

The Hills LEP 2012 - Cecil Avenue and Roger Avenue, Castle Hill

Proposal Title : **The Hills LEP 2012 - Cecil Avenue and Roger Avenue, Castle Hill**

Proposal Summary : **This planning proposal seeks to facilitate development of 460 residential apartments and 8,000m² of commercial floor space by rezoning land at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill, from part R1 General Residential and part R3 Medium Density Residential to B4 Mixed Use, provide for a bonus floor space ratio of 3.5:1, and remove the maximum height of buildings control.**

PP Number : **PP_2016_THILL_008_00**

Dop File No : **16/07184**

Proposal Details

Date Planning : **25-Oct-2016**

LGA covered : **The Hills Shire**

Proposal Received :

Region : **Metro(Parra)**

RPA : **The Hills Shire Council**

State Electorate : **CASTLE HILL**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Eighteen properties at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill (For full property details please refer to Council's Planning Proposal - Page 1)**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**

Contact Number : **0298601508**

Contact Email : **chris.browne@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Megan Munari**

Contact Number : **0298430407**

Contact Email : **mmunari@thehills.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

Contact Number : **0298601505**

Contact Email : **adrian.hohenzollern@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub : **Metro North West subregion**

Consistent with Strategy : **Yes**

Regional Strategy :

The Hills LEP 2012 - Cecil Avenue and Roger Avenue, Castle Hill

MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 460 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 211

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department' Lobbyist Contact Register has been checked on 26 May 2016, and there are no records on the Department's Lobbyist Contact Register regarding this matter.**

Supporting notes

Internal Supporting Notes : **The initial Planning Proposal, as submitted to Council by the proponent, requests a zone change from part R1 General Residential and Part R3 Medium Density Residential to B4 Mixed Use, in order to accommodate future residential flat buildings, office premises, business premises and café/restaurants on the site.**

The proponent's proposal also seeks to:

- Increase the maximum permissible building height from part 16 metres and part 9 metres to 47 metres; and
- increase the maximum permissible floor space ratio (FSR) limit from part 1:1 and part undesignated to an overall maximum of 3:1, (which accounts for both residential and commercial floor space).

Council note that the development concept provided by the proponent includes indicative shadow diagrams that show substantial overshadowing on neighbouring low density residential dwellings. Council consider that overshadowing of neighbouring properties to this extent is not an acceptable outcome. Council advise that as part of the Gateway process and prior to public exhibition, additional design details will be required to demonstrate that the overshadowing impacts on neighbouring properties are acceptable.

External Supporting Notes : **Land at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill, is currently zoned part R1 General Residential and part R3 Medium Density Residential under the provisions of The Hills Local Environmental Plan 2012. The planning proposal seeks to rezone the site to B4 Mixed Use, apply a 'base' floor space ratio of 1:1 and an 'Incentivised' floor space ratio of 3.5:1; and remove the maximum height of buildings control.**

On the 25 October 2016 the Hills Shire Council agreed to a methodology to facilitate delivery of mixed apartment sizes whilst ensuring that Government expectations for overall yield within the North-west corridor are achieved. The Gateway determination has been conditioned to apply the methodology.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to facilitate a mixed use development on the site, comprising 460 residential units, 8,000m² 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 a railway station.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council propose that the intended outcomes will be achieved by:**

- Rezoning the site to B4 Mixed Use;
- Removing the maximum height of buildings;
- Applying a 'base' floor space ratio of 1:1; and
- Applying an Incentivised' floor space ratio of 3.5:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
2.3 Heritage Conservation
* May need the Director General's agreement **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 65—Design Quality of Residential Flat Development**

e) List any other **Direction 5.9 - North West Rail Link Corridor Strategy**
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Consistency of the planning proposal with s117 Ministerial Directions is addressed within Attachment B of the Council's planning proposal.**

Further discussion on the consistency of the proposal with relevant Directions is provided below.

DIRECTION 2.1 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.

Council note that the site is located adjacent to a heritage listed cemetery, which is significant as it contains the graves of several key early land owners in the Hills Shire. It is acknowledged that the planning proposal has not demonstrated consistency with this Direction. However, Council has advised that given the nature of the heritage items, it is considered unlikely that the proposal would have a negative impact on their significance. Council have further recommended that completion of a heritage impact statement be required prior to public exhibition, to demonstrate that the heritage significance of these items is protected in accordance with Direction 5.3. Council has requested the concurrence of the Secretary with respect to the inconsistency with this Direction.

