

ITEM-4	PLANNING PROPOSAL - 93-107 CECIL AVENUE AND 9-10 ROGER PLACE, CASTLE HILL (12/2016/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	12 APRIL 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER MEGAN MUNARI
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council forward a request for a Gateway Determination to the Department of Planning and Environment to amend the planning controls to permit a high density mixed use development on 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill.

Specifically, it is recommended to:

- a. Rezone the entire site R1 General Residential;
- b. Remove the maximum building height applicable to the site; and
- c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 2.3:1 across the entire site to permit a maximum dwelling yield of 326 dwellings to the site.

Having regard to relevant the State Government and Council strategic planning policies, as well as the strategic merit of the proposal, this report proposes an alternative development outcome with a reduced residential yield.

It is considered that there is strategic justification and merit for a mixed use development outcome on the site, incorporating residential and commercial development, having regard to the strategic location of the site within the Castle Hill Station Precinct. Further, it is noted that there is a measurable public benefit associated with the redevelopment of the site which includes the provision of a through site pedestrian link providing greater accessibility to services and facilities within the Castle Hill Centre, in particular more direct access to the station from the south.

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

considered that the recommended planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited. As part of this process, the applicant will be required to demonstrate, through contextual analysis and further urban design work, that the proposed floor space ratio and development concept is appropriate on the site and will be comparable in scale and context with the Castle Hill Precinct. Should the proposal proceed to public exhibition, the applicant should submit additional information, including a model, to assist with the communication and interpretation of the proposed development by the community.

APPLICANT

Merck Property Pty Ltd

OWNERS

Havachat Pty Ltd
 Mr A Naicker
 Mr D G Campbell & Mrs M Campbell
 Mr H P Kibellis & Mrs Z E H Kibellis
 Mr J H Kim
 Mr J Z H Wang & Mrs S Y Wu
 Mr P L Britza
 Mr S B James & Mrs J M James
 Mr W F Baker & Mrs H G B Baker
 Mr Y G Kim & Ms J U Lee
 Mr Z H Gu & Mrs W X Kong
 Mrs E N Doherty
 Mrs J Moon & Mr A G Moon
 Ms A Spike & Ms L Cribbin
 Ms B Marlborough
 Ms I S Cheng
 Ms O H Jo
 Sasso Investments Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	<i>93-101a Cecil Avenue</i>	<i>103-107 Cecil Avenue & 9-10 Roger Avenue</i>
Zone:	R1 General Residential	R3 Medium Density Residential
Minimum Lot Size:	600m ²	700m ²
Maximum Height:	16 metres	9 metres
Maximum Floor Space Ratio:	1:1	N/A

POLITICAL DONATIONS

Yes

REPORT

The purpose of this report is to consider a planning proposal which seeks to facilitate a mixed use development comprising of residential flats, office premises, business premises and restaurants/cafes.

1. 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 17,610m².

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 762 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. In the preparation of LEP 2012 the R1 General Residential Zone was used to provide a transition from the retail core of centres to adjacent residential uses. This zone has been used to translate the previous 3(b) Business

(Commercial) zone in LEP 2005 in the absence of an “office only” type of zone in the Standard Instrument Template.

2. PLANNING PROPOSAL

The applicant’s planning proposal seeks to amend the LEP to permit a mixed use development comprising of residential flat buildings, office premises, business premises and cafés/ restaurants. The proposal seeks to:

1. Rezone the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
2. Increase the maximum building height to facilitate 17 storey buildings;
3. Apply a floor space ratio of 3.5:1 over the entire site.

In support of the planning proposal, the applicant has submitted a design concept illustrating the intended future development outcomes. The overall development concept, seen in Figures 2-3-4, proposes three (3) to four (4) storeys of podium style development (commercial, restaurant and café – 8,025m²) below thirteen (13) storeys of residential apartments comprising of 115 x one (1) bedroom units, 300 x two (2) bedroom units and 45 x three (3) bedroom units, resulting in 460 units in total.



Figure 2
Proposed Development Concept



Figure 3
Artists Impression - View from South across Roger Avenue



Figure 4
Artists Impression - View from North

3. STRATEGIC CONTEXT

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 8,025m² 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.

While the Hills Corridor Strategy includes a floor space ratio of 1.5:1 for the land currently zoned R1 General Residential, resulting in 15,000m² of commercial floor space (approximately 395 jobs), the site is on the periphery of the core of Castle Hill and outside of the ring road where the majority of high density commercial development is identified to occur. As a result, the proposed quantum of commercial floor space is reasonable.

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.

Local Strategy

Council's Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire 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.

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.

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 Castle Hill Centre's existing and future services and infrastructure.

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 applicant's planning proposal includes 8,025m² of commercial floor space, which is partially consistent with the desired outcomes for Castle Hill. In the context of the site, being on the periphery of the core of Castle Hill and outside of the ring road where the majority of high density commercial development is identified to occur, 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

The Employment Lands Direction identifies Castle Hill as a Major Centre with commercial growth potential within the Shire. The Direction identifies the need for sufficient commercial office space to be provided to match the skills of the residents within the Shire. The type and extent of non-residential floor space proposed in the applicant's proposal will contribute to employment growth and the provision of commercial office space within the Castle Hill centre. However, it is acknowledged that the site is on the periphery of the core, which is not the most appropriate place for high density commercial development. The opportunity to provide a mixed development with some commercial floor space is supported and the planning proposal is considered generally consistent with the Employment Lands Direction.

