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Forward Planning Coordinator
The Hills Shire Council
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BAULKHAM HILLS BC 2153

**PLANNING PROPOSAL – AMENDED SCHEME
93-107 CECIL AVE & 9-10 ROGER AVE, CASTLE HILL**

Dear Megan,

This submission has been prepared by JBA for Merck Property Pty Ltd to update and amend the scheme provided to Council in its consideration of a rezoning proposal for the site at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill (the site). The properties which make up the subject site are identified below, with the combined site area being approximately 17,610m².

The primary outcome of the Planning Proposal is the residential development of the site with complementary employment generating uses such as business premises, small scale retail premises and café/restaurants.

The Planning Proposal recognises that the site presents an opportunity to link the strategic centre with the wider residential catchment to the south, whilst constituting a 'stepping down' of development to the southern catchments from the station precinct.

A key consideration of this proposal is the considerable site size, being 17,610m². This has enabled the scheme to manipulate the bulk to reduce impacts on its edges and modulate heights to provide a signature element to the north that allows greater SEPP 65 compliance and northern aspect dwellings. Sites of this size allow the orderly and economic use of land to best provide much needed housing supply in the walkable catchment of a rapid transit mode.

Following a meeting with the proponent and Council's strategic planning staff on 4 April 2016, the following amendments to the scheme are proposed:

- Increased building heights to the Cecil Avenue frontage from 12/13 storeys to 17 storeys;
- Greater provision of ground floor 'active uses' (and a corresponding reduction in ground floor residential uses) which will allow for small business, retail and food and beverage operators at the ground floor plane of the proposal and along the proposed through-site link. This results in a total FSR of 3.36:1, of which 0.46:1 is for non-residential uses; and
- An offer to enter into a Voluntary Planning Agreement (VPA).

This submission includes amended plans and perspectives provided by PTW Architects (**Appendix A**). We request that Council consider these amendments for the upcoming Council meeting of Tuesday 12 April 2016.

The proponent seeks an FSR of 3.5:1 and building height of 17 storeys across the entire site, recognising that height and bulk modulation will come at a Development Application stage to mitigate any impacts.

1.0 SCHEME AMENDMENTS

The amendments that are proposed to be considered in the full Council meeting of 12 April 2016 include the following:

- Increased building heights to the Cecil Avenue frontage from 12/13 storeys to 17 storeys for the main buildings along the street frontages, and to the proposed built form immediately fronting the main through-site link.
- Increased provision of ground floor 'active uses' from a total of 4,030m² (FSR 0.2:1) to 8,025m² (FSR 0.46:1) to provide for business, retail and food and beverage operators at the ground floor plane of the proposal. These non-residential uses will activate the through site-link, creating a fine-grain urban form and providing employment opportunities which capitalises on pedestrian movement between Roger Avenue and residential areas to the south, and Cecil Avenue and the town centre further north.

The Planning Proposal seeks, in essence, an all of site FSR of 3.5:1 and building heights of 17 storeys. The applicant is willing to accept a minimum yield or FSR for non-residential uses up to a total 8,000sqm or 0.46:1.

1.1 Increased Building Height

The proposal has been increased from 12 and 13 storeys for the two buildings along the Cecil Avenue street frontage, to 17 storeys. This will facilitate a signature building along this main frontage and provide greater modulation to the built form to provide greater interest to the skyline.

The increased height to the northern frontage will allow additional apartments with better solar access and also shift the building mass away from smaller scale residential areas to the south. This will also further minimise overshadowing impacts on adjacent residential areas as a result of creating slender tower built forms. The scheme is reduced to 4 and 5 storey elements at the edge interfaces.

Regarding Council's queries concerning the proposal's interface with residential areas to the south, we are of the opinion that these are matters which can be addressed throughout the Planning Proposal process and in detailed design at a final rezoning or Development Application stage. We request that Council do not seek to mitigate these impacts arbitrarily at this initial stage without full design analysis, which can commence prior to the exhibition of the Planning Proposal.

Mindful of the anticipated heights of the Caste Hill North Precinct structure plan which advocates heights of up to 20 storeys, and recent approvals of the Crane Street site (identified in Part D Section 15 of the Hills DCP) at 21 storeys and the Pennant Street Target Site (identified in Part D Section 2 of the Hills DCP) at 18 levels.

