

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill, to rezone the site to B4 Mixed Use, increase the floor space ratio to 3.5:1 and remove the maximum height of buildings control, to facilitate 460 residential apartments and 8025m<sup>2</sup> of commercial floor space.

**ADDRESS OF LAND:** The subject site is known as 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill. A list of the individual lots is provided below.

Address		Lot and DP
97 Cecil Avenue	CASTLE HILL NSW 2154	Lot 6 DP 705913
93 Cecil Avenue	CASTLE HILL NSW 2154	Lot 27 DP 15399
95A Cecil Avenue	CASTLE HILL NSW 2154	Lot 1 DP 531559
97A Cecil Avenue	CASTLE HILL NSW 2154	Lot 4 DP 531559
97B Cecil Avenue	CASTLE HILL NSW 2154	Lot 5 DP 705913
99 Cecil Avenue	CASTLE HILL NSW 2154	Lot 1 DP 581293
99A Cecil Avenue	CASTLE HILL NSW 2154	Lot 3 DP 581293
101 Cecil Avenue	CASTLE HILL NSW 2154	Lot 2 DP 581293
101A Cecil Avenue	CASTLE HILL NSW 2154	Lot 4 DP 581293
103 Cecil Avenue	CASTLE HILL NSW 2154	Lot 1 DP 547897
103A Cecil Avenue	CASTLE HILL NSW 2154	Lot 2 DP 547897
105 Cecil Avenue	CASTLE HILL NSW 2154	Lot 1 DP 591676
105A Cecil Avenue	CASTLE HILL NSW 2154	Lot 2 DP 591676
107 Cecil Avenue	CASTLE HILL NSW 2154	Lot 20 DP 15399
9 Roger Avenue	CASTLE HILL NSW 2154	Lot 6 DP 29141
10 Roger Avenue	CASTLE HILL NSW 2154	Lot 5 DP 29141
95B Cecil Avenue	CASTLE HILL NSW 2154	Lot 21 DP 778595
95 Cecil Avenue	CASTLE HILL NSW 2154	Lot 22 DP 778595

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
<b>Dwellings</b>	18	460	442
<b>Jobs</b>	15	211	196

### SUPPORTING MATERIAL:

<b>Attachment A</b>	Assessment against State Environment Planning Policies
<b>Attachment B</b>	Assessment against Section 9.1 Local Planning Directions
<b>Attachment C</b>	Council Report and Minute, 12 April 2016
<b>Attachment D</b>	Gateway Determination and Attachments, 2 November 2016
<b>Attachment E</b>	Gateway Extension Letter, 2 November 2017
<b>Attachment F</b>	Further Gateway Extension, 16 April 2018
<b>Attachment G</b>	Council Report and Minute, 8 August 2017
<b>Attachment H</b>	Council Report and Minute, 25 September 2018 (incl. Draft The Hills Development Control Plan 2012 Part D Section 21 – 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill and Voluntary Planning Agreement)
<b>Attachment I</b>	Public Authority Submissions
<b>Attachment J</b>	Public Authority Submission Summary Table
<b>Attachment K</b>	Public Submissions
<b>Attachment L</b>	Public Submission Summary Table
<b>Attachment M</b>	Urban Design Report and Shadow Assessment, July 2017

<b>Attachment N</b>	Traffic Reports and Supporting Information
<b>Attachment O</b>	Heritage Impact Statement, May 2017
<b>Attachment P</b>	Statement of Heritage Impact, April 2018
<b>Attachment Q</b>	Letter outlining Amended Scheme, April 2016
<b>Attachment R</b>	Proponent's Letter to Council, 15 August 2018
<b>Attachment S</b>	Proponent's Briefing Note, 15 August 2018
<b>Attachment T</b>	Voluntary Planning Agreement Explanatory Note
<b>Attachment U</b>	Proposed Local Provision for inclusion in LEP 2012

### THE SITE:

The site, known as 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill, is irregular in shape and consists of 18 residential lots with a total land area of approximately 17,610m<sup>2</sup>.

It is located on the southern side of the Castle Hill centre and is approximately 620 metres walking distance from the future Castle Hill Train Station. The site falls from the north-west to the south-east by approximately 14 metres.

Primary frontage is to Cecil Avenue (approximately 162 metres), with a secondary frontage (two lots) to Roger Avenue (approximately 36 metres), a cul-de-sac connecting to Francis Street. Part of the north-western boundary adjoins St Paul's Cemetery, a local heritage item listed in Local Environmental Plan 2012 (LEP 2012).



**Figure 1**  
Aerial view of the site and surrounding locality

The site is currently zoned part R1 General Residential and part R3 Medium Density Residential under LEP 2012.

## PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate a mixed use development on the site, comprising 460 residential units, at least 8025m<sup>2</sup> of commercial floor space and a through site link and public open space. The development will expand the Castle Hill centre and provide increased housing in proximity to the Castle Hill Train Station.

## PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Rezoning the subject site to B4 Mixed Use;
- Removing the maximum height of buildings map from applying to the site;
- Amending the Floor Space Ratio Map to apply a base FSR of 1:1, an incentivised floor space ratio of 3.5:1 and identify the site as Area A on the Floor Space Ratio Map; and
- Introducing a local provision to limit the number of dwellings on the site to 460 units;

The identification of the site as “Area A” is a post exhibition amendment required to ensure that development provides an appropriate apartment mix and size when achieving the “incentivised floor space ratio” under clause 7.12 *Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor* of LEP 2012. The proposed local provision is also a post exhibition amendment to ensure that the number of units on the site does not exceed 460, as originally resolved by Council (see Attachment U).

In accordance with Condition 1 of the Gateway Determination (2 November 2016), the proposed floor space ratio and floor space ratio incentive maps are consistent with the agreed methodology for securing housing mix and diversity within the Sydney Metro Northwest Corridor. Specifically, the ‘base’ floor space ratio has been calculated having regard to the walking distance of the site from the station.

This will ensure that development consent cannot be granted for development which seeks to achieve the “incentivised floor space ratio” but fails to comply with local provision 7.12 *Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor* of The Hills LEP 2012.

The proposal will be supported by site-specific development controls.

## PART 3 JUSTIFICATION

### SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report.

The planning proposal is a result of an application made to Council. The planning proposal is supported by justification against the relevant strategic documents, as detailed in this planning proposal.

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

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

Currently, the zone and development standards that apply to the site do not facilitate the desired outcome. The planning proposal is the best way to ensure all the desired uses are permissible and that the development standards facilitate the desired built form outcome.

## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes, a discussion of consistency is provided below.

### **A Plan for Growing Sydney**

On 14 December 2014, the NSW Minister for Planning released A Plan for Growing Sydney. The Plan is intended to guide planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport;
- A City of housing choice with homes that meet our needs and lifestyles;
- A great place to live with strong, healthy and well-connected communities; and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

Direction 1.6 of A Plan for Growing Sydney identifies Castle Hill as part of the Global Economic Corridor. It states that in "suburban office markets where a commercial core exists or is planned, and where residential pressure is being experienced, critical retail, business and office space needs to be protected". The planning proposal lodged by the applicant would generate employment for 211 people based on the envisaged 8,025m<sup>2</sup> of commercial floor space.