North West Rail Link Corridor Strategy

The NSW Government North West Rail Link Corridor Strategy provides a vision for how the areas surrounding the eight (8) future train stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs. The Castle Hill Structure Plan

projects that within the Castle Hill Station Precinct, an additional 4,400 dwellings and 9,500 jobs will be provided by 2036.

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 (refer to Figure 5).

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 this quantity of land 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.

Notwithstanding the inconsistencies between the built form outcomes and the yield in the Strategy, the applicants planning proposal and development concept is substantially different from what the site is identified for in the Strategy. The development concept for the site provided by the applicant includes maximum height of 17 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).



Figure 5
North West Rail Link Castle Hill Precinct 'Medium Density Apartment Living' Desired Outcomes

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. This is considered the 'base' case for reasonable development potential on this site.

The 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 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 2,491 additional dwellings and 3,650 additional jobs 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 has not undergone precinct planning at this time. As such this proposal needs to provide a strong case for change, ahead of Council's strategic planning work. Part of the subject site (approximately 10,000m²) 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 (refer to Figure 6). If this Employment Floor Space Ratio was applied to this part of the site it could deliver approximately 15,000m² of employment generating floor space, providing approximately 395 jobs.

The planning proposal includes 8,025m² of commercial floor space, which would provide 211 jobs and falls short of the envisaged commercial floor space outcome. However, consideration needs to be afforded to the appropriate intensity of commercial development at 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.

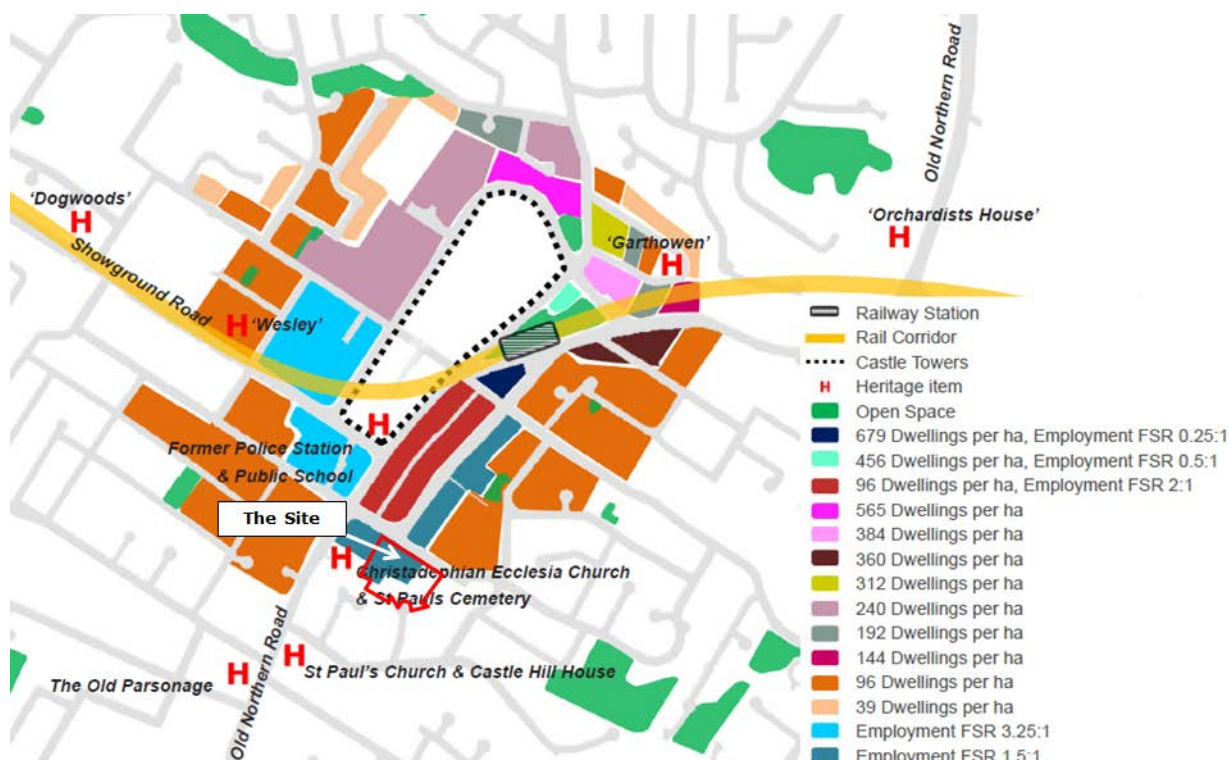


Figure 6

The Hills Corridor Strategy Castle Hill Precinct Desired Outcomes

Ministerial 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Environment to issue directions that Councils must address when preparing planning proposals for amendments to LEPs. The relevant Section 117 Directions are:

- Direction 2.3 - Heritage Conservation
- Direction 3.1 - Residential Zones
- Direction 3.4 - Integrating Land Use and Transport
- Direction 5.9 – North West Rail Link Corridor Strategy

The planning proposal is generally consistent with these Directions with the exception of Direction 5.9 – North West Rail Link Corridor Strategy. It requires that a planning proposal must be consistent with the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts. As detailed earlier within this report, the 'base' case would permit 282 dwellings. However, given the size of the site, the strategic location and the improved outcomes from the ability to master plan, additional yield consistent with the principles of Castle Hill North is recommended. This increased yield would be inconsistent with the Ministerial Direction 5.9 – North West Rail Link Corridor Strategy.