Whilst the planning proposal in its present form is inconsistent with Direction 2.1 Heritage Conservation, the inconsistency is considered to be of minor significance, as provided under Clause (6)(d) of the Direction.

DIRECTION 5.9 NORTH WEST RAIL LINK CORRIDOR STRATEGY

Direction 5.9 specifies that a planning proposal that applies to land located within the North West Rail Link (NWRL) Corridor must:

- (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts; and
- (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.

The NWRL strategy identifies suitable locations for high density residential development of between 7 to 20 storeys surrounding the Castle Hill commercial/retail core, which will benefit from direct access to the bus and rail transport interchange. Medium density living comprising of 3-6 storey apartments is intended to be located in the residential areas on the periphery of the core. Beyond this, townhouses, duplexes and single-detached dwellings are intended to provide a diversity of housing around an attractive and accessible Town Centre.

The subject site is identified as "Medium Density Residential Density" on the Structure Plan included at page 17 of the NWRL Corridor Strategy. The intent of the proposal is to allow development up to seventeen (17) storeys in height within the "Medium Density Residential" precinct identified in the NWRL Strategy as intended to accommodate 3-6 storey development. The proposal is therefore inconsistent with this aspect of the strategy, and therefore inconsistent with s117 Direction 5.9.

Council consider that given the strategic location of the site and the public benefit associated with the proposed through site link, the increased density beyond what was envisioned in the Castle Hill Structure Plan is appropriate, as it provides a transition in density to the commercial core. While noting that modifications to the bulk and the scape of buildings on the periphery of the site are likely to require some modification, Council has requested the concurrence of the Secretary with respect to the inconsistency with this Direction.

It is considered that the inconsistency of the planning proposal with Direction 5.9 North West Rail Link Corridor Strategy may potentially be justified on the basis that the inconsistency is of minor significance, as provided under Clause 5(d) of the Direction. However, further detailed urban design analysis is required to confirm that the floor space ratio(s) and height controls fit appropriately with the Norwest Rail Link Corridor Strategy, particularly with regard to building height and bulk. This is of specific relevance to the current proposal, due to the potential for unacceptable overshadowing impacts on existing low density residential development located immediately to the south of the subject site.

It is recommended that a condition be included in the Gateway Determination that Council is to address inconsistency with Direction S117 5.9.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

The Planning Proposal also includes identification of the subject site on the Key Sites Map, and the introduction of a local incentives clause providing that the proposed density, height and floor space ratio is subject to compliance with Council's apartment size/mix and car parking controls. Council propose that an additional local provision to be inserted into The Hills Local Environmental Plan 2012 ("7.10 Residential Development Yield") which would apply to the site.

7.10 Residential Development Yield

(1) The objectives of this clause are as follows:

- (a) To ensure that residential flat building development does not over-tax existing and planned services, facilities and infrastructure;
- (b) To provide opportunities for a suitable density housing form that is compatible with existing development and the future character of the surrounding area;
- (c) To ensure the provision of a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets; and
- (d) To promote development that suits larger household sizes and family household structures which are expected for The Hills Shire into the future.

(2) This clause applies to land identified as "Area J" on the Key Sites Map.

(3) Residential development on whole of the land specified in Column 1 of the Table is not to exceed the criteria and standards specified in Column 2.

or

(4) Residential development on the whole of the land specified in Column 1 of the Table may be less or equal to that specified in Column 3, where the development complies with all criteria and standards specified in Column 4.

The stated intent of this proposed additional LEP Clause 7.10 is to limit dwelling yield and building height unless the development complies with Council's controls relating to apartment mix, apartment size and car parking.

It is understood that planning proposals for development within North West Rail Link station precincts are to be required to demonstrate consistency with SEPP 65 to the extent that they meet State Government dwelling yield projections (contained in the North West Rail Link Corridor Strategy, the strategic work for the Sydney Metro Northwest Priority Urban Renewal Corridor and/or the relevant District Plan).

Whilst the planning proposal is inconsistent with this Direction, , the inconsistency is considered to be of minor significance in light of the methodology discussed below.

STATE ENVIRONMENTAL PLANING POLICY NO 65 Design Quality of Residential Apartment Development.

