Image 2 for an extract of the Land Acquisition Plan.

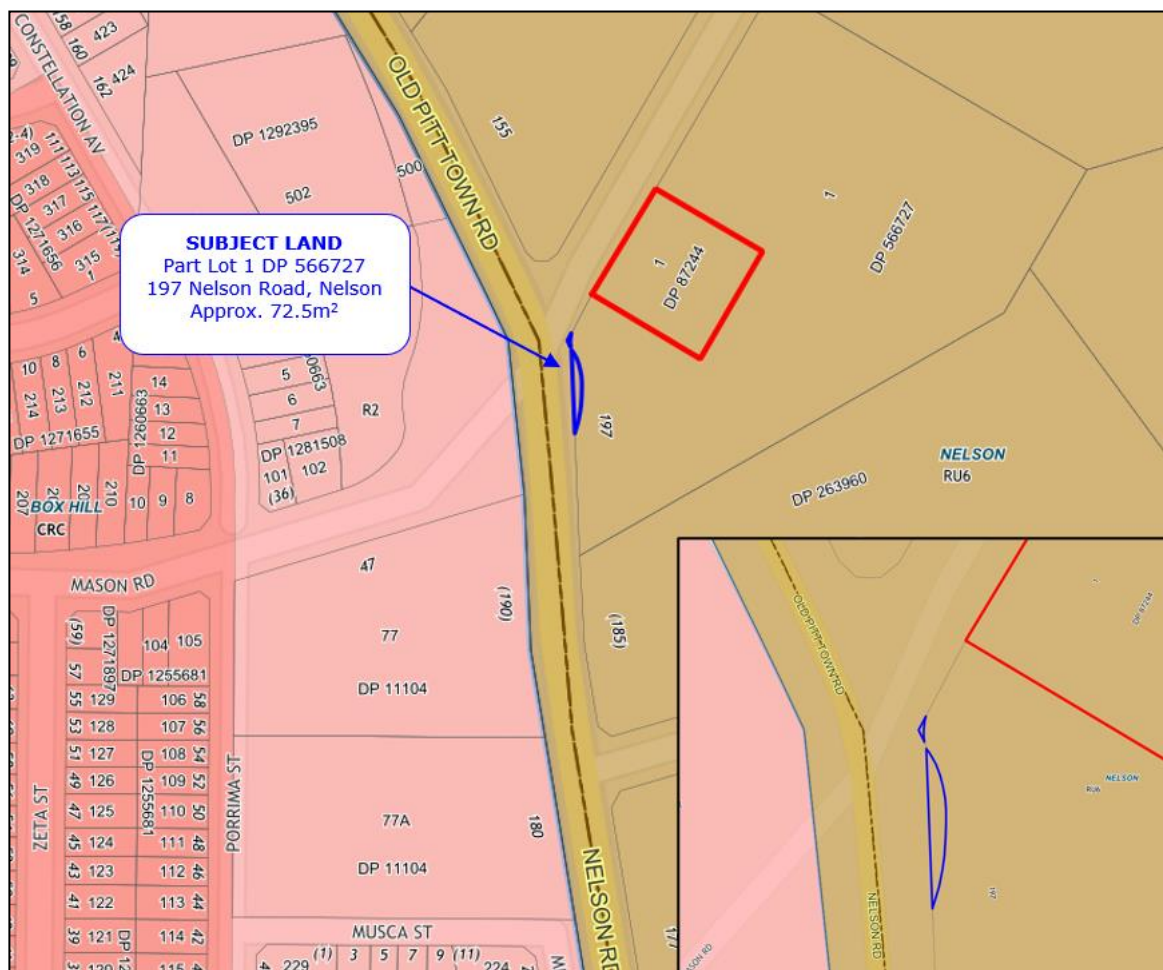


Image 1 - Locality & Zoning Map – Part Lot 1 DP 566727 – Part 197 Nelson Road, Nelson.

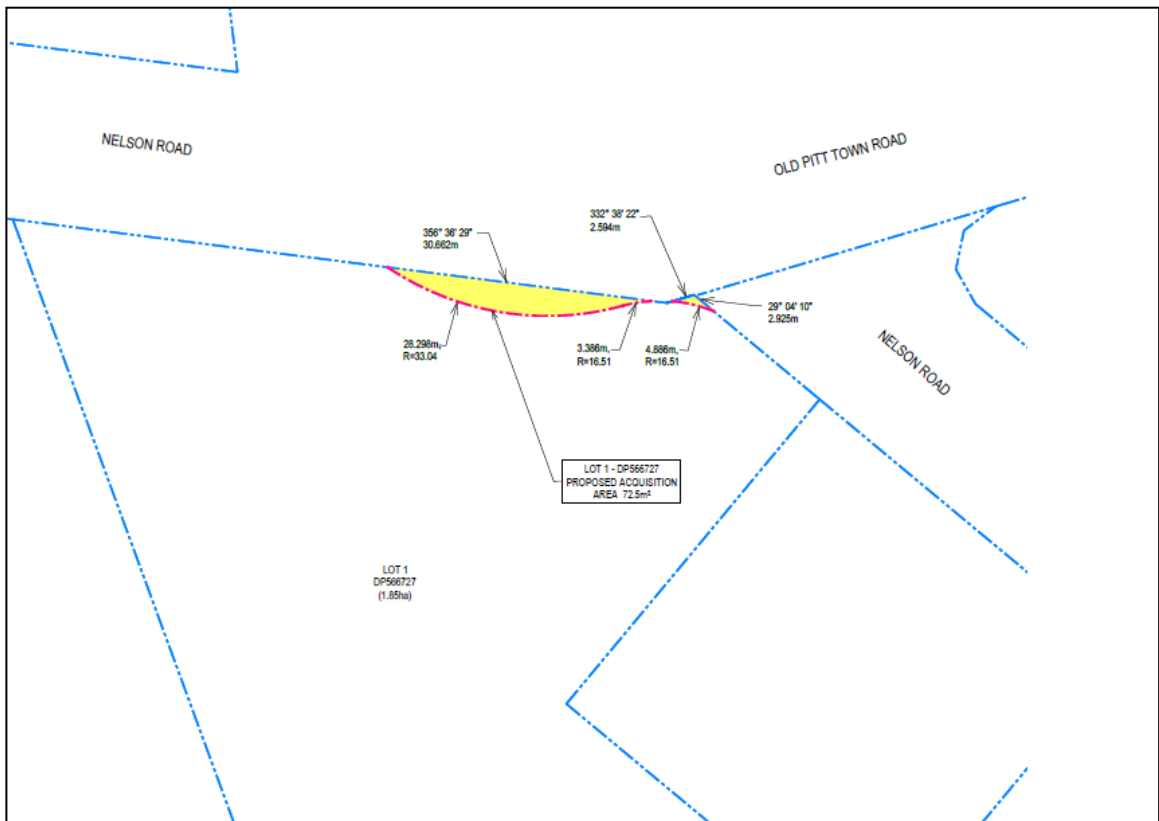


Image 2 – Land Acquisition Plan– Part Lot 1 DP 566727 – Part 197 Nelson Road, Nelson.

The acquisition of the subject land is essential for the construction of the required roundabout and intersection upgrade, a project which is being undertaken to improve commuter access and safety. Construction works on this intersection were listed as a carryover for FY 24/25 within the Hills Shire Plan.

Please refer to the Confidential Councillor Memo (Attachment 1) for details pertaining to the valuation and negotiation process of the acquisition.

OPTIONS

Council has the following options available to them:

- 1. Proceed with the acquisition as per the terms outlined within the report and Confidential Councillor Memo between a willing seller and Council. This is considered the lowest risk option; or
- 2. Cessation of the acquisition at this time, with instruction to recommence at a later date. This option will likely result in the high risk of:
 - An increase in land value,
 - Jeopardising the current rapport with the landowner,
 - An inability to acquire the land in a timely manner, ultimately impacting the delivery of planned capital works,
 - The need to acquire the subject land through a legal / compulsory process and,
 - Increase acquisition costs by way of disturbance compensation.

CONCLUSION

The negotiated compensation aligns with current market values. Proceeding with the acquisition at this time provides certainty of ownership and avoids delays to planned capital works in this location.

It is recommended for the reasons outlined in this report and contained within the Confidential Councillor Memo that Council agree to purchase Part Lot 1 DP 566727 (being part of 197 Nelson Road, Nelson).

ATTACHMENTS

1. Confidential Memo to Mayor & Councillors – Proposed Land Acquisition - Part Lot 1 DP 566727 being part of 197 Nelson Road, Nelson (***forwarded under separate cover***).

| | |
|----------------------|----------------------------------------------|
| ITEM 13 | INFORMATION AND STATUS REPORTS |
| THEME: | PROACTIVE LEADERSHIP |
| MEETING DATE: | 25 JUNE 2024 |
| | COUNCIL MEETING |
| GROUP: | FINANCE AND CORPORATE STRATEGY |
| | MANAGER - GOVERNANCE AND PUBLIC OFFICER |
| AUTHOR: | MICHAEL SPENCE |
| | GENERAL COUNSEL |
| | MIRANDA AIDEN |
| RESPONSIBLE OFFICER: | GROUP MANAGER – FINANCE & CORPORATE STRATEGY |
| | CHANDI SABA |

PURPOSE

This purpose of this report is to update Council on the status of legal matters, outstanding resolutions and Development Applications awaiting determination.

RECOMMENDATION

1. The status of legal matters before all Courts as shown in Attachment 1 be noted (ECM Document No. 21351622).
2. The Status of Outstanding Resolutions as shown in Attachment 2 be noted (ECM Document No. 17211394, 17211396 and 17211397).
3. The letters of Appreciation as shown in Attachment 3 be noted (ECM Document No.21378779).
4. The status of Development Applications awaiting determination as shown in Attachment 4 be noted (ECM Document No. 21351543).

IMPACTS

Financial

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

Strategic Plan - Hills Future

This has no direct impact on the Hills Shire Plan.

LINK TO HILLS SHIRE PLAN

Strategy

3.3 Ensure Council is accountable to the community and meets legislative requirements and support Council's elected representatives for their role in the community.

Outcome

3 Sound governance that values and engages our customers and is based on transparency and accountability.

REPORT

INTRODUCTION

Council's Legal Matters Status Report is contained within Attachment 1. Attachment 1 outlines the various litigation matters Council is a party to with an external party. These matters are best summarised as falling within either one of the following categories of matters:

| Matter Type | Description | Initiating Party |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 1 Proceedings | These are appeals related to planning decisions, refusals or deemed refusals by an authority. This includes a Council or Planning Panel decision. It also includes appeals against Notices or Orders issued by the Council to regulate land use. | These are always initiated by an applicant and not by Council. In such matters Council will always appear as the respondent. |
| Class 4 Proceedings | These matters relate to either civil enforcement, usually by Council, of planning or environmental laws to remedy or restrain breaches or judicial, review of administrative decisions and conduct under planning or environmental laws. | These are usually initiated by Council whereby Council will appear as the Plaintiff in such proceedings. |
| Local Court Matters – Penalty Infringement Notice Matters | These matters are Appeals against Penalty Infringement Notices issued by Council occurring after Council has issued a PIN for a breach and that PIN has a set fine amount as set by the Law Part Code. The recipient of a PIN may appeal against the fine within 28 days and if the recipient does so then the matter gets listed before the Local Court. The recipient of the PIN then has an opportunity to either plead guilty to the offence that underlies the PIN and provide an explanation that he/she says warrants a reduction or removal of the fine payable OR he/she may plead not guilty to the offence that underlies the PIN and the matter | Despite proceedings of this nature being initiated by the recipient of the PIN, the Council will always appear as the Prosecutor in such matters on the Court list and the other party will appear as the Defendant. |

| Matter Type | Description | Initiating Party |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| | is allocated a hearing date to contest the offence. In either case, where Council is successful, legal costs are sought and the Court has the discretion to order costs or not on a case by case basis. When a person appeals a fine they are potentially subject to a greater penalty amount as set out in the legislation rather than the amount set out in the PIN. | |
| Local Court – Court Attendance Notices | In more serious breaches where Council has determined that a PIN would not be sufficient, proceedings are commenced against a person or company for alleged breaches of planning and environmental laws for seeking criminal sanctions for such conduct. This is separate to any action that may seek to regularise any alleged breach that may occur later via the Land and Environment Court. Similarly to a PIN, the defendant may plead guilty or not guilty to the offences. | Council is the prosecuting authority and the other party appears as the defendant in such matters. |

a. Legal Matters

Funds have been provided in the following groups for legal expenses, as follows:

| Financial Year 2023/2024 | Budget | Expended | Committed | Total | % of Expenditure |
|-----------------------------------------------------|---------------------|---------------------|-------------------|---------------------|---------------------|
| Land & Environment Appeals | \$589,112.00 | \$595,229.80 | \$44,269.36 | \$639,499.16 | 109% |
| Other Matters FY 2023/2024 | | | | | |
| General Manager | \$584,325.00 | \$538,577.41 | \$9,624.41 | \$548,201.82 | 94% |
| Shire Strategy | \$0 | \$0 | \$0 | \$0 | 0% |
| Finance & Corporate Strategy | \$0 | \$0 | \$0 | \$0 | 0% |
| Development & Compliance | \$329,984.00 | \$326,204.57 | \$199.54 | \$326,404.11 | 99% |
| Total | \$914,309.00 | \$864,781.98 | \$9,823.95 | \$874,605.93 | 96% |
| **Expert advice on Land & Environment Court Matters | \$374,624.00 | \$348,403.12 | \$66,957.79 | \$415,360.91 | 111% |

To date, a total of \$1,514,105.09 has been expended or committed representing 101% of the adopted Budget (Attachment 1).

Please note that some commitments are not payable until the 2024/2025 financial year and therefore will not impact the actual budget balance for this financial year.

Furthermore, a total of \$232,637.30 has been recovered from fines and legal cost recovery.

b. Outstanding Resolutions of Council – May 2024

The attached schedule details by Group, the various matters that have been before Council, yet remain unresolved or uncompleted pending additional tasks or events (Attachment 2).

c. Appreciation letters June 2024

The attached schedule shows copies of letters of appreciation from individuals and organisations received since the last meeting (Attachment 3).

d. Development Applications Awaiting Determination

The current number of Development Applications (exceeding 40 days) under consideration as at 13 June 2024 is detailed in the report. Two Development Applications were refused between 8 May 2024 and 11 June 2024 (Attachment 4).

The NSW Department of Planning and Environment require Councils to monitor variations to development standards using Clause 4.6 of LEP 2012 and State Environmental Planning Policy No. 1 – Development Standards (SEPP 1). One of the measures to ensure effective monitoring is to provide a regular report to Council on Development Applications determined where there had been a variation to a development standard.

ATTACHMENTS

1. Litigation matters as at 13 June 2024 (16 pages)
2. Schedule of Outstanding Resolutions – May 2024 (18 pages)
3. Appreciation letters – August/September 2023 (2 pages)
4. Applications over 40 days under consideration between 8 May 2024 and 11 June 2024 (17 pages).

