

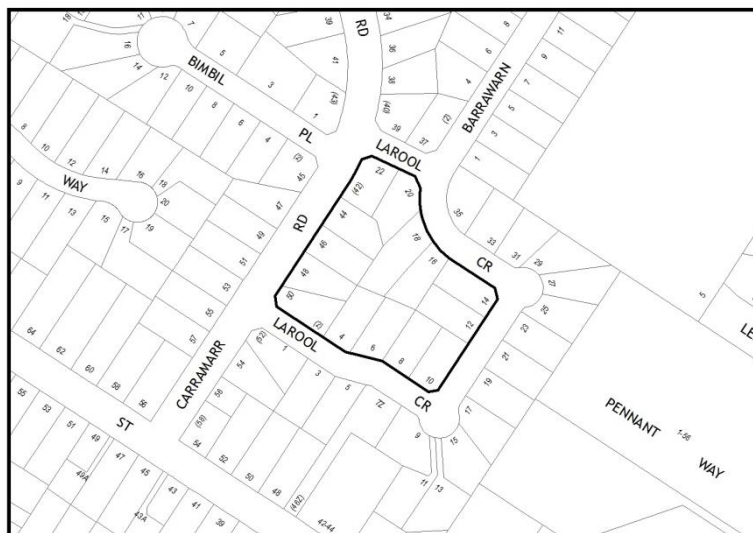
## PLANNING PROPOSAL

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

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – 2 – 22 Larool Crescent and 44 – 48 Carramarr Road, Castle Hill, to rezone the site to R4 High Density Residential, increase the minimum lot size to 1,800m<sup>2</sup>, remove the maximum height of building limit, allow a maximum floor space ratio of 1.44:1, and amend LEP Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor'.

**ADDRESS OF LAND:** 2 – 22 Larool Crescent and 44 – 48 Carramarr Road, Castle Hill. A list of the individual parcels is provided below.

44 Carramarr Road, Castle Hill	Lot 10 DP 232658
46 Carramarr Road, Castle Hill	Lot 9 DP 232658
48 Carramarr Road, Castle Hill	Lot 8 DP 232658
2 Larool Crescent, Castle Hill (also known as 50 Carramarr Rd)	Lot 7 DP 232658
4 Larool Crescent, Castle Hill	Lot 6 DP 232658
6 Larool Crescent, Castle Hill	Lot 5 DP 232658
8 Larool Crescent, Castle Hill	Lot 19 DP 237030
10 Larool Crescent, Castle Hill	Lot 18 DP 237030
12 Larool Crescent, Castle Hill	Lot 17 DP 237030
14 Larool Crescent, Castle Hill	Lot 16 DP 237030
16 Larool Crescent, Castle Hill	Lot 14 DP 232658
18 Larool Crescent, Castle Hill	Lot 13 DP 232658
20 Larool Crescent, Castle Hill	Lot 12 DP 232658
22 Larool Crescent, Castle Hill	Lot 11 DP 232658



Site Identification (SIM)  
 Site Identification

**Figure 1**  
The Subject Site

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
<b>Dwellings</b>	14	128	114
<b>Jobs</b>	N/A	N/A	N/A

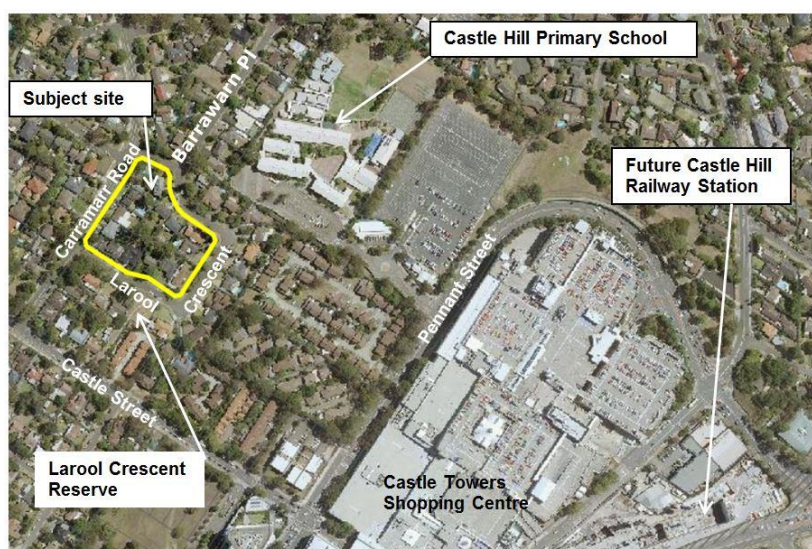
## SUPPORTING MATERIAL:

<b>Attachment A</b>	Assessment against State Environment Planning Policies
<b>Attachment B</b>	Assessment against Section 9.1 Ministerial Planning Directions
<b>Attachment C</b>	Proposed Key Sites Provision
<b>Attachment D</b>	Proposed Amendment to The Hills LEP 2012 Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor'
<b>Attachment E</b>	Council Report and Minutes (27 November 2018)
<b>Attachment F</b>	Local Planning Panel Report and Minutes (17 October 2018)
<b>Attachment G</b>	Adopted Draft The Hills Development Control Plan 2012 Part D Section 18 – Castle Hill North
<b>Attachment H</b>	Letter from Proponent (July 2018)
<b>Attachment I</b>	Proponent's Revised Planning Proposal (July 2018)
<b>Attachment J</b>	Urban Design Report (9 July 2018)
<b>Attachment K</b>	Site Survey Plan (10 May 2015)
<b>Attachment L</b>	Proponent's extract of existing LEP 2012 Maps
<b>Attachment M</b>	Flora and Fauna Assessment Report (21 March 2016)
<b>Attachment N</b>	Preliminary Site Investigation (December 2015)
<b>Attachment O</b>	Stormwater Management Report (4 July 2018)
<b>Attachment P</b>	Traffic and Parking Review (February 2018)
<b>Attachment Q</b>	Photomontages (8 August 2018)
<b>Attachment R</b>	Proponent's Assessment of consistency with SEPPs and Ministerial Directions

## THE SITE:

The site, known as 2 – 22 Larool Crescent and 44 – 48 Carramarr Road, Castle Hill, has an area of approximately 1 hectare and a slope of 12m from the north to the south. The subject site forms part of the Castle Hill North Precinct and is located approximately 700m walking distance from the future Castle Hill Railway Station (see Figure 2).

