
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 November 2018

ITEM-1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR RUSSO THAT the Minutes of the Ordinary Meeting of Council held on 13 November 2018 be confirmed.

THE MOTION WAS PUT AND CARRIED.

701 RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 13 November 2018 be confirmed.

APOLOGIES

A MOTION WAS MOVED BY COUNCILLOR COLLINS OAM AND SECONDED BY COUNCILLOR HASELDEN THAT the apology from Councillor Preston be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

702 RESOLUTION

The apology from Councillor Preston be accepted and leave of absence granted.

COMMUNITY FORUM

There were no addresses to Council during Community Forum

ITEM-4 PLANNING PROPOSAL - 4-22 LAROOL CRESCENT AND 44-50 CARRAMARR CRESCENT, CASTLE HILL (12/2018/PLP)

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

THE MOTION WAS PUT AND CARRIED.

703 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012, as it relates to land at 4-22 Larool Crescent and 44-50 Carramarr Road, Castle Hill, as follows:
 - Rezone the site from R2 Low Density Residential to R4 High Density Residential;
 - Amend the minimum lot size from 700m² to 1,800m²;
 - Remove the current height of building limit of 9m;
 - Allow a maximum floor space ratio of 1.44:1;
 - Identify the site on the Key Sites Map and introduce a clause that incentivises site amalgamation and the delivery of a publicly accessible through - site link; and
 - Amend Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' of The Hills LEP 2012 to allow a reduction in the number of

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larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings.

2. Amended flooding information is to be provided to Council's satisfaction prior to public exhibition, as outlined in the report.
3. Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which resolves how the applicant will address the demand for local infrastructure generated by the proposal.
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

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

VOTING FOR THE MOTION

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

VOTING AGAINST THE MOTION

Clr R M Tracey

MEETING ABSENT

Clr R A Preston

ITEM-9

PARSONAGE ROAD AND WARWICK PARADE, CASTLE HILL - REVIEW OF TRAFFIC MANAGEMENT DEVICES AND TRAFFIC CONTROLS

Proceeding in Brief

Jon Hinde of Warwick Parade, Castle Hill (In support) and representing the residents in the local area addressed Council regarding this matter.

Sandra Yeo of Parsonage Road, Castle Hill (Objector) addressed Council regarding this matter.

ITEM-4	PLANNING PROPOSAL - 4-22 LAROOOL CRESCENT AND 44-50 CARRAMARR CRESCENT, CASTLE HILL (12/2018/PLP)
THEME:	Shaping Growth.
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	27 NOVEMBER 2018 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	SENIOR TOWN PLANNER BRONWYN INGLIS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council forward a request for a Gateway Determination to the Department of Planning and Environment to amend the planning controls to permit a high density development on land at 4 – 22 Larool Crescent and 44 – 50 Carramarr Road, Castle Hill.

It is recommended to:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Amend the minimum lot size from 700m² to 1,800m²;
- Remove the current height of building limit of 9m;
- Allow a maximum floor space ratio of 1.44:1;
- Identify the site on the Key Sites Map and introduce a clause that incentivises site amalgamation and the delivery of a publicly accessible through - site link; and
- Amend Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' of The Hills LEP 2012 to allow a reduction in the number of larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings.

It is considered that there is strategic justification and merit for a high density residential development outcome on the site, having regard to the strategic location of the site within the Castle Hill Station Rail Precinct. The proponent has lodged the subject application separate to the Castle Hill North Planning Proposal with the aim of achieving a more expeditious processing of their LEP amendment.

The Gateway process allows for some of the issues associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further refinements to the planning proposal as necessary. It is considered that the

planning proposal is suitable for forwarding to the Department of Planning and Environment for a Gateway Determination and subsequently, to be publicly exhibited. As part of this process, the applicant will be required to demonstrate, through further design work, that the proposed development concept is appropriate for the site and is compliant with the development controls that have been developed for the Castle Hill North Precinct. Should the proposal proceed to public exhibition, the applicant should submit additional information to assist with the communication and interpretation of the proposed development by the community.

The planning proposal is supported by a preliminary Voluntary Planning Agreement (VPA) offer for the provision and embellishment of a publicly accessible through-site pedestrian link and a monetary contribution towards the provision of open space. It is recommended that Council proceed with discussions with the applicant in relation to the draft VPA to ensure that the offer is appropriate. Following the preparation of the draft VPA, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement would be submitted to Council for consideration.

The proposal was considered by the Local Planning Panel on 17 October 2018 and their comments are included later in this report.

APPLICANT

Robinson Urban Planning (on behalf of Castle Larool DM Pty Ltd)

OWNERS

Mr A E Farlow & Mrs T M Farlow	Mrs H J Griffiths
Mrs W R J Meyer	Mr W Z Ye & Ms F Jiang
Mr A Soldatos & Mrs I Soldatos	B A Uys & P J Uys
Mr I J Unger & Mrs S A Unger	Mr X Yang & Mrs W X Huang
Mr Z Elkass & Mrs E Elkass	Mr R B Potter & Mrs T M Potter
Mrs R Leaf	Mr S N Flanders & Mrs D M Flanders
Mr J F Banicevic & Mrs E L Banicevic	Mr N Siafakas & Ms R A Schirripa