Direction 1.7 of A Plan for Growing Sydney identifies Castle Hill as a Strategic Centre for future employment growth close to homes. Businesses benefit from being located in strategic centres, where "economic density enables improved productivity, fosters innovation, improves efficiency and economies of scale and supports faster growth than if economic activity is dispersed across a wide area". Castle Hill already has sufficient activity to be considered a strategic centre and it is important to continue to grow Castle Hill at this level. The vision for Castle Hill is a vibrant and active centre and in order for this vision to be achieved, increased business activity and jobs growth is needed.

The consolidation of a large development site provides the opportunity to achieve a range of activities beyond residential which will respond to demand for smaller commercial office suites and facilitate more vibrant and walkable centre.

Directions 2.1, 2.2 and 2.3 of A Plan for Growing Sydney relate to housing supply, urban renewal, providing jobs closer to home and improving housing choice to suit different needs and lifestyles. The planning proposal seeks to facilitate the delivery of housing close to an existing centre and the future Castle Hill Train Station, which is generally consistent with these Directions.

The planning proposal is considered consistent with A Plan for Growing Sydney.

### **Greater Sydney Region Plan 'A Metropolis of Three Cities'**

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. 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. In order to utilise the 'incentive' floor space ratio for the site, the proponent will be required to comply with Council's LEP housing diversity provisions which will improve housing choice for future residents. The Voluntary Planning Agreement and the provision of a through-site link will assist with ensuring that population growth on the site can be adequately serviced.

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 in the Castle Hill strategic centre. The required publicly-accessible right of way through the site will improve links to the Castle Hill CBD, and will encourage walking, public transport usage and greater social connectivity for future residents.

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.

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.

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 publicly accessible right-of-way between Cecil Avenue and Roger Avenue which will activate the site and encourage walking within the locality for leisure, transport and exercise.

Objective 13 – Environmental Heritage is identified, conserved and enhanced:

This objective requires the identification, management and interpretation of heritage places so that they can be experienced by current and future generations. The subject site adjoins the St Paul's Cemetery and Christadelphian Church, which are local heritage items listed in LEP 2012. The site-specific DCP controls seek to ensure that future development on the site is undertaken in a manner that is sympathetic to the adjoining heritage items and their setting (see Attachment H).

A number of heritage items are also located in the vicinity of the intersection of Old Northern Road and Francis Street, including the State-heritage listed Former St Paul's Anglican Church at 221 – 225 Old Northern Road, Castle Hill.

Two Heritage Impact Statements have been submitted by the proponent (see Attachments O and P). The Heritage Division (Office of Environment and Heritage) was also consulted in relation to the proposal and their response is provided in Attachment I.

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 subject site has good access to transport links, and the inclusion of a pedestrian through-site link will encourage future residents of the site and surrounding residents to walk rather than rely on private cars for their daily activities.

Objective 22 – Investment and Business Activity in Centres:

This objective encourages the provision of jobs closer to homes in locations that are well serviced by public transport with good connections to centres. The proposed development will include

8,025m<sup>2</sup> of commercial floor space that will support the Castle Hill strategic centre and is anticipated to provide approximately 211 local jobs.

### **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. The subject planning proposal will support the State Government's investment in public transport infrastructure, and the site is within walking distance of the services and jobs located within the Castle Hill strategic centre. The proponent will be required to contribute towards local infrastructure to support growth on the site through a Voluntary Planning Agreement (see Attachment H).

#### Fostering healthy, creative, culturally rich and socially connected communities (Priority C4):

This priority seeks to ensure that planning outcomes achieve a built environment that supports healthy lifestyles and better health outcomes for the community. Future development on the site will deliver a through-site pedestrian link connecting an existing cul-de-sac (Roger Avenue) to the town centre that will encourage residents to walk to shops, jobs and public transport. The through-site link will also help to improve social connections and encourage physical activity.

#### 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 assist with providing additional housing supply this housing target. The planning proposal will facilitate a high density mixed use development within close walking distance of the Castle Hill Railway Station. The planning proposal has included base and floor space incentives to facilitate the delivery of a mix of apartment sizes that cater to the family demographic within the Shire. The uptake of the incentive floor space ratio provision will ensure that an appropriate diversity of apartment types and sizes is provided.

#### 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 rail station. The proposed dwelling yield on the site is appropriate and consistent with this planning priority given its strategic location.

### **North West Rail Link Corridor Strategy**

In March 2011 the Government announced its intention to fast track the North West Rail project. Following on from this the Department of Planning and Environment finalised a Corridor Strategy in September 2013 which identified a high-level vision and structure plans for areas around each of the stations. At the same time as the Corridor Strategy was released a Ministerial Direction was issued under Section 117 of the Environmental Planning and Assessment Act 1979 to promote transit-oriented development and manage growth around the train stations and ensure future development is consistent with the proposals set out in the Corridor Strategy and precinct Structure Plans, including the growth projections and proposed future character of the precincts.

The Structure Plan for Castle Hill indicated a total capacity for Castle Hill of an additional 7,900 dwellings and 18,500 jobs. However based on take up rates of 56% for housing and 52% for employment it was anticipated that by 2036 the projected residential growth would be 4,400 dwellings and the employment growth 9,500 jobs. The identified future character included apartment living surrounding the retail/commercial core with higher density apartment living (7-20 storeys) in areas with direct access to the new station and medium density apartment living (3-6 storeys) on the periphery with townhouses and duplexes beyond this to deliver a diversity of housing.

Under the Castle Hill Station Precinct Structure Plan the site is identified as "Medium Density Apartment Living" which could comprise three (3) to six (6) storey residential flat buildings carefully

master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. The Castle Hill Structure Plan identifies approximately 40 hectares of land that may be capable of accommodating “3 to 6 storey apartment buildings carefully master planned around communal open spaces”. The subject site represents 4.25% of the area capable of accommodating three (3) to six (6) storey apartments.

It is anticipated that this precinct would accommodate multi-dwelling housing only where the site is an appropriate size to deliver a high level of amenity for the existing and future residents. The site has an area of 17,610m<sup>2</sup> and will deliver a significant benefit to the surrounding area with the provision of a 20 metre wide pedestrian link to the south, together with two public (2) plaza areas in addition to common open space for residents at ground level and on roof tops. A higher built form, concentrated to the north and in the centre of the site, with heights of predominantly between 3 and 6 storeys adjoining the side and rear boundaries, will enable the provision of these public benefits and will complement land opposite the site that is identified as the commercial core of the town centre. Table 1 provides a comparison of yields for the subject site:

	<b>North West Rail Link Corridor Strategy</b>	<b>Hills Corridor Strategy</b>	<b>Subject Proposal</b>
<b>Dwelling Yield</b>	3 – 6 storey apartment buildings  Approx. 176 – 352 dwellings	No additional residential dwellings.	3 - 18 storeys  460 dwellings
<b>Employment Floor Space Ratio / Yield</b>	Not proposed.	Employment FSR: 1.5:1 for part of the subject site  Approx. 15,000m <sup>2</sup> of employment generating floor space.  Approx. 395 jobs	8,025m <sup>2</sup> commercial floor space  Approx. 211 jobs

**Table 1**  
Comparison of Yields for Subject Site

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

Yes, a discussion of consistency is provided below.