ATTACHMENT 1

LITIGATION MATTERS AS AT JUNE 2024

CLASS 1 PROCEEDINGS

| | |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PROPERTY: | Maroun Khattar v THSC 5 Rembrandt Drive, Castle Hill |
| MATTER: | Appeal against The Hills Shire Council's actual refusal of Development Application No. 1339/2022/HA for the demolition of all existing structures in-order to construct a two storey 'Centre-Based Child Care Facility' catering for 52 children with parking for 16 vehicles within a basement level. |
| STATUS: | The matter was set down for final hearing on 11 and 12 April 2024. On the first day of the hearing the applicant revised their plans by reducing the number of placements and removing the car stacking design. The parties agreed to the amended plans and these are now being re-notified. The matter was mentioned in Court on 6 May 2024 where it was indicated that the parties had resolved the contentions between them pending finalisation of the agreement. A further Court date will be provided to finalise the matter. Pending Resolution. |
| LEGAL REPRESENTATION: | Marsdens Law Group |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$30,013.55 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | The main contentions relate to orderly development of the land, amenity impacts to adjoining properties, compatibility with local character and streetscape including setbacks, landscaped areas and fencing, extent of earthworks, inadequate area set aside for vehicle manoeuvring, stormwater management and waste management. |

| | |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PROPERTY: | Centaran Holdings Pty Ltd v THSC 582 & 582A Old Northern Road, Dural |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 256/2023/HC for the demolition of Existing Structures and Construction of a Torrens Title/Community Title Subdivision to Create 27 Residential Lots with Detached Dwellings and Associated Works. Each lot will contain a detached two storey dwelling. Vehicle access to the site is from Derriwong Road, with separate pedestrian access also provided to Derriwong Road and Old Northern Road. |

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| STATUS: | <p>The matter was listed for a Section 34 Conciliation Conference on 5 September 2023 however the conciliation conference did not result in an agreement between the parties.</p> <p>The matter has now been listed for a final hearing to take place on 22 and 23 July 2024.</p> |
| LEGAL REPRESENTATION: | Marsdens Law Group |
| EXTERNAL LEGAL COSTS TO DATE: | <p>Costs: \$17,383</p> <p>Estimate of Costs (range): \$30,000-\$40,000</p> |
| GENERAL COMMENT: | <p>The primary concerns with the application are:</p> <ul style="list-style-type: none"> - Need for visitor parking to be provided on site; - Tree, landscape and ecology matters; - Drainage and civil engineering matters; and - Transport for NSW comments. |

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| PROPERTY: | Bridgewell and SLD Castle Hill Pty Ltd v THSC 38-40 Kathleen Avenue, Castle Hill |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 1139/2023/HA for a terrace style residential development comprising 32 terraces with basement parking. |
| STATUS: | The section 34 conciliation conference took place on 19 October 2023 and has since been terminated as the parties were unable to reach an agreement. The Court has set the matter down for final hearing on 18-20 June 2024 . |
| LEGAL REPRESENTATION: | Marsdens Law Group |
| EXTERNAL LEGAL COSTS TO DATE: | <p>Costs: \$13,849.51</p> <p>Estimate of Costs (range): \$30,000-\$40,000</p> |
| GENERAL COMMENT: | The main contentions relate to heritage conservation, amenity, character, height controls, tree impacts and landscaping, stormwater management, earthworks and vehicular movement. |

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| PROPERTY: | James John Wheatley v THSC 513 Wisemans Ferry Road, Cattai |
| MATTER: | Appeal against The Hills Shire Council's actual refusal of Development Application No. 1522/2023/ZD for carrying out of a subdivision creating five community title rural residential lots and one association lot (rural cluster). |
| STATUS: | <p>The matter was listed for first directions before the Court on 9 August 2023 and on that occasion the Court set the matter down for a Section 34 Conciliation Conference on 23 January 2024. The s.34 was adjourned for a further date to 16 February 2024 to allow the applicant further time to provide more information.</p> <p>The matter was listed for a directions hearing on 23 February 2024 and on that occasion, the Court listed the matter for a 2-day hearing on 26 and 27 August 2024.</p> |
| LEGAL REPRESENTATION: | Hall & Wilcox |
| EXTERNAL LEGAL COSTS TO DATE: | <p>Costs: \$40,087</p> <p>Estimate of Costs (range): \$30,000-\$40,000</p> |
| GENERAL COMMENT: | The proposal included a variation to a development standard which was not addressed by a Clause 4.6 variation request as part of the Development Application. The proposal also includes several issues relating to the ecological, contamination, traffic and engineering components which were not addressed as part of the application. |

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| PROPERTY: | Zafer Kaya v THSC 123 Arnold Avenue, Kellyville |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 1587/2023/HA for the demolition of existing structures and identified trees, and construction of a 2 storey 90 placed child care centre with car parking over basement level. |
| STATUS: | <p>The matter was listed for a Section 34 Conciliation Conference on 27 February 2024. The s34 has been adjourned to a further date for online Court on 22 March 2024 and on that occasion, it was adjourned to 12 June 2024.</p> <p>There are amended plans from the applicant that have now been re-notified by Council.</p> |
| LEGAL REPRESENTATION: | Marsdens Law Group |

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| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$11,380 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | <p>The proposed 90-place centre based child care facility is deficient by 13 off-street parking spaces which is a significant departure from Council's parking requirements prescribed in DCP 2012 Part C Section 1 – Parking. The applicant has been requested to redesign the proposal with a reduced number of children commensurate with the number of parking spaces being proposed and to locate all high noise generating activities including the outdoor play area away from the neighbouring residential properties.</p> <p>Other outstanding additional information requested from the applicant relates to engineering, traffic, waste management and landscaping matters.</p> |

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| PROPERTY: | Landen Dev No 11 v THSC 257 McClymonts Road, Kenthurst |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 806/2023/ZD for a subdivision creating five community title rural residential lots and one association lot including demolition of some existing structures and dam dewatering (rural cluster). |
| STATUS: | <p>The matter was listed for a Section 34 Conciliation Conference on 30 January 2024. The parties did not reach an 'in-principle' agreement and the matter was listed for a directions hearing on 15 February 2024.</p> <p>The matter has been set down for a final hearing on 12 and 13 August 2024.</p> |
| LEGAL REPRESENTATION: | REDENBACH Legal |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$21,307.21 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | The proposed development has not addressed several matters pertaining to ecology, planning, engineering and environmental health matters. The key issues relate to the biodiversity constraints of the site, orderly development, contamination and wastewater disposal. The applicant has not responded to a number of matters and has lodged the appeal as a deemed refusal. |

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| PROPERTY: | Austech Development Group Pty Ltd V THSC 29 Annabelle Cres, Kellyville |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 1301/2023/HA seeking consent for the demolition of existing structures and construction of a two storey 58 place centre-based child care facility with basement parking for 20 vehicles. |
| STATUS: | The matter was set down for a section 34 conciliation conference on 22 March 2024. The parties were unable to reach an agreement and the matter has been set down for final hearing on 4 and 8 October 2024. |
| LEGAL REPRESENTATION: | Hall & Wilcox |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$23,101 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | <p>The proposal does not adequately consider the traffic and parking impacts the proposed development will have on both residential amenity and road safety.</p> <p>The proposed development also does not comply with the front and rear setback controls in the DCP as well as the minimum parking requirement DCP control and is therefore out of character with development in the locality.</p> <p>The application will be required to be determined by the Local Planning Panel given the number of submissions received.</p> |

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| PROPERTY: | Jian Zhang V THSC 25 Astoria Park Road, Baulkham Hills |
| MATTER: | Appeal against The Hills Shire Council's actual refusal of Development Application No. 89/2024/HA for the demolition of existing structures and constructions of a 50 place centre-based child care facility at 25 Astoria Park Road, Baulkham Hills. |
| STATUS: | The matter was listed for first directions hearing before the Court on 24 January 2024. On that occasion the matter was set down for a section 34 conciliation conference to take place on 21 June 2024. |
| LEGAL REPRESENTATION: | Pikes & Verekers Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$3,375 Estimate of Costs (range): \$30,000-\$40,000 |

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| GENERAL COMMENT: | <p>DA refused by Local Planning Panel on 18 October 2023. Main contentions relate to:</p> <ul style="list-style-type: none"> - Insufficient information in relation to flood planning and adverse impacts on flood behaviours - traffic congestion on the local road network and additional traffic generation - limited solar access to the outdoor play space - incompatibility of the built form with the local character - adverse acoustic and visual amenity impacts on adjoining properties - insufficient on site car parking - insufficient area for waste vehicle access/manoeuvring in the basement including the driveway access - impacts on neighbouring trees - earthworks resulting adverse impacts on adjoining properties. |
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| PROPERTY: | Amplitel Pty Limited V THSC 47A Blue Gum Road, Kenthurst |
| MATTER: | Appeal against the refusal by the Local Planning Panel of Development Application 1227/2023/HA on 19 July 2023 for the construction of a new mobile telecommunications facility comprising a monopole, antennas, remote radio units, ancillary equipment and equipment shelter. |
| STATUS: | The matter was listed for first directions hearing before the Court on 16 February 2024 and on that occasion, the Court listed the matter for a section 34 conciliation conference on 21 June 2024 . |
| LEGAL REPRESENTATION: | Hall & Wilcox |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$15,812 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | <p>Following the determination by the Hills Local Planning Panel of DA 1227/2023/HA on 19 July 2023 by way of refusal, the applicant has submitted a section 8.2 Review of Determination of Development Application on 1 December 2023 seeking a review the decision.</p> <p>In requesting the review, the Applicant is seeking to rely on amendments to the proposed development including a reduction in the overall height by 5m.</p> <p>The main issues include the suitability of the site given the height of the structure, impact on rural character and immediate adjoining residents.</p> |

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| | The Local Planning Panel refused the section 8.2 Review of Determination at its meeting of 27 March 2024. |
| PROPERTY: | MKWD One Pty Ltd V THSC 116 Old Pitt Town Road, Box Hill |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 503/2024/HA for centre based child care facility for 135 children. |
| STATUS: | The matter was listed for first directions hearing before the Court on 23 February 2024. On that occasion, the Court set the matter down for a s34 conciliation conference on 20 August 2024 . |
| LEGAL REPRESENTATION: | Marsdens Law Group |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$3,828 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | <p>Timeline of Events for DA 503/2024/HA:</p> <p>11/10/2023 – Lodgement of Application to Council for assessment. 14/11/2023 – Request for information letter sent by Council staff outlining required amendments for a supportable development. 30/01/2024 – Class 1 Application received by Council.</p> <p>Main points of the request for additional information letter include:</p> <ul style="list-style-type: none"> • Parking spaces to be modified to ensure adequate sight distances and manoeuvring. • Minimum 5m setback from carpark and 2 metre wide landscaped screening required, and trees to be provided within the front setback to address visual amenity. • A dedicated loading bay for delivery and service vehicles has not been provided. • Swept path required to demonstrate a SRV that does not encroach over any proposed car parking spaces when manoeuvring onsite. • An amended acoustic report is required to address calculations from the boundary of the childcare centre; vehicle movements prior to 7am; play equipment that are at heights greater than the finished ground level; crash barrier to be provided for the children's outdoor area; and additional sink required for bottle preparation. • A feasibility letter is required from Sydney Water; and correspondence from Endeavour Energy to ensure adequate electricity can be provided for the development. • Cut and fill plan required, particularly for the outdoor areas. • Separate pedestrian access required from the street and car park to the facility with defined pedestrian crossings. |

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| PROPERTY: | Andrew Hanna V THSC 119-121 Showground Road and 11-13 Sexton Avenue, Castle Hill |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 357/2024/HA demolition of existing structures, lot consolidation, tree removal and construction of a part 8, part 9 storey residential flat building containing 68 apartments over basement parking with associated landscaping, public domain works and stratum subdivision. |
| STATUS: | The matter was listed for first directions hearing before the Court on 1 March 2024. On that occasion, the Court set the matter down for a s34 conciliation conference on 19 August 2024 . |
| LEGAL REPRESENTATION: | Matthews Folbigg Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$22,712.73 Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | The main contentions relate to design excellence, compliance with the design principles of the ADG, solar access, bulk and scale, and apartment mix and type. There is insufficient information in relation to the impacts on Sydney Metro rail corridor, acoustic impacts, earthwork, engineering, stormwater and public domain works. |

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| PROPERTY: | UPG 345 Pty Ltd V THSC 1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill |
| MATTER: | Appeal against The Hills Shire Council's actual refusal of Development Application No. 717/2023/JP for the demolition of existing structures, consolidation of land, construction of four (4) residential flat buildings consisting of 350 units, basement parking, landscaping, stormwater drainage and site works. |
| STATUS: | The matter was listed for first directions hearing before the Court on 18 April 2024 and on that occasion the matter has been listed for a s34 conciliation conference on 6 September 2024 . |
| LEGAL REPRESENTATION: | Pikes & Verekers Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$5,582.17 Estimate of Costs (range): \$30,000-\$40,000 |

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| GENERAL COMMENT: | The proposal does not satisfy the provisions under Clause 9.5 Design Excellence and 5.21 Flood Planning under the Hills LEP 2019. The proposal fails to comply with development controls of Part D Section 19 Showground Station Precinct, and insufficient information has been provided to properly assess tree management concerns. |
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| PROPERTY: | Dib Symin V THSC 81 Castle Hill Road, West Pennant Hills |
| MATTER: | Appeal against The Hills Shire Council's deemed refusal of Development Application No. 893/2024/LD for the construction of a three-storey dwelling with an inground swimming pool and external landscaping. |
| STATUS: | The matter was listed for first directions hearing before the Court on 29 May 2024 and on that occasion the Court ordered that the section 34AA Conciliation Conference take place on 3 and 4 October 2024 . |
| LEGAL REPRESENTATION: | Marsdens Law Group |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | Council staff have identified unauthorised poisoning to Critically Endangered Ecological Community (Blue Gum High Forest) on the site. Insufficient information has been supplied to determine the value of the impacted trees prior to their decline. The proposal does not satisfy the provisions of Clause 7.6 Landslide Risk under the Hills LEP 2019, and the application fails to provide information to determine compliance with development controls of Part B Section 2 of the Hills DCP 2012. Insufficient information has been provided to properly assess engineering, stormwater, ecology and tree management matters. |

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| PROPERTY: | Zengxin Wang V THSC 12 Pearce Street, Baulkham Hills |
| MATTER: | Appeal against The Hills Shire Council's actual refusal of Development Application No. 221/2024/HA for the demolition of existing structures and construction of a centre based childcare facility for 82 children. |
| STATUS: | The matter was listed for first directions hearing before the Court on 12 June 2024 on that occasion the matter has been listed for a s34 conciliation conference on 16 October 2024 . |
| LEGAL REPRESENTATION: | Hall & Wilcox |

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| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA Estimate of Costs (range): \$30,000-\$40,000 |
| GENERAL COMMENT: | The main contentions are in relation an over development of the site and the built form not in keeping with the residential character of the area. The development does not provide a front setback consistent with the streetscape, the development does not meet the noise criteria for the site, there is insufficient landscaping on site to screen the development, the driveway location conflicts with the existing chicane to the south and on street parking restrictions and the basement is insufficiently sized to cater for all car parking and waste vehicle requirements including manoeuvring and driveway access required by the Australian Standards. Insufficient information has been submitted in relation to earthworks, solar access, plan of management, swept paths and consistency between plans. |

CLASS 4 PROCEEDINGS

N/A

CLASS 3 PROCEEDINGS

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| PROPERTY: | Danielle Veronica Kriaris v THSC 263 Annangrove Road, Rouse Hill |
| MATTER: | The Applicants have lodged a Class 3 appeal disputing the Valuer-General's assessment for a land acquisition by Council. |
| STATUS: | The matter was listed for a first directions hearing before the Court on 8 March 2024 and on that occasion the matter has been set down for a conciliation conference to take place on 13 June 2024 . |
| LEGAL REPRESENTATION: | Hall & Wilcox |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA Estimate of Costs (range): TBA |
| GENERAL COMMENT: | TBA. |

CLASS 2 PROCEEDINGS

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| PROPERTY: | Khoudair and Khoudair v THSC 4 Homevale Place, North Kellyville |
| MATTER: | <p>The Applicants have lodged a Class 2 appeal against a combined Development Control Order, issued on 11 July 2023 by The Hills Shire Council, being an Orders No 3 and 11 issued pursuant to Division 9.34 (1)(a) of the Environmental Planning and Assessment Act 1979 ("the Order").</p> <p>The Order, by its terms, ordered the Applicants to:</p> <ul style="list-style-type: none"> • Comply with Development Application 849/2019/LD and approved plans for the retaining wall and associated landscaping for the concrete inground pool. • Demolish and remove the additional hard stand space & retaining wall (over height). |
| STATUS: | <p>The s34 conciliation conference has been adjourned to a further date for online Court mention to allow the parties time to finalise the terms of the s34 agreement.</p> <p>The matter was heard on 7 June 2024 and adjourned pending the completion of an updated landscape plan and a Schedule of Works by the applicant. The amended landscape plan and schedule of works has been submitted and is currently being review by Council staff. If acceptable it is intended that the s34 agreement be submitted to the Court for approval.</p> <p>Resolution Pending.</p> |
| LEGAL REPRESENTATION: | Wilshire Webb Staunton Beattie Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | <p>Costs: \$2,278</p> <p>Estimate of Costs (range): TBA</p> |

**GENERAL
COMMENT:**

The property owner has constructed an elevated sandstone retaining wall and associated hard stand surface surrounding and inground swimming pool constructed contrary to their planning approval.

The 'as-built' structure has an approximate height of 4m and have been constructed to support the existing pool and provide an ancillary seating area. The works represent a discrepancy to the approved development of approximately 1800mm in additional fill height and an additional 30sqm of non-permeable site coverage.

The additional works pose significant amenity impacts including bulk, scale and privacy for the current and future development on the adjacent properties.