POLITICAL DONATIONS

None disclosed by applicant.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	Current	Castle Hill North Planning Proposal	Subject Planning Proposal (February 2018)	Revised Subject Planning Proposal
Zone:	R2 Low Density Residential	R4 High Density Residential	R4 High Density Residential	R4 High Density Residential
Minimum Lot Size:	700m ²	1,800m ²	1,800m ²	1,800m ²
Height of Buildings:	9m	No height limit	No height limit (6-7 storeys)	No height limit (5 storeys)
Maximum FSR:	N/A	1.44:1	2.2:1	1.44:1
Maximum dwellings:	N/A	145 dwellings	180 dwellings	128 dwellings
Housing Diversity:	N/A	Compliance with clause 7.12	Variation proposed	Variation proposed

In relation to floor space ratio, the following break-down is proposed:

- A 'base' floor space ratio of 1:1;
- An incentive floor space ratio of 1.2:1; and
- A 20% 'key sites' bonus floor space ratio, to permit a maximum FSR of 1.44:1 on the site.

The key sites bonus is only achievable if a publicly accessible through-site pedestrian link is provided between Barrawarn Place north of the site to Larool Crescent Reserve south of the site. This approach to FSR mirrors the Castle Hill North Planning Proposal.

However, due to the timing of this planning proposal in the context of the Castle Hill North Planning Proposal, it is necessary to also amend the Key Sites Map and to introduce a new FSR incentives clause. This is required in the event that this planning proposal is finalised ahead of the Castle Hill North planning proposal.

HISTORY & BACKGROUND

The subject property has been the subject of a number of recent planning proposals, as outlined below:

- | | |
|----------------------------|--|
| March 2016 | Planning proposal 21/2016/PLP was lodged for a high density residential development comprising 347 dwellings with a 4 – 12 storey built form.

Council resolved not to proceed due to inconsistencies with the State Government's Corridor Strategy (particularly its growth projections and proposed future character), inconsistencies with Council's strategic plans, impacts on the amenity of adjoining land and the lack of additional infrastructure to cater for the increased population. The proponent's request for a Pre-Gateway Review was not supported by the Department of Planning and Environment. |
| August – Sept. 2017 | Exhibition of the Castle Hill North Planning Proposal (16/2016/PLP). A post-exhibition report will be considered by Council at its meeting of 27 November 2018. |
| February 2018 | Subject planning proposal (12/2018/PLP) lodged for a high density residential development including 180 dwellings. |
| July 2018 | Subject planning proposal was revised to decrease the dwelling yield to 128 units with reduced building heights. |
| 17 October 2018 | Matter considered by the Local Planning Panel. |

REPORT

The purpose of this report is to consider a planning proposal which seeks to facilitate a high density residential development on land at 4 – 22 Larool Crescent and 44 – 50 Carramarr Road, Castle Hill.

THE SITE

The subject site has an area of approximately 1 hectare and a slope of 12m from the north to the south. The subject site forms part of the Castle Hill North Precinct and is located approximately 700m walking distance from the future Castle Hill Railway Station (see Figure 1).

The subject site comprises 14 properties with detached low density residential dwellings. The site is bound by Carramarr Road to the west and Larool Crescent to the north, south and east. The surrounding land comprises a range of land uses, including Castle Hill Primary School, Castle Towers Shopping Centre and a mix of low and medium density residential development.

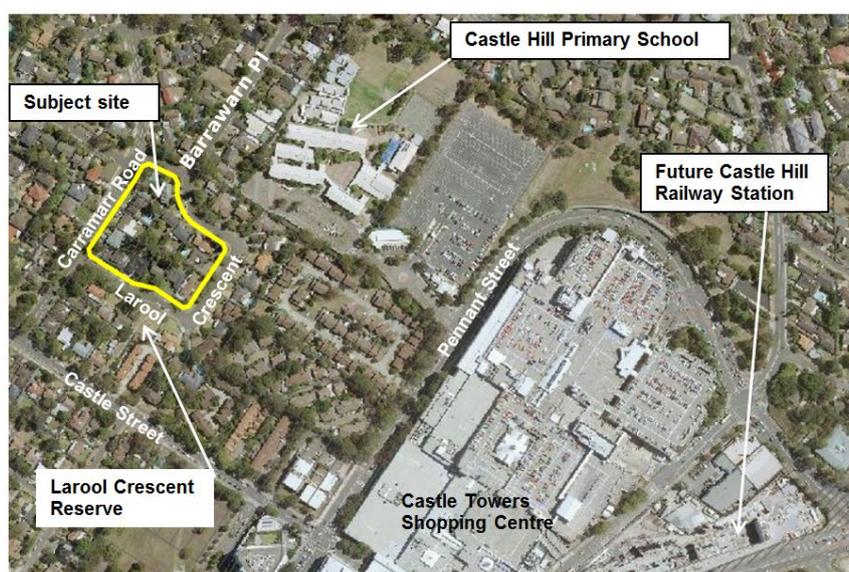


Figure 1
Aerial View of the Site and Surrounding Locality

PLANNING PROPOSAL

The planning proposal seeks to facilitate a high density residential development comprising 128 dwellings in six (6) buildings by rezoning the site from R2 Low Density Residential to R4 High Density Residential, increasing the minimum lot size, removing the current height of building control (9m) and applying a maximum FSR of 1.44:1 to the site. The design concept includes 40 terrace style apartments and 88 single-level apartments. Basement car parking is proposed, with entry from Larool Crescent.