**The Hills Shire Plan**

Council's Community Strategic Plan, The Hills Shire Plan 2026 identifies the community's vision for the Shire and outlines how Council will align its delivery of services and facilities to support this vision. Council's vision is for *'proactive leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy'*. The planning proposal is consistent with the Hills 2026 Community Outcomes, and relevant Key Directions.

**Local Strategy**

In June 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the community strategic plan. The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives of the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represents Council's projected growth targets as at June 2008, prior to the Government commitment to the delivery of the Sydney Metro Northwest.

The Residential, Centres, Employment Lands and Integrated Transport Directions are the

components of the Local Strategy which have relevance to the planning proposal.

#### Residential Direction

The Residential Direction acknowledges the Sydney Metro North West and the way it will change development in Castle Hill. It identifies an increased focus on Castle Hill providing a full range of retail, commercial, community and recreational functions, as well as the increased demand for housing in proximity to a train station. The subject site is located on the southern periphery of the Castle Hill Centre and is well placed to deliver both commercial and residential outcomes, in line with the Residential Direction.

The planning proposal is consistent with Direction R1 'Accommodate Population Growth' as it seeks to provide additional residential dwellings in close proximity to the existing and future services and infrastructure in the Castle Hill town centre.

#### Centres Direction

The hierarchy of centres, as detailed in the Centres Direction identifies Castle Hill as the premier centre of the Shire. The key objectives to deliver the desired outcomes in Castle Hill include:

- Encourage a mix of business, retail, residential and community uses within the core of the centre.
- Height and floor space ratio to reflect the role of centres as primary retail and commercial locations within the Shire by a taller, commercial built form.
- Land uses to include a broad range of retail, commercial, entertainment and community facilities.

The planning proposal provides for at least 8,025m<sup>2</sup> of commercial floor space. The site is located on the periphery of the commercial core of Castle Hill, therefore the delivery of a mixed use outcome, with some commercial uses as well as residential is considered appropriate and consistent with the Centres Direction.

#### Employment Lands Direction

Council's Integrated Transport Direction provides an overall strategic context for the planning and management of transport within the Shire. The Direction provides a package of solutions to provide greater connectivity between key destinations and to ensure that residents and workers can get where they need to go with a range of integrated travel options.

The Employment Lands Direction identifies Castle Hill as a Major Centre with commercial growth potential. The Direction identifies the need for sufficient commercial office space to be provided to match the skills of the residents within the Shire. Although being located at the outer edge of the Castle Hill commercial core, the type and extent of non-residential floor space proposed will contribute to employment growth and the provision of commercial office space within the Castle Hill centre. Future development on the site will also play a key role in supporting the operation of the Sydney Metro Northwest as it will provide a resident population within close proximity to high frequency public transport services.

#### **The Hills Corridor Strategy**

The Hills Corridor Strategy identifies opportunity for 2,491 additional dwellings and 3,650 additional jobs within the Castle Hill Precinct by 2036. Part of the subject site (approximately 10,000m<sup>2</sup>) falls within the identified Castle Hill Precinct of the Hills Corridor Strategy and is flagged as being suitable for employment generating uses with a floor space ratio of 1.5:1. If this Employment Floor Space Ratio was applied to this part of the site it could deliver approximately 15,000m<sup>2</sup> of employment generating floor space, providing approximately 395 jobs. No residential uplift is identified for the site under the Strategy.

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government's North West Rail Link Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of

the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles such as a hierarchy of zones that see the greatest densities closer to transport or centres, while maintaining lower density housing options in more peripheral locations, providing a diversity of housing choice with a focus on family living and providing job opportunities suited to Hills residents. These principles reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and LEP 2012.

The Strategy identifies Castle Hill as a Major Centre and seeks to reinforce it as a vibrant and active centre comprising of offices, retail, community facilities, recreation, cultural, education and increased housing densities within walking distance of the station. The Hills Corridor Strategy identifies opportunity for 4,807 additional dwellings and 10,304 additional jobs (beyond existing) within the Castle Hill Precinct by 2036. The delivery of the employment floor space identified in the Strategy is critical to the success of Castle Hill as a major centre, to facilitate jobs delivery to support projected residential growth.

The subject site and the southern part of Castle Hill have not undergone precinct planning at this time. Part of the subject site (approximately 10,000m<sup>2</sup>) falls within the identified Castle Hill Precinct and is flagged as being suitable for employment generating uses with a floor space ratio of 1.5:1. If this Employment Floor Space Ratio was applied to this part of the site it could deliver approximately 15,000m<sup>2</sup> of employment generating floor space, providing approximately 395 jobs.

The planning proposal includes at least 8,025m<sup>2</sup> of commercial floor space, which would provide 211 jobs and falls short of the envisaged commercial floor space outcome. However, it is considered that this level of commercial development is the appropriate intensity given the separation of the site from the core commercial area and perceived barrier created by the ring road.

It is considered that the proposal is consistent with the guiding principles of The Hills Corridor Strategy.

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

Yes, the planning proposal is consistent with the relevant State Environmental Planning Policies, as detailed below. Evaluation of the planning proposal against all State Environmental Planning Policies is provided in Attachment A.

**State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development**

The planning proposal is considered to be consistent with SEPP No. 65 given it will encourage and promote a high quality development with positive design and amenity outcomes. The proposal provides a floor space incentive if a developer complies with Council's apartment size/mix and car parking controls given these controls are considered by Council to better suit the family demographic expected for the Shire into the future. This approach has been endorsed by the Department of Planning and Environment via Condition 1 of the Gateway Determination.

*6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Yes. The consistency of the planning proposal with the s.9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with the key relevant Directions is provided below.

**Direction 2.3 - 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:

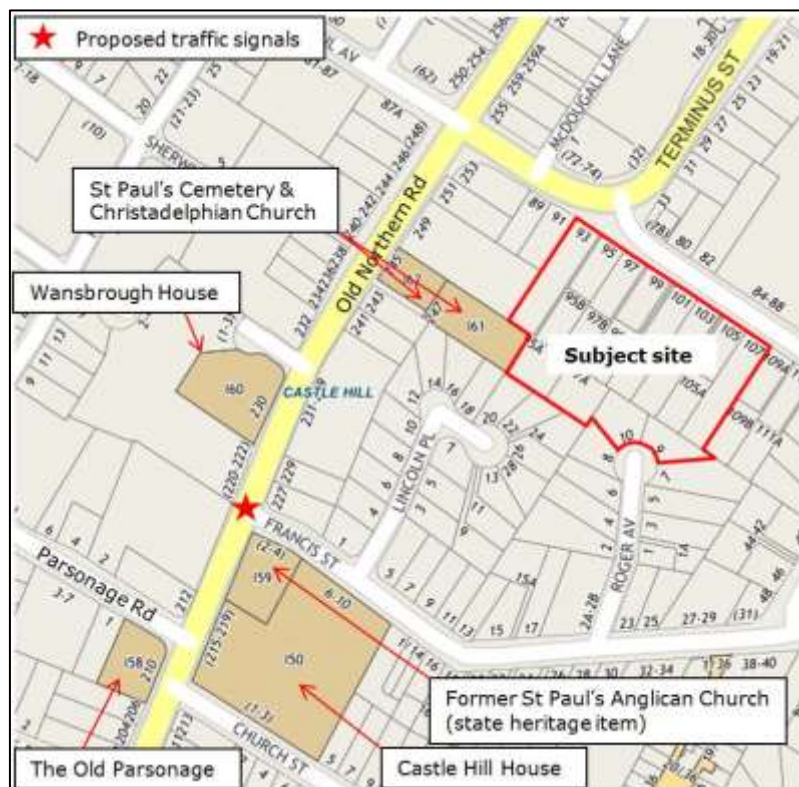
- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The site is located adjacent to a heritage listed cemetery (St Paul's Cemetery). The cemetery is significant as it contains the graves of several key early land owners in the Hills Shire. Beyond the cemetery, towards Old Northern Road is a heritage listed memorial hall building (Christadelphian Church) that was developed as a memorial to war veterans on land excised from the cemetery.