LOCAL COURT – PENALTY INFRINGEMENT NOTICE (PIN) MATTERS

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| MATTER: | THSC v Tristan Triccas |
| PIN AMOUNT: | \$1,320 |
| STATUS: | <p>This is an appeal against a penalty infringement notice (no. 3211914081) – owner of dog which rushes at/attacks an animal. Which occurred in an off leash park whereby it is alleged that the defendant left the dog unaccompanied in that park area.</p> <p>The matter was listed for first mention before the Local Court on 21 July 2023 however the defendant did not attend Court. The defendant wrote to the Court indicating that he was not guilty of the offence. Accordingly, the matter was set down for a hearing on 27 February 2024.</p> <p>The defendant requested that the hearing date listed for 27 February 2024 be vacated due to a health issue. The court has re-listed the matter for final hearing on 19 August 2024.</p> |
| LEGAL REPRESENTATION: | Wilshire Webb Staunton Beattie Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: \$622 |

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| MATTER: | THSC v Brett Schlyder |
| PIN AMOUNT: | \$6,000 |
| STATUS: | <p>This is an appeal against a penalty infringement notice (no. 3257257008) – fail to maintain child-resistant barrier effective and safe (section 15(1) of the Swimming Pools Act 1992).</p> <p>The matter has been listed for first mention before the Local Court on 20 June 2024.</p> |
| LEGAL REPRESENTATION: | Wilshire Webb Staunton Beattie Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA |

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| MATTER: | THSC v TLZ Hills Group Pty Ltd |
| PIN AMOUNT: | \$6,000 |
| STATUS: | <p>This is an appeal against a penalty infringement notice (no. 3257275919) – a large wall mounted sign (approximately 8m x 4m) advertising 'Hillcrest Real Estate' attached to the front façade at subject premises on Terminus Street, Castle Hill without development consent.</p> <p>The matter has been listed for first mention before the Local Court on 4 July 2024.</p> |

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| LEGAL REPRESENTATION: | Wilshire Webb Staunton Beattie Lawyers |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA |

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| MATTER: | THSC v Shaman Singh |
| PIN AMOUNT: | \$610 |
| STATUS: | <p>This is an appeal against two penalty infringement notices (no. 3257284416 and 3257284425) – owner of two dogs did not comply with registration of companion animal.</p> <p>The matter has been listed for first mention before the Local Court on 8 August 2024.</p> |
| LEGAL REPRESENTATION: | TBA |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA |

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| MATTER: | THSC v 13 Homes Pty Ltd |
| PIN AMOUNT: | \$8,000 |
| STATUS: | <p>This is an appeal against penalty infringement notice no. 3257292363 for 'Pollute Waters – Class 1 Officer – Corporation' – fail to provide sediment control for the construction of the driveway at a property on Porrima Street, Box Hill.</p> <p>The matter has been listed for first mention before the Local Court on 29 August 2024.</p> |
| LEGAL REPRESENTATION: | TBA |
| EXTERNAL LEGAL COSTS TO DATE: | Costs: TBA |

ATTACHMENT 2

SCHEDULE OF OUTSTANDING RESOLUTIONS

DEVELOPMENT & COMPLIANCE

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| DATE OF MEETING: 28.05.2024 | SUBJECT: PROCUREMENT STRATEGY FOR NEW SUITE OF DOMESTIC WASTE SERVICE CONTRACTS – OCTOBER 2027 |
| BACKGROUND: <ol style="list-style-type: none">1. Council tender for an entire new suite of domestic waste service contracts for post 30 September 2027 and report back to Council after the tender evaluation process.2. Point 10 of Attachment 1 be amended to reflect 10,15 and 20-years contract terms to give the project working group flexibility. | |
| CURRENT STATUS: <ol style="list-style-type: none">1. The process of tendering for waste contracts has commenced. As outlined in the report disposal and processing tenders could go to market early 2025. Council could award tenders by November 2025. The collection tender will be advertised after the closing date of the disposal/processing tender so that the potential waste facility destinations and FOGO start dates can be incorporated into the tender.2. The Waste Procurement Strategy Recommendations has been amended to reflect the Council resolution. | |
| TARGET COMPLETION DATE: November 2025 | |

ATTACHMENT 2

**SCHEDULE OF OUTSTANDING RESOLUTIONS
FINANCE & CORPORATE STRATEGY**

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| DATE OF MEETING: | SUBJECT: ADMINISTRATION OF THE GENERAL MANAGER'S PERFORMANCE REVIEW |
| BACKGROUND: <ol style="list-style-type: none">1. Council appoints the Mayor Dr Peter Gangemi, the Deputy Mayor Councillor Mitchell Blue and Councillors Hodges MP, Jethi and Hay OAM as the Councillors to form the review panel for the General Managers Annual Performance Review.2. Council delegates to the Mayor and Deputy Mayor the authority to appoint replacement Councillors if for some reason one of the nominated review panel members is unable to attend.3. The Review Panel undertake the Performance Review with a further report back to Council. | |
| CURRENT STATUS: The appointed Panel will meet in July to undertake the Performance Review per the requirements prescribed in Council's relevant internal policy. | |
| TARGET COMPLETION DATE: 13 AUGUST 2024 | |

ATTACHMENT 2

**SCHEDULE OF OUTSTANDING RESOLUTIONS
SHIRE STRATEGY**

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| DATE OF MEETING: 11.04.17 | SUBJECT: THE HILLS SES - PROPOSED ESTABLISHMENT OF NEW HEADQUARTERS |
| <p>BACKGROUND:</p> <ol style="list-style-type: none"> 1. Council support the construction of a new headquarters for the Hills State Emergency Service Unit 2. A further report be submitted identifying the suitability of other potential sites for a new headquarters in comparison to the area of land adjoining Cropley House that is nominated in this report. 3. Funds totalling \$300,000 for the design and planning approval process, be allocated in the April budget review. 4. Council approach State and Federal Members of Parliament seeking financial assistance toward the cost of a new headquarters for The Hills State Emergency Service Unit. | |
| <p>CURRENT STATUS: Investigations have commenced on potential alternate sites including those owned by NSW Government. Initial advice received from Property NSW was that they have been unable to identify any surplus State Government land within the Shire that may be currently available. However subsequent advice received from Property NSW is that they will consult with the State Headquarters of the SES to try and identify a means of proceeding with the project. No definitive advice received despite numerous follow-up emails to Property NSW and SES Sydney Western Region. Correspondence now sent to Minister for Police and Emergency Services (responsible for SES) and Minister for Finance, Services and Property (responsible for Property NSW).</p> <p>Support also sought from local State Members. Formal advice now received from Property NSW on behalf of Minister for Finance, Services and Property and from the Minister for Emergency Services that no State Government owned land is available.</p> <p>A report in The Hills Shire Times on 28 November indicated that funding for the relocation of the SES headquarters may now be available from the State Government. Further information is being sought from the State Member for Baulkham Hills office.</p> <p>Advice now received from Landcom that it is prepared to offer one of four potential sites along the alignment of the Sydney Metro Northwest viaduct for construction of SES headquarters. Further discussions held with Landcom representatives regarding suitability of those sites which will further delay previous target completion date of July 2018. Following those discussions, only one of those sites is now available due to RMS requirements for Memorial Avenue upgrade project. Architect was engaged to prepare preliminary concept drawing to see if dimensions and size of one of the remaining site is suitable for the headquarters. Concept has been received showing site may be suitable if RMS is prepared to incorporate several small parcels of land that they own next to the T-way into the site. Landcom has been asked to arrange meeting with RMS to see if they would be agreeable to the proposal. Date for meeting with RMS is still yet to be set. Target completion date has been amended to reflect uncertainty about date and outcome of RMS meeting.</p> | |

Further information provided to Councillors at Workshop on 4 December 2018. Letters have been sent to CEOs of both Sydney Metro and RMS seeking their support for the proposed land transfer. Preliminary response received from Sydney Metro advising that meeting to be held with RMS to discuss. Date of meeting not advised. Understood that RMS may require some or all of their land for additional bus layover space. Outcome not known until their investigations are completed and meeting held. RMS has now advised that land required for bus layover. Correspondence now sent to Minister for Emergency Services seeking his intervention. No response from Minister received as yet. Representatives from Sydney Metro have now indicated that an alternate parcel of land near the intersection of Windsor Road and Old Windsor Road may be made available for an SES Headquarters. Confirmation is being sought.

Alternate parcel of land offered part of the area that Council was intending to develop as a carpark for the Caddies Creek Reserve Stage 2 development and is therefore not suitable.

It is understood that a meeting was to be held between Ministers Elliot and Constance to discuss this and other issues. Telephone conference call held with representatives of SES and RMS on 4 October. RMS representative reinforced that they require land adjacent to the surplus Sydney Metro land for future bus layover facilities which means that the site is not of sufficient size for the SES headquarters. Although the RMS representative has agreed to try and identify alternate surplus sites, it was made it quite clear that such sites would have to be acquired by Council at market value which is not Council's expectation. No further advice received from RMS (now Transport for NSW) regarding alternate potential sites. Follow up email sent to Transport for NSW on 21 January 2020. Awaiting response. Further letters sent by Mayor to Local Member to follow-up on the commitment. Response finally received from Transport for NSW on 28 April 2020 advising no alternate site available.

Landcom has now identified four other potential site options, two of which (Gibbon Road and Caddies Creek) are unsuitable due to risk of flooding. The other two sites (off Memorial Avenue and off Balmoral Road) would require agreement by Transport for NSW with the Memorial Avenue site possibly required for the future upgrade of the Memorial Ave and Old Windsor Road intersection. Landcom awaiting advice from Transport for NSW on the potential availability of either site.

Advice now received from Landcom that they don't believe any of the sites identified within the Bella Vista-Kellyville Precinct are workable and will facilitate discussion with TfNSW re the possible site within Caddies Creek stage 2. Following discussions between the Mayor and Minister Elliot further correspondence to be prepared by the Minister to the Minister for Planning and Landcom seeking their further intervention in the matter.

Minster Elliot's office has now advised that correspondence has been sent to the Premier seeking her support for the provision of a suitable government owned land site for the SES.

24 February 2021 – Meeting with Landcom and Sydney Metro where they acknowledged both agencies had been asked to prepare further replies for Council in response to Minister Elliot's recent correspondence and were happy to meet to discuss those replies when issued. No further replies have been received yet.

29 March 2021 – Meeting with Landcom to discuss a further alternate site. Landcom have indicated further work is required to determine if the site would be workable and are currently in the process of assessing the costs of that work which includes flood mapping and an assessment of the initial costs required to achieve an appropriate balance of cut

and fill across the site. Council officers also indicated that due to the road network bordering the site that comment from TfNSW would also be required regarding access and egress.

29 March 2021 – Advice received from Minister Elliott’s office that a response had been received from the Minister for Transport and Roads, firstly advising of his appreciation of the need to select a site and move forward with planning and construction and secondly advising of his instruction to TfNSW to contact the SES, Landcom, Sydney Metro and Council to progress the matter.

11 May 2021 – Further discussions with Landcom on an alternate site. Landcom indicated they would undertake initial due diligence then communicate further with Council.

10 June 2021 – No further update received from Landcom.

13 July 2021 – No further update from Landcom

17 August 2021 – Landcom have advised that further technical studies are being carried out and engagement with stakeholders continues also. They expect to be able to provide us with more advice in September.

2 September 2021 – Letter sent by the Mayor to David Elliott restating Council’s concern at the lack of progress made. The General Manager has also written a similar letter to Mr Jim Betts, the current Secretary of the Department of Planning, Industry and Environment. Copies of these letters have been provided to Councillors.

21 September 2021 – Further information was received from Landcom today that the site investigations have proceeded concerning traffic and flooding to establish the initial feasibility of proceeding with their proposed location. The initial feedback is that the site which sits within the Blacktown LGA can accommodate the type of building area needed for an SES facility. Council has requested copies of this site information which we have been advised will be provided within the next 2 weeks. We will then look to schedule preliminary discussions with the SES and Blacktown Council to gauge their level of preparedness to work with this site. This information will allow us to bring a fuller briefing back to Council early in 2022.

12 October 2021 – Landcom have requested a further meeting with Council officers to discuss the site investigation outcomes. A further update will be provided to Council following this meeting.

11 November 2021 – Council officers had a further meeting with Landcom on 20 October 2021 and are currently in the process of assessing additional site information provided to us on 25 and 26 October including early flooding reviews, traffic movements and engineering requirements.

9 February 2022 – Assessment of the site information supplied remains ongoing but initial views appear to suggest that placement of this type of facility in this location would be possible, however there would be significant costs attached to such an outcome for Council in terms of site preparation and vehicular access in particular. A further briefing report will now be prepared for Council to discuss the site information available and ways to progress the matter.

1 March 2022 – Following the Council resolution of 22 February 2022, a briefing report will be prepared for the May Workshop.

5 May 2022 – Presentation made to May Workshop. Consensus view was that further representations should be made to State Member for Baulkham Hills in his capacity as Minister for Transport that suitable State Government land should be provided within the Bella Vista/Kellyville precinct corridor. Correspondence to Minister to be prepared.

31 May 2022 – Letters sent to Minister Elliott, Department of Planning and SES. SES also invited to meet with Council officers again to ensure we understand their current and future needs as accurately as possible.

28 June 2022 – Council received a confidential Report in relation to consideration of a proposed site for SES Headquarters. Council resolved that the recommendation in the report be adopted and that Council receive a further briefing when a response has been received from the Minister for Transport and relevant agency heads.

27 July 2022 – Meeting held with SES Zone Commander and associated officers to discuss ongoing SES service needs, current facilities and preferred locations. The strategic placement of SES facilities was also discussed with a view to servicing growing communities, however it was also confirmed that they still very much service the urban area and draw their volunteers substantially from that area also.

2 August 2022 – Letter received from The Hon. David Elliott MP in his capacity as Minister for Transport noting Council's position and the work that had been undertaken in previous years on this matter, but also advising that Sydney Metro and Landcom will continue to work with Council to identify suitable land for a new headquarters facility for the Hills SES Unit. It was also noted that TfNSW, Sydney Metro, DPE and Landcom would be meeting in the near future to discuss the matter following which a further discussion with Council is able to occur.

6 September 2022 – Written response provided advising that in order for Council to further consider the matter we would need to be satisfied that firstly the possible site was able to host this kind of use and secondly that the necessary access requirements would be approved by Transport for NSW so that no impediment arose as a bar to the matter proceeding in that location in the future.

On that basis we requested that the Department prepare a concept plan and that they obtain written support from Transport for NSW allowing the access that would be needed to facilitate the provision of emergency services in this location.

14 October 2022 – No response received yet at the time of writing.

4 November 2022 – No response received yet at the time of writing.

2 February 2023 – No response received yet at the time of writing and a further copy of our last correspondence has been resent with a request for a reply. Verbal advice has also been provided separately by Landcom that they are still considering a site within the Bella Vista Metro precinct but this is yet to be confirmed.

9 March 2023 – Further response still being pursued from DPE. In the absence of a response from DPE we have sought direct feedback from TfNSW who have advised of a number of substantial issues that would need to be addressed if the suggested site was going to proceed, with some possibly being unable to be resolved. Officers will now raise these issues with DPE again.

MATTER ARISING: 21 MARCH 2023

Following the State Election, Council write to Minister for Planning, the Minister for Emergency Services and the Member for Castle Hill requesting action on this outstanding commitment.

22 March 2023 – matter raised again with DPE who are reviewing the matter further.

15 May 2023 – Letters referred to in the matter arising from 21 March 2023 have been sent. No responses received to date.

28 June 2023 – Still no responses received to date.

13 July 2023 – Further follow up email sent.

4 August 2023 – Further discussions held with Property Development NSW concerning the alternate site proposed in 2022 with correspondence reportedly to follow but not yet received.

30 August 2023 – No further correspondence as yet received.

9 September 2023 – correspondence received from Minister for Emergency Services acknowledging that discussions are ongoing with the Department of Planning and Environment regarding the identification of potential parcels of land that may be suitable for a new SES Headquarters. The correspondence also identifies Council's responsibility under the State Emergency Service Act to provide suitable for facilities for training, storage and office accommodation to the SES at no cost. A response to the Minister's letter is to be prepared.

9 November 2023 – A response to the Minister's letter was sent on 1 November 2023, we are yet to receive a reply.

1 February 2024 – A response from the Minister to Council's letter has still not been received. However, an officer of Transport for NSW has informed Council of the availability of two vacant parcels of land at the corner of Windsor Road and Annangrove Road that could be suitable. Although the total land area of the parcels would meet Council's requirements, they are irregular in shape and heavily encumbered by both an existing and proposed easement for overhead transmission lines. Vehicle access to the site from Windsor Road would also be restricted to left-in left-out while availability to services would require further investigation. The officer has further advised that under State Government Policy, Transport for NSW has no authority to lease or sell the parcels to Council at anything other than market value. At this stage they are intending to place the parcels for sale on the open market in 2024/25.