The subject site comprises 14 properties with detached low density residential dwellings. The site is bound by Carramarr Road to the west and Larool Crescent to the north, south and east. The surrounding land comprises a range of land uses, including Castle Hill Primary School, Castle Towers Shopping Centre and a mix of low and medium density residential development.



**Figure 2**

Aerial photograph of the site and surrounding locality

The site is currently zoned R2 Low Density Residential under The Hills LEP 2012. Under the draft Castle Hill North Planning Proposal 16/2016/PLP (which was forwarded to the Department of Planning and Environment for finalisation in December 2018) the site is proposed to be zoned R4 High Density Residential.

## **BACKGROUND:**

The subject property has been the subject of a number of recent planning proposals, as outlined below:

**March 2016** Planning proposal 21/2016/PLP was lodged for a high density residential development comprising 347 dwellings with a 4 – 12 storey built form.

Council resolved not to proceed due to inconsistencies with the State Government's Corridor Strategy (particularly its growth projections and proposed future character), inconsistencies with Council's strategic plans, impacts on the amenity of adjoining land and the lack of additional infrastructure to cater for the increased population. The proponent's request for a Pre-Gateway Review was not supported by the Department of Planning and Environment.

**August – Sept. 2017** Exhibition of the Castle Hill North Planning Proposal (16/2016/PLP).

**February 2018** Subject planning proposal (12/2018/PLP) lodged for a high density residential development including 180 dwellings.

**July 2018** Subject planning proposal was revised to decrease the dwelling yield to 128 units with reduced building heights.

**17 October 2018** Subject planning proposal was considered by the Local Planning Panel. The Local Planning Panel made the following recommendations:

- The Panel supports Option 1 for the Planning Proposal to proceed to Gateway determination as recommended.
- Agreement that the current VPA offer is unsatisfactory and that the matter should be resolved prior to any exhibition should Gateway determination be granted to proceed.
- The Planning Proposal is generally consistent with the broader Castle Hill North Precinct Planning Proposal currently being processed and which also covers the subject land.

**27 November 2018** Council resolved to adopt Draft The Hills DCP Part D Section 18 – Castle Hill North, Draft The Hills DCP Part C Section 1 Parking and Draft Public Domain Plan – Castle Hill North (including post-exhibition amendments), which will come into force following the amendment to LEP 2012 relating to Planning Proposal 16/2016/PLP being published on the NSW Legislation website.

**12 December 2018** Draft Castle Hill North Planning Proposal forwarded to the Department of Planning and Environment for finalisation.

At its meeting of 27 November 2018, Council considered a report on the subject planning proposal and resolved as follows:

1. *A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012, as it relates to land at 4-22 Larool Crescent and 44-50 Carramarr Road, Castle Hill, as follows:*
  - *Rezone the site from R2 Low Density Residential to R4 High Density Residential;*
  - *Amend the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>;*
  - *Remove the current height of building limit of 9m;*
  - *Allow a maximum floor space ratio of 1.44:1;*
  - *Identify the site on the Key Sites Map and introduce a clause that incentivises site amalgamation and the delivery of a publicly accessible through - site link; and*
  - *Amend Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' of The Hills LEP 2012 to allow a reduction in the number of larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings.*
2. *Amended flooding information is to be provided to Council's satisfaction prior to public exhibition, as outlined in the report.*
3. *Council proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which resolves how the applicant will address the demand for local infrastructure generated by the proposal.*
4. *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.*

## **PART 1 OBJECTIVES OR INTENDED OUTCOME**

The objective of the planning proposal is to facilitate a high density residential development comprising 128 dwellings in six (6) buildings. The development will provide increased housing in close proximity to the Castle Hill Train Station.

## **PART 2 EXPLANATION OF THE PROVISIONS**

The proposed outcomes will be achieved by the following amendments to The Hills Local Environmental Plan 2012 (LEP 2012):

1. Rezone the site from R2 Low Density Residential to R4 High Density Residential;
2. Amend the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
3. Remove the current height of building limit of 9m;
4. Allow a maximum floor space ratio of 1.44:1;
5. Identify the site on the Key Sites Map and introduce a clause that incentivises site amalgamation and the delivery of a publicly accessible through - site link; and
6. Amend Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' of The Hills LEP 2012 to allow a reduction in the number of larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings.

## **PART 3 JUSTIFICATION**

### **SECTION A - NEED FOR THE PLANNING PROPOSAL**

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

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

The subject planning proposal is generally reflective of the outcomes proposed for the site under the exhibited Castle Hill North planning proposal (16/2016/PLP). The Castle Hill North planning proposal was the result of strategic investigations into higher density developments as a result of Castle Hill's increasing status as a Major Centre and opportunities related to the Sydney Metro Northwest.

The strategic studies that led to the Castle Hill North planning proposal are:

- Local Strategy (including the Residential Direction and Integrated Transport Direction)
- North West Rail Link Corridor Strategy
- Hills Corridor Strategy
- Castle Hill North Precinct Plan.

A justification of the subject planning proposal against State Government and Council strategies is provided in Sections B(3) and B(4).

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

Yes. The planning proposal is considered to be the best means of achieving the intended outcome for the site. Currently, the zone and development standards that apply to the site do not facilitate the desired outcome. The proposal provides housing choice for different demographics to meet the needs of current and future residents of the Shire. Also, a local provision is proposed that will encourage site amalgamation and the delivery of a publicly accessible pedestrian link through the site.