A number of heritage items are also located in the vicinity of the Old Northern Road / Francis Street intersection, including:

- Former St Paul's Anglican Church at 221 – 225 Old Northern Road, Castle Hill;
- Castle Hill House at 6 – 10 Francis Street, Castle Hill;
- Wansbrough House at 230 Old Northern Road, Castle Hill; and
- The Old Parsonage at 210 Old Northern Road, Castle Hill.

The above-mentioned heritage items are identified as having local significance in The Hills LEP 2012, with the exception of the Former St Paul's Anglican Church which is listed on the State Heritage Register. The location of heritage items in the vicinity of the proposal is identified in Figure 2.



**Figure 2**  
Heritage items in vicinity of subject site and proposed traffic signals

Two Heritage Impact Statements have been prepared and submitted with the planning proposal (see Attachments O and P). In addition, draft development controls are proposed to ensure that the built form incorporates appropriate building setbacks and height in the vicinity of the cemetery as well as substantial landscaping to soften visual impacts.

The Heritage Council of NSW provided comments on the impacts of the development on the heritage items in the vicinity of the site and also on the proposed traffic signals at the intersection of Old Northern Road and Francis Street. Feedback from the NSW Heritage Council is addressed in Section D (11) of this planning proposal, and their correspondence is available in Attachment I.

The delegate of the Greater Sydney Commission has determined that no further approval is required in relation to this Direction (refer to Gateway Determination, 2 November 2016).

### **Direction 3.1 - Residential Zones**

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone (and the facilitation of residential development on land not previously identified for residential development). The objectives of the Direction are:

- *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal is consistent with this Direction as it will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.

### **Direction 3.4 - Integrating Land Use and Transport**

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The proposal is consistent with this Direction as it will facilitate development which meets the following key objectives:

- a) *Improve access to housing, jobs and services by walking, cycling and public transport; and*
- b) *Increase the choice of available transport and reducing dependence on cars; and*
- c) *Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and*
- d) *Support the efficient and viable operation of public transport services including the North West Transitway and the North West Rail Link.*

### **Direction 5.9 – North West Rail Link Corridor Strategy**

The objectives of this Direction are to promote transit-oriented development and manage growth around the eight train stations of the Sydney Metro Northwest and to ensure development within the rail corridor is consistent with the proposals set out in the Corridor Strategy and precinct Structure Plans.

The North West Rail Link Corridor Strategy identifies that an additional 4,400 dwellings can be accommodated within the Castle Hill Station Precinct, 1,000 of which would be in three (3) to six (6) storey apartment buildings. Given that approximately 40 hectares of land is identified as having

potential for medium density (three (3) to six (6) storey) residential development in this location, compliance with both the built form outcomes and the growth projections within the Corridor Strategy would not be possible.

The development concept for the site provided by the applicant includes maximum height of 18 storeys (beyond the three (3) to six (6) storeys identified in the Strategy), with a yield of 460 units (beyond the 176 – 352 dwellings identified in the Strategy).

The North West Rail Link Corridor Strategy identifies an assumed floor space ratio for future buildings for residential apartments of three (3) to six (6) storeys of 1:1 - 2:1. Based on these floor space ratio assumptions and the net developable area of the land, the Castle Hill Station Precinct could be expected to accommodate between 4,032 and 8,065 dwellings within three (3) to six (6) storey built form (with between 176 and 352 of these located on the site based on a net developable area of approximately 1.7 hectares). This number of dwellings differs dramatically from the projected yield for three (3) to six (6) storey built form of 1,000 dwellings.

If the North West Rail Link assumptions of 1:1 to 2:1 are applied to the site, with 1:1 floor space ratio applied to the existing R3 Medium Density zoned land and the 2:1 applied to the existing R1 General Residential zoned land, the site could achieve a yield of 282 units (with 70 units in up to 3 storey buildings and 212 units in up to 6 storey buildings). This number of units and density would provide an outcome consistent with the North West Rail Link Corridor Strategy. If the maximum floor space ratio of 2:1 were applied across the entire site, the development could achieve approximately 378 units.

Given the strategic location of the site and the public benefit associated with the through site link, the increased density beyond what was envisioned in the Castle Hill Structure Plan is considered appropriate. It provides a transition to the commercial core outcomes envisioned on the opposite side of Terminus Street and contributes to the skyline and identity of Castle Hill.

The delegate of the Greater Sydney Commission has determined that no further approval is required in relation to this Direction (refer to Gateway Determination, 2 November 2016).

## **6.1 Approval and Referral Requirements**

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

## **6.3 Site Specific Provisions**

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

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

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The purpose of the proposed amendment is to facilitate high density mixed use development within the walkable catchment of the future Castle Hill train station. The proposed changes include rezoning of land, removal of the maximum building height, and introduction of an

incentivised floor space ratio. The incentivised floor space ratio provides an incentive for developers and is not unnecessarily restrictive, and therefore is not setting site specific provisions.

The proposed development concept indicates that the site will deliver 460 dwellings and Council reflected this yield in the resolution of 12 April 2016. However, when a Floor Space Ratio of 3.5:1 is applied the site, the potential yield is approximately 536 dwellings (once minimum commercial floor space is deducted from the floor area). This yield exceeds the maximum 460 dwellings for the site that was supported by Council. Accordingly, it is proposed to introduce the following local provision to limit future development on the site to 460 dwellings (subject to legal drafting):

*“Clause X      Maximum number of dwellings at 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill*

- (1) This clause applies to land at 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill.*
- (2) Development consent must not be granted to development that results in more than 460 dwellings on the land to which this clause applies.”*

The introduction of a local provision in The Hills LEP 2012 to limit the number of dwellings on the site to 460 units will ensure that the number of units on the site does not exceed 460, as originally supported by Council. The requested floor space ratio of 3.5:1 will remain as the maximum achievable floor area for the site. The retention of this floor space ratio allows the developer flexibility to achieve larger apartments and respond to market conditions.

It is considered that the inclusion of a site-specific provision is appropriate in this instance as it will ensure that future yield on the site does not exceed what was envisaged by Council in its assessment.

### **7.1 Implementation of A Plan for Growing Sydney**

The planning proposal is consistent with A Plan for Growing Sydney. An overarching theme within the Plan is to ensure that more homes are located within suitable locations. In light of the delivery of the Sydney Metro Northwest, the planning proposal is consistent as it presents an opportunity to incorporate the principles of transit oriented development by locating higher density residential development within close proximity to high frequency public transport services. This will both improve public transport patronage and will reduce car dependency.