To facilitate the above changes, the proponent is proposing to amend the LEP in a similar manner to the Castle Hill North Planning Proposal by amending the Key Sites Map and introducing a new floor space ratio incentives clause. This is necessary as the Castle Hill North framework may not be in place at the time this planning proposal is made.

The proponent's request to vary Council's housing diversity provision (LEP 2012 Clause 7.12) would enable the delivery of less larger 2 bedroom units in favour of delivering more larger 3 bedroom units. The proponent has advised that if the variation to Clause 7.12 is not supported, they would still continue with their proposal.

It should be noted that applying the requested floor space ratio of 1.44:1 for the site would permit a dwelling yield of approximately 145 dwellings, although the proponent is seeking

only 128 dwellings as part of their development concept due to changes to the housing diversity clause.



Figure 2
Development Concept - Proposed View of Larool Crescent



Figure 3
Development Concept - Proposed View from Carramar Road

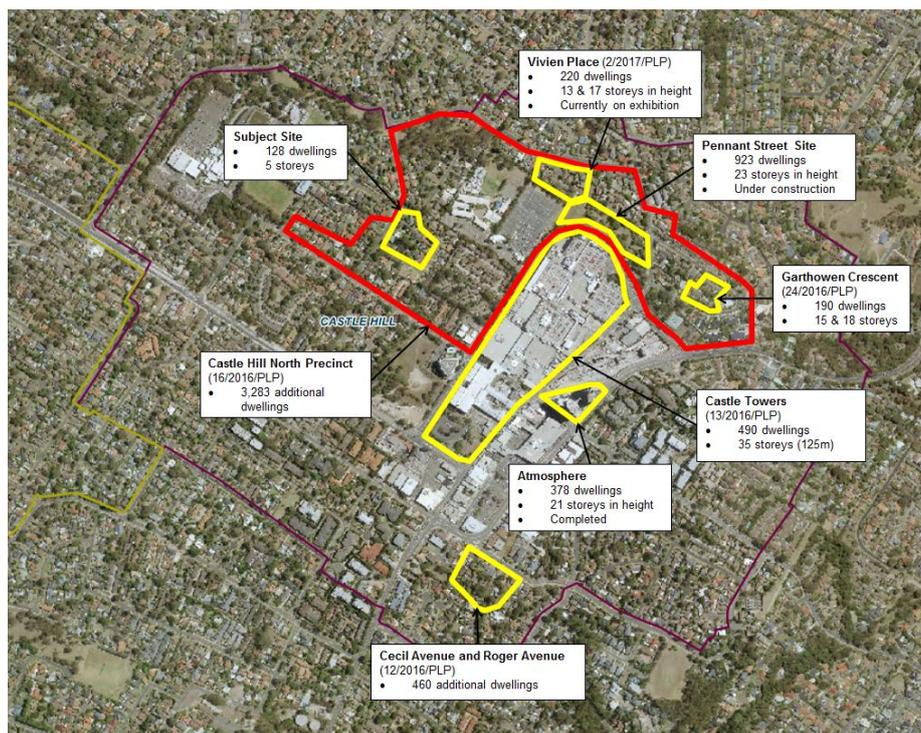


Figure 4

Subject Proposal, Castle Hill North Precinct and Current Proposals in the Castle Hill Locality

STRATEGIC CONTEXT

▪ **Greater Sydney Region Plan**

The Greater Sydney Region Plan seeks to deliver housing and jobs for the projected population across Sydney, through objectives relating to productivity, liveability and sustainability.