Accordingly, should Council resolve to proceed and forward the proposal to the Department of Planning and Environment for Gateway Determination, Council must satisfy the Secretary of the Department of Planning and Environment that any inconsistency with the Section 117 Direction is justified.

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a. Site Amalgamation
- b. Residential Density;
- c. Provision of Commercial Floor Space
- d. Preferred Zone;
- e. Interface with Adjacent Sites;
- f. Apartment Size and Mix and Car Parking;
- g. Traffic Generation and Management
- h. Future Cumulative Impacts
- i. Infrastructure

a. Site Amalgamation

The subject site comprises 18 single residential allotments, each under separate ownership. The applicant has confirmed their control of the whole site, via put and call options. All but two off the properties have exchanged contracts. The outstanding two properties have had contracts of sale drawn up and are expected to exchange shortly.

In the Hills Corridor Strategy, Council has identified the benefits of encouraging sites to amalgamate where it can be demonstrated that the amalgamation will deliver improved outcomes and public domain improvements. It flags potential future mechanisms to encourage site amalgamation on key sites, subject to detailed planning investigations. This approach has been explored in Castle Hill North, where a clause has been included to provide objectives and incentivise amalgamations (through granting additional floor space) on key sites that are strategically located and have capacity to deliver improved built form outcomes and public domain improvements.

The amalgamation of these sites into a single development site allows master planning to deliver dwellings with high levels of amenity and attractive and usable common open spaces. The development concept master planning allows improved outcomes that can capitalise on efficiencies for common open space areas, vehicle and pedestrian access and basement car parking.

Given the agreement that has been reached by these landowners, it is considered that there is sufficient certainty of outcome to proceed with the planning proposal.

b. Residential Density

The site is identified under the North West Rail Link Corridor Strategy as suitable for medium density apartment buildings and in the Hills Corridor Strategy as being suitable for commercial development outcomes. There is also strategic justification for a mixed use development outcome on the site, incorporating residential accommodation, on the basis that the site is in reasonable proximity to the Castle Hill Train Station (620 metres walking distance), Castle Towers (500 metres walking distance) and services and employment opportunities within the Castle Hill centre.

In terms of residential outcomes, the site falls outside of the area identified for growth in the Hills Corridor Strategy. Given the amalgamated land holding, the opportunity for a mixed use outcome and connectivity improvements, the proposal warrants consideration. However, given the 'medium density apartment living' outcome identified in the North West Rail Link Corridor Strategy there is a need to examine whether the proposed residential built form and yields are appropriate.

The planning proposal seeks to facilitate 460 units, which would result in a dwelling density over the site of approximately 270 dwellings per hectare. Using the principles applied to the Castle Hill North Precinct, land capable of accommodating similar dwelling densities is located between 280m and 500m from the future Castle Hill Station.

The 'base' case established under the three (3) to six (6) storey built form outcomes under the North West Rail Link Corridor Strategy of 282 dwellings in total, results in an overall residential density on the site of 165 dwellings per hectare. This is substantially less than the 270 dwellings per hectare in the planning proposal. The density in the planning proposal is more than double the residential density of these adjacent sites that are closer to the future train station. Densities in the order of 270 dwellings per hectare have been identified for large key sites, close to the station in the Castle Hill North Precinct, not in the commercial or mixed use areas.

If the principles used in developing the Castle Hill North Precinct Plan (such as walking distance to the station, site size and configuration) were applied to the south of Castle Hill, this site could reasonably expect to accommodate a dwellings density of 192 dwellings per hectare. This would result in a total yield of 326 dwellings on the site, rather than the 460 as submitted by the applicant.

The site does display desirable attributes for increased density, in that it is a large site capable of being master planned to take advantage of efficiencies in common open space and access. The site does not isolate any adjacent properties or prevent them from developing in a similar manner. However, the proposed yield of 460 dwellings is considered excessive for this site and location.

It is recommended that the yield of the site be capped at 326 dwellings, which is consistent with the approach taken for precinct planning in Castle Hill North and provides for substantial development potential, even beyond that identified in the North West Rail Link Corridor Strategy.

It should be noted that the final yield could change, as a result of the further studies to be undertaken and refinement of the development outcomes through the Gateway and public exhibition process.

c. Provision of Commercial Floor Space

The subject site is not identified as mixed use or commercial core in the North West Rail Link Corridor Strategy. However, under the Hills Corridor Strategy, part of the site is identified as employment generating uses with a floor space ratio of 1.5:1. This part of the site could generate approximately 352 jobs, if developed in accordance with the Strategy. The development concept provided in support of the planning proposal includes 8,025m² of non-residential floor space, comprising office premises, business premises and restaurants/cafes that would generate 211 jobs.

Castle Hill Centre is identified in both the North West Rail Link Corridor Strategy and Hills Corridor Strategy as providing significant jobs growth. The strategies both recognise the need for commercial floor space to facilitate jobs growth in the centre. This proposal presents an opportunity to seek residential and commercial development in a mixed use development that achieves the strategic intent of both strategies.

d. Preferred Zone

The planning proposal includes rezoning of the site to B4 Mixed Use, which would effectively expand of the core of the Castle Hill Centre. The Hills Corridor Strategy identifies the core of Castle Hill as land fronting the ring road, which this site does for a small part (approximately 25m), although the site does not have direct vehicle access. The Castle Hill centre is structured to contain high density retail and commercial

development to the core, with a transition area that gradually reduces intensity as you move further away from the core toward low density residential development.