## **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

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

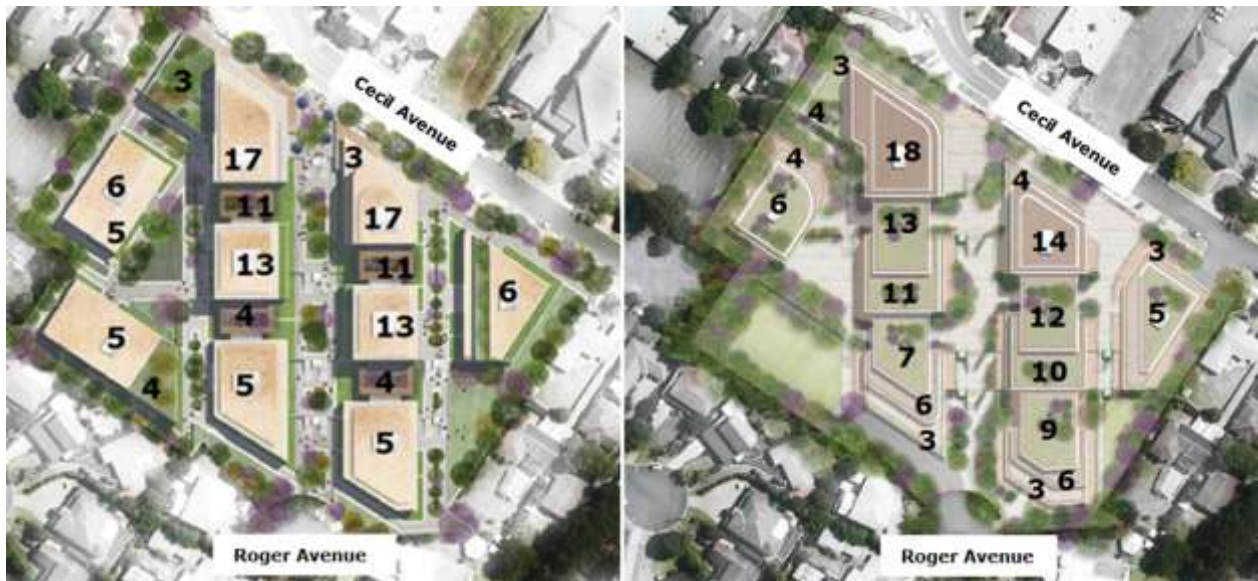
No, the land that is subject to the planning proposal is already developed and occupied by single dwellings, businesses and associated parking. The subject area does contain some vegetation in gardens, but it is not considered significant. Therefore the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

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

### *- Impacts on Adjacent Properties*

The subject site is located on the periphery of the Castle Hill Centre and directly adjacent to single dwelling houses. The planning proposal (as amended) envisages residential flat buildings with three (3) and nine (9) storeys facing the eastern, southern and western boundaries. These building elements have the potential to create an unsympathetic interface and impact on the amenity of surrounding low density residential dwellings in terms of overshadowing, privacy and

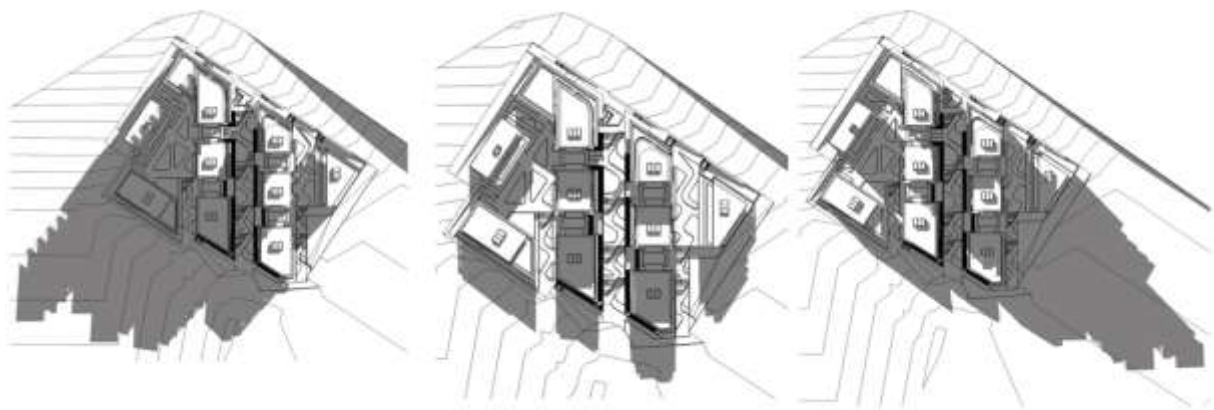
building dominance. To mitigate possible impacts the original proposal was reduced in height in some parts of the site, and increased in others (refer Figure 3), with upper levels being set back to reduce the bulk and scale of the development. The new site-specific provisions in The Hills DCP 2012 Part D Section 21 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill will also assist in mitigating possible impacts on adjacent properties.



**Figure 3**  
Building Heights – Original (left) and Revised (right)

- *Overshadowing*

The development concept provided by the applicant includes indicative shadow diagrams that show overshadowing on neighbouring low density residential dwellings. Amendments to the building height concept have reduced the shadow cast on adjoining properties (refer to Figures 4 and 5) to achieve compliance with Condition No. 1(a) of the Gateway Determination which required that “private open space within all impacted neighbouring properties will continue to receive at least four hours of sunlight between 9am and 3pm on 21 June, where this is currently the case”. Further details of compliance with this condition are provided in the Urban Design Report prepared by PTW Architecture (July 2017).



**Figure 4**  
Indicative shadow diagrams at 9am (left), 12noon (middle) and 3pm (right)



**Figure 5**

Revised concept - indicative shadow diagrams at 9am (left), 12noon (middle) and 3pm (right)

#### - *Building Dominance*

The planning proposal will facilitate high density commercial and residential development that will present large building forms on sensitive boundaries and frontages.

In particular, the view of the proposal (as originally submitted) from the east, south and west would be dominated by the built form proposed on the site (refer to Figures 6a and 7a). A more sensitive and gradual approach to building form is needed to create a transition to low density residential dwellings. The proponent was requested to undertake design work to ensure an appropriate transition to the neighbouring low density residential dwellings.

Figures 6b and 7b illustrate the revised proposal including the deletion of a building in the south western corner of the site, redistribution of building height across the site, and a more stepped built form on the boundaries adjoining residential land.

It should be noted that the maximum floor space ratio will regulate the bulk and scale of the buildings and may result in the maximum heights depicted above being altered across the entire site.



**Figure 6a**

Original proposal - South elevation fronting Roger Avenue and low density dwellings



**Figure 6b**  
Amended proposal - South elevation fronting Roger Avenue and low density dwellings



**Figure 7a**  
Original proposal - Development concept east elevation fronting low density dwellings



**Figure 7b**  
Amended proposal - Development concept east elevation fronting low density dwellings

- *Traffic*

The proposal has the potential to increase traffic on local roads and to increase on-street car parking in the vicinity. The site has frontage to Roger Avenue, which is a small, local road currently servicing single dwellings. The site also has frontage to Cecil Avenue, near the intersection of Terminus Street and Cecil Avenue (which is restricted to left in and left out movements). Vehicular access to the site is proposed from both Cecil Avenue and Roger Avenue via Francis Street for residential vehicles and via Cecil Avenue for service and commercial vehicles only.