7 March 2024 – A letter was sent to TfNSW on 23 February 2024 in accordance with discussions at Council's Strategic Planning Workshop advising that Council staff have identified another parcel of land fronting Balmoral Road (Lot 136 DP 1250868) which would be suitable. No response to that letter has been received as yet.

27 March 2024 – response from TfNSW to letter of 23 February 2024 still yet to be received. Further update on status of matter provided to State Member for Kellyville's office on 22 March 2024.

May 2024 – A Councillor Memo to be circulated to provide a further detailed update.

June 2024 – Follow up letter to TfNSW requesting a response to our letter dated 23 February 2024 has been sent on 6 June 2024.

TARGET COMPLETION DATE: Unknown.

DATE OF MEETING:
10.12.19

SUBJECT: NOTICE OF MOTION - NOTICE OF MOTION - CASTLE HILL MAIN STREET SHARED PATH

BACKGROUND:

1. Council seeks to consider having Castle Hill Main street along Old Northern Road between Showground Road and Castle Street, designated either a shared pedestrian and transport zone or alternatively, a pedestrian mall.
2. A report to be brought back to Council outlining a process and budget to test the feasibility of achieving either alternative on Old Northern Road in Castle Hill between Showground Road and Castle Street, including consideration of access to the entry of the Castle Hill Metro Station plaza leading to Arthur Whitting Park.
3. Council write to QIC as principle property owners along this section of the street notifying them of our interest and seeking comment.
4. The report identifies any issues that need to be addressed, resolved or dealt with by Council or other stakeholders.
5. The report provides an estimate of the capital works and cost of the project considering both alternatives including advice from other municipalities which may have committed to a similar project.

CURRENT STATUS: Correspondence sent to QIC. Awaiting response. Traffic counts arranged to determine current traffic volumes, speeds and heavy vehicle composition in Mainstreet. Background information also received from City of Parramatta on its experiences with the Church Street Mall. Response now received from QIC. Briefing to be provided at Councillor Workshop in July followed by report to Council on 28 July 2020.

Report considered by Council at meeting on 28 July 2020. Matter to be revisited upon receipt of regional traffic model being carried out in cooperation with Transport for NSW.

20 April 2021 – Verbal advice from TfNSW that while some early data may be available in the middle of this year, it is unlikely that fully analysed results will be available prior to the end of 2021.

9 February 2022 – Castle Hill precinct modelling data has been received and is now being reviewed. The overall modelling report is now expected by June 2022. Council will then be in a position to request further analysis to be undertaken with specific regard to Main Street options at that time as regional impacts will then be able to be understood for this important route.

14 September 2022 – Final modelling report not expected until end of 2022.

17 January 2023 – delays experienced in finalising report. Report now not expected until May or June 2023.

8 June 2023 – some data has been finalised however the need for further modelling has been identified by TfNSW which is currently taking place.

16 May 2024 – Modelling report for Castle Hill, Showground, Norwest, and Bella Vista Stations completed. Options for closing Old Northern Rd or introducing one way traffic flow have identified severe impacts on the ring road operation, particularly with vehicle queues exceeding the capacity of right turn storage bays at all intersection. The resulting traffic congestion on the ring road with many sections reduced to a single lane of traffic will result in gridlock through the central business district in both morning and afternoon peak travelling periods, as well as Saturday and Sunday lunch time demand periods. Final report in July 2024 will specify the extent of the issues.

TARGET COMPLETION DATE: July 2024

| | |
|-------------------------------------|---------------------------------------------------------------------------------------------|
| DATE OF MEETING: 25.08.20 | SUBJECT: POST EXHIBITION REPORT – DRAFT CONCEPT MASTER PLAN – CASTLE HILL SHOWGROUND |
|-------------------------------------|---------------------------------------------------------------------------------------------|

BACKGROUND:

1. Council adopt the Draft Concept Master Plan for the Castle Hill Showground.
2. A further report will be submitted for Council's consideration on the alternate management options for the delivery of the Master Plan.
3. Council continue to consult with user groups and the community as part of the further design stages of the project.

CURRENT STATUS: Options for alternate management options being investigated and will include value management process as recommended by Hill PDA as part of their economic feasibility analysis in the Masterplan. Works proceeding on scoping and concept designs for utility services and the Village.

10 June 2021 – Interim update being prepared for Councillors.

13 July 2021 – Interim update distributed to Councillors.

9 February 2022 – Works have continued on the procurement process for the design of the utility services on site. Given the scale of works that need to be undertaken over a long period of time on this site, further consideration will be given to the timeline and priority of works required with the appropriate management of the site able to be considered as part of broader consideration of Council's structure.

1 June 2022 - Consultant appointed for design of site utility services. Application for grant funding made under WestInvest Program for installation of utility services and construction of arena and amenities building.

14 September 2022 – Site utility services design underway. Outcome of WestInvest applications will not be known until end of 2022.

7 October 2022 – Council was advised that our bid for Stage 1 of the Showground masterplan re the delivery of site utility services has been unsuccessful in securing West Invest funding. Officers are seeking further detailed feedback with a view to considering a further submission on Council's behalf for either the same or a replacement project.

25 November 2022 – Report recommending endorsement of further submission to be considered by Council at meeting on 6 December 2022

17 January 2023 – WestInvest application for Showground arena lodged with funding having been approved for the footbridge connecting the Showground to Fred Caterson Reserve also under West Invest.

22 February 2023 – Utility services design currently in progress and on target. Waiting for announcement to be made in relation to Council's WestInvest application for Showground arena.

20 March 2023 – Funding of \$11.5 million announced for upgrade of Showground arena under WestInvest program.

30 May 2023 – Design of arena progressing.

28 June 2023 – Design of arena still progressing.

20 July 2023 – Activities paused as funding agreements not yet provided by NSW Government.

9 November 2023 – Detailed services designs currently underway with estimated design project completion by June 2024.

16 April 2024 – Detailed services designs are on target for design project completion for 30 June 2024.

June 2024 – Detailed services designs are on target for design project completion for 30 June 2024.

TARGET COMPLETION DATE: July 2024

| | |
|-------------------------------------|------------------------------------------------------------------------------------|
| DATE OF MEETING: 27.07.21 | SUBJECT: PLANNING PROPOSAL - 34-46 BROOKHOLLOW AVENUE, NORWEST (9/2019/PLP) |
|-------------------------------------|------------------------------------------------------------------------------------|

BACKGROUND:

1. The planning proposal for land at 34-46 Brookhollow Avenue, Norwest be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, based on the revised concept submitted by the Proponent in June 2021 and as detailed in Section 4 of this report.
2. Prior to the proposal being forwarded to the Department for Gateway Determination, the Proponent be required to submit an updated Planning Proposal Report, Urban Design Report, Overshadowing Analysis, Economic Impact Assessment, Social Impact Assessment and Transport Assessment which reflect the June 2021 revised concept which is the subject of this report.
3. Draft The Hills Development Control Plan 2012 – Part D Section X – 34-46 Brookhollow Avenue (Attachment 4) be publicly exhibited concurrently with the planning proposal.
4. Council proceed with discussions with the Proponent with respect to the preparation of a Voluntary Planning Agreement, with a view to securing infrastructure contributions which are, at a minimum, commensurate with those specified in Table 3 (with respect to commercial component of the development) and Table 4 (with respect to the residential component of the development) of this report.

5. Prior to public exhibition of the planning proposal and draft Development Control Plan, Council consider a further report on the draft Voluntary Planning Agreement.

MATTER ARISING:

The matter be brought to a briefing with a plan to review our corridor strategy.

CURRENT STATUS:

7 September 2021 – A Briefing was provided to Council workshop as per the matter arising.

14 October 2022 – No further information received from the Proponent at the time of writing.

4 November 2022 – Applicant is still yet to provide information required to progress the matter to submission for Gateway determination by DPE, however has separately via email on 3 November 2022 (sent to all Councillors), made a submission for Council's consideration as part of ongoing Norwest Precinct planning that the controls for this site should be altered from what was considered and adopted for progression by Council at the ordinary meeting of 27 July 2021. This matter will be further considered as part of the Norwest Precinct planning process.

25 November 2022 – Meeting held between the Proponent and Council officers. The Proponent advised that it intends to submit the information required to enable the proposal to proceed to Gateway Determination. The additional information has not yet been submitted to Council officers.

5 April 2023 – Further information received which is currently being reviewed by officers.

May 2023 – Council officers completed a review of the material and advised the Proponent that the information submitted does not align with the requirements of Council's resolution of 27 July 2021. Council officers requested that the Proponent revise and re-submit the material to align with the requirements of Council's resolution and enable the proposal to progress to Gateway Determination.

July 2023 – Revised material submitted by the Proponent.

September 2023 - Following completion of a review of the Proponent's revised material, the amended planning proposal has now been submitted to the Department for Gateway Determination in accordance with Points 1 and 2 of the Council resolution. The Proponent is yet to submit any additional information with respect to local infrastructure or a Voluntary Planning Agreement in satisfaction Item 4 of Council's resolution.

November 2023 – At the time of writing, the planning proposal is with the Department for Gateway Assessment. The Proponent is yet to submit any additional information with respect to local infrastructure or a Voluntary Planning Agreement in satisfaction Item 4 of Council's resolution.

December 2023 – At the time of writing, the planning proposal is with the Department for Gateway Assessment. The Proponent is yet to submit any additional information with respect to local infrastructure or a Voluntary Planning Agreement in satisfaction Item 4 of Council's resolution.

January 2024 - At the time of writing, the planning proposal is with the Department for Gateway Assessment. The Proponent is yet to submit any additional information with respect to local infrastructure or a Voluntary Planning Agreement in satisfaction Item 4 of Council's resolution.

February 2024 – Council officers have written to the Department and requested an update on the Gateway Assessment process, which has now taken in excess of 5 months.

April 2024 – On 29 April 2024 the Department issued a Gateway Determination for the Planning Proposal. The conditions of the Gateway Determination included the removal of the proposed residential uses for the site which the Department found to be inconsistent with the strategic context. Supporting documents are to be updated and forwarded to the Department for review and endorsement. The Proponent has been notified and provided with a copy of the Gateway Determination and Conditions.

TARGET COMPLETION DATE: February 2025

DATE OF MEETING:
11.10.2022

SUBJECT: REQUEST FOR FINANCIAL ASSISTANCE REPAIRS TO PRIVATE DRIVEWAY USED BY PUBLIC DURING FLOODS

MATTER ARISING

Council officers investigate long term options to reduce water retention above the level of River Road with a report brought back to Council.

CURRENT STATUS:

22 April 2021 – Action plan initiated to address River Road inundation.

14 May 2021 – Site inspection and meeting with property owners by Waterways Team.

18 May 2021 – Progress meeting between Waterways, Roads and Survey Teams.

22 June 2021 – CCTV inspection of existing drainage system within the private properties.

June 2021 – Development of options / solutions to shorten the period of River Road inundation.

14 July 2021 – Progress meeting between Waterways, Roads and Survey Teams.

23 May 2022 – Council's Inspections & Solutions Team inspected the site.

7 November 2022 – Group Managers meeting to discuss Council's response to Blundells Swamp Cooperative proposal.

November 2022 – Site survey ongoing. Based on what was discussed during the 7 November 2022 meeting, Council is further investigating to understand the problem better and to explore various options that will shorten the inundation period of River Road but acceptable to both private property owners and the Blundells Swamp Cooperative. Council staff have also inspected the site and has noted that there does not appear to be evidence of the road sagging or subsiding in this location as has been claimed but this will be confirmed as part of our ongoing review.

Council has also lodged a Betterment Fund application with the NSW Government in an effort to seek funds to go towards a future solution.

7 August 2023 – update provided via email to Councillors on Blundells Swamp options and status as well as overall grant/relief funded works.

9 November 2023 – Council had applied for Betterment Fund Grant for the Blundells Swamp section of River Road but was unsuccessful in its application.

1 February 2024 – Survey and design continuing to determine effective options in consultation with the relevant property owner.

TARGET COMPLETION DATE: July 2024

DATE OF MEETING:
08.11.2022

SUBJECT: NORWEST STRATEGIC CENTRE - DRAFT PRECINCT PLAN AND ENGAGEMENT STRATEGY (FP224)

BACKGROUND:

1. The Draft Norwest Precinct Plan (Attachment 1) and supporting technical studies be publicly exhibited for a period of 3 months, in accordance with the consultation strategy set out within Section 3 of this report.
2. Council receives a further report on the outcomes of consultation and feedback received, following the completion of the public exhibition period.

CURRENT STATUS: Public exhibition of the draft Plan occurred from 2 May 2023 until 31 July 2023. Council officers provided a presentation on this matter at the Councillor Workshop on 7 November 2023 and are working towards reporting the matter back to Council for consideration in mid-2024.

TARGET COMPLETION DATE: July 2024

DATE OF MEETING:
07.02.2023

SUBJECT: CASTLE HILL STRATEGIC CENTRE - DRAFT PRECINCT PLAN AND ENGAGEMENT STRATEGY (FP225)

BACKGROUND:

1. The Draft Castle Hill Precinct Plan (Attachment 1) and supporting technical studies be publicly exhibited for a period of 3 months, in accordance with the consultation strategy set out within Section 3 of this report.
2. Council receives a further report on the outcomes of consultation and feedback received, following the completion of the public exhibition period.

CURRENT STATUS: Public exhibition of the draft Plan occurred from 2 May 2023 until 31 July 2023. Council officers provided a presentation on this matter at the Councillors Workshop on 7 November 2023 are working towards reporting the matter back to Council for consideration in mid 2024.

May 2024 – Matter reported to Council for adoption in business paper for 28 May 2024.

June 2024 - Due to want of a quorum, the matter was deferred to the Ordinary Meeting of Council on 11 June 2024 where the draft Plan was endorsed for finalisation, incorporating post-exhibition amendments. The matter was considered at the meeting of the 11 June 2024 and the draft Precinct Plan was adopted.

TARGET COMPLETION DATE: Completed

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| DATE OF MEETING: 18.04.2023 | SUBJECT: RENAMING OF PUBLIC RESERVE AFTER THE LATE QUEEN ELIZABETH II |
| <p>BACKGROUND:</p> <ol style="list-style-type: none"> 1. The preferred proposal to re-name Stringer Road Reserve (Reserve 251) as Queen Elizabeth II Reserve in honour of the late Queen Elizabeth II, be placed on public exhibition for a period of 28 days. 2. The public exhibition indicates that although Council's preferred option is to re-name the reserve as Queen Elizabeth II Reserve, the alternate option of Queen Elizabeth Reserve may have to be considered in order to comply with the GNB's 'Place Naming Policy'. 3. Following completion of the public exhibition period, a further report on the outcome of the public exhibition be considered by Council. <p>MATTER ARISING</p> <p>A Councillor Workshop Briefing be provided on Council's approach in conjunction with local elders to finding a Council Reserve/Park to honour the traditional owners.</p> | |
| <p>CURRENT STATUS:</p> <p>27 April 2023 - Briefing on re-naming of Council park/reserve in honour of traditional owners provided to Councillors at March 2023 Workshop. Face to face meeting held with elders and representatives of Muru Mittigar on 23 March 2023 to discuss opportunities and how cooperation might progress. Follow up email sent to Muru Mittigar representative on 12 April 2023 seeking further advice on potential opportunities.</p> <p>4 May 2023 - A response has now been received from Muru Mittigar and officers are continuing to engage with them to inform Council's position.</p> <p>30 May 2023 – public exhibition on naming of Reserve after the late Queen Elizabeth nearing conclusion. Report to be brought back to Council following assessment of submissions.</p> <p>6 June 2023 – further briefing provided to Councillors in response to the matter arising from the Ordinary Meeting of 18 April 2023 – this matter arising is now completed.</p> <p>28 June 2023 – report on re-naming of Stringer Road Reserve listed for consideration by Council at meeting on 25 July 2023</p> <p>25 July 2023 – Council resolved to proceed with proposal for re-naming of Stringer Road Reserve. Submission to be made to Geographical Names Board.</p> <p>8 August 2023 – Decision of 25 July 2023 Ordinary Meeting rescinded. Council has now resolved to dedicate and re-name the Roxborough Park Memorial Rose Garden after Queen Elizabeth II instead.</p> <p>24 August 2023 – Correspondence forwarded to Deerubbin Local Aboriginal Land Council seeking feedback on naming of Withers Road Reserve as Kiliyurraa Reserve after the turpentine trees that are found in abundance within the reserve.</p> <p>9 November 2023 – Council considered a report on 24 October 2023 and resolved to submit the proposed name to the Geographical Names Board for endorsement.</p> | |

22 January 2024 – proposal to rename Withers Road Reserve as Kiliyurraa Reserve submitted to the Geographical Names Board for its consideration. Awaiting advice from Board on outcome of application. Signage for renaming of rose garden at AH Whaling Reserve as Queen Elizabeth II Rose Garden has been ordered and will be installed following delivery.