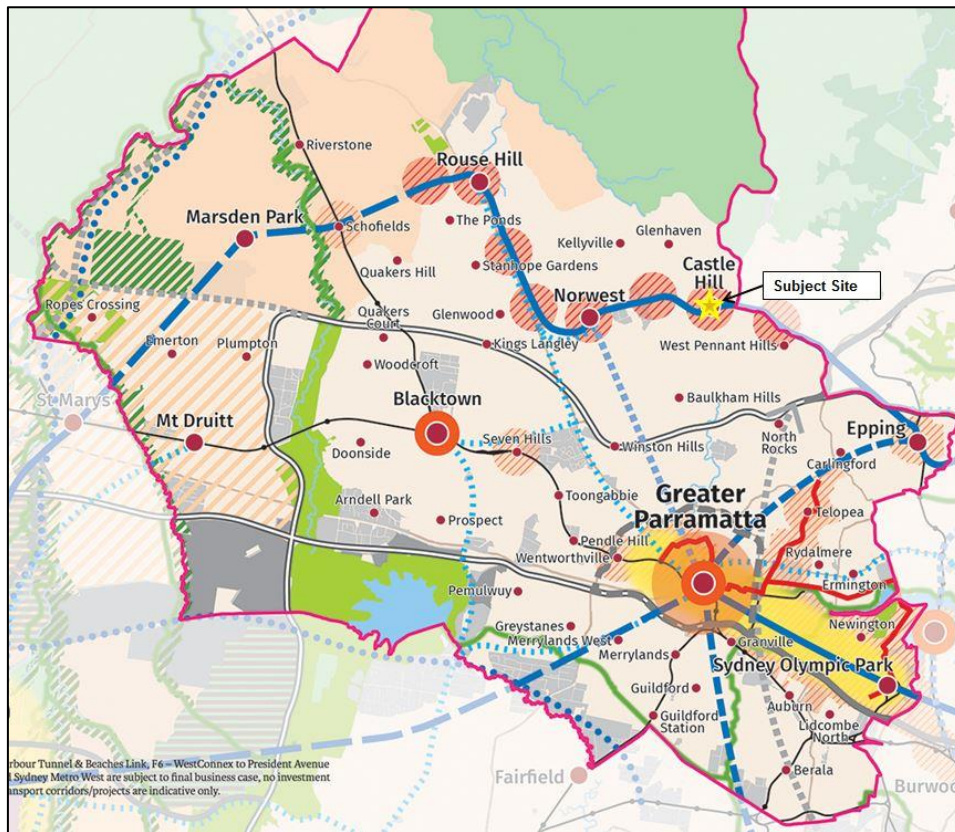
## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

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

Yes. The planning proposal is generally consistent with the applicable regional and subregional strategies (including the Sydney Metropolitan Strategy and exhibited draft strategies) as detailed below.

- **Greater Sydney Region Plan**

The Greater Sydney Region Plan 'A Metropolis of Three Cities' seeks to deliver housing and jobs for the projected population across Sydney, through objectives relating to productivity, liveability and sustainability.



**Figure 3**  
Extract from Central City District Plan identifying location of subject site

The following objectives are relevant to the subject planning proposal:

**Objective 2 - Infrastructure aligns with forecast growth:**

The planning proposal will facilitate increased residential density within walking distance of the future Castle Hill Rail Station. Under the Castle Hill North planning proposal (16/2016/PLP) approximately 145 dwellings could be achieved on the site. This planning proposal would facilitate 128 dwellings on the site. However the dwelling mix comprises a greater number of 3-bedroom 'family friendly' apartments and would result in a more diverse housing choice for a range of larger household types.

The proponent has offered to contribute towards the provision of open space via a Voluntary Planning Agreement. Also, to achieve the incentivised FSR, the proponent will be required to provide a publicly accessible through-site link which will improve accessibility in the locality.

**Objective 7 - Communities are healthy, resilient and socially connected:**

The subject site is located within walking distance of the future Castle Hill Rail Station and the retail and social services (library, school and community space) in the Castle Hill strategic centre. A publicly accessible through-site link must be provided on the site to enable the developer to utilise the 20% bonus floor space incentive, which will encourage future residents to walk and be more socially connected.

**Objective 10 – Greater housing supply:**

This objective aims for an ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Sydney's growing population. The planning proposal will increase housing supply and choice within the walkable catchment of the future Castle Hill Station and will assist with meeting housing demand as Sydney's population

grows. The variation to Council's housing diversity clause will result in a greater portion of 3-bedroom dwellings, which will accommodate the needs of larger households.

Objective 11 – Housing is more diverse and affordable:

The proposed development concept seeks to utilise the incentive floor space ratio under LEP 2012 which will ensure that an appropriate diversity of apartment types and sizes are provided. This will provide housing choice in the market and will ensure that future housing stock appropriately aligns with the needs and expectations of the future Hills Shire population. The proposed amendment to LEP 2012 Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor' will reduce the number of large 2 bedroom units if there is a corresponding increase in the number of large 3 bedroom units. This will assist with meeting the forecast need for family-friendly apartments in the Shire.

Objective 12 – Great places that bring people together:

This objective seeks to achieve a well-designed and walkable built environment that provides the opportunity for social interaction and an active street life. The proposed development will be required to provide a 'terrace edge' streetscape and will incorporate a pedestrian through-site link that will activate the site and encourage walking within the locality for leisure, transport and exercise.

Objective 14 – Integrated land use and transport creates walkable and 30-minute cities:

The subject site is located within walking distance of the future rail station and the employment and retail opportunities in the Castle Hill strategic centre. The Castle Hill North Precinct has been planned around the principles of Transit Oriented Development with population growth close to the future rail station, supported by pedestrian infrastructure such as footpaths and open space links. The subject site is located with good access to the Castle Hill strategic centre and transport links, including the future Castle Hill metro station.

Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced:

The subject site contains two Sydney Blue Gums, two Thin-leaved Stringybarks and possibly one Smooth-barked Apple, which are considered to be remnants of Sydney-Turpentine Ironbark Forest, an Endangered Ecological Community under the *Biodiversity Conservation Act 2016*.

The development concept indicates that significant trees will generally be retained in the courtyard / communal open space area on the site. However, as the proponent's Flora and Fauna Assessment Report was prepared in March 2016, it is appropriate that an updated assessment be submitted if the planning proposal receives a Gateway Determination. Given the site topography, such a report should address whether the trees will be adversely affected by matters such as future changes to levels on the site, the proximity of the proposed built form or overshadowing. Any future development application on the site will be assessed under the *Biodiversity Conservation Act 2016*.

▪ **Central City District Plan**

The following objectives are relevant to the subject planning proposal:

Planning for a city supported by infrastructure (Priority C1):

This priority reinforces the importance of infrastructure aligning with forecast growth. A substantial amount of infrastructure investigation has already been undertaken as part of the master planning for the Castle Hill North Precinct. This investigation is still on-going to ensure that the overall growth within the Precinct can be appropriately serviced.

The proponent will be required to contribute towards local infrastructure to support growth on the site, either through a Voluntary Planning Agreement or Section 7.11 payments. Infrastructure required to service the development has already been identified through the master planning of the Castle Hill North Precinct and preparation of Draft Contributions Plan No.17 – Castle Hill North.

Providing housing supply, choice and affordability, with access to jobs, services and public transport (Priority C5):

The Plan sets out a five-year housing target of 8,550 additional dwellings for the Hills Shire. Growth on the subject site will provide additional housing supply to contribute towards meeting this housing target and those that will be established as part of the preparation of the Council's Local Strategic Planning Statement and supporting housing strategy. The site is located within the Castle Hill North Precinct, and has already been earmarked for increased residential densities that will contribute towards housing supply in the Shire.