A post-exhibition amendment was made to draft The Hills DCP 2012 Part D Section 21 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill to require that the design of the carpark shall prevent commercial and visitor vehicles from utilising Roger Avenue to access parking on site (see Attachment H).

A Parking and Traffic Study (refer to Attachment N) has been submitted with the planning proposal. The study advises that the proposed development will comply with Council's parking requirements and that the surrounding road network can accommodate the traffic generated by the proposed development. However, the right turning movement from Old Northern Road into Francis Street would experience slightly higher delays (exacerbating an already very poor level of service "F"), with very high delays whilst waiting for a gap in the large volume of southbound traffic.

This intersection has an adverse accident history qualifying for funding under the Federal Blackspot Funding in the 2015/16 financial year to install a median island with 'Stop' signs in Francis Street to improve safety. The additional 115 inbound and outbound trips as a result of the proposal will further increase delays and compromise safety at this intersection unless some form of traffic controls are implemented.

The banning of the right turning movement into Francis Street is not suggested as it is the only direct access to a very large residential area east of Old Northern Road. The Traffic Study recommends the signalisation of this intersection, and would include the provision of a dedicated right turn lane to allow for controlled turning movements into Francis Street. The provision of signals would be subject to detailed design work and the approval of the Roads and Maritime Services. The draft VPA submitted with the planning proposal offers a monetary contribution which could fund the signals, however the cost of the works is not known at this stage. The proponent will be required to provide detailed costings for the proposed intersection and consultation with the RMS will occur during the exhibition of the planning proposal.

The Study also suggests that restriction of on-street parking adjacent to the development may be required to minimise impacts on Cecil Avenue.

Due to the expected increase in traffic activity in Francis Street, The Hills DCP 2012 Part D Section 21 93 – 107 Cecil Avenue and 9 – 10 Roger Avenue, Castle Hill requires a roundabout to be provided at the intersection of Roger Avenue and Francis Street to improve amenity and safety. A traffic report will be required as part of a future development application.

Traffic management for the site cannot be considered in isolation. A number of other infrastructure projects including road improvements have been identified, and whilst not wholly required to support future redevelopment on the subject site at present, will likely be required in order to facilitate broader uplift in development potential within the Castle Hill Precinct as a whole. Traffic matters and how the Voluntary Planning Agreement may contribute to them are discussed in more detail in Section D (Question 10) and in the Council reports of 8 August 2017 (Attachment G) and 25 September 2018 (Attachment H).

The Castle Hill South Traffic Report (prepared in December 2017) is provided in Attachment N.

It is noted that the Roads and Maritime Service and Transport for NSW recommend the planning proposal be deferred until the preparation of a precinct and infrastructure plan, together with a cumulative precinct wide transport study for the entire Castle Hill Precinct, including a funding mechanism for the required infrastructure works. Further details regarding the feedback provided by these State agencies is provided in Section D (11) of this planning proposal.

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

The Planning Proposal seeks to create a framework for a future development on the site which will deliver significant social and economic benefits. These include:

- The creation of jobs during both the construction phase and ongoing operation of future development on the site, as the Planning Proposal seeks to create a framework which will incorporate at least 8025m<sup>2</sup> of employment generating uses within a future development to complement residential development, such as office premises, business premises and café/restaurants;
- Public domain improvements, notably a through-site connection from Roger Avenue to Cecil Avenue, public domain space addressing Cecil Avenue, and overall upgrades to the frontage of Cecil Avenue through landscaped setbacks;
- The provision of needed housing stock and dwelling alternatives in the locality, which will contribute to supply in close proximity to the station, in accordance with the unit mix requirements outlined in The Hills LEP 2012;
- Future development in accordance with the proposed concept will rejuvenate this part of Castle Hill by reconnecting the locality to the town centre with new housing, increased activity, a new urban place and by opening an access to adjoining residential areas.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

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

Yes, future development on the site would need to be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage. The required services are available to the site.

The proposal will generate the need for additional infrastructure not currently planned for in Council's contributions plans. The additional infrastructure required includes playing fields, road works, community facilities and stormwater works to service the additional population generated by the development.

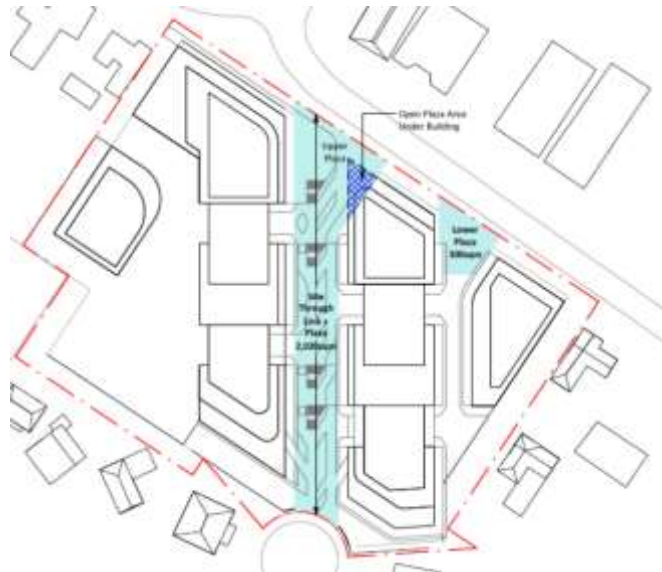
At its meeting of 25 September 2018, Council resolved to enter into a Voluntary Planning Agreement (VPA) that accompanies the planning proposal. The VPA offers the following:

- Granting of a public right of way easement for the benefit of the Council over the land connecting Cecil Avenue to Roger Avenue and the public plaza to Cecil Avenue;
- Provision of embellishment works within the easement area; and
- Payment of a monetary contribution to Council with an anticipated value of approximately \$15.5 million for expenditure on other local infrastructure as identified by Council.

The VPA is included in Attachment H.

### Public access easement

The provision of a public right of way easement (pedestrian only) through the site to connect Roger Avenue to Cecil Avenue will benefit residents of the site and the surrounding area by increasing the permeability of the southernmost part of the Castle Hill Centre. It will offer an additional direct access route to the town centre and future train station. The link would be fully embellished with stairs, paving, landscaping and seating.



**Figure 8**  
Plan of public pedestrian easement

### Monetary contribution

The draft VPA requires the developer to pay monetary contributions to Council at the following rates:

- 1 bedroom – \$25,000;
- 2 bedroom – \$32,092;
- 3 bedroom – \$36,525; and
- Commercial – \$150/m<sup>2</sup>.

Based on the current development concept for the site and the unit mix requirement that forms the basis of Council's housing diversity provision (clause 7.12 of LEP 2012) the above rates would result in a contribution of \$15,558,326. However, the final contribution amount may be subject to variation as a result of any changes to the development concept at the development application stage.

Under the VPA, the proposed monetary contribution would be available for allocation towards the provision of active open space facilities, upgrades to traffic and infrastructure and facilities and services that will be required to service the anticipated growth within the Castle Hill Town Centre.

The applicant has prepared a concept design for the signalisation of the intersection at Old Northern Road and Francis Street, which requires acquisition of additional land. While a portion of the VPA funds could be used for the installation of traffic signals, ultimately as an RMS controlled road, the acquisition of additional land and construction of the intersection upgrade is the RMS's responsibility. Further negotiation will be required with the RMS (as Authority for Old Northern Road) to achieve the upgrade of this intersection.