The use of the B4 Mixed Use Zone across the entire site would expand the core and allow high density retail and commercial development directly adjacent to single residential dwellings. This outcome is inappropriate, as it does not protect the amenity and outlook of the adjacent low density residential development. Further, the expansion of the core would disperse high density activities away from the station and potentially undermine redevelopment of sites that are better located and suited to high density retail, commercial and mixed use development.

The site is currently zoned partly R1 General Residential and partly R3 Medium Density Residential. These zones have been used in LEP 2012 to provide a transition from major centres to nearby low density residential development. A key objective of the R1 General Residential zone is *"to enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas"*.

As the R1 General Residential zone permits residential flat buildings, office premises, business premises, cafes and restaurants, as well as neighbourhood shops, it would be the appropriate zone to facilitate the uses detailed in the development concept provided by the applicant, while providing a suitable transition from the high density core to low density residential dwellings (refer to Figure 7).

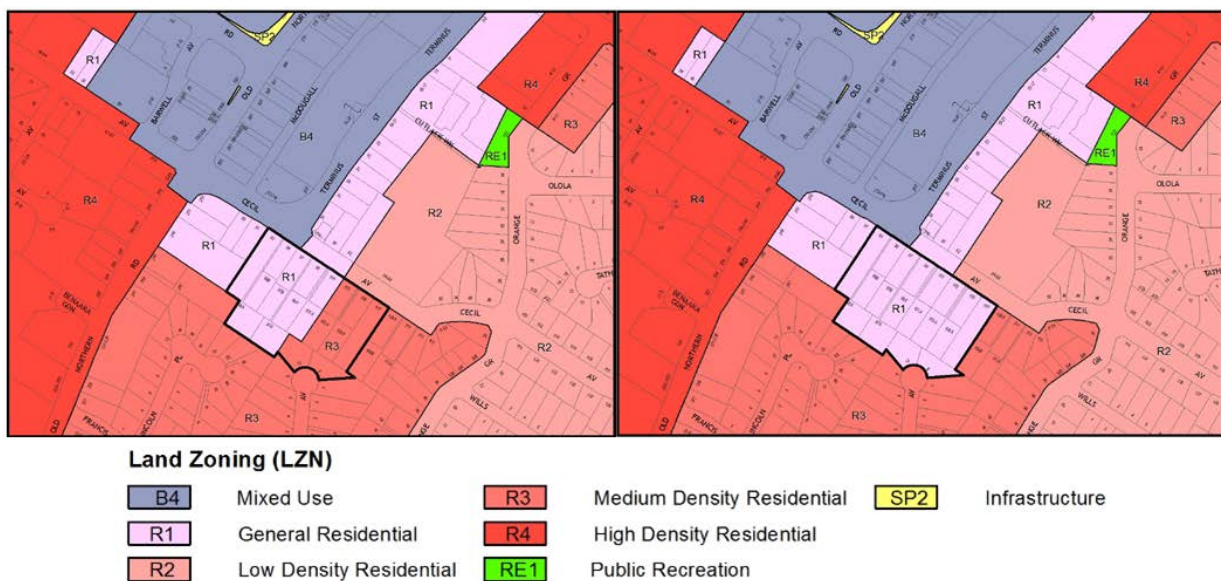


Figure 7
Existing (left) and Proposed (right) Land Zoning

It is recommended to rezone the entire site as R1 General Residential to manage the transition from the core of the centre to the low density residential development, consistent with Councils zoning approach in LEP 2012.

e. Interface with Adjacent Sites

The subject site is located on the periphery of the Castle Hill Centre and directly adjacent to single residential dwellings. The planning proposal indicates residential flat buildings between three (3) and six (6) 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 and building dominance. More appropriate development along

these boundaries would be a maximum three (3) storeys as a transition from single storey dwelling to the higher built form fronting Cecil Avenue.

- *Overshadowing*

The development concept provided by the applicant includes indicative shadow diagrams that show substantial overshadowing on neighbouring low density residential dwellings (refer to Figure 8).

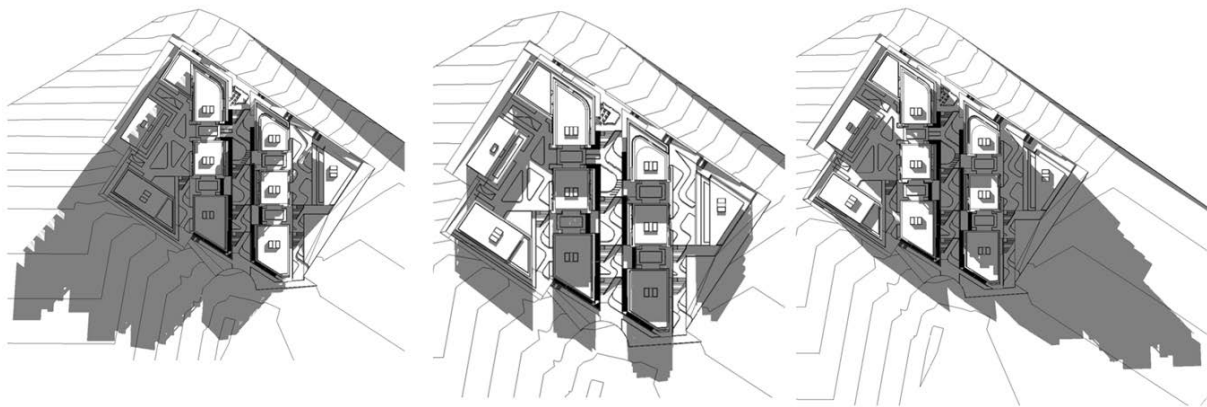


Figure 8

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

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, additional design details will be required to demonstrate that the overshadowing impacts on neighbouring properties are acceptable.