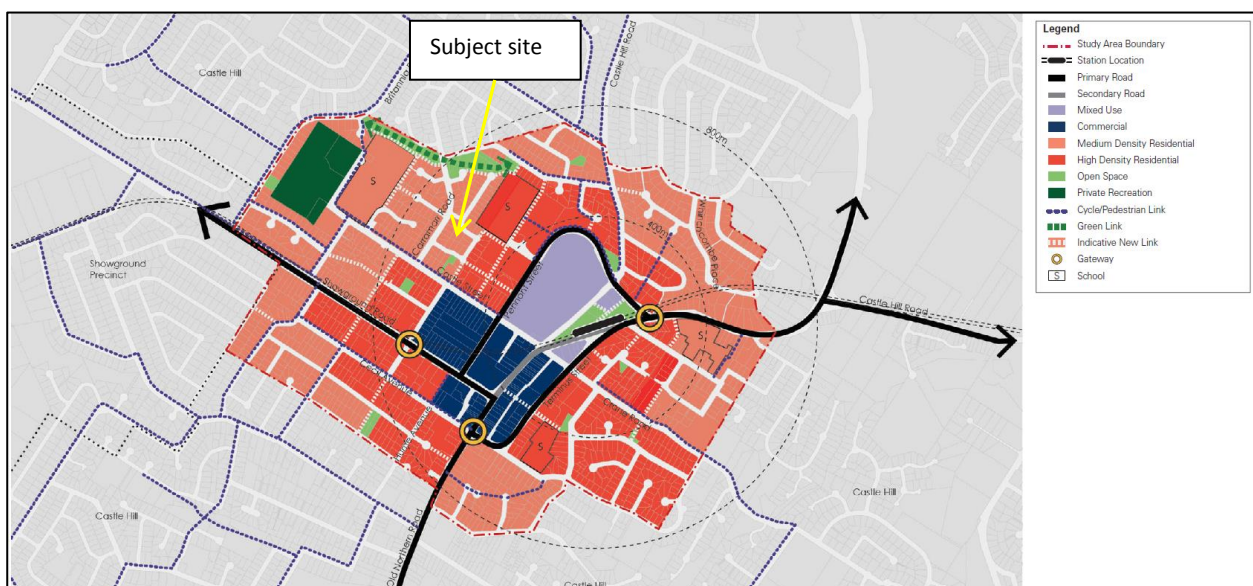
The uptake of the incentive floor space ratio provision will ensure that an appropriate diversity of apartment types and sizes is provided. As a consequence of the proposed amendment to LEP 2012 Clause 7.12, the development will result in more large 3 bedroom dwellings than would typically be provided. This will create housing choice in the market and will ensure that housing stock appropriately aligns with the needs and expectations of the future Hills Shire population.

Delivering integrated land use and transport planning and a 30-minute city (Priority C9):

The subject site is located with good access to the Castle Hill strategic centre and transport connections, including the future Castle Hill metro station. The increase in residential density on the site is appropriate and consistent with this planning priority given its strategic location.

▪ **North West Rail Link Corridor Strategy**

The North West Rail Link Corridor Strategy and Castle Hill Structure Plan identify the site as being suitable for medium density apartment living (3 – 6 storey apartments), carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. It also indicates that the southern portion of the site is likely to remain unchanged, most likely due to site constraints such as flooding. The Castle Hill Station Structure Plan is shown in Figure 4.



**Figure 4**  
Castle Hill Station Structure Plan

The revised development concept envisages building heights that are generally five storeys in design (one building is proposed to be three storeys). The proposed removal of the height control

will provide flexibility for the developer when responding to site orientation and constraints. The floor space ratio is considered a better mechanism for providing certainty in terms of density.

The planning proposal is generally consistent with the NWRL Corridor Strategy as it provides a high density resident population within close proximity to the future Castle Hill Station. The planning proposal translates the overall objectives of the North West Rail Link Corridor Strategy into planning controls that achieve realistic densities. Consistency with the strategy is further outlined in Section 6, which addresses the applicable Section 9.1 Ministerial Direction.

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

Yes, the planning proposal is generally consistent with the following documents:

- The Hills Future Community Strategy Plan;
- Local Strategy;
  - Residential Direction;
  - Integrated Transport Direction;
- Hills Corridor Strategy; and
- Castle Hill North Precinct Plan.

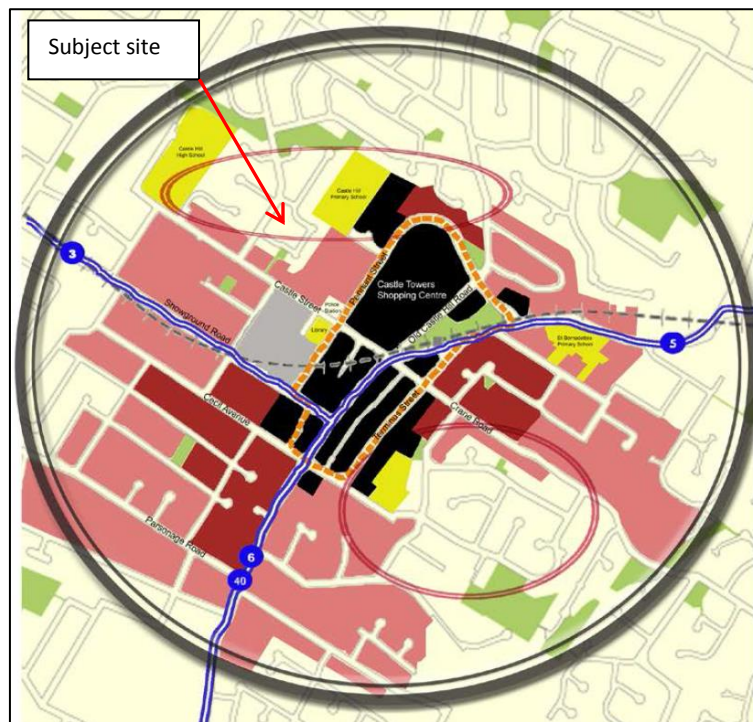
▪ **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal is in keeping with The Hills Future 2017 - 2021: Community Strategic Plan. It will assist in the achievement of balanced urban growth in the Shire through responsible planning that facilitates a desirable living environment that meets growth targets.