12 March 2024 - proposal considered by the Geographical Names Board at its meeting on 5 March 2024. At that meeting the Board approved the proposed name of Kiliyurraa to be advertised for public comment. Further advice to be received once advertising date has been finalised.

27 March 2024 – according to the Geographical Names Board's website, the proposal is still yet to be advertised for public comment.

May 2024 - Submissions for the renaming of the reserve formally closed on 4 May 2024. Objections were received for this proposal. Council Officers are in the process of reviewing the submissions. A further report will be prepared for Council's consideration in July.

TARGET COMPLETION DATE: July 2024

| DATE OF MEETING: | PROPOSED AMENDMENTS TO VPA FOR 8 MAITLAND PLACE, NORWEST (9/2018/VPA) |
|-------------------------|------------------------------------------------------------------------------|
| 28.11.23 | |

1. Council accept (in-principle) the requested amendments to the VPA applicable to 8 Maitland Place, Norwest (9/2018/VPA), as submitted by Haitchin Maitland Pty Ltd, including further amendments regarding registration of the agreement on the title of the land and the process for considering minor variations to works as detailed within this report.
2. The timing for delivery and dedication of the Maitland Place extension under the VPA be amended to "Prior to the issue of the first residential strata subdivision certificate and no later than 30 June 2025".
3. A Deed of Amendment and Assignment to give effect to the amendments be prepared (at the cost of the developer), subject to legal review (at the cost of the developer), updated in accordance with any recommendations of the legal review and then subsequently placed on public exhibition.
4. Council receive a further report on the outcomes of the public exhibition period in due course.
5. Council issue a written notice that waives the developer's obligation in relation to the payment of monetary security under Clause 6.15.2 of the existing VPA, subject to the inclusion of an equivalent bond requirement on the issue of any subdivision certificate for the development.

CURRENT STATUS:

December 2023 – Developer to commence drafting the Deed of Amendment and Assignment to give effect to the amendments, following which the matter will be legally reviewed and placed on public exhibition. The written notice waiving the developer's obligation in relation to Clause 6.15.2 is currently being drafted.

January 2024 – The Developer has commenced drafting the Deed of Amendment and Assignment to give effect to the amendments. Once this has been completed it will be legally reviewed on behalf of Council and then placed on public exhibition. The written notice waiving the developer's obligation in relation to Clause 6.15.2 is currently being drafted.

April 2024 – The Deed of Amendment and Assignment has been prepared and has been subject to legal review. Public exhibition is scheduled to occur in April 2024.

May 2024 – The Deed of Amendment and Assignment was publicly exhibited from 9 April 2024 to 9 May 2024. Council will consider a report on the outcome of the exhibition and make a decision on whether to execute the Deed.

June 2024 - At its meeting on 28 May 2024 Council considered a report on the outcome of the public exhibition period and resolved that Council execute the Deed of Amendment and Assignment to the Voluntary Planning Agreement and authorise Council's Common Seal to be affixed to the Deed. Council officers will progress with the execution procedures.

TARGET COMPLETION DATE: Completed

DATE OF MEETING:
20.02.24

LICENCE TO WOODBURY AUTISM EDUCATION AND RESEARCH LIMITED FOR BUILDINGS 11, 14 AND 17 BALCOMBE HEIGHTS ESTATE, BAULKHAM HILLS

BACKGROUND:

1. Pursuant to the provisions of Section 47A of the *Local Government Act, 1993 NSW*, Council provide notice of its intention to enter into a two and a half (2.5) year Licence Agreement with Woodbury Autism Education and Research Limited for the use of Buildings 11 and 14 and a two year and eleven month (2 years, 11 months) Licence Agreement with Woodbury Autism Education and Research Limited for Building 17, Balcombe Heights Estate, Baulkham Hills under the terms outlined in this report and Councillor Confidential Memo
2. In the event that if any submissions are received by way of objection, a further report will be brought back to Council, otherwise Council authorise the General Manager to execute the licence agreements.

CURRENT STATUS:

Submissions Closed. None received. Matthews Folbigg Lawyers preparing agreement in accordance with Council Report and Resolution.

16 April 2024 - Building 17 lease with Council for signature. Buildings 11 and 14 leases are still with Matthews Folbigg Lawyers for preparation as these are renewals that expire in June 2024.

May 2024 - Building 17 Licence commenced 1 March 2024, licence has been executed in full. Building 11 and 14 current Licence agreements do not expire until 30 June 2024. New licence agreements are being prepared by Matthew Folbigg Lawyers.

June 2024 – Licence Agreements for Buildings 11 & 14 are being prepared by Matthews Folbigg Lawyers for execution.

TARGET COMPLETION DATE: Building 17, Complete. Buildings 11 and 14, July 2024.

DATE OF MEETING:
26.03.24

UPDATE ON LAND ACQUISITION WITHIN BOX HILL PRECINCT AND REVIEW OF CONTRIBUTIONS PLAN NO.15 – BOX HILL PRECINCT (FP216)

BACKGROUND:

1. Council to receive a further report with respect to the review of Contributions Plan No. 15 – Box Hill Precinct, following the completion of IPART's assessment of the Plan and receipt of the Minister's Directions.
2. Council pursue Option B within Section 9 of the Report and commence negotiations to acquire the future Stockhorse Ave Reserve.
3. Should negotiations to acquire the site by agreement fail, the General Manager is authorised to commence compulsory acquisition of the future Stockhorse Ave reserve under the provisions of the Land Acquisition (Just Terms Compensation) Act 1993 as outlined in this report.

CURRENT STATUS:

16 April 2024 – Property officers have commenced negotiations through the initiation of a market valuation for Stockhorse Ave Reserve.

May 2024 - Original acquisition negotiations have ceased (as per request from landowner). New commencement needs will be initiated through the issuance of a new commencement letter. A new valuer has been appointed to source an up-to-date valuation amount.

TARGET COMPLETION DATE: September 2024

DATE OF MEETING:
14.05.2024

FURTHER REPORT – PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)

BACKGROUND:

1. The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:
 - a) Increase the maximum height of buildings from 20 metres to RL140.5.
 - b) Increase the maximum floor space ratio from 1:1 to 2.3:1.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 21-23 Victoria Avenue, Castle Hill (Attachment 8) be publicly exhibited concurrently with the planning proposal.

3. Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.

CURRENT STATUS: Council officers will prepare the required documentation to submit the planning proposal for a Gateway Determination and continue the discussion regarding public benefit provision.

June 2024 - A draft VPA offer has been received from the Proponent with respect to the dedication of land in accordance with Point 3 of Council's resolution. The draft VPA offer is scheduled to be reported to Council for consideration at its Meeting on 25 June 2024

TARGET COMPLETION DATE: October 2024

ATTACHMENT 3

Council has received letters of appreciation from the following individuals and organisations and copies are attached:

| CORRESPONDENT | REASON |
|-----------------------------------------|--------------------------------------------------------------------|
| Castle Hill and District RSL sub-branch | Letter thanking Council for supporting the ANZAC Day Dawn Service. |



RSL NSW

Castle Hill & District RSL Sub-Branch
77 Castle Street, Castle Hill. NSW. 2154

Castle Hill and District RSL sub-Branch
77 Castle Street
CASTLE HILL
NSW 2154



4th June 2024

Dr Peter Gangemi
The Mayor, The Hills Shire Council
3 Columbia Court,
Norwest. NSW. 2153

Dear Mayor,

On behalf of the members of Castle Hill and District RSL Sub-Branch, I would like to thank you and your The Hills Shire Council (THSC) staff for their support of our sub-Branch at the ANZAC Day Dawn Service held at The Centenary of ANZAC Reserve.

The staff from Events and Venues have been very helpful and accommodating in the planning of the event and preparation of the venue.

Without the support given by THSC for this event, and over many years, the event would not be the success that was.

Your team is to be congratulated and I ask that you please pass on our thanks and appreciation.

Yours sincerely,

[Redacted Signature]
Cheryl Hill
President
Castle Hill & District RSL sub-Branch
[Redacted Address]

Castle Hill & District RSL sub-Branch P.O Box 2, CASTLE HILL. NSW. 1765
Phone: 02 8858 4809 Email: secretary@chrslsubbranch.org.au

President: Cheryl Hill president@chrslsubbranch.org.au
Honorary Secretary: Brigadier Phillip KH Bridle, AM, ADC

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|-------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------|
| Development Assessment | | | | |
| 1022/2024/HA | 13/02/2024 | Two Storey Dwelling, Detached Secondary Dwelling, Swimming Pool, Shed and Retaining Walls | 1 Echidna Grove GLENORIE NSW 2157 | Evaluation |
| 1035/2019/JP/B | 11/08/2023 | Section 4.56 Modification to an Approved Seniors Living Development. The changes include but are not limited to, internal roads, redesign of dwellings, addition of a community centre building, amended staging and associated changes. The Development Application is classified as Nominated Integrated Development pursuant to Clause 4.46 of the Environmental Planning and Assessment Act, 1979 requiring referral to the Department of Planning and Environment - Water under the provisions of the Water Management Act 2000 and is Integrated Development to the NSW Rural Fire Service under the Rural Fires Act, 1997. | 9 Wirrabara Road DURAL NSW 2158 | Evaluation |
| 1038/2018/JP/D | 21/02/2024 | Section 4.55(2) Modification to an Approved Residential Flat Building Development | 13 Mason Road BOX HILL NSW 2765 | Evaluation |
| 104/2019/HC/A | 06/12/2023 | Section 4.55(2) Modification to an Approved Commercial and Light Industrial Development. The proposal is defined as Nominated Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as approval is required from the Department of Planning and Environment - Water under the provisions of the Water Management Act, 2000. | 314 Annangrove Road ROUSE HILL NSW 2155 | Evaluation |
| 1040/2021/HA | 19/01/2021 | Demolition of Existing Structures and Construction of a Two Storey Boarding House Containing 12 Boarding Rooms Pursuant to the Provisions of the SEPP (Affordable Rental Housing) 2009 | 413 Windsor Road BAULKHAM HILLS NSW 2153 | Listed for Meeting |