The Department has recognised that the North-West Rail Corridor will be subject to significant change and growth. Extensive strategic planning has been undertaken by both the Council and the Department to assist in identifying suitable dwelling yields and mix of apartment sizes. The Department and Council have worked collaboratively to identify an appropriate methodology that will ensure dwelling yields are achieved

within the North-West Rail Corridor whilst providing a framework for Council to achieve its objectives in relation to dwelling mix in an environment that will be subject to significant change.

The methodology includes the identification of a base FSR and bonus FSR for each site based on walkable catchment from the train station. The provisions of SEPP 65 will apply to the base FSR. Where the bonus FSR is utilised 40% of 2 and 3 bedroom apartments will have a minimum floor area of 110 and 135 square metres respectively. The Gateway determination has been conditioned to require amendment of the planning proposal to comply with the agreed methodology.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council have indicated that the planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Standard Instrument LEP.**

Assessment Criteria

Need for planning proposal :

While the the planning proposal is not a result of any strategic study or report, the planning proposal is supported by justification against the relevant strategic plans, including the North West Rail Link Corridor Strategy and The Hills Future Community Strategic Plan.

The zone and development standards that currently apply to the site do not facilitate the desired outcome. The planning proposal is considered to be the best way to achieve the intended outcomes for the site.

Consistency with strategic planning framework :

A Plan for Growing Sydney 2014

A Plan for Growing Sydney is intended to guide land use 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.

The proposal is considered to specifically support the following Directions of "A Plan for Growing Sydney":

Direction 2.1: Improve housing supply across Sydney;

• Direction 2.2: Ensure more homes closer to jobs;

• Direction 2.3: Improve housing choice to suit different needs and lifestyles; and

• Direction 2.4: Deliver well planned new areas of housing.

The planning proposal seeks to facilitate the delivery of housing close to the Castle Hill Station Precinct, providing additional people in close proximity to jobs, transport and services. The additional yield generated by the proposal will assist in meeting the dwelling and job targets envisaged by the Plan.

Draft North West Subregional Strategy:

The planning proposal is consistent with the following Draft North West Subregional Strategy actions:

B2.1.1 Councils to consider planning for housing growth in centres, particularly those well serviced by public transport;

B3.3.2 Councils to undertake strategic planning to ensure land use plans make the most of new infrastructure, in particular for locations around new stations along the North West Rail Link; and

C2.1.3 North West Councils to ensure location of new dwellings improves the subregions performance against the target for State Plan Priority E5 'Jobs Closer to Home' which is to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre. To improve performance of the North West Subregion the State requires North West councils to ensure that at least 80 per cent of new dwellings are located within 30 minutes by public transport of a Strategic Centre.

North West Rail Link Corridor Strategy

The State Government's North West Rail Link Corridor Strategy (2013) includes a vision for land surrounding the future Castle Hill Train Station.

The subject site falls within the boundaries of the Castle Hill Station Precinct and is identified as a "long term opportunity site". The Structure Plan envisages a partial medium density residential outcome for the site, which is not entirely consistent with the current proposal as noted above.

Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government North West Rail Link Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the station precincts. Council advise that the Hills Corridor Strategy identifies opportunity for 4,807 additional dwellings and 10,304 additional jobs within the Castle Hill Precinct by 2036, and that the delivery of the employment floor space is critical to the success of Castle Hill.

Council note that the planning proposal includes 8,025m² of commercial floor space, which falls short of the envisaged commercial floor space outcome. However, Council indicate acceptance that this level of commercial development as being of an appropriate intensity for this location, given there is somewhat of a disconnect from the core of the centre by the actual and perceived barrier created by the ring road. Council consider that the proposal is consistent with the guiding principles of The Hills Corridor Strategy. Council's conclusion in this regard is supported.

The Hills Draft Local Strategy

Council's Local Strategy was adopted in 2008, and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

Council note that the opportunity to provide a mixed development with some commercial floor space on the subject site is generally consistent with the "Residential Direction", "Centres Direction" and "Employment Lands Direction", as established under this Strategy.

Environmental social
economic impacts :

Environment and Biodiversity

No critical habitat or threatened species, populations or ecological communities, or their habitats, have been identified as being, or likely to be, adversely affected as a result of the proposal.