It is noted that the applicant is willing to accept Council's DCP as it relates to unit mix, unit sizes and car parking rates.

1.2 Ground Floor Uses

The proposal has been amended to include additional ground floor 'active uses' (and a corresponding reduction in ground floor residential uses) which will allow for small business, retail and food and beverage operators at the ground floor plane of the proposal, which will contribute to the activation of the through-site link and Cecil Avenue frontages and create a sense of place. The increase proposed is from a total of 4,030m² to 8,025m² in active ground floor uses.

The total non-residential FSR is proposed to be 0.46:1, bringing the total FSR to 3.36:1.

The types of uses envisaged to activate Cecil Avenue and the proposed through-site link include:

- Food and drink premises such as restaurants, cafes and take away food and drink premises;
- Shops;
- Neighbourhood shops;
- Kiosks;
- Recreational facilities (indoor);
- Business premises (such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like).

1.3 Employment Generating Uses

Council's *The Hills Corridor Strategy* seeks an employment FSR of 1.5:1 for part of the site, as identified in the extract below.

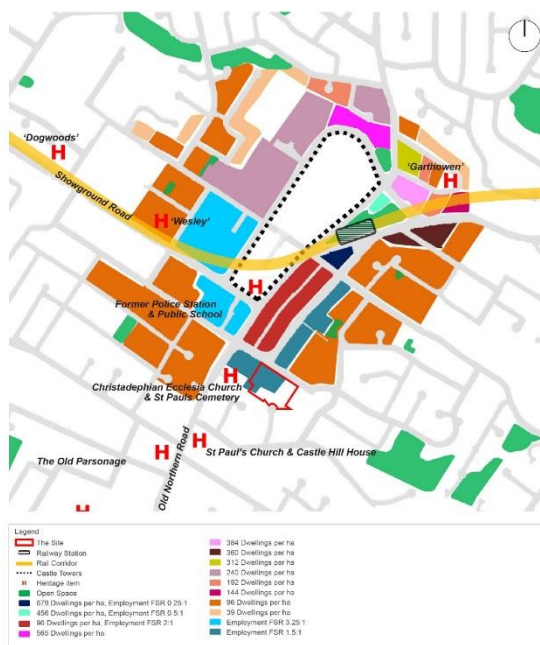


Figure 1 – Castle Hill 'Desired Outcomes' plan
Source: Draft *The Hills Corridor Strategy*, The Hills Shire Council

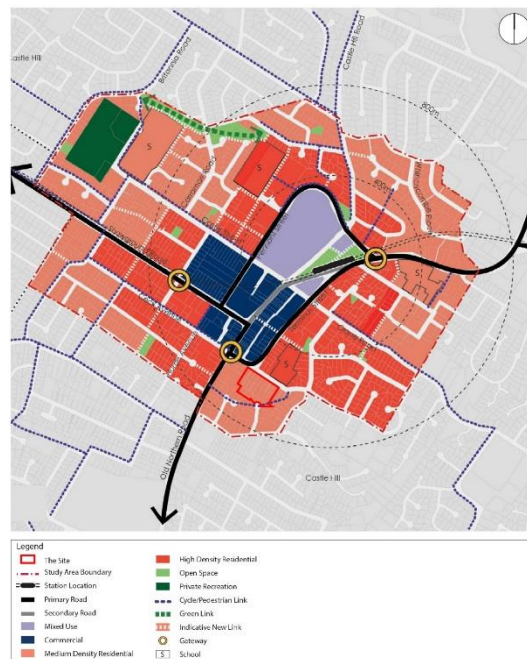


Figure 2 – Structure Plan for the Castle Hill Study Area
Source: NWRL *Corridor Strategy*, NSW Department of Planning & Environment (2013)

We are of the opinion that the quantum of non-residential uses as sought in *The Hills Corridor Strategy* is not viable for the subject site for a number of reasons, as outlined below:

- With regards to the subject site, the Council Strategy is not consistent with the Department's NWRL Strategy, which identifies the site for residential purposes. The Department's Strategy focuses on commercial development in the Castle Hill Town Centre core to the north of the site, as shown in the figure below. We note the status of the State Government Strategy as a s117 Ministerial Consideration.
- Essentially, the viability of implementing commercial uses outside the commercial core of the town centre in a decentralised location such as the subject site, especially at the interface with residential areas adjacent to the subject site, is not viable on a large scale (i.e. 1.5:1 FSR). Furthermore, there is the potential to dilute the commercial core, with a possible impact on future commercial in the core, which is recognised as the best location for such uses.

