

Elizabeth Kimbell

From: Alicia Jenkins [REDACTED]
Sent: Friday, 3 July 2020 5:03 PM
To: Genevieve Scarfe; Brent Woodhams; Nicholas Carlton
Cc: Gina Metcalfe; Elizabeth Kimbell
Subject: RE: The Hills LEP 2019 - Amendment 3 - PP_2016_THILL_002_04
Attachments: Gateway Determination and Extensions.pdf

Genevieve,

Thank you sending through the draft instrument and confirming the details of the Department's proposed post exhibition changes to the Castle Hill North Planning Proposal. It is noted that DPIE is proposing a number of variations to the proposal, in comparison to the version submitted by Council for finalisation. We have attempted to provide comments with respect to each matter, noting that detailed consideration and investigation on each item has not been possible given the extremely short timeframe provided for Council to comment on these changes. It is also noted that the timeframe offered does not allow any opportunity for the changes to be considered by the elected Council or for Council to make any resolutions with respect to the appropriateness of the changes. Accordingly, these comments are officer-level comments only do not represent a formally resolved position of the Council.

The addition of provisions that require 'satisfactory arrangements' for the provision of State infrastructure and concurrence with Transport for NSW with regard to potential infrastructure requirements for Pennant / McMullen / Old Northern appear reasonable. It is unclear if both of these requirements are covered by the proposed Clause 7.16 in the draft Instrument, however it is assumed this is the case.

Strong objection is raised to the application of revised car parking rates, amendments to key site boundaries, rezoning of properties on Larool Crescent and changes to controls for LAC's land. Further details of our concerns are provided below:

Parking Rates

Any amendment to the proposed parking rates under the Castle Hill North Planning Proposal are considered highly inappropriate and unnecessary. Council's rates (a minimum of 1 space per dwelling and 1 visitor space per 5 dwellings), are the result of substantial analysis of car ownership and parking demand within similar transit centres and were established following years of collaboration between Council and the Department to inform Council's Housing Diversity Provision. The use of Council's rates within Sydney Metro North West Precincts forms part of an agreement between Council, DPIE and the Chief Town Planner and it is noted that RMS/TfNSW were consulted and agreed to these rates as part of these negotiations. The Methodology developed with the Department explicitly defines the parking rates that should apply to all planning proposals within the Sydney Metro Northwest Precincts. These rates were also applied to private land within the Showground Precinct, which was planned as part of the Planned Precinct Program. This is reflected in Condition 1 and Tab A of the Gateway Determination for the Castle Hill North Planning Proposal (Gateway attached). It is unclear why different parking rates should be applied in two precincts which are adjoining and concern is raised that this is a move away from DPIE's agreement with Council and an inconsistent approach to planning controls in adjoining station precincts, which may commercially disadvantage some developers.

It is unclear why there is any need to revisit the proposed parking rates at this time given that Transport for NSW / RMS did not raise any objection to the proposed rates within their submission on the planning proposal. There appears to be limited analysis or justification for the revised rates and this information has not been provided to Council for review. It is noted that these rates actually vary from the rates established under the RMS Guide to Traffic Generating Developments for metropolitan sub-regional centres. Reducing the parking rates, and changing the application of the rates from 'minimum' provision to 'maximum' provision would completely undermine the intent of Council's Housing Diversity Provision and should not be done in an ad-hoc manner.

Council's rates have been subject to extensive community consultation. During the public exhibition period community submissions were received which raised concern with respect to the proposed inadequacy of on-site parking and the potential impact of on-street parking. These submissions were addressed within Council's post exhibition report on the basis that the rates proposed within the Housing Diversity Provision were established following detailed parking analysis of other transit centres, and that the proposed rates seek to align parking supply and demand. The post exhibition amendment which is proposed within your email would simply compound the issue as it would further reduce off-street parking provision, and will most assuredly result in increased on-street parking. The impacts of such a change could be significant for the community and future residents and represent a material variation in comparison

to the proposal which was exhibited and considered by the community and Council. To make such a substantial post exhibition amendment to the rates for the Castle Hill North Precinct, without any further community consultation, would undermine community confidence in the planning process.

Applying specific parking rates for the Castle Hill North Precinct would create confusion for the community and an additional layer of complexity for Council in assessing development applications. It is also unclear how the revised parking rates are proposed to be implemented, particularly noting that the current rates are already a requirement of Clause 7.11 (3) and the draft Instrument provided in your email requires all key sites to comply with this Clause 7.11 (3).

Concern is also raised with respect to applying the revised parking rates to the Garthowen Crescent site. This site was subject to a site specific planning proposal (24/2016/PLP) which was finalised on 18 June 2020. The standards for this site have been subject to extensive analysis and it is not considered appropriate to vary standards which have only recently been gazetted. It is also noted that a DA was lodged for this site on 18 June 2020 based on the standards currently in place.