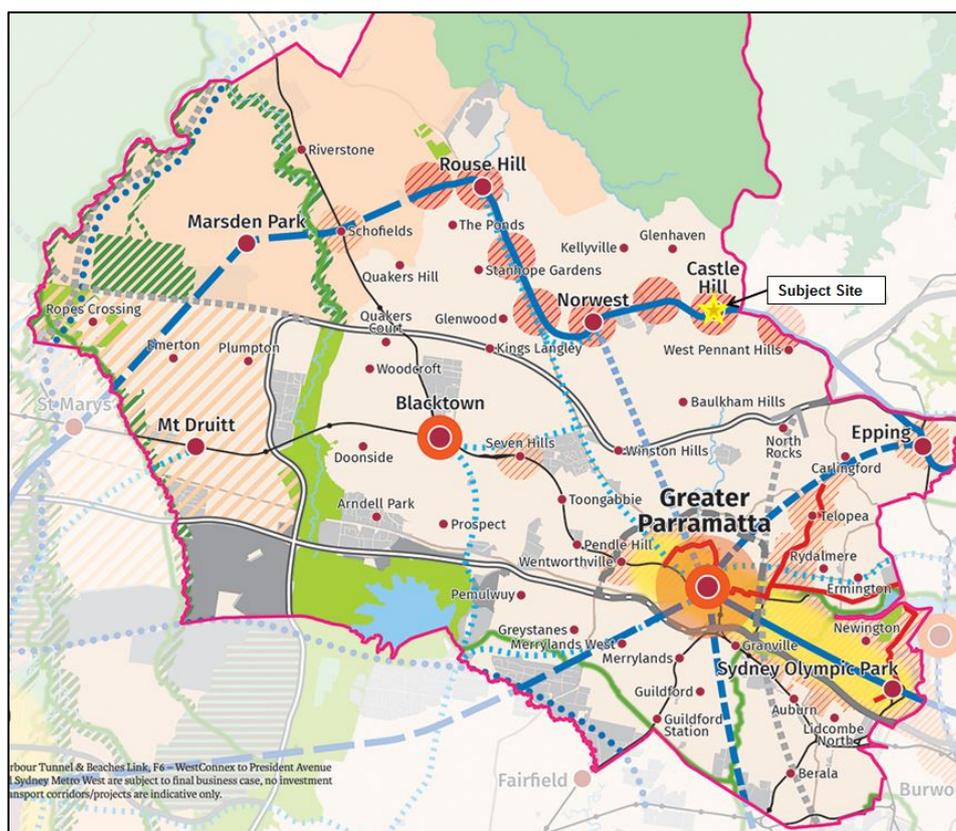


Figure 5
Extract from Central City District Plan identifying location of subject site

The following objectives are relevant to the subject planning proposal:

Objective 2 - Infrastructure aligns with forecast growth:

The planning proposal will facilitate increased residential density within walking distance of the future Castle Hill Rail Station. Under the Castle Hill North planning proposal (16/2016/PLP) approximately 145 dwellings could be achieved on the site. This planning proposal would facilitate 128 dwellings on the site, or 17 fewer dwellings than could be achieved under the exhibited planning controls for the Castle Hill North Precinct. However the dwelling mix comprises a greater number of 3-bedroom 'family friendly' apartments and would result in a more diverse housing choice for a range of larger household types.

The proponent has offered to contribute towards the provision of open space via a Voluntary Planning Agreement. Also, to achieve the incentivised FSR, the proponent will be required to provide a publicly accessible through-site link which will improve accessibility in the locality.

Objective 7 - Communities are healthy, resilient and socially connected:

The subject site is located within walking distance of the future Castle Hill Rail Station and the retail and social services (library, school and community space) in the Castle Hill strategic centre. A publicly accessible through-site link must be provided on the site to enable the developer to utilise the 20% bonus floor space incentive, which will encourage future residents to walk and be more socially connected.

Objective 10 – Greater housing supply:

This objective aims for an ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Sydney's growing population.

The planning proposal will increase housing supply and choice within the walkable catchment of the future Castle Hill Station and will assist with meeting housing demand as Sydney's population grows. The variation to Council's housing diversity clause will result in a greater portion of 3-bedroom dwellings, which will accommodate the needs of larger households.

Objective 11 – Housing is more diverse and affordable:

The proposed development concept seeks to utilise the incentive floor space ratio under LEP 2012 which will ensure that an appropriate diversity of apartment types and sizes are provided. This will provide housing choice in the market and will ensure that future housing stock appropriately aligns with the needs and expectations of the future Hills Shire population. The proposed amendment to LEP 2012 Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' will reduce the number of large 2 bedroom units if there is a corresponding increase in the number of large 3 bedroom units. This will assist with meeting the forecast need for family-friendly apartments in the Shire.

Objective 12 – Great places that bring people together:

This objective seeks to achieve a well-designed and walkable built environment that provides the opportunity for social interaction and an active street life. The proposed development will be required to provide a 'terrace edge' streetscape and will incorporate a pedestrian through-site link that will activate the site and encourage walking within the locality for leisure, transport and exercise.

Objective 14 – Integrated land use and transport creates walkable and 30-minute cities:

The subject site is located within walking distance of the future rail station and the employment and retail opportunities in the Castle Hill strategic centre. The Castle Hill North Precinct has been planned around the principles of Transit Oriented Development with population growth close to the future rail station, supported by pedestrian infrastructure such as footpaths and open space links. The subject site is located with good access to the Castle Hill strategic centre and transport links, including the future Castle Hill metro station.

Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced:

The subject site contains two Sydney Blue Gums, two Thin-leaved Stringybarks and possibly one Smooth-barked Apple, which are considered to be remnants of Sydney-Turpentine Ironbark Forest, an Endangered Ecological Community under the *Biodiversity Conservation Act 2016*.

The development concept indicates that significant trees will generally be retained in the courtyard / communal open space area on the site. However, as the proponent's Flora and Fauna Assessment Report was prepared in March 2016, it is appropriate that an updated assessment be submitted if the planning proposal receives a Gateway Determination. Given the site topography, such a report should address whether the trees will be adversely affected by matters such as future changes to levels on the site, the proximity of the proposed built form or overshadowing. Any future development application on the site will be assessed under the *Biodiversity Conservation Act 2016*.

- **Central City District Plan**

The following objectives are relevant to the subject planning proposal:

Planning for a city supported by infrastructure (Priority C1):

This priority reinforces the importance of infrastructure aligning with forecast growth. A substantial amount of infrastructure investigation has already been undertaken as part of the master planning for the Castle Hill North Precinct. This investigation is still on-going to ensure that the overall growth within the Precinct can be appropriately serviced.

The proponent will be required to contribute towards local infrastructure to support growth on the site, either through a Voluntary Planning Agreement or Section 7.11 payments. Infrastructure required to service the development has already been identified through the master planning of the Castle Hill North Precinct and preparation of Draft Contributions Plan No.17 – Castle Hill North.

