

Amendments to building controls for 51 Old Castle Hill Road, Castle Hill

Proposal Title : Amendments to building controls for 51 Old Castle Hill Road, Castle Hill

Proposal Summary : The proposal is for amendments to the building height and floor space ratio for Lot 101 DP1146629, also known as 51 Old Castle Hill Road, Castle Hill, to align The Hills Shire Council's comprehensive/Principal LEP with the recently commenced controls for this site (as contained in the Baulkham Hills DCP).

PP Number : PP_2012_THILL_001_00 Dop File No : 12/02090

Proposal Details

Date Planning : 16-Jan-2012 LGA covered : The Hills Shire

Proposal Received :

Region : Sydney Region West RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 51 Old Castle Hill Road

Suburb : Castle Hill City : The Hills Shire Postcode : 2154

Land Parcel : The subject site is bounded by Pennant Street, Old Castle Hill Road, and Gay Road. Most of the site is vacant, except for lots fronting Old Castle Hill Road which are occupied by low-density housing.

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

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Land Release Data

Growth Centre : N/A Release Area Name :

Regional / Sub : Metro West Central Consistent with Strategy : Yes

Regional Strategy : subregion

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MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment : **LOBBYIST STATEMENT**

At this point of time, to the best of the Regional team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communication and meeting with lobbyists.

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Pennant Street Target Site**
The subject site is known as the Pennant Street Target Site. Controls for this site were recently adopted and commenced as part of the Baulkham Hills Development Control Plan (DCP)(ie. Part E Section 8). A copy of the DCP is in the DOCUMENTS section.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

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

Is an explanation of provisions provided? **No**

Comment : **It is argued that, given the proposed increased height, an FSR control should be prepared and included for the site to achieve a better design outcome. This section would be amended to identify the revised FSR. See the ASSESSMENT section for further discussion on this matter.**

Additionally, while Council has included the maps that show the new zone and building controls (Attachment A - D to the Planning Proposal), a reference to these maps should be included in this part.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

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3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The proposal is considered consistent with the relevant s117 directions.**

Consideration of the most relevant s117 directions is as follows:

3.1 Residential Zones

The proposal will allow for increased densities of housing on the site. As such the proposal is consistent with this direction.

7.1 Implementation of the Metropolitan Strategy

The proposal will increase dwelling densities on a site that is within a major centre, and is close to good existing public transport infrastructure (eg. it is within 400m of an existing bus interchange), services and jobs. It is therefore consistent with, and promotes the central objective of, the Metropolitan Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The FSR map is to be amended to identify the new FSR.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal doesn't provide a preferred length of time for the proposal to be exhibited, however, given that it is a spot rezoning, 14 days is considered ample.**

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 : **The Planning Proposal is generally adequate, however, there are a number of revisions that should be made prior to exhibition. See the RECOMMENDATIONS section for more information.**

Proposal Assessment

Principal LEP:

Due Date : March 2012

Comments in relation to Principal LEP : Currently with the Department for finalisation.

Assessment Criteria

Need for planning proposal :

A spot rezoning is the best way to revise controls for the subject site.

The LEP amendment will allow the controls for the site, as identified in the soon-to-be finalised Principal LEP, to be aligned with Council's recently endorsed development control plan (DCP). The DCP controls were supported by a traffic assessment undertaken by Council and by Council's urban design initiatives.

Consistency with strategic planning framework :

The proposal is consistent with the Standard Instrument Order and the Metropolitan and draft North West Subregional Strategies.

However, the Department's practice note relating to heights and FSRs in LEPs (ie. PN 08-001) indicates that local councils should endeavour to include these building controls within their LEPs for strategically important centres (such as Castle Hill). This is inconsistent with the proposal to remove the existing FSR for the site which is within Castle Hill major centre.

It can be argued that Council is not proposing to apply an FSR to other R4 High Density Residential zoned land within its local government area, and that removing the FSR from this site would allow it to be developed via the same controls (ie. building envelope controls within Council's DCP) as other similarly zoned and similarly located sites.

However, Council proposes to increase height on this site to 54m to allow a 'landmark building' to be built. To achieve a good design outcome for the site, the existing FSR should be revised to match the greater proposed height, and the revised FSR included in the LEP.

As such Council should undertake an urban design analysis to identify a suitable FSR for the site. Additionally, the Planning Proposal will need to be revised to include this control, which should be re-submitted to the Department (ie. Regional Director Sydney West) for endorsement prior to the exhibition.

Environmental social economic impacts :

Environmental impacts - the site is currently zoned for residential purposes and is surrounded by urban development. Council has advised that the proposal will not impact on threatened/critical species.

Social impacts - The impact of an increase in density allowed via the height increase from 20m to 54m may impact upon:

- 1) existing low density dwellings to the north and east;
- 2) local amenity including the availability of public open space (however it is noted that there is a park adjoining the site, plus a number of others within walking distance to the site); and
- 2) traffic management, particularly given the proximity of the existing major centre.

While it is considered any impacts upon the surrounding development, and mechanisms to mitigate these impacts, will be assessed at the development application stage, Roads and Maritime Services should be consulted during public exhibition to ensure that potential traffic management issues with the proposed increase in dwellings are identified as part of the planning proposal process.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Authority**

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. :

If Other, provide reasons :

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
Cover_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Attachments_A_to_E_Maps.pdf	Map	Yes
Attachment_F_Council_Report.pdf	Proposal	Yes
Baulkham_Hills_DCP.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Planning Proposal proceed on condition that:**

1) Council undertake an urban design analysis to identify a suitable FSR for the site.

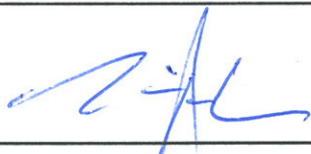
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- 2) Part 2 Explanation of the Planning Proposal is revised to:
 - A) include a revised FSR identified from the above exercise.
 - B) include a reference to the maps for zoning, height and FSR, as shown in Attachments A - D to the Planning Proposal.
- 3) The FSR map be amended to identify the revised FSR.
- 4) Consultation occur with Roads and Maritime Services. This can occur during public exhibition.
- 5) The revised Planning Proposal be submitted to the Department (ie. Regional Director Sydney West) prior to its exhibition.
- 6) Exhibit the Planning Proposal for a period of 14 days.
- 7) Finalise the Planning Proposal within 9 months.

Supporting Reasons :

The Planning Proposal will provide for additional housing within the Castle Hill major centre in close proximity to services, transport and jobs. It will allow the controls contained in the soon-to-be finalised Principal/comprehensive LEP to be aligned with the controls contained in Council's DCP which recently commenced.

Signature:



Printed Name:

Tim Archer

Date:

27/1/12