- *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 from the east, south and west will be dominated by the built form proposed on the site (refer to Figures 7, 8 and 9). A more sensitive and gradual approach to building form is needed to create a transition to low density residential dwellings.

**Figure 9**

Development concept showing height in storeys

**Figure 10**

Development concept south elevation fronting Roger Avenue and low density dwellings

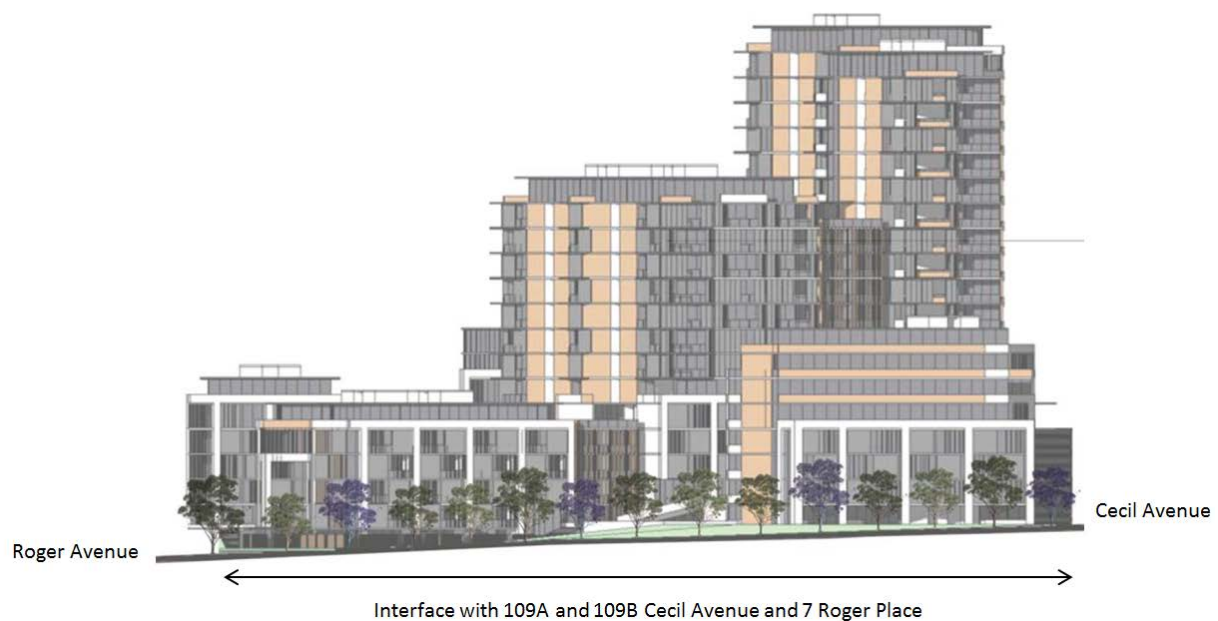


Figure 11
Development concept east elevation fronting low density dwellings

It is recommended that further design work be undertaken to ensure an appropriate transition to the neighbouring low density residential dwellings. This will potentially inform more detailed maximum building height or Development Control Plan amendments specific to the site. Further, in light of the recommended maximum yield and the development concept shown in Figures 9, 10 and 11, a revised concept needs to be provided prior to exhibition.

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

- *Heritage Items*

The site is located adjacent to a heritage listed cemetery (refer to Figure 1). 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 that was developed as a memorial to war veterans. The proposal does not include any assessment of the impacts of the proposal on these heritage items. It is recommended that a heritage impact statement be required to ensure that the heritage significance of these items is protected.

f. Apartment Size and Mix

The applicant has indicated a commitment to comply with Council's apartment size, mix and car parking requirements which will promote the housing outcomes advocated by Council to suit the needs of expected future residents.

Should Council resolve to proceed, it is recommended that the planning proposal include a local provision which ensures that the uplift generated by the planning proposal can only be achieved where the development delivers the housing product that meets Council's apartment mix, apartment size and centres car parking rate and where the development delivers the proposed pedestrian through site link and public domain improvements.

The proposed local provision would utilise the incentives framework established through The Hills Corridor Strategy and precinct planning process for the Castle Hill North Precinct which provides a “base floor space ratio” and an “incentivised floor space ratio”. It is recommended that a “base floor space ratio” of 1:1 be applied to the site (consistent with the current floor space ratio applicable to the R1 General Residential zoned portion of the site), with an “incentivised floor space ratio” of 2.3:1, that will facilitate development to the recommended maximum residential yield of 326 units and 8,025m² of commercial floor space. The proposed clause to be included within the Local Environmental Plan written instrument is provided as Attachment 1 to this report.

It is noted that the amendments proposed to the existing design excellence clause within LEP 2012 as part of the precinct planning for Castle Hill North Precinct would ensure that the existing design excellence clause would apply to *all* development over 25 metres (8 storeys). The proposed amendments to this existing clause are provided as Attachment 2 to this report.

g. Traffic Generation and Management

The proposal has the potential to increase traffic on local roads and 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).

A traffic impact statement has been provided in support of the planning proposal that concludes 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. It also indicates that no vehicle access will be provided via Roger Avenue.

The section of Cecil Avenue west of Terminus Street to Orange Grove is considered a minor collector road. It sustains higher than average through traffic loadings, as vehicles use this as a means of bypassing delays occurring on Crane Road.