ATTACHMENT 4

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------|
| 1040/2022/JP/B | 25/03/2024 | Section 4.55(2) Modification to an Approved Transport Depot and Associated Workshop and Office Building. It is proposed to modify the consent by way of a number of design amendments as follows: * Remove canopies over bus parking areas and associated installation of charging stations at ground level between parking aisles; * Roller door and water tank added to wash bay; * Improvements to the workshop/administration building as follows: - Change the ground floor external wall from pre-cast concrete to blockwork; Shading devices added to windows; Canopy added to entry; New external stair adjacent to workshop WC; New balustrade above retaining wall partly surrounding the building; Reconfiguration of internal switch room and storage room; and Bicycle parking added in proximity of entry; The Development Application is classified as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposed development requires approval from Water NSW under the provisions of the Water Management Act 2000. | 3 Rosario Place ROUSE HILL NSW 2155 | Evaluation |
| 1041/2024/LD | 14/02/2024 | Three Storey Dwelling and Swimming Pool | 60 Saltwater Crescent NORTH KELLYVILLE NSW 2155 | Information Required |
| 1048/2024/HA | 14/02/2024 | Amending Development Application in relation to the approved construction of a retail and commercial development under Development Application 979/2016/HB. The Amending Development Application includes the deletion of the residential component, additional and amended parking areas, medical related uses, a supermarket, liquor shop and gym. | 488-494 Old Northern Road DURAL NSW 2158 | Evaluation |
| 1051/2023/HA | 03/01/2023 | Demolition of Existing Structures and Construction of a Two Storey Dwelling, Detached Garage, Detached Secondary Dwelling, Swimming Pool and Retaining Walls | 2 Marieba Road KENTHURST NSW 2156 | Information Required |
| 1078/2024/JP | 21/02/2024 | Demolition of Existing Structures and Construction of a Mixed Use Development including a Supermarket, Retail and Medical Tenancies, Recreational Facilities, Child Care Centre and Associated Works. The determining authority for the application is the NSW Government's Sydney Central City Planning Panel. | 101 Nelson Road BOX HILL NSW 2765 | Information Required |
| 1088/2023/HC | 07/02/2023 | Demolition of Existing Structures and Construction of a Mixed Use Development Comprising Light Industrial Units, Commercial Units, Fast Food Premise and a Carwash Facility. The Development Application is classified as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposed development requires approval from WaterNSW under the provisions of the Water Management Act 2000. | 269 Annangrove Road ROUSE HILL NSW 2155 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------|
| 11/2024/JP | 21/07/2023 | Housing Central and Housing North Precincts for the construction of 105 integrated attached and detached dwellings, individual lot subdivision and associated lot civil works and associated landscape works. The Development Application is classified as 'Nominated Integrated Development' pursuant to Clause 4.46 of the Environmental Planning and Assessment Act 1979 requiring referral to the Department of Planning and Environment – Water under the provisions of the Water Management Act 2000. The Determining Authority for this application is the Sydney Central City Planning Panel. | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 1121/2023/HA | 13/01/2023 | Residential Flat Building Development Containing 108 Units on Proposed Lot 39 in a Subdivision of Lot 69A DP 11104 and Lot 70 DP 11104 23-25 Mason Road, Box Hill Pursuant to Development DA 763/2023/ZA | 23-23A Mason Road BOX HILL NSW 2765 | Information Required |
| 1122/2024/LD | 01/03/2024 | Demolition of Existing Structures and Construction of a Two Storey Dwelling, Swimming Pool, Cabana, Illuminated Tennis Court, Front Fence and Retaining Walls | 6 Yuruga Road DURAL NSW 2158 | Evaluation |
| 1136/2020/HC | 27/02/2020 | Upgrade to Existing Access Track and Construction of a Boat RampThe proposed boat launching ramp and upgrade of the access track to the proposed ramp is to provide access to the water for recreational boating, for the two neighbouring Community subdivisions. Residential lots within the Jean Way and Moss Ridge Community Title Subdivisions are to benefit from the proposed works which are located within each Community Association allotment. The application is classed as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal as amended requires approval from the Natural Resources Access Regulator under the provisions of the Water Management Act 2000. | 14 Moss Ridge SACKVILLE NORTH NSW 2756 | Information Required |
| 1141/2023/HA | 18/01/2023 | Residential Flat Building Containing 70 Units on Proposed Lot 1 in a Subdivision of Lots 126 and 127 DP 10157, Nos 7-9 Alan Street, Box Hill Pursuant to Development Consent 646/2023/ZA | 7 Alan Street BOX HILL NSW 2765 | Evaluation |
| 1146/2016/JP/D | 21/03/2024 | Section 4.55(1A) Modification to Approved Demolition of Existing Structures, Earthworks and Construction of a Mixed Use Development | 105 Bella Vista Drive BELLA VISTA NSW 2153 | Evaluation |
| 1157/2024/HA | 11/03/2024 | Alterations and Additions to an Existing Carwash including Changes to Hours of Operation, Installation of a Dog Wash Kiosk and a Sign | 60 Windsor Road KELLYVILLE NSW 2155 | Information Required |
| 1194/2023/HA | 01/02/2023 | Demolition of Existing Structures and Construction of a Centre Based Child Care Facility for 54 Children - Increased height and decreased upper floor rear setback to outdoor play area. | 97 Old Northern Road BAULKHAM HILLS NSW 2153 | Evaluation |
| 1217/2024/HA | 25/03/2024 | Construction of a Place of Public Worship | 10 Wedgetail Way WEST PENNANT HILLS NSW 2125 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------|
| 1225/2023/JP | 09/02/2023 | Precinct Plan for the Northern Residential Precinct at Rouse Hill | Lot 20 DP 270520 Commercial Road ROUSE HILL NSW 2155 | Evaluation |
| 1231/2020/HA/A | 14/02/2024 | Section 4.56 Modification to the Approved Demolition of Existing Structures and Construction of a Centre Based Child Care Centre - Amendment to Increase Child Numbers from 90 to 98 Children | 98 Old Northern Road BAULKHAM HILLS NSW 2153 | Evaluation |
| 1242/2024/LD | 02/04/2024 | Three Storey Dwelling, Swimming Pool, Cabana and Retaining Walls | 16 Bouddi Circuit NORTH KELLYVILLE NSW 2155 | Information Required |
| 1259/2024/HA | 05/04/2024 | Outdoor Vehicle Storage Area | 19 Gynea Circuit ROUSE HILL NSW 2155 | Evaluation |
| 1263/2024/HC | 09/04/2024 | The proposal is for the construction of a warehouse development comprising of six buildings with ancillary office areas and associated works. The proposal is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Planning and Environment – Water under the provisions of the Water Management Act, 2000. | 328 Annangrove Road ROUSE HILL NSW 2155 | Evaluation |
| 1268/2021/HA/A | 10/07/2023 | Section 4.55(2) Modification to the Approved Demolition of Existing Structures and Construction of a Centre Based Child Care Facility for 108 Children and Basement Carparking - Proposed Amendment to Increase Children to 128 | 30 Seven Hills Road BAULKHAM HILLS NSW 2153 | Evaluation |
| 1331/2023/HC | 06/03/2023 | Multi Dwelling Housing Development Containing 20 Units on Proposed Lot 18 in a Subdivision of Lot 1 DP 239093 18 Mason Road, Box Hill Pursuant to Development Consent 1029/2022/ZB. The application is defined as Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Department of Planning & Environment - Water under the Water Management Act, 2000. | 18 Mason Road BOX HILL NSW 2765 | Information Required |
| 1337/2023/LD/A | 25/03/2024 | Section 4.55(1A) Modification to an Approved Three Storey Dwelling, Swimming Pool and Retaining Walls | 11 Rodney Place WEST PENNANT HILLS NSW 2125 | Evaluation |
| 1349/2023/HC | 31/03/2023 | Landscape and riparian embellishment works within Precinct E. The proposal is defined as Nominated Integrated Development under the Provisions of Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the NSW Department of Planning and Environment – Water under the provisions of the Water Management Act 2000 | Lot 23 DP 1256674 Red Gables Road GABLES NSW 2765 | Evaluation |
| 1356/2023/JP | 09/03/2023 | Mixed Use Development Including Office and Retail Premises and a Function Hall. The determining authority for the application is the NSW Government's Sydney Central City Planning Panel. | 12 Norbrik Drive BELLA VISTA NSW 2153 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------|
| 1418/2023/HA | 22/03/2023 | Centre Based Child Centre Facility for 56 Children - Amended plans submitted by the applicant showing height of acoustic barrier fence | 21-27 Saling Street BOX HILL NSW 2765 | Notification |
| 1424/2023/HC | 23/03/2023 | Forest Dedication Works Including Weed Management, Removal of 10 Trees and Reconstruction of Two Pedestrian Bridges. The Development Application is classified as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposed development requires approval from The Department of Planning and Environment-Water under the provisions of the Water Management Act 2000. The Determining Authority for this application is The Hills Shire Council. | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Information Required |
| 1431/2023/JP | 31/03/2023 | Alterations and Additions to Castle Towers Shopping Centre Including an Office Tower and Hotel Tower | 6-14 Castle Street CASTLE HILL NSW 2154 | Evaluation |
| 1471/2022/HA/A | 01/02/2024 | Section 4.55(1A) Modification to an Approved Residential Flat Building Development containing 87 Units - Amendment to Deferred Commencement Condition | 1 Alan Street BOX HILL NSW 2765 | Evaluation |
| 1489/2020/HA/B | 20/10/2023 | Section 4.55(1A) Modification to an Approved Detached Dual Occupancy and Retaining Walls | 1 Daveney Way WEST PENNANT HILLS NSW 2125 | Evaluation |
| 1509/2022/HA | 01/04/2022 | Amending Development Application - Alterations to an Approved Industrial Development (Development Consent 40/2019/HA). The proposal has been renotified as amended plans have been submitted. | 286 Annangrove Road ROUSE HILL NSW 2155 | Information Required |
| 154/2023/HA | 19/07/2022 | Centre Based Childcare Facility for 84 Children | 78 Windsor Road KELLYVILLE NSW 2155 | Evaluation |
| 1547/2022/HA/A | 22/03/2024 | Section 4.55(1A) Modification to an Approved Extension of the Existing Car Park including a Kiss and Drop Area and Increase in Student Capacity from 630 to 840 students for St Angelas Catholic Primary School | 36-44 Harrington Avenue CASTLE HILL NSW 2154 | Evaluation |
| 1586/2022/HA | 21/04/2022 | Two Storey Dwelling and Attached Secondary Dwelling | 177 Oratava Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 1609/2022/HC | 22/04/2022 | Residential Flat Building and Multi Dwelling Housing development comprising 2 x 7 storey apartment buildings with 83 apartments and four multi dwelling houses (townhouses). The Residential Flat Building proposes to front Mason Road and the multi dwelling houses proposed to front a proposed new road (Leo Road). The development is proposed to be constructed on Proposed Lot 20 of Subdivision Development Application No. 1029/2022/ZB. The application is defined as Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Dept of Planning & Environment - Water under the Water Management Act, 2000. | 18 Mason Road BOX HILL NSW 2765 | Information Required |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------|
| 1747/2023/JP | 08/06/2023 | Construction of a Carpark and Associated Landscape Works. The determining authority for the application is the NSW Government's Sydney Central City Planning Panel. Amended Plans. | 77 Castle Street CASTLE HILL NSW 2154 | Listed for Meeting |
| 1768/2018/HA/D | 16/01/2023 | Section 4.55 (2) Modification to an Approved Warehouse Development | 7 Money Close ROUSE HILL NSW 2155 | Evaluation |
| 1775/2023/HA | 15/06/2023 | Demolition of Existing Structures and Construction of a Food and Drink Premises with Drive-Through Facility and Illuminated Signage | 62 Windsor Road KELLYVILLE NSW 2155 | Information Required |
| 1793/2023/HC | 15/06/2023 | Mixed Use Development for an Eco-Tourist Facility and a Restaurant. The proposal is defined as Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as a Bush Fire Safety Authority is required under the Rural Fires Act 1997 | 1832 River Road LEETS VALE NSW 2775 | Information Required |
| 1984/2017/JP/A | 03/04/2024 | Section 4.56 Modification to Approved Residential Flat Building Development - The modification seeks to amend condition 29 to enable staged payment of development contributions | 17 Mason Road BOX HILL NSW 2765 | Evaluation |
| 256/2023/HC | 05/08/2022 | Demolition of Existing Structures and Construction of a Torrens Title/Community Title Subdivision to Create 27 Residential Lots with Detached Dwellings and Associated Works. The proposal is defined as Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Rural Fire Service under the provisions of the Rural Fires Act, 1997. | 582 Old Northern Road DURAL NSW 2158 | Appeal Lodged |
| 266/2023/HA | 04/08/2022 | Use of an Existing Building as a Habitable Structure | 18 Joylyn Road ANNANGROVE NSW 2156 | Listed for Meeting |
| 270/2021/JP/A | 15/01/2024 | Section 4.55(1A) Modification to the Approved Staged Construction of Four Residential Flat Buildings containing 330 units and Shop Premises. The amendment proposed is to the stormwater strategy. | Lot 5 DP 30916 Commercial Road ROUSE HILL NSW 2155 | Evaluation |
| 313/2023/HA | 12/08/2022 | Vehicle Sales Premises including a Showroom, Office, Vehicle Storage Area and Workshop | 25 Edwards Road ROUSE HILL NSW 2155 | Information Required |
| 344/2024/HA | 06/09/2023 | Two Storey Dwelling with Indoor Swimming Pool, Illuminated Tennis Court, Retaining Walls and Conversion of Existing Dwelling to a Secondary Dwelling | 10 Wyoming Road DURAL NSW 2158 | Information Required |
| 357/2024/HA | 08/09/2023 | Demolition of Existing Structures and Construction of a Residential Flat Building Development containing 68 units | 119 Showground Road CASTLE HILL NSW 2154 | Appeal Lodged |
| 392/2024/HA | 20/09/2023 | Use of a Former Dwelling as Ancillary Workers Accommodation associated with an Animal Boarding and Training Establishment, Use of an Existing Structure as a Secondary Dwelling, Additions to Existing Stables and Covered Dressage Arena and Increase in the Number of Horses | 134 Cattai Ridge Road GLENORIE NSW 2157 | Information Required |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------|
| 447/2024/HA | 28/09/2023 | Construction of a Boarding House Containing 23 Boarding Rooms under the provisions of SEPP Housing 2021. | 87 Showground Road CASTLE HILL NSW 2154 | Evaluation |
| 475/2024/HA | 16/11/2023 | Mixed Use Development Including Retail/Commercial Tenancies and a Child Care Centre | 2-4 Old Northern Road BAULKHAM HILLS NSW 2153 | Evaluation |
| 488/2024/LD | 10/10/2023 | Amended Plans - Two Storey Dwelling with Basement Garage, Swimming Pool and Retaining Walls | 82 Fingal Avenue GLENHAVEN NSW 2156 | Evaluation |
| 556/2023/HC | 26/09/2022 | Community Facilities to Support a Seniors Housing Development (Proposed under Development Application 2058/2022/JP) | Red Gables Road GABLES NSW 2765 | Evaluation |
| 599/2024/HC | 30/11/2023 | Establishment of an Open Space Area, Associated Environmental Protection Works, Tree Removal and the Construction of Associated Facilities. The Development Application is classified as 'Nominated Integrated Development' pursuant to Clause 4.46 of the Environmental Planning and Assessment Act 1979 requiring referral to the Department of Planning and Environment – Water under the provisions of the Water Management Act 2000. The Development Application is classified as Threatened Species Development under Clause 7.7 of the Biodiversity Conservation Act 2016 | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 602/2024/HA | 30/10/2023 | Home Business (Food Premises) | 28 Blackett Drive CASTLE HILL NSW 2154 | Evaluation |
| 603/2024/HA | 01/11/2023 | Food and Drink Premises and Signage | 1 Gynea Circuit ROUSE HILL NSW 2155 | Evaluation |
| 604/2022/HA | 13/10/2021 | Demolition of Existing Structures and Construction of a Seniors Living Development containing 28 Units and Retention of Five Existing Multi Dwelling Houses | 1-8/522 Windsor Road BAULKHAM HILLS NSW 2153 | Evaluation |
| 631/2023/HA | 06/10/2022 | Centre Based Child Care Facility for 120 Children. The application is being renotified with amended plans. | 2-4 James Street BAULKHAM HILLS NSW 2153 | Evaluation |
| 632/2024/HA | 06/11/2023 | Single Storey Building for Use as a Temporary Sales Office and Exhibition Home, Shade Sails, Car Park and Signage | 3 Andalusian Way CASTLE HILL NSW 2154 | Evaluation |
| 662/2022/HA | 21/10/2021 | Demolition of Existing Structures and Construction of a Mixed Use Development comprising of Ten Multi Dwelling Housing Units, Food and Drink Premises, Two Retail Premises, a Recreation Facility, and Civil Works on Kumbatine Crescent, Stringer Road and Hillview Road. | 1 Hillview Road NORTH KELLYVILLE NSW 2155 | Evaluation |
| 663/2024/HA | 13/11/2023 | Demolition of Existing Structures and Construction of an Attached Dual Occupancy and Retaining Walls | 32 Doreen Crescent BAULKHAM HILLS NSW 2153 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------|
| 680/2013/JP/C | 06/02/2023 | Section 4.56 Modification to an Approved Residential Flat Building Development. The proposal is defined as Nominated Integrated Development and Integrated Development under the Provisions of Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the NSW Department of Planning and Environment – Water under the provisions of the Water Management Act 2000 | Lot 6 DP 1203920 Balmoral Road BELLA VISTA NSW 2153 | Evaluation |
| 689/2024/HA | 17/11/2023 | Three Storey Dwelling, Detached Secondary Dwelling, Swimming Pool and Retaining Walls | 7 Devotion Grove MAROOTA NSW 2756 | Evaluation |
| 732/2024/HA | 24/11/2023 | Re-Notification (Amended Plans): Conversion of an Existing Dwelling to a Medical Centre | 91 Excelsior Avenue CASTLE HILL NSW 2154 | Evaluation |
| 756/2024/HC | 30/11/2023 | Demolition of Existing Structures and Construction of a Centre Based Child Care Facility for 100 Children. The proposal is defined as Integrated Development under the Provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Rural Fire Service under the provisions of the Rural Fires Act, 1997. | 147 Annangrove Road ANNANGROVE NSW 2156 | Information Required |
| 812/2024/LA | 13/12/2023 | Swimming Pool, Pool House and Retaining Walls | 69-71 Evans Road GLENHAVEN NSW 2156 | Evaluation |
| 825/2022/LD | 23/11/2021 | Three Storey Dwelling, Swimming Pool and Retaining Walls | 51 Womurrung Avenue CASTLE HILL NSW 2154 | Information Required |
| 848/2022/HA | 26/11/2021 | Place of Public Worship | Annangrove Road ROUSE HILL NSW 2155 | Evaluation |
| 859/2022/JP/A | 09/02/2023 | Section 4.55 (1A) Modification to the Approved Southern Housing Precinct for the construction of 60 integrated attached and detached dwellings, individual lot subdivision and associated lot civil works and associated landscape works. Amendments includes, 7 star NATHERS, modified facade (balconies) to Superlot 11, amendments to landscaping. | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 859/2022/JP/B | 24/10/2023 | Section 4.55(1A) Modification to the Approved Southern Housing Precinct for the construction of 60 integrated attached and detached dwellings, individual lot subdivision and associated lot civil works and associated landscape works | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------|
| 861/2022/JP/A | 02/02/2023 | Section 4.55 (1A) Modification to an Approved Apartment Precinct for 252 Dwellings contained in Four Residential Flat Buildings. Proposed Amendments Include:- The finished floor levels within basement loading dock and entry driveway have been lowered by 0.4m- Shoring wall alignment amended to reflect the revised basement levels and to ensure the shoring wall is not located within the substation- Amendments to basement level - changes to bicycle storage, service room location and waste holding rooms- Increase in basement parking spaces by 7 spaces- Staged construction of the residential flat building | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 861/2022/JP/C | 13/10/2023 | Section 4.55(1A) Modification to the Approved Apartment Precinct for 252 Dwellings contained in Four Residential Flat Buildings | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 866/2022/JP/A | 12/03/2024 | Section 4.55(2) Modification to Approved Demolition of Existing Structures and Construction of Four Residential Flat Buildings and Terrace Dwellings comprising a total of 118 Units and Basement Car Parking - Amended plans - changes in building height | 2 Larool Crescent CASTLE HILL NSW 2154 | Notification |
| 903/2023/HA | 18/11/2022 | Demolition of an Existing Shed and Construction of a Secondary Dwelling under the Provisions of SEPP Housing 2021 | 222 Excelsior Avenue CASTLE HILL NSW 2154 | Evaluation |
| 923/2024/HA | 16/01/2024 | Single Storey Dwelling, Detached Secondary Dwelling, Swimming Pool, Non Illuminated Tennis Court, Shed and Retaining Walls | 1 Mulberry Lane GLENORIE NSW 2157 | Evaluation |
| 93/2024/HA | 14/07/2023 | Alterations to an Approved Residential Flat Building | 16 Middleton Avenue CASTLE HILL NSW 2154 | Evaluation |
| 930/2019/HA/B | 11/01/2024 | Section 4.55(2) Modification to the Approved Demolition of Existing Buildings and Construction of a Hotel (Licensed Premises) - Change to Hours of Operation This modification application seeks to amend DA 930/2019/HA, Condition 76 - Hours of Operation, to extend the trading hours on the ground floor to 2.00am as follows. The modification does not apply to DA896/2022/HA relating to the operation of the upper level (Note - This level is not yet built) Existing Condition 76• 7.00am - 12.00 midnight Monday to Saturday; and• 7.00am - 10.00pm Sundays. Proposed Condition 76• 7.00am - 2.00am Monday to Saturday; and• 7.00am - 12.00 midnight Sundays. | 3 Kenthurst Road DURAL NSW 2158 | Information Required |
| 964/2024/LD | 24/01/2024 | Demolition of Existing Structures and Construction of a Two Storey Dwelling | 74 Tamboura Avenue BAULKHAM HILLS NSW 2153 | Information Required |
| 979/2016/HB/A | 19/10/2023 | Section 4.55(2) Modification to an Approved Retail/Commercial Building and Associated Infrastructure Works | 488-494 Old Northern Road DURAL NSW 2158 | Information Required |
| 988/2023/HA | 07/12/2022 | Vehicle Sales Premises and Associated Motor Vehicle Workshop | 13 Carrington Road CASTLE HILL NSW 2154 | Evaluation |