Land and Housing Corporation Land

Incentive FSR and Application of Housing Diversity

It is considered inappropriate to remove the 'incentive' FSR for LAC's site and apply this as the 'base' FSR. The Department's proposed approach would enable a significant number of additional dwellings on the site without delivery of any of the public benefits which Council has sought to achieve through the planning proposal.

The base / incentive approach has been applied to all high density sites within the Precinct to lock in the provision of key public benefits (housing diversity and car parking) and it is unclear why Government-land should be exempt from this requirement when all other private developers are expected to comply. It is noted that LAC are seeking to be removed from the application of housing diversity as this would hinder their ability to maximise development yield whilst also providing their desired number of 1 bedroom social dwellings on the site. As detailed within Council's post exhibition report, when considering the floor space that could be achieved under the applicable controls (LEP and Affordable Housing SEPP), the achievable yield and mix would already enable a reasonable provision of 1 bedroom social housing dwellings on the site. It is further noted that it is within LAC's control to ensure the final yield and mix on the site complies with their social housing requirements. This may simply require a reduced number of private dwellings on the site.

Key Site Provision

The proposal to remove the key site provision from LAC's land is considered unnecessary and will hinder the delivery of public benefits and desired outcomes for the Precinct. Removing the key site provision will threaten the delivery of key planning outcomes for the Precinct, including a vibrant and active frontage along Pennant Street and a through-site link to Les Shore Place (identified in red below). These are key planning outcomes and objectives identified through the precinct planning process and DPIE's proposed changes would jeopardise the ability for these to be achieved, whilst also permitting Government-land to develop to its maximum development potential, without contributing to the delivery of identified public benefits. It is noted that the proposed new Key Site J will still require a portion of this link (identified in green below) which would become redundant if not continued to Les Shore Place through the LAC site.



Larool Crescent Properties

Insufficient rationale or justification has been provided in relation the proposal to amend the key site boundary for the Larool Crescent properties and to rezone this land to R4 High Density Residential. This change is not supported as it will completely change the intended character and mix of housing for the Precinct. Amalgamation of these properties with the adjoining high density sites was encouraged (through the provision of 20% bonus FSR) to increase the attractiveness and viability of terrace housing in this location. The removal of this type of housing product conflicts with the Department's newly established low rise housing policy which seeks to create more liveable communities through the provision of a more diverse choice of housing that reflects the needs and preferences of households today and into the future.

There are a number of further reasons why high density development was not considered appropriate for these sites including their constrained nature (dimensions and configuration), potential amenity impacts and overlooking of the adjoining primary school. The additional yield is considered excessive and is not needed to achieve the required dwelling target for Castle Hill and has also not been planned or catered for as part of the contributions plan.

It is further noted that Council has assessed and refused a number of planning proposals which have sought a high density outcome on sites proposed to be rezoned R3 Medium Density Residential under the Castle Hill North Planning Proposal. These proposals include:

- 1-13 Barrawarn Place (7/2016/PLP)
- 15-27 Garthowen Crescent (10/2016/PLP)

Concern is raised that rezoning the Larool Crescent sites will set a dangerous precedent encouraging landowners / proponents to re-submit proposals seeking high density outcomes for these sites. Whilst the proposed change may not result in a substantial number of additional dwellings, the impact of incremental growth across all R3 sites could increase the yield within the precinct to an unacceptable extent which cannot be adequately serviced with supporting infrastructure. The appropriateness of amending an area from medium density to high density post-exhibition, without further community consultation, is also questioned, given the community has not been provided with the opportunity to comment on the resultant built form, density or infrastructure outcomes.

Thank you for the opportunity to provide comments on the proposed changes and draft Instrument. Please contact me if you require any clarification.

Regards,
Alicia



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Senior Town Planner

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From: Genevieve Scarfe [REDACTED]
Sent: Thursday, 2 July 2020 8:20 AM
To: Brent Woodhams
Cc: Alicia Jenkins; Gina Metcalfe; Elizabeth Kimbell
Subject: The Hills LEP 2019 - Amendment 3 - PP_2016_THILL_002_04

Dear Brent

Attached is the draft instrument for the Castle Hill North Precinct Planning Proposal for your review and comments. Please note, the current LEP draft does not include the reference to amending the car parking rates however it will be in line with the comments provided below.

We invite your review and comments in accordance with 3.36(1) of the *Environmental Planning & Assessment Act 1979*.

We would like to seek a revised draft by COB Friday 3 July and we would be grateful to have your comments within this timeframe if possible.

Please let us know if this is not possible.

[REDACTED]