The environmental capacity of Cecil Avenue has been identified as 284 vehicles per hour. Cecil Avenue currently has an existing peak hour traffic volume of approximately 320 vehicles per hour, exceeding the identified environmental capacity.

The development concept, as submitted, will generate 290 trips in peak hour. The cumulative impact of the proposed development in Cecil Avenue will result in traffic increase of up to 190% on Cecil Avenue. Whilst the peak hour environmental capacity of 284 vehicle movements in Cecil Avenue is currently exceeded, the additional 290 peak hour trips from the proposed development will increase this by a substantial margin. It should be noted that the recommended reduced yield will also reduce the trips generated by the development and in turn the impact on the road network.

Local Area Traffic Management measures such as roundabouts and parking lane treatments have been installed in Cecil Avenue. These proposals have in combination reduced the speed and to some extent the volume of traffic currently using Cecil Avenue as a bypass route, however the traffic volume along Cecil Avenue is always likely to exceed the environmental capacity.

The most direct route to access the proposed driveway in Cecil Avenue is to turn right from Old Northern Road at the intersection of Francis Street. Assuming a 50% directional split between vehicles approaching from the south and north results in an additional 145 vehicles attempting to turn right from Old Northern Road during the afternoon peak hour. Old Northern Road is a classified road. Having regard to the

adverse accident history, in particular rear end collisions, at this intersection, Roads and Maritime Services will possibly require the provision of a dedicated right turn bay.

It is recommended that a traffic study be undertaken that addresses the peak hour directional splits, potential impacts on the nearby intersections (including Old Northern Road / Francis Street) and measures to address the elevated environmental capacity issues in Cecil Avenue. Further, mechanisms to limit vehicle access to the development from Roger Avenue will need to be investigated.

h. Future Cumulative Impacts

During the exhibition of the Hills Corridor Strategy, Council received 641 submissions, 75 of which were individual submissions from residents within the vicinity of the subject site. Many of these submissions had similar concerns and these and as part of the consideration of submissions these submissions were collated in to 'major sites' areas (refer to Figure 12). Many of these submitters indicated the desire for their site to be included in the Castle Hill Precinct and expressed their intentions to either sell their property or move on, to facilitate redevelopment of their property for higher densities.

This indicates that in addition to Castle Hill North, Castle Hill (south – as identified in the Hills Corridor Strategy) and Cherrybrook Precincts there are likely to be additional proposals in the future that will either propose that additional land facilitate high density development or propose to exceed the anticipated growth in the Hills Corridor Strategy.

In light of this, it is important to be cognisant of the incremental increase in residential densities throughout the Castle Hill Precinct and the impact this has on traffic, infrastructure delivery, community facilities and services.



Figure 12

Individual (red dot) and group (purple submissions to the Hills Corridor Strategy in the vicinity of the subject site

i. Infrastructure

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.

- *Section 94 Contributions*

The Contributions Plan that applies to the land is CP5 – Castle Hill. This Plan was prepared to provide infrastructure for low density residential development in Castle Hill, which is essentially complete. The Plan is near the end of its life and the infrastructure delivered under this plan does not anticipate the kind of development indicated in this proposal.

- *Local Open Space and Community Facilities*

While 460 additional units resulting from this planning proposal may not, in isolation, create the need for new local infrastructure facilities, it is critical to consider the cumulative impact of incremental uplift and growth on local infrastructure provision. This is especially relevant in the context of the Castle Hill Station Precinct, where Councils is likely to receive more planning proposals seeking to achieve uplift in advance of the completion of detailed precinct planning and infrastructure assessments for the rail precincts.

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

Accordingly, the planning proposal to facilitate 460 residential units would generate the need for:

- 23% of a new sports fields
- 23% of a new local park
- 23% of a new netball court
- 23% of a new tennis court
- 9% of a new community facility

- *Castle Hill North Approach*

A new Contributions Plan is being prepared for the Castle Hill North Precinct, which will identify the infrastructure required to support the demand generated by the additional population within that Precinct. The infrastructure included within the Contributions Plan is considered to be necessary to support a quality of life similar to that enjoyed by existing residents. Of particular relevance to this planning proposal is the approach being taken with playing fields for Castle Hill North.

Castle Hill North will generate demand for around 2 playing fields and one (1) cricket oval. As the existing playing fields are already at capacity there is no potential to accommodate the additional demand within these facilities. Additional playing fields will be required to ensure that the future population is provided with appropriate active open

space facilities, and not simply provided with a sub-standard level of service due to the difficulties associated with acquiring open space.

The planning work being undertaken for Castle Hill North presents a significant opportunity to implement a coordinated strategic approach to the provision of open space to meet the requirements of future residents. This approach would secure the provision of a district facility, of a sufficient size, to accommodate the demand which is projected to occur within the entirety of the Castle Hill Precinct (north and south) and the Cherrybrook Precinct.

The combined population growth envisaged within the Castle Hill North, Castle Hill South and Cherrybrook Precincts are included within the following table. It is noted that the population growth for Castle Hill North is based on the incentivised provision of residential floor space and the growth within Castle Hill South and Cherrybrook Precincts is based on the growth envisaged within Council's draft Corridor Strategy.

	Additional Population	% of Growth
Castle Hill (North)	6,200	47%
Castle Hill (South)	3,576	27%
Cherrybrook	3,389	26%
	13,165	

Table 1

Growth Projection within the Castle Hill and Cherrybrook Precincts

A population of 13,165 people would generate demand for a minimum of four (4) playing fields, two (2) cricket ovals and four (4) tennis courts.