Providing housing supply, choice and affordability, with access to jobs, services and public transport (Priority C5):

The Plan sets out a five-year housing target of 8,550 additional dwellings for the Hills Shire. Growth on the subject site will provide additional housing supply to contribute towards meeting this housing target and those that will be established as part of the preparation of the Council's Local Strategic Planning Statement and supporting housing strategy. The site is located within the Castle Hill North Precinct, and has already been earmarked for increased residential densities that will contribute towards housing supply in the Shire.

The uptake of the incentive floor space ratio provision will ensure that an appropriate diversity of apartment types and sizes is provided. As a consequence of the proposed amendment to LEP 2012 Clause 7.12, the development will result in more large 3 bedroom dwellings than would typically be provided. This will create housing choice in the market and will ensure that housing stock appropriately aligns with the needs and expectations of the future Hills Shire population.

Delivering integrated land use and transport planning and a 30-minute city (Priority C9):

The subject site is located with good access to the Castle Hill strategic centre and transport connections, including the future Castle Hill metro station. The increase in residential density on the site is appropriate and consistent with this planning priority given its strategic location.

- **Local Strategy (Including the Residential Direction and Integrated Transport Direction)**

The Local Strategy and Residential Direction identified the Castle Hill North area for increased residential development opportunities. In line with the Direction, the Castle Hill North Precinct Plan was prepared in November 2015, which envisaged the achievement of 96 dwellings per hectare on the subject site. The proposal will provide a dwelling mix that will provide housing choice for future residents.

The planning proposal will provide a high density residential outcome in an appropriate location that is close to jobs, transport and services, consistent with the Integrated Transport Direction. Future development on the site will also support the efficient operation of the Sydney Metro Northwest as it will provide a resident population in close proximity to high

frequency public transport services. The proposal is generally consistent with the Local Strategy.

- **North West Rail Link Corridor Strategy**

The North West Rail Link Corridor Strategy and Castle Hill Structure Plan identify the site as being suitable for medium density apartment living (3 – 6 storey apartments), carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. It also indicates that the southern portion of the site is likely to remain unchanged, most likely due to site constraints such as flooding.

The revised development concept envisages building heights that are generally five storeys in design (one building is proposed to be three storeys). The proposed removal of the height control will provide flexibility for the developer when responding to site orientation and constraints. The floor space ratio is considered a better mechanism for providing certainty in terms of density.

- **The Hills Corridor Strategy**

The Hills Corridor Strategy seeks to achieve highly liveable and diverse urban areas. The Strategy envisages Castle Hill as having the highest density urban setting, with increased housing densities within walking distance of the station. Future development is to reinforce Castle Hill as a high quality major centre with a variety of building heights. For locations outside of the ring road, the desired outcome is for apartment development to have landscaped setbacks, maximum site coverage in the order of 50%, supported by active and passive recreation spaces. The Corridor Strategy envisages a yield of approximately 96 dwellings per hectare for the subject site. The subject planning proposal would achieve approximately 127 dwellings per hectare.

- **Castle Hill North Planning Proposal (16/2016/PLP) and Draft DCP**

The Castle Hill North planning proposal is being progressed by Council as the key mechanism to deliver the strategic objectives of the Castle Hill Station Structure Plan, The Hills Corridor Strategy and Castle Hill North Precinct Plan. The Castle Hill North planning proposal was exhibited in August/September 2017 to facilitate higher density development via amendments to zones, lot sizes and floor space ratios to enable up to 3,283 additional dwellings within a walkable catchment of the future Castle Hill train station. A draft contributions plan, development control plan and public domain plan were exhibited alongside the planning proposal. The proposed Structure Plan for the Castle Hill North area is shown in Figure 6.