▪ **Local Strategy (Residential Direction and Integrated Transport Direction)**

The Local Strategy and the Residential Direction identified the Castle Hill North area for increased residential development opportunities, as show in Figure 5.



**Figure 5**

Indication of areas that could be considered for increased residential development opportunities  
(source: 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 within walking distance of the Castle Hill centre and is well placed to deliver a quality residential outcome.

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

The planning proposal will provide a high density residential outcome in an appropriate location that is close to jobs, transport and services, consistent with the Integrated Transport Direction. Future development on the site will also support the efficient operation of the Sydney Metro Northwest as it will provide a resident population in close proximity to high frequency public transport services. The proposal is generally consistent with the Local Strategy.

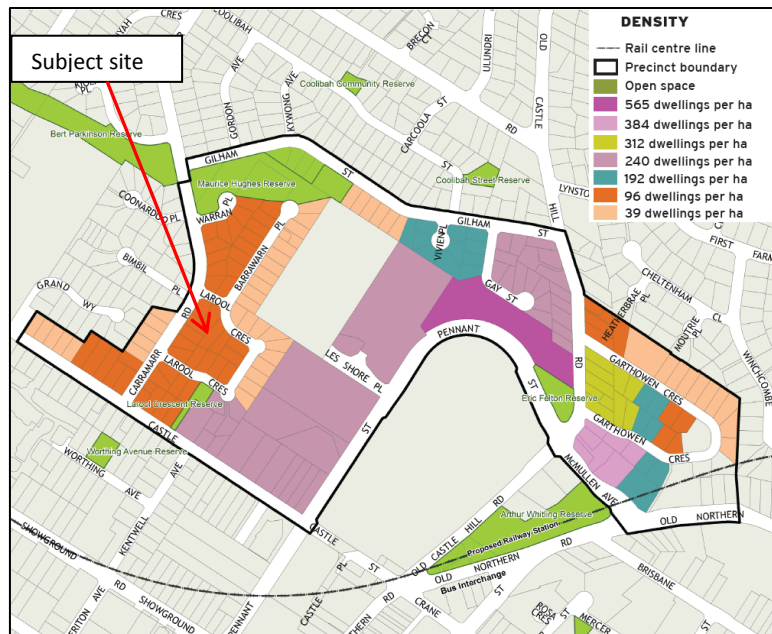
#### ▪ **The Hills Corridor Strategy**

The Hills Corridor Strategy articulates Council's vision and desired outcomes for land within the rail corridor. The Hills Corridor Strategy seeks to achieve highly liveable and diverse urban areas. The Strategy envisages Castle Hill as having the highest density urban setting, with increased housing densities within walking distance of the station. Future development is to reinforce Castle Hill as a high quality major centre with a variety of building heights. For locations outside of the ring road, the desired outcome is for apartment development to have landscaped setbacks, maximum site coverage in the order of 50%, supported by active and passive recreation spaces. The Corridor Strategy envisages a yield of approximately 96 dwellings per hectare for the subject site. The subject planning proposal would achieve approximately 127 dwellings per hectare.

#### ▪ **Precinct Plan for Castle Hill North**

In line with the Residential Direction, the Castle Hill North Precinct Plan was prepared in November 2015. The Plan recognises the capacity within the Castle Hill North Precinct for higher density residential development opportunities and the strong demand that will exist for apartment and townhouse living in Castle Hill. The plan identifies density, character and streetscape typologies to guide future development outcomes, with densities informed by factors such as proximity to the future rail station and the town centre, and interfaces with lower density housing and open space.

As show in Figure 6, the Castle Hill North Precinct Plan envisaged the achievement of 96 dwellings per hectare on the subject site.



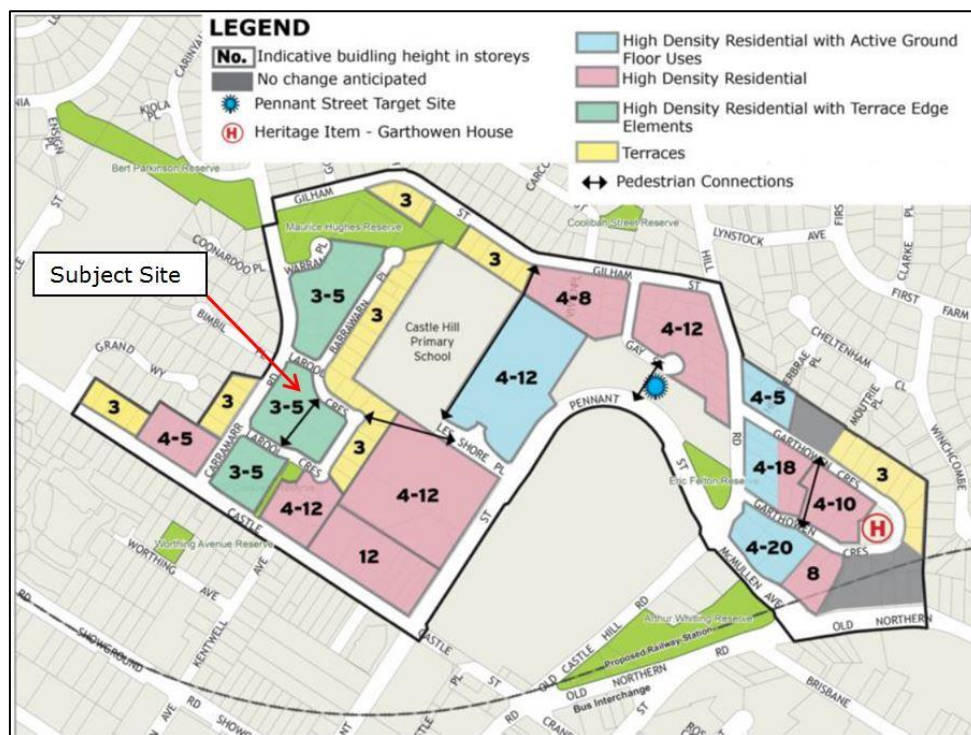
**Figure 6**  
Castle Hill North Precinct Plan - Density Plan

The Castle Hill North Planning Proposal (16/2016/PLP) is a result of the Castle Hill North Precinct Plan and will bring the plan to fruition.

The subject planning proposal (12/2018/PLP) generally reflects the LEP amendments that are proposed for the site under the Castle Hill North Planning Proposal, with the exception of the proposed site-specific amendment to LEP 2012 Clause 7.12 and the introduction of a stand-alone Key Sites FSR incentive clause for this site.