Council considered the draft VPA at its meeting of 25 September 2018 and resolved as follows:

*"3. Council enter into the Voluntary Planning Agreement, as amended (Attachment 3 ECM No.183057044) and authorise Council's common seal to be affixed to the Voluntary Planning Agreement."*

A copy of the draft VPA is attached to the Council Report of 25 September 2018 (Attachment H).

### Potential Traffic Works

In accordance with a condition of the Gateway the proponent has submitted an updated traffic report. The traffic report recommends the signalisation of the Francis Street/Old Northern Road

intersection to address existing traffic issues as well as additional traffic impacts that will be generated by the proposal.



**Figure 9**  
Location of proposed signalised intersection

The proponent has submitted a preliminary concept drawing to illustrate the possible layout of a signalised intersection and has provided a rough estimated cost between \$1.5-5 million, depending on the extent of associated utility services realignment and boundary adjustment, which could be funded through the proposed VPA. Since Old Northern Road is a classified road, consultation with the RMS must be undertaken and any signalisation of the intersection will require RMS approval.

A detailed discussion on traffic matters and the requirement to signalise the intersection of Old Northern Road / Francis Street is provided in the Council Report of 25 September 2018 (Attachment H).



**Figure 10**  
Preliminary concept design (Francis Street and Old Northern Road intersection)

A Statement of Heritage Impact, which examines the impact of road widening associated with the proposed intersection upgrade on the State-heritage listed Former St Paul's Anglican Church at 221 – 225 Old Northern Road, Castle Hill and other nearby heritage items has also been prepared (see Attachment P).

New site-specific DCP provisions also require the widening of Roger Avenue and the provision of a roundabout at the intersection of Roger Avenue and Francis Street prior to the completion of the proposed development.

#### Potential Active Recreation

Future development on the site (being 460 dwellings or 920 people) will generate demand for an additional 0.23 playing fields. This is based on a standard rule of thumb of around 1 playing field per 2,000 dwellings. In order to plan for active recreation, consideration needs to be given to the growth that is likely to be achieved within the broader precinct.

Council is currently undertaking an investigation into possible additional playing fields to meet the future growth within the Castle Hill and Cherrybrook Rail Station Precincts. Funds generated through this VPA could be allocated towards the delivery of a portion of the cost of the future playing fields.

The draft VPA would facilitate a contribution of approximately \$15,558,326 (based on the current development concept). It is considered that approximately \$3 million of this amount could be allocated toward the partial funding of land acquisition and capital costs of the new district open space facility.

#### Possible Additional Infrastructure Items

Additional infrastructure items which any remaining funds (not allocated to toward active open space and the signalisation of Francis Street and Old Northern Road) could be allocated to include the following:

- Realignment of McMullen Avenue/Brisbane Road and Old Northern Road junction;
- Additional lane on Crane Road (westbound) at the Crane Road/Terminus Street junction to improve the traffic flow from Crane Road onto Terminus Street;
- Minor improvements to the off-set junction of Orange Grove/Mercer Street/Crane Road to improve traffic flow;
- Pedestrian bridge over Terminus Street at Crane Road; and/or
- Upgrades to the stormwater/drainage network within the broader Castle Hill Precinct.

The above infrastructure items, whilst not wholly required to support future redevelopment on the subject site at present, will likely be required in order to facilitate broader uplift in development potential within the Castle Hill Precinct as a whole. Accordingly, it is considered reasonable that any surplus funds not allocated to toward active open space and the signalisation of Francis Street and Old Northern Road be allocated toward the above projects. These projects will be further investigated as part of the master planning of the remainder of the Castle Hill Precinct.

#### Assessment of Suitability of VPA Offer

The Castle Hill Precinct is currently subject to the provisions of the Hills Section 94A Contributions Plan which levies development based on a percentage of the cost of the works. This plan is suitable for established areas where incremental growth is anticipated but is not sufficient to provide for the infrastructure needs generated by the large scale urban redevelopment anticipated in the wider precinct.

Draft Contributions Plan No.17 for Castle Hill North (exhibited in August – September 2017) can provide a broad comparison for the suitability of the current VPA offer, notwithstanding that the Castle Hill south locality has yet to be subject to the same detailed precinct planning and contributions planning. For Castle Hill North, the precinct planning process identified a range of new facilities and upgrades to support growth including roundabouts, road widening, intersection

realignments, new playing fields, embellishment of passive open spaces, new stormwater management facilities, public domain works and pedestrian facilities. The draft contribution plan identifies a rate of \$19,819.80 for a 1 bedroom unit \$20,985 for 2 bedroom units and \$29,146 for a 3 bedroom unit.

It is considered that the draft VPA offers a fair and reasonable contribution towards the provision of new local infrastructure which will be required as a result of the additional residential units which are proposed on the subject site, recognising that the proposal is in advance of detailed precinct planning and exact details of what is needed for the wider area is not yet known.

*11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

In accordance with the Gateway Determination, consultation was undertaken with the following public authorities in August / September 2017:

- Office of Environment and Heritage
- Transport for NSW
- Transport for NSW – Roads and Maritime Services
- Endeavour Energy (formerly Integral)
- Sydney Water

Submissions were received from Roads and Maritime Services, Transport for NSW, the Heritage Council of NSW, Sydney Water, the Office of Environment and Heritage and Endeavour Energy.

Sydney Water, the Office of Environment and Heritage and Endeavour Energy raised no objection, however provided comments which will need to be considered as part of the assessment of a future development application for the site. Comments provided by the Roads and Maritime Services, Transport for NSW and NSW Heritage Council are outlined in the Council Report of 25 September 2018 (see Attachment H) and are summarised in Attachment J.

Delegation for making of the LEP amendment was issued to Council under the Gateway Determination of 2 November 2016. However, it is noted that there are outstanding objections from the Roads & Maritime Services (RMS) and Transport for NSW (TfNSW) in relation to the proposal. The RMS and TfNSW recommend that the planning proposal be deferred until the preparation of a precinct and infrastructure plan, together with a cumulative precinct wide transport study for the entire Castle Hill Precinct, including a funding mechanism for the required infrastructure works.