THE HILLS
Sydney's Garden Shire

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|-----------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------|
| 991/2024/HC | 06/02/2024 | The proposal is for landscaping and embellishment works within The Gables Precinct F Eastern Drainage Park. The proposal is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Planning and Environment – Water under the provisions of the Water Management Act, 2000. | 3 Janpieter Road GABLES NSW 2765 | Evaluation |
| 992/2016/JP/E | 22/12/2023 | Section 4.55(2) Modification to an Approved Masterplan and Stage 1 built form component for a Seniors Living Development pursuant to SEPP Housing for Seniors or People with a Disability 2004 | 26-30 Norbrik Drive BELLA VISTA NSW 2153 | Evaluation |
| Total Applications for Development Assessment | | | | 85 |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|---------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------|
| Subdivisions | | | | |
| 1004/2021/ZB | 12/01/2021 | Subdivision creating six residential lots and one residue lot including contamination remediation | 139 Barry Road NORTH KELLYVILLE NSW 2155 | Information Required |
| 1029/2022/ZB | 06/01/2022 | Subdivision creating 17 residential lots, two residue lots and onestormwater management lot including demolition, new road and a building envelope plan | 18 Mason Road BOX HILL NSW 2765 | Evaluation |
| 1039/2024/ZB | 19/02/2024 | Subdivision creating 90 residential lots, two residue lots and two open space lots including new road, contamination remediation, tree removal and dam dewatering | 97 Maguires Road GABLES NSW 2765 | Notification |
| 1058/2022/ZB | 13/01/2022 | Subdivision creating six residential development lots and one residue lot including new road (relating to lot 100 in DA 679/2021/ZB) | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |
| 1078/2023/ZB | 07/02/2023 | Subdivision creating 14 residue lots and one open space lot including new road and dam dewatering (relating to Lot 1 DP 1276431 and lots 5133 and 5134 in DA 1057/2022/ZB) | 16 Red Gables Road GABLES NSW 2765 | Evaluation |
| 1137/2021/ZB | 05/02/2021 | Subdivision creating six residential lots and four residue lots including demolition, new road and contamination remediation | 139 Barry Road NORTH KELLYVILLE NSW 2155 | Evaluation |
| 1138/2020/ZB | 28/02/2020 | Development for edge treatments, landscaping, eight raingardens and associated stormwater works related to water quality for an on-line lake (prescribed dam) approved by DA 1824/2017/ZB | Red Gables Road GABLES NSW 2765 | Information Required |
| 1148/2024/ZA | 12/03/2024 | Subdivision creating 29 residential lots (relating to proposed lots 2 and 4 under DA 641/2024/ZA) including new road, demolition, dam dewatering and building envelope plans | 27 Box Road BOX HILL NSW 2765 | Notification |
| 1181/2023/ZA | 02/02/2023 | Subdivision creating 20 residential lots and one residue lot including new road, dam dewatering, contamination remediation, demolition and a building envelope plan | 16 Alan Street BOX HILL NSW 2765 | Information Required |
| 1274/2023/ZD | 23/02/2023 | Infill subdivision creating five community title residential lots and one association lot including landslide risk stabilisation and contamination remediation | 12 Fleur Close WEST PENNANT HILLS NSW 2125 | Information Required |
| 128/2023/ZA | 27/07/2022 | Subdivision creating three residue lots including new road accompanied by an application to vary a development standard (minimum lot size) | 7 Mason Road BOX HILL NSW 2765 | Evaluation |
| 1310/2023/ZB | 20/06/2023 | Subdivision creating 57 residential lots and six residue lots over three stages including new road, dam dewatering, contamination remediation and building envelope plans | 793 Windsor Road BOX HILL NSW 2765 | Information Required |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------|
| 1331/2017/JPZ/B | 09/02/2022 | Section 4.56 modification to an approved concept masterplan to establish a road pattern and heritage curtilage and guide the staged creation of residential flat buildings, shop top housing, multi dwelling housing and dwelling houses via future subdivision and built form applications to amend the road pattern/ introduce laneways in Stage 3A | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |
| 1401/2020/ZB/B | 11/10/2023 | Section 4.55(1A) modification to a subdivision creating 23 residential lots and two residue lots including new road over four stages to remove additional trees to facilitate the servicing of the development | Residue Lot Old Pitt Town Road BOX HILL NSW 2765 | Evaluation |
| 1404/2022/ZB | 16/03/2022 | Subdivision creating 60 residential lots and one residue lot including demolition, dam dewatering, new road and building envelope plans | 129-135 Nelson Road BOX HILL NSW 2765 | Evaluation |
| 1581/2023/ZD | 19/05/2023 | Subdivision creating seven community title residential lots and one association lot (rural cluster) | 1381 Wisemans Ferry Road MAROOTA NSW 2756 | Evaluation |
| 1584/2023/ZB | 22/05/2023 | Subdivision creating one residue lot and one open space lot including the embellishment of a park over the lake foreshore area within Precinct E, new road and contamination remediation | Lot 23 DP 1256674 Red Gables Road GABLES NSW 2765 | Information Required |
| 159/2024/ZE | 23/08/2023 | Small lot housing development and subdivision creating nine residential lots/ dwellings and one road widening lot over two stages including a new road | 80 Windsor Road KELLYVILLE NSW 2155 | Evaluation |
| 1592/2022/ZA | 20/04/2022 | Subdivision creating 71 residential lots and two residue lots over two stages including new road, building envelope plans, dam dewatering, contamination remediation and demolition | 819 Windsor Road BOX HILL NSW 2765 | Evaluation |
| 1598/2019/ZD/A | 05/07/2023 | Section 4.55(1A) modification to a subdivision creating five community title rural residential lots and one association lot (rural cluster) to reduce the number of trees to be removed, amend Condition 16 relating to Biodiversity Offsetting to reduce the number of credits required and remove the building platform restriction under Condition 62 | 564 Cliftonville Road LOWER PORTLAND NSW 2756 | Evaluation |
| 1606/2023/ZD | 16/05/2023 | Facilitating subdivision (no physical works) creating four community title residential development lots and one association lot created as 13 separate lots that are eventually consolidated/ incorporated into the association lot in sequence with the staged development of the site approved by the concept masterplan DA 860/2021/JP over three stages (relating to proposed lots 1 and 3 in DA 1414/2022/ZB) | 55 Coonara Avenue WEST PENNANT HILLS NSW 2125 | Evaluation |
| 1676/2022/ZA/A | 13/11/2023 | Section 4.55(1A) modification to a subdivision creating six residential lots (relating to proposed lot 2949 in DA 1500/2022/ZA) to delete condition 50 relating to the construction of Old Pitt Town Road | 115A Old Pitt Town Road GABLES NSW 2765 | Notification |
| 1687/2023/ZB | 21/06/2023 | Subdivision creating seven residential lots and one residue lot (relating to proposed lot 100 under DA 1067/2022/ZB) | 12 Alan Street BOX HILL NSW 2765 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------|
| 1708/2022/ZA | 11/05/2022 | Facilitating subdivision creating one retail lot and two business lots related to a retail development approved by DA 407/2019/JP | Lot 106 DP 1257660 Mt Carmel Drive BOX HILL NSW 2765 | Information Required |
| 174/2010/ZA/A | 14/03/2023 | Section 4.55(1A) modification to a subdivision creating nine residential lots including landslide risk stabilisation to consolidate the access arrangements to/ from Castle Hill Road with 159 Castle Hill Road (831/2023/ZA) | 161 Castle Hill Road CASTLE HILL NSW 2154 | Information Required |
| 1746/2021/ZB | 03/06/2021 | Subdivision creating 18 residential lots and four residue lots including new road and contamination remediation | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |
| 1747/2021/ZB | 03/06/2021 | Subdivision creating six residue lots including new road and contamination remediation | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |
| 18/2024/ZD | 14/07/2023 | Subdivision creating five community title residential lots and two community association lots | 21 Bruce Place NORTH KELLYVILLE NSW 2155 | Evaluation |
| 1840/2021/ZA/B | 18/03/2024 | Section 4.55(1A) modification to a subdivision creating 21 residential lots and two residue lots including new road, demolition and dam dewatering to amend the deferred commencement condition and the civil design | 39 Box Road BOX HILL NSW 2765 | Evaluation |
| 19/2022/ZE | 05/07/2021 | Small lot housing development and subdivision creating 71 residential lots, three residue lots and one road widening lot containing 58 semi-detached dwellings and two detached dwellings including demolition, new road, dam dewatering and a building envelope plan | 107-111 Nelson Road BOX HILL NSW 2765 | Information Required |
| 1982/2022/ZA | 06/06/2022 | Subdivision creating 40 residential lots and three residue lots including new road, demolition, dam dewatering and a building envelope plan over four stages | 1 Nelson Road BOX HILL NSW 2765 | Information Required |
| 208/2023/ZA | 09/08/2022 | Subdivision creating 14 residential lots and one residue lot including new road, dam dewatering and a building envelope plan | 14 Alan Street BOX HILL NSW 2765 | Evaluation |
| 213/2021/ZE | 14/08/2020 | Small lot housing development and subdivision creating eight residential lots/ dwellings including demolition | 1 Waddell Road BELLA VISTA NSW 2153 | Evaluation |
| 2305/2005/ZB/E | 28/11/2023 | Section 4.55(2) modification to a community title subdivision creating five residential lots and one community association lot to amend the geotechnical stability methodology | 7 Glen Road CASTLE HILL NSW 2154 | Evaluation |
| 236/2023/ZE | 29/08/2022 | Small lot housing development and subdivision creating seven residential lots/ dwellings, 18 community title residential lots/ dwellings and one association lot including new road and demolition | RMB 69 Windsor Road NORWEST NSW 2153 | Information Required |
| 24/2023/ZA | 04/07/2022 | Subdivision creating 36 residential lots and one residue lot over two stages including new road, building envelope plans and dam dewatering | 29 Hynds Road BOX HILL NSW 2765 | Evaluation |
| 249/2023/ZB | 08/09/2022 | Subdivision creating seven residential lots including new road, demolition and a building envelope plan | 243 Terry Road BOX HILL NSW 2765 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------|
| 309/2023/ZD | 30/08/2022 | Subdivision creating seven community title rural residential lots and one association lot (rural cluster) | 138 Gibbs Road KENTHURST NSW 2156 | Information Required |
| 349/2016/ZD/C | 17/11/2023 | Section 4.55(2) modification to a subdivision creating 11 community title rural residential lots and one association lot to create one additional community title rural residential lot and retain an existing dwelling | 72 Mitchells Road SACKVILLE NORTH NSW 2756 | Notification |
| 410/2023/ZD | 01/09/2022 | Subdivision creating three community title residue/ development lots and one association lot including new road | Banyan Avenue NORWEST NSW 2153 | Information Required |
| 419/2023/ZB | 13/09/2022 | Subdivision creating 49 residential lots and five residue lots including new road, demolition, dam dewatering and contamination remediation | 97 Maguires Road GABLES NSW 2765 | Information Required |
| 44/2019/ZD/A | 09/06/2022 | Section 4.55(1A) modification to a subdivision creating five community title rural residential lots and one association lot including demolition (rural cluster) to amend Condition 31 to add more biodiversity offset credits relating to the Old Northern Road verge works and remove the need for a conservation agreement | 4922 Old Northern Road MAROOTA NSW 2756 | Information Required |
| 486/2022/ZE/A | 03/04/2024 | Section 4.55(2) modification to a small lot housing development and subdivision creating eight residential lots/ dwellings (relating to Lot 208 in DA 934/2019/ZB) to amend the dwelling house designs on Lots 2087 and 2088 (now 66 and 68 Red Gables Road, Gables) | 68 Red Gables Road GABLES NSW 2765 | Notification |
| 505/2023/ZE/B | 27/03/2024 | Section 4.55(1A) modification to a small lot housing development and subdivision creating two residential lots/ dwelling houses to amend the colour schedule and materials for both dwelling houses | 9 Criollo Street BOX HILL NSW 2765 | Notification |
| 511/2024/ZA | 01/11/2023 | Infill subdivision creating three residential lots including the retention of the existing dwelling house and demolition of ancillary structures | 20 Flora Court BAULKHAM HILLS NSW 2153 | Notification |
| 541/2023/ZD | 19/09/2022 | Subdivision creating seven residential lots, 62 neighbourhood title residential lots and one association lot including new road and demolition over two stages | 53 Stringer Road NORTH KELLYVILLE NSW 2155 | Information Required |
| 555/2017/ZB/D | 21/02/2024 | Section 4.55(1A) modification to a subdivision creating 262 residential lots and four residue lots including new road over six stages to amend the lot layout for Stage 5F to create an additional four residential lots | 1-7 Hackney Avenue BOX HILL NSW 2765 | Evaluation |
| 564/2022/ZE/A | 11/03/2024 | Section 4.55(2) Modification to a small lot housing development and subdivision creating ten residential lots/ dwellings (relating to proposed lot 125 in DA 934/2019/ZB) to amend the dwelling design on lot 2506 (now 16 Tuckerroo Street, Gables) | 16 Tuckerroo Street GABLES NSW 2765 | Evaluation |
| 618/2024/ZB | 14/11/2023 | Construction of new road in relation to the concept masterplan under DA 1528/2019/JP | 74 O'Briens Road CATTAL NSW 2756 | Information Required |
| 623/2024/ZA | 13/11/2023 | Subdivision creating 20 residential lots and one residue lot including new road and demolition | 39 Mason Road BOX HILL NSW 2765 | Evaluation |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|--------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------|
| 646/2023/ZA | 12/10/2022 | Subdivision creating one residue lot including new road | 7 Alan Street BOX HILL NSW 2765 | Evaluation |
| 653/2023/ZA | 17/10/2022 | Subdivision creating 161 residential lots, four residue lots and one SP2 zoned lot for a planned sewer pumping station (Sydney Water) including new road, dam dewatering, contamination remediation and a building envelope plan over two stages | 2-34 Box Road BOX HILL NSW 2765 | Information Required |
| 692/2024/ZE | 31/01/2024 | Small lot housing development and subdivision creating 19 community title residential lots/ dwellings, one community association lot and one road widening lot over six stages including new road and demolition | RMB 89 Windsor Road NORWEST NSW 2153 | Evaluation |
| 712/2024/ZA | 28/11/2023 | Infill subdivision creating two community title residential lots relating to proposed lot 6 under DA 2305/2005/ZB | 7 Glen Road CASTLE HILL NSW 2154 | Evaluation |
| 715/2024/ZB | 12/12/2023 | Facilitating subdivision creating three residue/ development lots with no physical works | Lot 23 DP 1256674 Red Gables Road GABLES NSW 2765 | Notification |
| 739/2024/ZD | 22/03/2024 | Subdivision creating 22 community title residential lots and one community association lot including demolition and roads | 67 Stringer Road NORTH KELLYVILLE NSW 2155 | Notification |
| 763/2023/ZA | 27/10/2022 | Subdivision creating 36 residential lots and four residue lots including new road and dam dewatering over two stages | 23-23A Mason Road BOX HILL NSW 2765 | Information Required |
| 784/2022/ZA/A | 15/06/2023 | Section 4.55(1A) modification to an infill subdivision creating two residential lots including alterations and additions to an existing dwelling to amend the retaining wall, stormwater design, driveway design and tree removal/ retention | 4 Craigton Place GLENHAVEN NSW 2156 | Evaluation |
| 862/2024/ZB | 02/01/2024 | Infill subdivision creating two residential lots including demolition | 19 Penderlea Drive WEST PENNANT HILLS NSW 2125 | Notification |
| 872/2024/ZA | 10/01/2024 | Subdivision creating 22 residential lots and one residue lot including dam dewatering | 54 Terry Road BOX HILL NSW 2765 | Evaluation |
| 885/2024/ZB | 22/01/2024 | Subdivision creating 32 residential lots and 19 residential development lots over two stages including new roads | Red Gables Road GABLES NSW 2765 | Evaluation |
| 901/2024/ZE | 10/01/2024 | Small lot housing development and subdivision creating three residential lots/ dwellings including demolition | 27 Mile End Road ROUSE HILL NSW 2155 | Evaluation |
| 910/2023/ZD | 24/11/2022 | Subdivision creating two neighbourhood/ community title development lots and one association lot (related to proposed lot 3 in DA 410/2023/ZD) | Mackillop Drive BAULKHAM HILLS NSW 2153 | Information Required |
| 926/2021/ZB | 22/12/2020 | Contamination remediation including dam dewatering, tree removal and associated bulk earthworks | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |
| 927/2021/ZB | 22/12/2020 | Subdivision creating 192 residential lots and two residue lots including new road over seven stages | 10-32 Terry Road BOX HILL NSW 2765 | Information Required |