- **Castle Hill North Planning Proposal (16/2016/PLP) and Draft The Hills DCP Part D Section 20 - Castle Hill North Precinct**

The Castle Hill North planning proposal is being progressed by Council as the key mechanism to deliver the strategic objectives of the Castle Hill Station Structure Plan, The Hills Corridor Strategy and Castle Hill North Precinct Plan. The Castle Hill North planning proposal was exhibited in August/September 2017 to facilitate higher density development via amendments to zones, lot sizes and floor space ratios to enable up to 3,283 additional dwellings within a walkable catchment of the future Castle Hill train station. A draft contributions plan, development control plan and public domain plan were exhibited alongside the planning proposal. The proposed Structure Plan for the Castle Hill North area is shown in Figure 7.



**Figure 7**  
Draft Castle Hill North Structure Plan  
(Source: draft The Hills DCP Part D Section 20 Castle Hill North Precinct)

The draft Hills DCP Part D Section 20 - Castle Hill North Precinct aims to create a pedestrian-friendly centre that provides for a diverse population in a higher density urban environment within a landscaped garden setting. The DCP envisages the following key development outcomes for the subject site:

- Maximum 3-5 storey high density residential with terrace edge elements;
- A pedestrian connection between Larool Crescent Reserve and Barrawarn Place;
- A maximum 3 storey terrace-style street frontage, with landscaped front courtyards; and
- Development up to 3 storeys (terrace style) is to be setback 3m from the boundary line. All storeys above the 3<sup>rd</sup> storey are to be setback a further 5m behind the front building line.

At its meeting of 27 November 2018, Council resolved to forward Planning Proposal 16/2016/PLP (applying to the Castle Hill North Precinct) for finalisation, noting that Council does not have delegation to make the plan due to outstanding public authority objections. Draft The Hills DCP 2012 Part D Section 18 – Castle Hill North, draft The Hills DCP 2012 Part C Section 1 - Parking and the draft Public Domain Plan – Castle Hill North were also adopted by Council at that meeting, and will come into force following the amendment to LEP 2012 relating to planning proposal 16/2016/PLP being published on the NSW Legislation website.

The proponent has lodged the subject application (12/2018/PLP) separate to the Castle Hill North Planning Proposal with the aim of achieving a more expeditious processing of their LEP amendment. If the subject planning proposal is supported, the proponent's design concept will require refinement at the Development Application stage to demonstrate compliance with the SEPP 65 Apartment Design Guide and the Draft Castle Hill North DCP, particularly in relation to the location of ground-floor dwelling entries, car parking provision, solar access and overshadowing, setbacks and the streetscape address of some buildings.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant Policies is provided below.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP No. 55 requires that a planning authority consider whether land is contaminated when preparing an environmental planning instrument. A Preliminary Site Investigation Report was prepared in December 2015 which found that the site is not considered sensitive to soil, surface water and/or groundwater contamination due to the impermeable nature of the underlying geology and leaks of current potentially contaminating activities.

Sources of potential historical soil and groundwater contamination on the site were summarised in the report as follows:

- Possible fill material used to level the building sites during the development of the current site. No evidence of the use of significant quantities of imported fill was identified in the historical aerial photographs or during the site inspection.
- Historical rural land use, in particular the ownership of the site by an 'orchardist' from 1920 – 1929 (although there is no evidence as to whether the land use on the site was for an orchard) may have resulted in residual pesticide particles and herbicides contamination on the site.
- Historical land use of the off-site properties for suspected orchards may have resulted in residual pesticides and herbicides entering the site.

The Report found no current on-site or off-site sources of potential soil and groundwater contamination that may significantly affect the subject site were identified during the preliminary site investigation. As the planning proposal relates to a site that is already being used for residential purposes, it is considered that the planning proposal is consistent with SEPP 55.

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

The planning proposal is considered to be generally consistent with SEPP No. 65 as it will encourage and promote a high quality development within walking distance of the Castle Hill Train Station.

The subject planning proposal also seeks to amend Council's housing diversity provision (Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor) in LEP 2012) to allow a reduction in the number of larger two bedroom dwellings if the number of larger 3 bedroom dwellings is increased by an equal number of dwellings. This will assist with the provision of a variety of housing types to meet the needs of current and future residents.

### **State Environmental Planning Policy No. 19 Bushland in Urban Areas**

A Flora and Fauna Report was prepared for the site in March 2016 which identified that the site contains two Sydney Blue Gums, two Thin-leaved Stringybarks and possibly one Smooth-barked Apple, which may be remnants of Sydney Turpentine Ironbark Forest (an endangered ecological community under Schedule 2 of the *Biodiversity Conservation Act 2016*). The planning proposal is considered to be consistent with SEPP No. 19 – Bushland in Urban Areas as the development concept identifies the retention of a number of trees on the site.

### **Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 – 1997)**

This Plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. As outlined further in Section 6 below, part of the site is identified as being flood prone. The proponent will be required to

submit additional information to ensure that the post-development outcome is satisfactory. The planning proposal is consistent with SREP No. 20.

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

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

▪ **Direction 2.1 Environment Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. It requires that a planning proposal include provisions that facilitate the protection and conservation of environmentally sensitive areas.

A Flora and Fauna Report was prepared for the site in March 2016 which identified that the site contains two Sydney Blue Gums, two Thin-leaved Stringybarks and possibly one Smooth-barked Apple, which may be remnants of Sydney Turpentine Ironbark Forest (an endangered ecological community under Schedule 2 of the *Biodiversity Conservation Act 2016*).

The development concept identifies the retention of a number of trees on the site. However, given the topography of the site and the potential for soil level changes in the vicinity of the trees, an updated Flora and Fauna Report that addresses the current development concept and the viability of tree retention, and considers the proposal under the *Biodiversity Conservation Act 2016*, will be required if the proposal receives a Gateway Determination.

The planning proposal is consistent with this Direction as it will provide an opportunity to incorporate some of the existing vegetation on the site into the future development concept.

▪ **Direction 3.1 Residential Zones**

This Direction applies when a planning proposal will affect land within an existing residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone. The objectives of this Direction are:

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

A planning proposal must include provisions that will broaden the choice of building types on the housing market, make more efficient use of existing infrastructure, reduce the consumption of land for housing on the urban fringe and be of good design. A planning proposal must contain a requirement that residential development is not permitted until adequately serviced, and not contain provisions which will reduce the permissible residential density of the land.