Impacts on Adjacent Properties - Overshadowing

The planning proposal envisages residential flat buildings of between three (3) and six (6) storeys facing the eastern, southern and western boundaries, with up to seventeen (17) storeys in the central component. Council consider that the building elements on the site boundaries have potential to create an unsympathetic interface and impact on the amenity of surrounding low density residential dwellings in terms of overshadowing and building dominance. Council have suggested that a more appropriate form of development along these boundaries would be of a maximum three (3) storeys in height, and would provide a suitable transition from the adjacent single storey dwellings on the south to the higher built form fronting Cecil Avenue.

The development concept provided by the applicant includes indicative shadow diagrams that show substantial overshadowing on neighbouring low density residential dwellings to the south and south west. The overshadowing of neighbouring properties to this extent is not considered an acceptable outcome. As part of the Gateway process and prior to public exhibition, Council note that additional design details will be required to demonstrate that the overshadowing impacts on neighbouring properties are acceptable. Council's recommendation that the built form be modified to reduce potential unacceptable overshadowing effects is supported. It is specifically recommended that a Gateway condition be imposed requiring additional design details, which demonstrate 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.

Traffic

The proposal has the potential to increase traffic on local roads and increase on-street car parking in the vicinity. The traffic impact statement provided in support of the planning proposal concludes that the proposed development will comply with Council's car parking requirements and that a detailed traffic assessment will be carried out in conjunction with the development application.

Council note that the development concept, as submitted, will generate 290 trips in peak hour, with the cumulative impact of the proposed development in Cecil Avenue resulting in a traffic increase of up to 190% on Cecil Avenue. Council recommend that a traffic study be undertaken that addresses the peak hour directional splits, potential impacts on the nearby intersections and measures to address the elevated environmental capacity issues in Cecil Avenue. Council's recommendation that a detailed traffic study be provided prior to public exhibition of the proposal is supported.

Social and Economic Impacts

Potential social and economic benefits of the proposal have been identified as including :

- The creation of jobs during both the construction phase and ongoing operation of future development on the site;
- Public domain improvements, notably a through-site connection from Roger Avenue to Cecil Avenue, public domain space addressing Cecil Avenue,
- The provision of needed housing stock in the locality, providing alternatives and supply for the locality which will contribute to increasing supply in close proximity to the station
- Future development in accordance with the proposed concept will rejuvenate this part of Castle Hill by re-connecting the locality to the town centre with new housing.

It is considered that the proposal will generate positive net social and economic benefits.

Assessment Process

Proposal type : **Minor** Community Consultation **28 Days**
Period :

Timeframe to make **9 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - s56(2)(d) **Integral Energy**
: **Transport for NSW**
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

Other - provide details below

If Other, provide reasons :

A Heritage Study is to be provided which addresses the potential impacts of the proposal on adjacent heritage items.

A traffic study is to be provided which addresses the peak hour directional splits, potential impacts on the nearby intersections, measures to address the elevated environmental capacity issues in Cecil Avenue, and mechanisms to limit vehicle access to the development from Roger Avenue.

Additional shadow diagrams to demonstrate the impact of the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter - Cecil Avenue and Roger Avenue.pdf	Proposal Covering Letter	Yes
Covering Letter and Planning Proposal Including Attachments A and B_1.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information :

1. Prior to community consultation, the planning proposal is to be amended as follows:
 - (a) shadow diagrams are to be provided which demonstrate 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;
 - (b) a traffic study be provided which addresses the peak hour directional splits, potential impacts on the nearby intersections, measures to address capacity issues in Cecil Avenue and Roger Avenue; and
 - (c) consistency with the attached methodology for Local Residential Development Clause at Tab A. Please note that the planning proposal should be amended to state that clause attached to the methodology is indicative only and may be subject change as a result of legal drafting.

A copy of the amended planning proposal is to be forwarded to the Department for information prior to the commencement of community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

3. Council must consult with the following agencies:

- Office of Environment and Heritage
- Transport for NSW
- Transport for NSW - Roads and Maritime Services
- Integral Energy
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the Plan is to be 12 months from the week following the date of the Gateway determination

Supporting Reasons :

The proposal is supported in principle as it will provide housing in proximity to existing and future public transport.

The proposal is considered particularly timely given that construction of the Sydney Metro Northwest is underway and precinct planning around the future railway stations has identified potential for an increased density of residential development on this site.

Signature:



Printed Name:

C VAN LAERE

Date:

31/10/16