- Limiting larger office towers to town centre locations such as the Castle Hill Strategic Centre is identified in a number of Council's local strategic planning strategies, as discussed below.
 - Hills Shire Council Local Strategy: This Strategy identifies that '*Planning for a sufficient supply of commercial office space in the strategic centres of Castle Hill, Rouse Hill and Norwest will be guided by the employment targets*' and that '*future development should reinforce, protect, and support the hierarchy of centres and respond to specific issues regarding the long term planning and management of the Shire's centres*' (p. 32). The Strategy identifies that the Castle Hill Major Centre core should accommodate 'taller commercial built form i.e. 8 or more storeys' (p. 33).
Accordingly, Key Direction C2 of the local strategy is to '*Ensure the concentration of large scale retail and commercial activities in the major centre and town centres*' (p. 40).
In this regard, the Council's recommended employment FSR of 1.5:1 on the site is considered too onerous for this fringe location.
 - Centres Direction; Planning and Management of the Shire's Centres: This strategy identifies that '*Centres have a valuable role in providing access to retail and commercial services, employment opportunities, and creating vibrant spaces for the social needs of the community*' and, referencing the Metropolitan Strategy, outlines that one of the roles of local government is to protect existing core commercial areas in strategic centres (p. 13).
We are of the opinion that this location is not a 'core' location in the Castle Hill centre.
 - Employment Lands Direction; Planning, Protection and Management of the Shire's Employment Lands: The Employment Lands Direction seeks to accommodate the growth of the modern local economy to meet community needs whilst enhancing the use and viability of existing employment lands. With regards to Castle Hill, the strategy identifies the role of Castle Hill core being a Major Centre providing office based employment with its function being commercial as an employment precinct.
Given the core's proximity to the new metro station, this is the most appropriate location for greater and vertical commercial density.
- There is limited scope and viability for dense commercial outcomes in the non-core location of the subject site, which, as identified in the Department's NWRL Strategy, is anticipated to accommodate residential uses as a primary land use.
- However, smaller local business may be a viable alternative, and in the context of creating a "sense of place" and a providing active ground floor uses for the site, the proposal has been amended to include increased provision of these uses, commensurate with the recommendations of Council's officers.
- Having regard to the timeframe of realising both Council's Corridor Strategy and the Department's Metro Strategy, and in the context of this Planning Proposal being of the first for Castle Hill, it is considered that there is potential for the non-residential component of the proposal to be not utilised for some time before the market conditions and supporting population are appropriate or sufficient. In this regard, the proposed mix of employment and residential FSR within this amended Planning Proposal is required to maintain the viability of the overall project.
- Including more commercial floor space than that proposed with the amended scheme has potential to result in adverse impacts on residential interface areas of the site. The subject site is clearly an interface site and there is potential for impact on the adjacent residential areas as a result of non-compatible uses. The proposed employment FSR of 0.5:1, whilst an increase compared to the original proposal, is provide an appropriate transition in intensity of uses from the town centre.

1.4 Voluntary Planning Agreement

The proponent recognises that this proposal is one of the first for Council in a re-imagined strategic centre of Castle Hill. This may mean that social and other infrastructure requirements may not have been anticipated or planned for.

Under the current Section 94 Contributions Plan, the following rates apply:

Dwelling type / use	Contribution Rate	Dwellings Proposed / m ² proposed	Contribution Payable
1-bed	\$2,245.52 per unit	115	\$258,234.8
2-bed	\$3,109.17 per unit	300	\$932,751
3-bed	\$4,663.82 per unit	45	\$209,871.9
Commercial ¹	\$143.56 per m ²	8,025m ²	\$1,152,069

The proponent is willing to fund its share of anticipated infrastructure costs for the centre, mindful of its role as a transit-orientated development proximate to the updated rail connection.

2.0 SUMMARY

We seek that Council support the proposed scheme as amended by this submission.

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6969 or at cferreira@jbaurban.com.au.

Yours faithfully,



Chris Ferreira
Senior Planner

¹ Only applicable to Castle Hill Town Centre. The subject site lies outside the centre as per mapping under the Council s94 plan

Appendix A

Proposed amended concept (PTW Architects)