Council will consult with the Roads and Maritime Services, Sydney Water, Telstra and Endeavour Energy if the planning proposal proceeds to a Gateway Determination to ensure that the infrastructure needs of future residents can be met.

The proponent is seeking to increase the number of large 3 bedroom dwellings (with a corresponding reduction in large 2 bedroom units), which will provide a diversity of housing choice to suit the needs of the future population. Forecasting suggests that by 2036 the average household size in Castle Hill will be 2.92 people (i.d Community 2017). As the provision of larger 3 bedroom units will help to meet the needs of the future Hills Shire population, the minor inconsistency with this Direction is considered satisfactory in this instance.

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market. The proposal will facilitate a high density development that is within walking distance of the Castle Hill Train Station and has good access to the services available within the Castle Hill major centre.

▪ **Direction 3.3 Home Occupations**

This Direction encourages the carrying out of low-impact small businesses in dwelling houses and requires that planning proposals permit home occupations in dwelling houses without the need for development consent. The planning proposal seeks to rezone the site to R4 High Density Residential. Home businesses and home occupations are permitted without consent in this zone.

▪ **Direction 3.4 Integrating Land Use and Transport**

This Direction promotes land use planning outcomes that improve access to housing, jobs and services by walking, cycling and public transport, reduce car dependence and car trips, support the efficient operation of public transport services and provide for the efficient movement of freight. A planning proposal must be consistent with the aims and objectives of 'Improving Transport Choice – Guidelines for planning and development' (DUAP 2001) and 'The Right Place for Business and Services – Planning Policy' (DUAP 2001).

The proposal is considered to be consistent with this Direction as it will facilitate development that meets the following key objectives:

- Walkability to the future Castle Hill Railway Station and nearby bus services;
- Increased residential density in a location that has good access to services;
- Public transport choice and reducing dependence on cars;
- Reducing travel distances and trip generation by private cars; and
- Supporting the viable operation of the Sydney Metro Northwest.

▪ **Direction 4.3 Flood Prone Land**

This Direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. It requires the planning proposal to include provisions that give effect to, and are consistent with, the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

The Direction requires that planning proposals must not contain provisions that apply to the flood planning areas which:

- Permit development in floodway areas;
- Permit development that will result in significant flood impacts to other properties;
- Permit a significant increase in the development of that land;

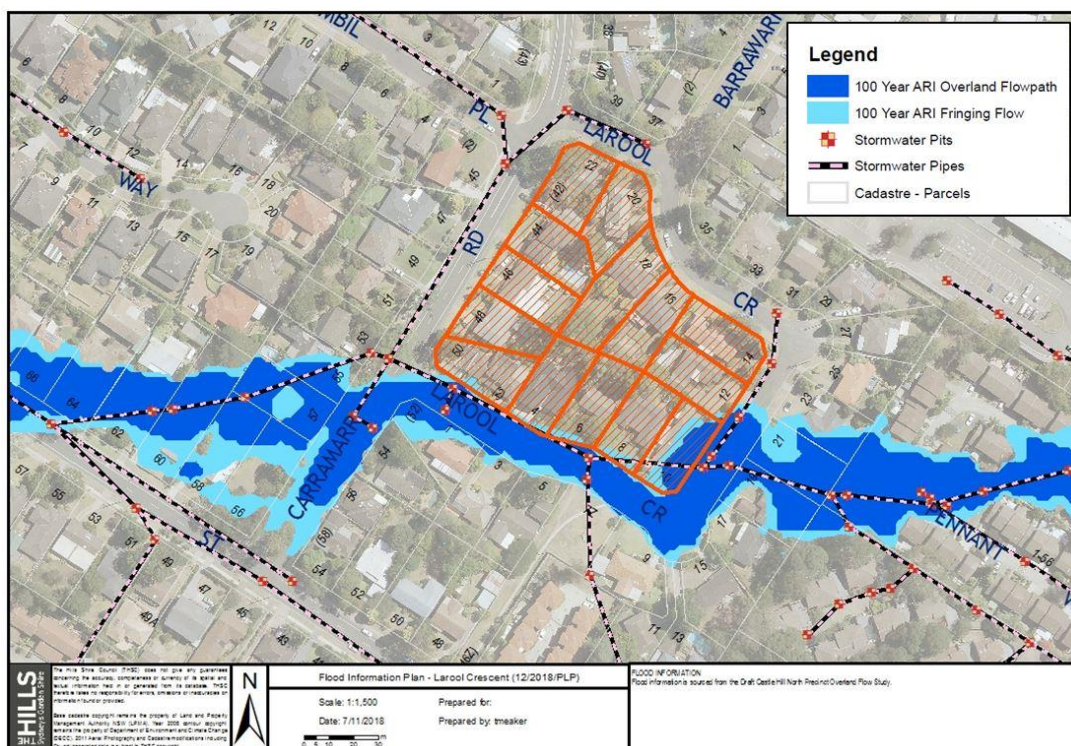
- Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services; or
- Permit development to be carried on without consent except for agriculture, roads or exempt development.

Under this Direction, a planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land without sufficient justification.

Flooding has been identified as a constraint for development on this site (see Figure 8). A Stormwater Management Report (July 2018) has been submitted which identifies that a portion of the southern corner of the subject site is impacted by overland flow. In order to manage this flow, the Report proposes that future development should incorporate a deflection wall system installed along the eastern and southern site boundaries. An on-site stormwater detention system (below - ground storage tanks) is proposed to achieve flow attenuation. The Report advises that future development on the site will need to address flood risk management.

A Flood Impact Assessment (July 2018) has also been submitted which indicates that inundation is primarily confined to those parts of the site located adjacent to the southern and eastern site boundaries with Larool Crescent. The Assessment also indicates that significant flooding occurs in the southern and eastern parts of Larool Crescent, which are impacted by high hazard floodwaters and would prevent pedestrian and vehicle access during the 100 year ARI flood event.

Draft Contributions Plan No.17 Castle Hill North levies for the upgrade of stormwater management infrastructure within the Castle Hill North Precinct. The draft Plan recognises that a number of overland flow paths are present within the Precinct which places a considerable constraint to future development between Les Shore Place and Larool Crescent, and from Carramarr Road to Castle Street. In response, the draft Contributions Plan identifies the need for upgrades and enlargements to the stormwater drainage system to ease the impacts of overland flowpaths on affected land. In relation to the subject site, realignment of the local pipe network is required to facilitate new development in the vicinity of Larool Crescent and Carramarr Road.