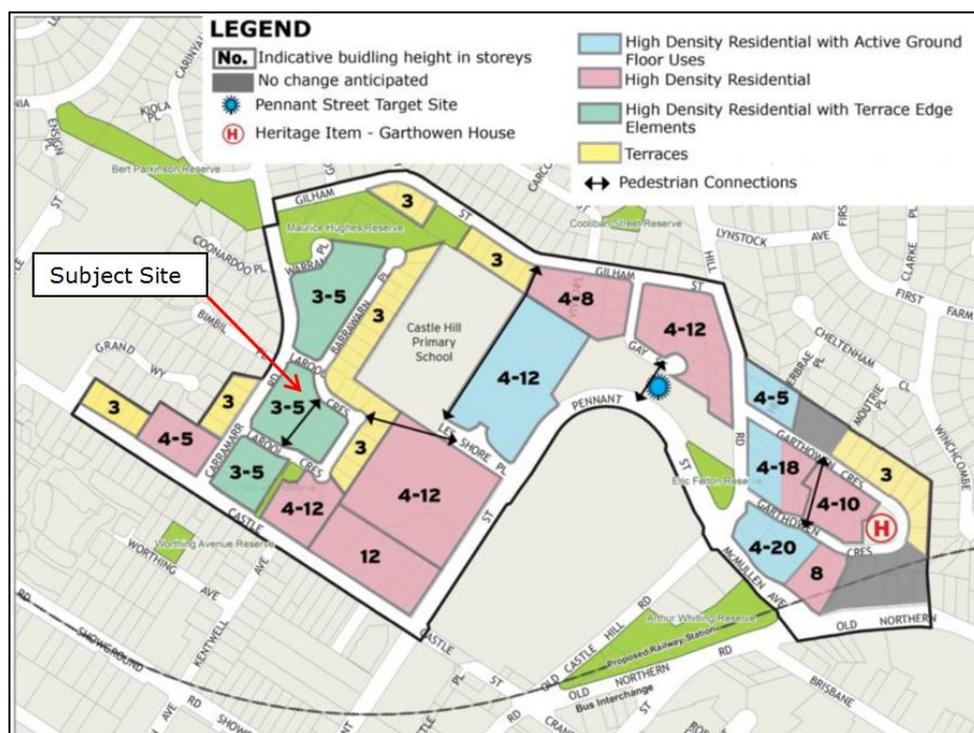


Figure 6
 Draft Castle Hill North Structure Plan
 (Source: draft The Hills DCP Part D Section 20 Castle Hill North Precinct)

The draft Hills DCP Part D Section 20 Castle Hill North Precinct aims to create a pedestrian-friendly centre that provides for a diverse population in a higher density urban environment within a landscaped garden setting. The DCP envisages the following key development outcomes for the subject site:

- Maximum 3-5 storey high density residential with terrace edge elements;
- A pedestrian connection between Larool Crescent Reserve and Barrawarn Place;
- A maximum 3 storey terrace-style street frontage, with landscaped front courtyards; and
- Development up to 3 storeys (terrace style) is to be setback 3m from the boundary line. All storeys above the 3rd storey are to be setback a further 5m behind the front building line.

If the subject planning proposal is supported, the proponent’s design concept will require refinement at the Development Application stage to demonstrate compliance with the SEPP 65 Apartment Design Guide and the Draft Castle Hill North DCP, particularly in relation to the location of ground-floor dwelling entries, car parking provision, solar access and overshadowing, setbacks and the streetscape address of some buildings.

A post-exhibition report on the Castle Hill North Planning Proposal, draft DCP, Contribution Plan and public Domain Plan will be considered by Council in November 2018.

▪ **Local Planning Panel**

In accordance with the Ministerial Direction ‘Local Planning Panels Direction – Planning Proposals’, advice on the planning proposal was sought from the Local Planning Panel on 17 October 2018. The Panel made the following recommendations:

- The Panel supports Option 1 for the Planning Proposal to proceed to Gateway determination as recommended.
- Agreement that the current VPA offer is unsatisfactory and that the matter should be resolved prior to any exhibition should Gateway determination be granted to proceed.
- The Planning Proposal is generally consistent with the broader Castle Hill North Precinct Planning Proposal currently being processed and which also covers the subject land.

The Local Planning Panel minutes are provided in Attachment 1.

ISSUES

The planning proposal requires consideration of the following matters:

(a) The timing and suitability of the planning proposal in the context of the Castle Hill North Planning Proposal

Population growth in the Castle Hill North Precinct will generate additional demand for local open space, playing fields (active open space), upgraded traffic management and transport facilities, public domain works and new pedestrian infrastructure. Funds for these upgrades will be generated from the new Contributions Plan that has been prepared for the area. A report on the outcomes of the public exhibition of the Castle Hill North Planning Proposal, draft VPA, draft DCP and draft Public Domain Plan will be considered by Council in November 2018. The Contributions Plan will likely require re-exhibition given changes to the active open space solution.

There are some concerns associated with the timing of the subject proposal in relation to the Castle Hill North Planning Proposal, including:

- The need to ensure that planning outcomes will achieve orderly development and equity for all landowners in the precinct; and
- The need to ensure that the developer will appropriately contribute towards the additional infrastructure needs that will be generated by the population increase on the subject site, for example traffic management measures and playing field provision.

The proponent has submitted an offer to enter into a voluntary planning agreement to address infrastructure concerns. The offer is discussed in further detail in section (d) of this report. Notwithstanding infrastructure contributions, the planning proposal is largely consistent with the aims and desired future outcomes for the Castle Hill North Precinct. In this instance it is considered appropriate for the proposal to proceed at this time as it will not result in inconsistency with the desired outcomes envisaged under the Castle Hill North Planning Proposal.

(b) The proposed variation to Council's housing diversity provision (LEP clause 7.12) and likelihood that a variation will be supported by the Department of Planning and Environment

Demographic forecasting indicates that the population of Castle Hill will grow by approximately 22% by 2036, and that around 56% of households in the suburb will include children (i.d Community 2017). It is critical that future high density development offers a diversity of housing that suits the living needs, expectations and budgets of the community. To achieve this, housing stock that is built today should contain a mix of one, two and three

bedroom high-quality apartments in a variety of sizes. To this end, a floor space incentive was introduced to The Hills LEP (clause 7.12) which permits additional floor space for developments that provide the required apartment types and sizes (family friendly apartments). Clause 7.12 requires:

- The delivery of at least 20% of future apartment development in the form of 3 or more bedroom apartments; and
- At least 40% of all future 2 and 3 bedroom apartments will be at a larger adopted size.

The proponent's requested variation to the LEP 2012 Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' would enable the developer to deliver less 2 bedroom units in favour of delivering more 3 bedroom family-friendly units. The following wording is proposed to be added to the existing Clause 7.12:

"(f) the number of 2 bedroom dwellings satisfying subclause (c) may be reduced if the number of 3 bedroom dwellings satisfying subclause (d) is increased by an equal number of dwellings."