Development and Compliance Group - Applications Over 40 Days Under Consideration

| Application Number | Lodged Date | Application Description | Formatted Address | Application Status |
|---------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------|
| 938/2023/ZD | 12/12/2022 | Subdivision creating 14 community (neighbourhood) title residential lots and one association lot (with two existing dwellings retained on two of the proposed lots) | Lot 1 DP 853451 Ross Place NORTH KELLYVILLE NSW 2155 | Information Required |
| 944/2023/ZA | 12/12/2022 | Subdivision creating 138 residential lots including new road, dam dewatering, building envelope plans and demolition over six stages | Windsor Road BOX HILL NSW 2765 | Information Required |
| 950/2022/ZA/A | 12/12/2023 | Section 4.55(1A) modification to a subdivision creating one residential lot and one road widening lot including new road and demolition to amend the alignment of Brookline Crescent and delete the temporary turning head at the end of Brookline Crescent | 1 Alan Street BOX HILL NSW 2765 | Evaluation |
| 987/2024/ZA | 31/01/2024 | Subdivision creating eight residential lots (relating to proposed lots 3 and 5 under DA 651/2024/ZA) including building envelope plans | 27 Box Road BOX HILL NSW 2765 | Evaluation |
| 992/2024/ZA | 15/02/2024 | Facilitating subdivision creating one development lot and three residue lots including no physical works | 26-28 Guragura Street KELLYVILLE NSW 2155 | Notification |
| 996/2024/ZE | 30/01/2024 | Small lot housing development and subdivision creating two semi-detached dwellings/ residential lots | 37-39 Capella Street BOX HILL NSW 2765 | Evaluation |
| Total Applications for Subdivisions | | | | 71 |
| Total For Development and Compliance | | | | 156 |

Applications Refused

Decision Date: 08/05/2024 to 11/06/2024



| Application Number | Lodged Date | Decision Date | Application Description | Formatted Address | Decision Type Description |
|-----------------------------------------------|-------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------|
| Development Assessment | | | | | |
| 1139/2023/HA | 20/01/2023 | 15/05/2024 | Demolition of Existing Structure and Construction of a Multi Dwelling Housing Development and Relocation of a Heritage Item. The Application is being renotified as part of a Class 1 Appeal with the Land and Environment Court. | 38 Kathleen Avenue CASTLE HILL NSW 2154 | Refused |
| 1183/2024/HC | 15/03/2024 | 13/05/2024 | Alterations and Additions to an Existing Building and its Use as Farm Stay Accommodation. The proposal is defined as Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as approval is required from the Rural Fire Service under the Rural Fires Act, 1997. | 621 River Road LOWER PORTLAND NSW 2756 | Refused |
| 1409/2023/HA | 31/03/2023 | 17/05/2024 | Demolition of Existing Structures and Construction of a Multi Dwelling Housing Development Containing 10 Units | 197 Old Northern Road CASTLE HILL NSW 2154 | Refused |
| 925/2024/HA | 19/01/2024 | 8/05/2024 | Alterations and Additions to Two Existing Tenancies to Create One Tenancy and Occupation and Fitout of the Tenancy for a Café Including External Seating and Signage | 538 Old Northern Road DURAL NSW 2158 | Refused |
| 893/2024/LD | 09/01/2024 | 31/05/2024 | Three Storey Dwelling, Swimming Pool and Retaining Walls - The Application is being renotified as part of a Class 1 Appeal with the Land and Environment Court. | 81 Castle Hill Road WEST PENNANT HILLS NSW 2125 | Refused |
| Development Assessment Total | | | | | 5 |
| Subdivisions | | | | | |
| 564/2023/ZB | 20/09/2022 | 15/05/2024 | Subdivision creating 51 residential lots, one residue lot and one stormwater management lot over three stages including roads and building envelope plans | 795 Windsor Road BOX HILL NSW 2765 | Refused |
| 1579/2018/ZD | 27/02/2018 | 17/05/2024 | Subdivision creating five community title rural residential lots and one community association lot (rural cluster) | 496 Sackville Ferry Road SACKVILLE NORTH NSW 2756 | Refused |
| 1041/2022/ZA | 10/01/2022 | 8/05/2024 | Subdivision creating 23 residential lots including new road, demolition, dam dewatering and a building envelope plan | 829 Windsor Road BOX HILL NSW 2765 | Refused |
| Subdivisions Total | | | | | 3 |
| Environment & Planning Group TOTAL | | | | | 8 |

Report executed on: June 2024

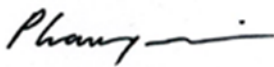
Page 1 of 1

ITEM 14 NOTICE OF MOTION – KENTHURST ROAD AND ANNANGROVE ROAD

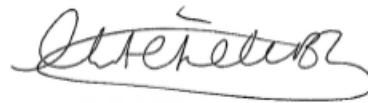
We, the undersigned Councillors, hereby give notice of our intention to move at the next Ordinary Meeting of Council (25 June 2024) that:

MOTION:

1. A report to be prepared for Council on work conducted to date and potential future options to ease traffic congestion on Annangrove Road and Kenthurst Road.
2. A letter be written to the NSW Minister for Roads, The Hon. John Graham MLC, calling for:
 - a. Annangrove Road to be reclassified as a regional road.
 - b. Annangrove Road between Edwards Road and Kenthurst Road to be upgraded to a four-lane road.
 - c. A bypass to be built around Dural – Round Corner, connecting Annangrove Road with Old Northern Road.
 - d. New Line Road to be upgraded to a four-lane road.
3. A copy of the above letter be sent to the State Member for Castle Hill.



Mayor Dr Gangemi



Councillor Blue (Deputy Mayor)

BACKGROUND

For many years this Council has advocated to NSW State Government on the need for road infrastructure upgrades to alleviate traffic issues on Kenthurst Road and Annangrove Road. It is a project that we have identified as a key priority in our Local Strategic Planning Statement in 2019. In the last few weeks in particular, we have been contacted by a significant number of residents on this issue, and thus wished to bring this motion to Council to give greater clarity to the community and continue to further our advocacy.

Annangrove Road is a thoroughfare used as an east-west connection for motorists in the northern parts of The Hills and Blacktown Local Government Area's to access Hornsby and the M1 Motorway via Pennant Hills Road, to bypass Windsor Road and access the M7 and M2 Motorways. It is used by residents far and wide and regional traffic is a major contributor to the traffic we see. However, it is our local residents that are suffering.

Annangrove Road is currently classified as a sub-arterial road, but the section between Bannerman, Sedger and Angus Roads is already experiencing traffic flows equivalent to volumes expected on arterial state roads. It is our view that the NSW State Government should reclassify Annangrove Road as an arterial State Road.

Additionally, with development in the NSW State Government New Release areas of Box Hill and North Kellyville still underway, traffic on Annangrove Road will increase further as the areas

grow. Annangrove Road will be required to be four lanes between Edwards Road and Kenthurst Road in the near future. Annangrove Road is being upgraded to four lanes between Edwards Road and Windsor Road using a combination of Contribution Plan and Special Infrastructure Contributions (SIC) funds. Indeed, the Council have forward funded \$12 million to the NSW Government in SIC for early works on the upgrade of Annangrove Road to ensure Hills residents don't have to wait any longer for its widening. However, any widening from Edwards Road to Kenthurst Road is not covered under any Local Contribution Plans and requires significant State or Federal investment to occur. This Council alone does not have the means to fund this project.

The increased traffic along Annangrove Road impacts residents attempting to leave Kenthurst via Kenthurst Road. Cars leaving Annangrove Road get priority at the roundabout with Annangrove Road, banking up traffic for significant distances on Kenthurst Road. Even once traffic is through this intersection, traffic is often heavy between Annangrove Road and Old Northern Road. This stretch of Kenthurst Road is the main exit route for Kenthurst residents, both from the North on Kenthurst Road and from the west on Annangrove Road, and it is a route that is important for residents in their everyday lives. This road also acts as an evacuation route in times of emergency. A bypass road built around Dural – Round Corner, connecting Annangrove Road with Old Northern Road is therefore of high importance to local residents. This Council is currently investigating options to build proposed traffic signals at the Annangrove Road and Kenthurst Road intersection as a “stand alone” project, however this does not reduce or negate the need for a bypass for the town centre in the future.

A significant number of vehicles travel through Dural – Round Corner and take New Line Road to access Pennant Hills Rd to head north or head south to access the M2/M7. Not only does this traffic contribute to the overall congestion on New Line Road, but we are seeing more and more motorists travel from the Box Hill Release Area, up Boundary Road, onto Cattai Ridge Road and along Old Northern Road and joining the New Line Road traffic, heading south. The traffic congestion on Windsor Road is a significant contributor to this. New Line Road urgently requires an upgrade to four lanes.

Earlier this year, we both called for the NSW Government to honour the previous Government's commitment to fund the \$70 million upgrade of New Line Road in Dural to a four-lane arterial road, alongside the Federal Member for Berowra Julian Leeser MP, the State Member for Hawkesbury Robyn Preston, the State Member for Hornsby Matt Kean, the State Member for Castle Hill Mark Hodges and the Deputy Mayor of Hornsby Shire Council Councillor Nathan Tilbury. This has so far been left unanswered.

Council has raised the need to upgrade New Line Road and Annangrove Road and to fund the associated bypass with successive Ministers and Transport for NSW representatives over recent years to no avail. Our community can't wait any longer. The infrastructure isn't keeping up with the rate of growth in Northwestern Sydney and it is impacting the day-to-day lives of our residents. This will be even further exacerbated by the NSW Governments housing reforms and new housing targets, in which The Hills has the largest dwelling targets in the State over the next five years. We need the NSW Government to work with us to deliver the infrastructure our residents require.

ATTACHMENTS

Nil.

ITEM 15 NOTICE OF MOTION – SUSTAINABLE PROCUREMENT AND SUPPORTING PROGRESS TO A CIRCULAR ECONOMY

I, the undersigned Councillor, hereby give notice of my intention to move at the next Ordinary Meeting of Council (25 June 2024) that Council:

MOTION:

1. Commit to more sustainable procurement practices, including by:
 - a. Reducing the purchase of non-recyclable materials and single use items by developing an action plan.
 - b. Prioritising the procurement of products and materials that contain recycled content where they are comparable in cost, quality, and performance.
 - c. Become a member of the Local Government Procurement Sustainable Choice program which is free to join and will provide beneficial support and information.
2. Call on relevant State and Federal Ministers to:
 - a. Commit to ambitious action on waste reduction and recycling through expanded product stewardship and regulations for mandatory recycled content.
 - b. Provide greater financial support to Councils and communities for local waste reduction or circular economy initiatives.



Councillor Dr Kasby

BACKGROUND

Under the NSW Waste and Sustainable Materials Strategy: Stage 1 2021–2027, NSW has adopted several targets. The actions outlined in this plan will help to meet these targets, including to:

- phase out problematic and unnecessary plastics by 2025
- reduce the total waste generated in Australia by 10% per person by 2030
- achieve an average 80% recovery rate of resources from all waste streams by 2030
- significantly increase the use of recycled content by government and industry
- reduce plastic litter items by 30% by 2025
- reduce the overall litter by 60% by 2030
- triple the plastics recycling rate by 2030.

An action plan could include evaluation of decision-making criteria and sustainable procurement guidelines to reduce purchase of single use plastic products in favour of more sustainable alternatives where possible.

In addition to reducing our overall consumption of single use products, developing sustainable end markets for recycled materials is one of the critical challenges that Australia must overcome if it is to fix its current waste and recycling issues.

Councils can play a critical role in driving demand, fostering innovation and growing the market for recycled materials, which are increasingly being used in construction and other manufactured building products. The Australian Local Government Association recommends that Councils adopt more supportive, mandated procurement targets for products containing recycled material (e.g., glass and rubber for use in roads and pavements and recycled plastics in park furniture, bollards and other infrastructure.)

The Hills Shire Council should be congratulated for using recycled plastics in recent fencing (<https://www.replas.com.au/post-and-rail-recycled-plastic-fencing-installed-for-the-hills-shire-council/>) and in the construction of 2 new bridges (Fibre-Reinforced Polymer Materials or FRP) and there is great opportunity for council to build on these initiatives. FRP composites in particular offer an optimal strength to weight ratio alongside superior durability, corrosion resistance and affordability.

Prioritising the procurement of recycled materials is a Finance and Corporate Strategy Group responsibility and can be driven through amendments to Councils procurement policy and guidelines by setting direction for relevant teams to follow.

This action aligns with two existing actions in our adopted Delivery Program:

- 1) *Investigate opportunities to strengthen Council's procurement practices to use recycled materials where appropriate.*
- 2) *Utilise available grant funding to pilot sustainable procurement projects that demonstrate circular economy principals.*

The Regional Waste Strategy that Council participates in, involves an action "to understand and embed circular outcomes through Council's procurement process" which is due to commence in 2025. The outcomes of this project can be used to satisfy Action 1.

The State Government has allocated \$13 million to a Circular Innovation Fund for projects to benchmark circular procurement at a state level with a view to local government adopting these standards in their own procurement. Council could investigate if it is eligible to apply for funding to satisfy Action 2 - for example to trial recycled content in road base or park furniture by Councils Infrastructure and Works department.

The NSW Government currently has set goals related to circularity and waste reduction (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/recycling/nsw-waste-and-sustainable-materials-strategy-2041.pdf>) however more needs to be done to accelerate this process and to design out problematic plastics and packaging that are difficult to recycle.

This year's Waste Conference was attended by Council's Resource Recovery Team.

A paragraph from the Conference Proceedings summary reads below:

Sustainable Procurement

"This session included representatives from Sustainability Victoria, Bold Futures, Southern Sydney Regional Organisation of Councils, and Edge Impact. They addressed how government procurement plays a leading role in the transition to a circular economy. Councils have significant opportunity to use their buying power to prioritise reusable and recyclable content over virgin materials, and the impact can be greatly scaled up when they work together. For example, Sustainability Victoria's Buy Recycled Service is an education program that provides 21 regional and metropolitan councils with targeted opportunities to build capacity, share knowledge, and improve circular procurement outcomes through a 'Buy Recycled Directory', toolkit, case studies, and workshops. SSROC's The Paving the Way (Recycled Rubber) is another initiative that demonstrates the power of collaboration between councils. The room learnt about the sustainability and durability benefits of repurposing rubber from end-of-life car and truck tyres. If all SSROC member councils replace standard asphalt mixes with rubber mixes, an estimated 250,000 passenger car tyre equivalents will be kept out of landfill. The audience agreed that the circular economy requires a shift in the way all government and industry stakeholders do business and use resources to ensure sustainable markets can grow."

'Paving the Way' initiative by the Southern Sydney Regional Organisation of Councils (SSROC)

The excerpts below are from SSROC's 2023 wrap up (<https://ssroc.nsw.gov.au/wp-content/uploads/2023/12/SSROC-News-Wrap-Up-2023.pdf>) and media release "Australia's largest council-led recycled rubber road project paves the way for environmental and economic results." <https://ssroc.nsw.gov.au/media-releases/>

RUBBER

This initiative of SSROC is part-funded by and in collaboration with Tyre Stewardship Australia (TSA) and supported by the Australian Flexible Pavement Association (AFPA).

The project targets the use of recycled rubber from recycled car tyres as well as from truck tyres (which have been used for some years).

It aims to create a local market for end-of-life car and truck tyres by incorporating recycled rubber in bitumen, while also benefiting councils.

We are already seeing incredible benefits, including:

20 per cent cost savings for councils through reduced gate fees at materials recycling facilities and reduced transport costs

Reduced greenhouse gas and fuel emissions by reducing the transport of sand from distant quarries

Longer term, Paving the Way: Recycled Rubber will improve the sustainability of council roads, reduce net capital and operating expenditures by extending road life, as well as improving working conditions and creating a market for this kind of rubber waste.

AFPA Executive Director Technology and Leadership, Anna D'Angelo said, "This project is a great example of circular economy. Using crumb rubber from end-of-life tyres can help Australia cut down on the more than 450,000 tonnes of waste tyres generated annually. The use of crumb rubber in asphalt increases the performance and durability of the roads while fostering a more sustainable waste-to-resource approach."

RECYCLED CRUSHED GLASS

This outstanding achievement for our Paving the Way program continues to set the standard for sustainable procurement and infrastructure renewal.

The 15 participating councils in the program have broken new ground on using recycled content in roadmaking and civil works projects. What began as a response to COAG's waste export ban has turned into an engineering showcase for innovation and collaboration and created markets for all the recoverable glass containers from our Councils' kerbside collections as a substitute for virgin sand.

Already, Paving the Way has diverted 22 million glass containers from landfill without negatively impacting bottle-to-bottle glass recycling or other more beneficial reuse. 1,908 tonnes of CO₂-e have been saved so far, and the 32,472 tonnes of asphalt pavement that was replaced has been reclaimed and reused.

The project was also used to develop a new methodology for calculating triple-bottom line benefits, which can be applicable to more projects in the future. The first year of the benefits analysis has yielded a benefit cost ratio of 1.07.

Another example is The City of Sydney;
<https://news.cityofsydney.nsw.gov.au/articles/recycled-materials-revolutionise-urban-road-renewal-clarence-street>

ATTACHMENTS

Nil.