It is noted that the subject site is not included in the additional population identified above, as this is based on the Hills Corridor Strategy where no residential uplift was envisioned for the site. This means that if this proposal was to contribute directly to this facility this proposal would be taking up the capacity of that facility to provide for growth identified on other land in Castle Hill (south).

It is recommended to undertake further negotiation with the applicant to address the increased demand for local infrastructure generated by the proposed increase in residential density.

- *Public Domain Improvements*

The development concept, provided in support of the planning proposal indicates a publicly accessible through site pedestrian link, which will improve access from the south through the site to Castle Hill Centre. The through site link will provide some public benefit by increasing the permeability of Castle Hill centre and connecting residential areas to the south with the core.

It is intended to further negotiate with the applicant to formalise public access via the through site link as part of the development.

- *Voluntary Planning Agreement*

While the planning proposal may generate public benefit associated with the proposed through site link, it fails to address, or provide adequate solutions to deal with, the increased demand for local infrastructure such as open space and community facilities as a result of the proposed increase in residential density.

It is intended to negotiate with the applicant for the provision of the through site pedestrian link. Council has held a preliminary discussion with respect to securing infrastructure, where the applicant has indicated a willingness to negotiate a Voluntary Planning Agreement.

Should Council resolve to proceed with the planning proposal, it is considered that a Voluntary Planning Agreement must not only secure, to Council's satisfaction, the delivery of through site pedestrian link but also resolve how the applicant will address the increased demand for local infrastructure (in particular local open space and community facilities) generated by the proposed increase in residential density.

Further, should Council resolve to proceed with the planning proposal, it is recommended that Council should enter into negotiations with the applicant with respect to the proposed Voluntary Planning Agreement and that the matter be reported back to Council prior to the public exhibition of the planning proposal. Should the planning proposal proceed to public exhibition, it should be exhibited concurrently with any associated draft Voluntary Planning Agreement.

OPTIONS

OPTION 1

The planning proposal not proceed for the following reasons:

1. The proposal is inconsistent with State Government North West Rail Link Corridor Strategy, as it provides substantially more residential development than the strategy envisages;
2. The proposal is inconsistent with Hills Corridor Strategy as it does not provide the identified commercial floor space the strategy envisages;
3. The proposal is premature, as no precinct plan is prepared for land in the south of Castle Hill centre; and
4. The transition to low density development and the amenity impacts on adjacent residential properties are not acceptable.

OPTION 2

A planning proposal, as amended in accordance with the recommendations of this report, be forwarded to the Department of Planning and Environment to:

- a. Rezone the entire site R1 General Residential;
- b. Remove the maximum building height applicable to the site; and
- c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 2.3:1 across the entire site to permit a maximum dwelling yield of 326 dwellings to the site.

Council would also proceed to discuss with the Applicant the issues relating to the increased demand for local infrastructure generated by the additional residential density and not proceed to public exhibition until such time as the increased demand for infrastructure has been addressed.

OPTION 3

The planning proposal for 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill, as provided by the applicant, be forwarded to the Department of Planning and Environment to:

1. Rezone the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
2. Increase the maximum building height to facilitate 17 storey buildings; and
3. Apply a floor space ratio of 3.5:1 over the entire site.

CONCLUSION

It is considered that there is adequate strategic justification for higher density development on the site, given its strategic location close to the core of Castle Hill and it being identified in the North West Rail Link Corridor Strategy and the Hills Corridor Strategy for increased development opportunities.

Having regard to the strategic planning framework as well as the context of the site, this report recommends that Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination subject to amendments to:

- a. Rezone the entire site R1 General Residential;
- b. Remove the maximum building height applicable to the site; and
- c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 2.3:1 across the entire site to permit a maximum dwelling yield of 326 dwellings to the site.

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited, with the acknowledgement that further work is required prior to exhibition to assess the traffic impacts of the proposal, the amenity and heritage impacts on neighbouring properties and the infrastructure need generated as a result of this development.

It is considered that as part of the Gateway and public exhibition process, further consideration should be given to amendments to the Development Control Plan which support the planning proposal and ensure appropriate development outcomes are achieved on the site. Whilst it is considered there are sufficient grounds to proceed with the proposal, as recommended, further refinement of the controls may be required following the issue of a Gateway Determination to ensure future development provides appropriate amenity and built form outcomes particularly in relation to the lower density housing and heritage items to the east, south and west of the site.

Should Council resolve to forward the planning proposal to the Department of Planning and Environment, this report also recommends that Council enter into negotiations with the applicant with respect to infrastructure delivery to adequately resolve the issues relating to the increased demand for local infrastructure. While it is considered that the planning proposal may be forwarded to the Department of Planning and Environment for Gateway Determination in advance of these negotiations, it is recommended that the planning proposal should not proceed to public exhibition until Council is satisfied that the draft Voluntary Planning Agreement adequately addresses these issues.