The proponent's suggested clause wording would be subject to legal drafting. The proponent has advised that if the variation to Clause 7.12 is not supported, they would still continue with their proposal.

The variation to the housing diversity clause is considered appropriate in this instance as it would deliver a greater number of 3 bedroom dwellings and would satisfy the aim of the clause to accommodate the needs of larger household types and family structures through housing choice.

(c) The impact of the proposal on overland flow paths and flood behaviour

Flooding has been identified as a constraint for development on this site (see Figure 7). A Stormwater Management Report (July 2018) has been submitted which identifies that a portion of the southern corner of the subject site is impacted by overland flow. In order to manage this flow, the Report proposes that future development should incorporate a deflection wall system installed along the eastern and southern site boundaries. An on-site stormwater detention system (below - ground storage tanks) is proposed to achieve flow attenuation. The Report advises that future development on the site will need to address flood risk management.

A Flood Impact Assessment (July 2018) has also been submitted which indicates that inundation is primarily confined to those parts of the site located adjacent to the southern and eastern site boundaries with Larool Crescent. The Assessment also indicates that significant flooding occurs in the southern and eastern parts of Larool Crescent, which are impacted by high hazard floodwaters and would prevent pedestrian and vehicle access during the 100 year ARI flood event.

Draft Contributions Plan No.17 Castle Hill North levies for the upgrade of stormwater management infrastructure within the Castle Hill North Precinct. The draft Plan recognises that a number of overland flow paths are present within the Precinct which places a considerable constraint to future development between Les Shore Place and Larool Crescent, and from Carramarr Road to Castle Street. In response, the draft Contributions Plan identifies the need for upgrades and enlargements to the stormwater drainage system to ease the impacts of overland flowpaths on affected land. In relation to the subject site,

realignment of the local pipe network is required to facilitate new development in the vicinity of Larool Crescent and Carramarr Road.

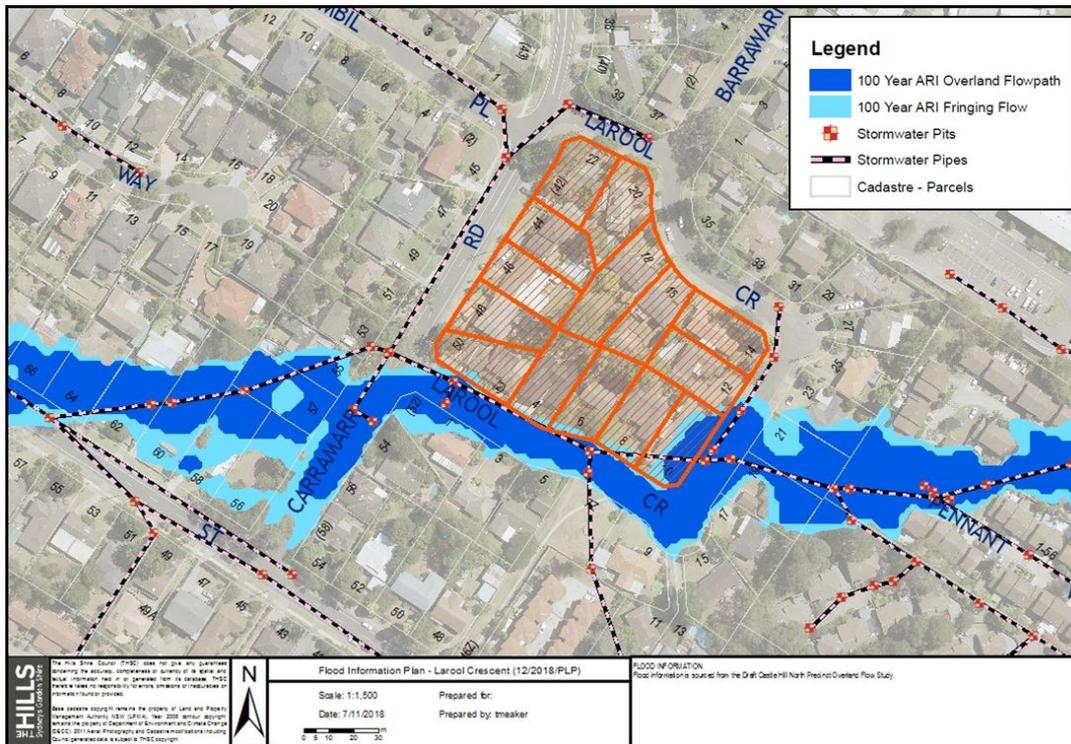


Figure 7
Location of Overland Flow Paths and Stormwater Pipes

The flood situation defined at the developed case for this planning proposal, utilising a flood defection wall, increases flood levels and flood hazard in the vicinity of Larool Crescent that is likely to increase the flood impacts and flood risk to adjacent properties and along Larool Crescent itself. This outcome is not supported.

It is considered appropriate that the applicant reassess and redesign the footprint of the proposed buildings and alignment of any deflection wall in order to at least maintain the existing flood condition along the flowpath of Larool Crescent prior to the submission of any future development application.