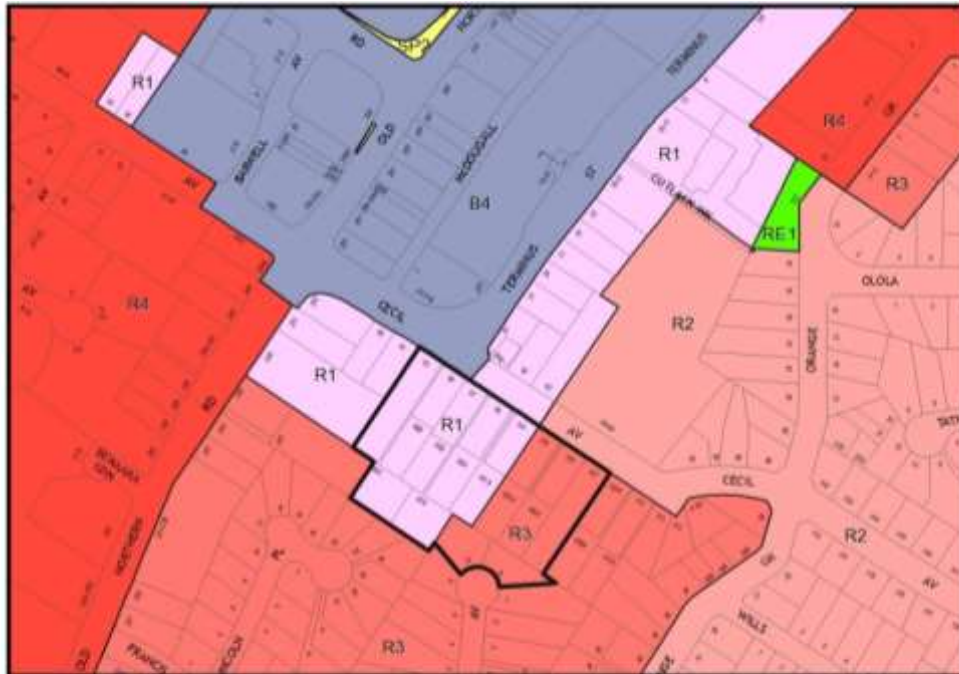
The State Government's policy position, embodied in the 2013 North West Rail Link Corridor Strategy, seeks to capitalise on opportunities for new housing, jobs and business in the region to maximise the benefits of the major rail infrastructure investment. Given the lack of a State-government-led solution to regional transport issues and the VPA offer that provides capacity to respond (in part) to wider traffic management issues, the progression of the planning proposal to the Department of Planning and Environment for determination of unresolved issues is considered to be a reasonable approach.

A copy of the correspondence received from public authorities is provided in Attachment I. The issues raised are summarised in Attachment J.

## PART 4 MAPPING

The planning proposal seeks to amend the Zoning Map, Height of Buildings Map, Floor Space Ratio Map and the Floor Space Ratio Incentive Map of *The Hills Local Environmental Plan 2012*.

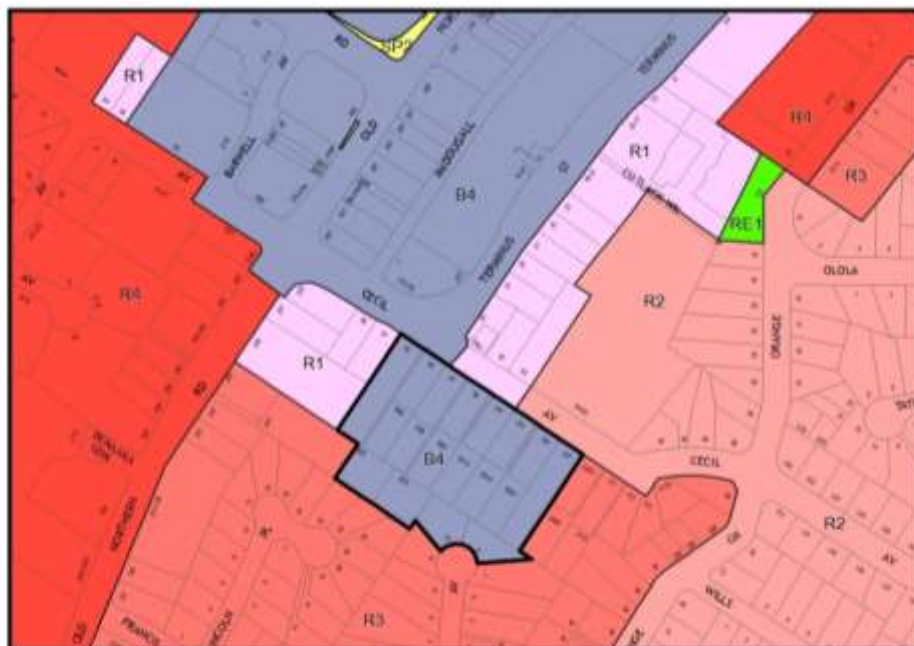
### Existing Land Zoning Map:



#### Land Zoning (LZN)

B4	Mixed Use	R3	Medium Density Residential	SP2	Infrastructure
R1	General Residential	R4	High Density Residential		
R2	Low Density Residential	RE1	Public Recreation		

### Proposed Land Zoning Map:



#### Land Zoning (LZN)

B4	Mixed Use	R3	Medium Density Residential	SP2	Infrastructure
R1	General Residential	R4	High Density Residential		
R2	Low Density Residential	RE1	Public Recreation		

Existing Height of Buildings Map:



Height of Buildings (m) (HOB )

J	9.0	O2	16.0
M1	12.0	X1	45.0

Proposed Height of Buildings Map:



Height of Buildings (m) (HOB )

J	9.0	M1	12.0	O2	16.0	X1	45.0
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Existing Floor Space Ratio Map:



Maximum Floor Space Ratio (FSR) (n:1)



Proposed Floor Space Ratio Map:



Maximum Floor Space Ratio (FSR) (n:1)



## Incentivised Floor Space Ratio Map:



Maximum Floor Space Ratio Incentive (FSR) (n:1)

**W** 3.5

## PART 5 COMMUNITY CONSULTATION

The planning proposal was exhibited for a period of twenty-nine (29) days, from 24 August 2017 to 22 September 2017. The planning proposal was advertised in local newspapers and placed on display at the following locations:

- Council's Website: [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au);
- Council's Customer Service Centre at 3 Columbia Court, Norwest; and
- Castle Hill Library, located on the corner of Pennant Street and Castle Street, Castle Hill.

In addition, notification letters were issued to adjoining and nearby property owners advising them of the planning proposal.

Submissions were received on behalf of twenty-four (24) property owners. Some submissions were received prior to the public exhibition period. One submission raised no objection to the planning proposal. The following key issues were raised in the submissions:

- Strategic Justification and Precinct Planning
- Traffic Report
- Traffic Congestion
- Car Parking
- Pedestrian Movements in the Area
- Scale of Development, Density and Yield
- Building Heights
- Loss of Privacy
- Overshadowing
- Compliance with the Apartment Design Guide
- Capacity of Services and Stormwater Management

A copy of the public submissions is provided in Attachment K. Further comments on the issues raised in the public submissions are provided in the Council Report of 25 September 2018 (see Attachment H). A detailed summary of the issues raised in the public submissions is provided in Attachment L.

## PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	November 2016
Amendments – Gateway Conditions	January - May 2017
Government agency consultation	August / Sept 2017
Commencement of public exhibition period (28 days)	August 2017
Completion of public exhibition period	September 2017
Timeframe for consideration of submissions	May 2018
Timeframe for consideration of proposal post exhibition	August 2018
Report to Council on submissions	25 September 2018
Date of submission to Department of Planning and Environment to finalise the LEP	October 2017

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>		<b>APPLICABLE</b>	<b>RELEVANT ? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/ CONSISTENT</b>
No. 1	Development Standards	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	YES	CONSISTENT
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		NO	-	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Port Botany and Port Kembla (2013)	NO	-	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
<b>Deemed SEPPs</b>			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

## ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>1. Employment and Resources</b>				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
<b>2. Environment and Heritage</b>				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	YES	INCONSISTENT
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodromes	NO	-	-
3.6	Shooting Ranges	NO	-	-
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
<b>5. Regional Planning</b>				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Highway, North Coast			
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	INCONSISTENT
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	INCONSISTENT
<b>7. Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-