IMPACTS**Financial**

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

The Hills Future - Community Strategic Plan

The planning proposal seeks to promote the better usage of existing land and capitalise on the strategic location of the site.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 to:
 - a. Rezone the entire site R1 General Residential;
 - b. Remove the maximum building height applicable to the site; and
 - c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 2.3:1 across the entire site to permit a maximum dwelling yield of 326 dwellings to the site.
2. Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed pedestrian linkages and public domain improvements and resolves how the applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

ATTACHMENTS

1. Draft Local Incentives Provision (2 pages)
2. Proposed Design Excellence Provision (2 pages)

ATTACHMENT 1

CLAUSE 4.4 FLOOR SPACE RATIO**4.4 Floor space ratio**

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

- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) to provide for a built form that is compatible with the role of town and major centres.*
- (c) to limit residential flat building development that is inconsistent with the demographic profile of the Hills Shire.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

4.4A Floor space ratio incentive

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

- (a) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets.*
- (b) to provide opportunities for suitable housing density that is compatible with the future character of the surrounding area.*
- (c) to promote development that accommodates the needs of larger households, being a likely future residential use.*
- (d) to promote development that does not isolate sites that will contribute to an improved built form outcome.*
- (e) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.*
- (f) to facilitate development that is sympathetic to the character of heritage items.*

(2) *Despite clause 4.4, development consent may be granted for development that exceeds the floor space ratio shown on the Floor Space Ratio Map but no greater than the floor space ratio shown on the Floor Space Ratio Incentive Map only if:*

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and*
- (b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and*
- (c) the development comprises the following:*
 - i. Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and*

- ii. *Type 2 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and*
- iii. *Type 3 apartments, and*
- (d) *the following minimum number of car parking spaces are provided in the development:*
 - i. *for each 1 bedroom dwelling—1 car parking space, and*
 - ii. *for each 2 or more bedroom dwelling—1 car parking space, and*
 - iii. *for every 4 dwellings—1 car parking space, in addition to the car parking spaces required for the individual dwelling, and*
- (e) *the development in an area identified in the Key Sites Map and shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.*

Column 1 <i>Area on the <u>Key Sites Map</u></i>	Column 2 <i>Specifications relating to the Area</i>
N/A	N/A

(3) *In this clause:*

Type 1 apartment means:

- (a) *a studio or 1 bedroom apartment with an internal floor area of at least 50m² but less than 65m², or*
- (b) *a 2 bedroom apartment with an internal floor area of at least 70m² but less than 90m², or*
- (c) *a 3 or more bedroom apartment with an internal floor area of at least 95m² but less than 120m².*

Type 2 apartment means:

- (a) *a studio or 1 bedroom apartment with an internal floor area of at least 65m² but less than 75m², or*
- (b) *a 2 bedroom apartment with an internal floor area of at least 90m² but less than 110m², or*
- (c) *a 3 or more bedroom apartment with an internal floor area of at least 120m² but less than 135m².*

Type 3 apartment means:

- (a) *a studio or 1 bedroom apartment with a minimum internal floor area of 75m², or*
- (b) *a 2 bedroom apartment with a minimum internal floor area of 110m², or*
- (c) *a 3 or more bedroom apartment with a minimum internal floor area of 135m².*

internal floor area does not include the floor area of any balcony.

The Hills DCP means The Hills Development Control Plan as in force at the commencement of this Plan.

ATTACHMENT 2

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

CLAUSE 7.7 DESIGN EXCELLENCE

7.7 Design excellence

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

~~(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area A" on the Height of Buildings Map.~~

(2) This clause applies to any development, comprising residential floor space, which contains a building with a height of 25 metres or more.

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing as established in The Hills DCP is achieved,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the building displays the desired character established in The Hills DCP,
- (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency established in The Hills DCP,
- (e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
- (f) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.

~~(5) Development consent must not be granted to the following development on land to which this Plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:~~

- ~~(a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,~~
- ~~(b) development having a capital value of more than \$5,000,000,~~
- ~~(c) development for which the applicant has chosen to have such a competition.~~

~~(6) Subclause (5) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.~~

(5) In determining whether to grant consent to the development application, the consent authority is to take into account the recommendations of the Design Excellence Panel ~~results of the architectural design competition.~~

(6) In this clause:

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

***Design Excellence Panel** means an independent Panel established by The Hills Shire Council to provide recommendations on whether development, to which this clause applies, exhibits "Design Excellence".*

***The Hills DCP** means The Hills Development Control Plan as in force at the commencement of this Plan.*

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 April 2016

ITEM-4

PLANNING PROPOSAL - 93-107 CECIL AVENUE AND 9-10 ROGER PLACE, CASTLE HILL (12/2016/PLP)

Proceedings in Brief

Simon Parsons from PTW Architects representing the applicant addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR HARTY OAM THAT

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 to:
 - a. Rezone the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
 - b. Remove the maximum building height applicable to the site;
 - c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 3.5:1 across the entire site to permit a maximum dwelling yield of 460 dwellings to the site; and
 - d. Provide 8,025m² of commercial floor space.
2. Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed pedestrian linkages and public domain improvements and resolves how the applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

THE MOTION WAS PUT AND CARRIED.

165 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 to:
 - a. Rezone the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
 - b. Remove the maximum building height applicable to the site;
 - c. Apply a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 3.5:1 across the entire site to permit a maximum dwelling yield of 460 dwellings to the site; and
 - d. Provide 8,025m² of commercial floor space.
2. Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed pedestrian linkages and public domain improvements and resolves how the applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and
3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 April 2016

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

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr Lowe
Clr Harty OAM
Clr A N Haselden
Clr Hay OAM

VOTING AGAINST THE MOTION

Clr Dr M R Byrne
Clr Tracey
Clr Dr Gangemi
Clr Jefferies

ABSENT

Clr Taylor MP
Clr Thomas

8.22pm *Councillor Harty OAM left the meeting and returned at 8.24pm during Item 3.*