Should the planning proposal proceed to a Gateway Determination, and prior to public exhibition, the following matters will need to be addressed:

- Review of the flood model for the proposal and an assessment of the flood hazard to refine the likely hazard expected as a result of any redevelopment;
- Ensuring that the proposed building design will not conflict with the existing easement to drain water on the site and can accommodate stormwater and flooding requirements;
- Demonstration of compliance with Council's flood related development controls;
- The potential relocation of the driveway away from the overland flowpath to ensure that flood-free access can be provided to the basement at all times; and
- Demonstration that the development will not increase flood impacts to the property or to any adjacent property, up or downstream.

(d) The adequacy of the Preliminary Voluntary Planning Agreement Offer and proposed public benefits

The proponent's VPA offer includes:

- A publicly accessible through-site link: public access and embellishment works to provide a through-site pedestrian link (10m wide, 743.9m²); and
- Payment of a monetary contribution to Council towards the provision of open space at a rate of \$1,750 per dwelling. Based on the proposed 128 dwellings, the total amount offered is \$224,000, payable prior to the issue of the Construction Certificate.

The proponent's offer is in addition to the contributions payable under the applicable contributions plan. The Hills Section 7.12 Contributions Plan currently applies to the site, which levies contributions at the rate of 1% of the cost of works.

The Local Planning Panel noted that the VPA offer is unsatisfactory and that the matter should be resolved prior to any exhibition should Gateway Determination be granted to proceed.

Since the Local Planning Panel considered the matter, the proponent has provided further clarification that the contributions referred to in the draft VPA are intended to be in addition to the anticipated contribution that would be payable under the exhibited draft Contributions Plan No.17 Castle Hill North.

The current wording of the VPA is not clear with respect to the relevant contribution rates and further negotiation is required to clarify these matters.

Therefore, it is recommended that Council proceed with discussions with the applicant to ensure that the offer is appropriate. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, it is recommended that a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

(e) The suitability of the built form outcome

The draft Castle Hill North Development Control Plan envisages a maximum of 3-5 storey high density residential development with terrace edge elements on the subject site. A pedestrian connection is identified between Larool Crescent Reserve and Barrawarn Place. This through site link is proposed to be dedicated for public access under the draft VPA. Figures 8 and 9 provide indicative siting of built form, height of buildings and the publicly accessible through site link.



Figure 8

Proposed Building Envelopes, Height of Building and Through Site Link



Figure 9

Development Concept – Proposed View from Larool Crescent Reserve

While the current plans are conceptual, they will require refinement prior to the issue of development consent to demonstrate full compliance with the draft Castle Hill North DCP, the Apartment Design Guidelines and flood planning requirements. In addition to compliance with setbacks, solar access and overshadowing requirements, the streetscape design will need to fully address the street in a terrace style with ground floor dwelling entries.

Should the planning proposal proceed, amended plans would be required to be submitted by the proponent to demonstrate full compliance with the design outcomes envisaged for the Castle Hill North Precinct.

IMPACTS**Financial**

If the planning proposal were to proceed, the VPA offer would be subject to further discussion and assessment to ensure it is appropriate. Following this, the draft VPA would need to be reported to Council.

Strategic Plan - Hills Future

The planning proposal is consistent with Council's strategic plan in that it would meet growth targets and maintain amenity by facilitating a well-planned and liveable neighbourhood where the Shire's natural and built environment is well managed.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012, as it relates to land at 4-22 Larool Crescent and 44-50 Carramarr Road, Castle Hill, as follows:
 - Rezone the site from R2 Low Density Residential to R4 High Density Residential;
 - Amend the minimum lot size from 700m² to 1,800m²;
 - Remove the current height of building limit of 9m;
 - Allow a maximum floor space ratio of 1.44:1;
 - Identify the site on the Key Sites Map and introduce a clause that incentivises site amalgamation and the delivery of a publicly accessible through - site link; and
 - Amend Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' of The Hills LEP 2012 to allow a reduction in the number of larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings.
2. Amended flooding information is to be provided to Council's satisfaction prior to public exhibition, as outlined in the report.
3. Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which resolves how the applicant will address the demand for local infrastructure generated by the proposal.
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

ATTACHMENTS

1. Minutes of Local Planning Panel Meeting (17 October 2018) (1 page)

ATTACHMENT 1

ITEM 5: PLANNING PROPOSAL – MINIMUM LOT SIZE FOR MANOR HOUSES (4/2019/PLP)

SPEAKERS:

Nil

DECISION & REASONS:

The Panel having considered the staff report supports the recommendation that the minimum lot size requirement of 900m² for manor homes in the R3 Medium Density Residential zone proceed to Gateway determination.

The Panel notes that the recommended minimum lot size aims to ensure the integrity of the strategic planning undertaken particularly around the station precinct will not be undermined.

VOTING:

Unanimous

ITEM 6: PLANNING PROPOSAL – 4-22 LAROOLO CRESCENT AND 44-50 CARRAMAR ROAD, CASTLE HILL (12/2018/PLP)

SPEAKERS:

Nil

DECISION & REASONS:

The Panel having considered the staff report supports Option 1 for the Planning Proposal to proceed to Gateway determination as recommended.

The Panel notes and agrees with the staff position that the current VPA offer is unsatisfactory and that the matter should be resolved prior to any exhibition should Gateway determination be granted to proceed.

The Panel also notes that the Planning Proposal is generally consistent with the broader Castle Hill North Precinct Planning Proposal currently being processed and which also covers the subject land.

VOTING:

Unanimous