**Figure 8**  
Location of Overland Flow Paths and Stormwater Pipes

The flood situation defined at the developed case for this planning proposal, utilising a flood deflection wall, increases flood levels and flood hazard in the vicinity of Larool Crescent that is likely to increase the flood impacts and flood risk to adjacent properties and along Larool Crescent itself. This outcome is not supported.

It is considered appropriate that the applicant reassess and redesign the footprint of the proposed buildings and alignment of any deflection wall in order to at least maintain the existing flood condition along the flowpath of Larool Crescent prior to the submission of any future development application.

Should the planning proposal proceed to a Gateway Determination, and prior to public exhibition, the following matters will need to be addressed:

- Review of the flood model for the proposal and an assessment of the flood hazard to refine the likely hazard expected as a result of any redevelopment;
- Ensuring that the proposed building design will not conflict with the existing easement to drain water on the site and can accommodate stormwater and flooding requirements;
- Demonstration of compliance with Council's flood related development controls;
- The potential relocation of the driveway away from the overland flowpath to ensure that flood-free access can be provided to the basement at all times; and
- Demonstration that the development will not increase flood impacts to the property or to any adjacent property, up or downstream.

It is considered that the inconsistency with this Direction is of minor significance. The proponent will be required to submit additional information to Council's satisfaction in relation to flooding on this site.

▪ **Direction 5.9 North West Rail Link Corridor Strategy**

This Direction promotes transit-oriented development and the management of growth around the North West Rail Link stations, to ensure that development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. A planning proposal must be consistent with the NWRL Corridor Strategy, including the growth projections and proposed future character of each precinct, and promote transit-oriented development. The Structure Plan for the Castle Hill Study Area is shown earlier in Figure 4.

The Structure Plan identifies the site as being suitable for medium density apartment living (3 – 6 storey apartments) carefully masterplanned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. It also indicates that the southern portion of the subject site is likely to remain unchanged due to site constraints.

The revised development concept (Figures 9, 10 and 12) envisages building heights that are generally five storeys in design (one building is proposed to be three storeys). The proposed removal of the height control will provide flexibility for the developer when responding to site orientation and constraints. The floor space ratio is considered a better mechanism for providing certainty in terms of density.



**Figure 9**

Development Concept - Proposed View of Larool Crescent



**Figure 10**

Development Concept - Proposed View from Carramar Road

The NWRL Corridor Strategy envisaged a yield in the range of 101 – 202 dwellings for the subject site, and the planning proposal is generally consistent with the future character identified in the Castle Hill Structure Plan.

#### ▪ **Direction 6.1 Approval and Referral Requirements**

This Direction promotes the efficient and appropriate assessment of development and requires that planning proposals must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The subject planning proposal is not expected to include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

#### ▪ **Direction 6.3 Site Specific Provisions**

This Direction aims to discourage unnecessarily site specific planning controls. It requires that a planning proposal must either allow the relevant land use to be carried out in the zone the land is situated on; or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any additional development standards or requirements; or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the LEP.

The subject planning proposal will rezone the site to R4 High Density Residential which will permit the proposed residential flat building outcome on the site with consent. However, the proponent is seeking the following site-specific amendments to The Hills LEP 2012:

- An amendment to Council's housing diversity clause (Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor') to allow a

reduction in the number of larger 2 bedroom units if there is an equivalent increase in the number of larger 3 bedroom units; and

- The introduction of a new key sites / floor space ratio incentive clause to require amalgamation of the site, that the design incorporates a three storey terrace address along the Larool Crescent and Carramarr Road frontages, as well as the provision of a publicly accessible 10 metre wide through-site link on the site in order to achieve a 20% bonus floor space (over and above the incentive FSR).

Demographic forecasting indicates that the population of Castle Hill will grow by approximately 22% by 2036, and that around 56% of households in the suburb will include children (i.d Community 2017). It is critical that future high density development offers a diversity of housing that suits the living needs, expectations and budgets of the community. To achieve this, housing stock that is built today should contain a mix of one, two and three bedroom high-quality apartments in a variety of sizes. To this end, a floor space incentive was introduced to The Hills LEP (clause 7.12) which permits additional floor space for developments that provide the required apartment types and sizes (family friendly apartments). Clause 7.12 requires:

- The delivery of at least 20% of future apartment development in the form of 3 or more bedroom apartments; and
- At least 40% of all future 2 and 3 bedroom apartments will be at a larger adopted size.

The following wording is proposed to be added to the existing Clause 7.12 (see Attachment D):

*“(f) the number of 2 bedroom dwellings satisfying subclause (c) may be reduced if the number of 3 bedroom dwellings satisfying subclause (d) is increased by an equal number of dwellings.”*

The proponent’s suggested clause wording would be subject to legal drafting. The proponent has advised that if the variation to Clause 7.12 is not supported, they would still continue with their proposal.

The variation to the housing diversity clause is considered appropriate in this instance as it would deliver a greater number of 3 bedroom dwellings and would satisfy the aim of the clause to accommodate the needs of larger household types and family structures through housing choice.

The proposed site-specific clauses are not considered to be unnecessarily restrictive for the developer. The planning proposal’s inconsistency with this Direction is considered to be of minor significance.

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

This Direction gives legal affect to the planning principles, directions and priorities in A Plan for Growing Sydney, and a planning proposal must be consistent with the Plan. The Plan looks towards a city that is supported by infrastructure, with a diverse and affordable choice of housing provided in locations that are close to public transport and jobs.

The subject site is located approximately 700m walking distance from the future Castle Hill Railway Station. The achievement of the Key Sites FSR bonus for this site will require the developer to provide a pedestrian through-site link between Carramar Road and Larool Crescent Reserve which will encourage future residents to walk to nearby public transport and the Castle Hill strategic centre’s retail, commercial and community services. In order to achieve the maximum floor space ratio for the site, the proponent will also be required to provide a diversity of unit types and sizes, which will improve housing choice for existing and future residents. It is considered that the planning proposal is consistent with this Direction.

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

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

Yes, however it is noted that the subject site is already developed and occupied by single residential dwellings. As detailed in Section 6, the site contains two Sydney Blue Gums, two Thin-leaved Stringybarks and possibly one Smooth-barked Apple, which may be remnants of Sydney Turpentine Ironbark Forest (an endangered ecological community under Schedule 2 of the *Biodiversity Conservation Act 2016*).

Given the topography of the site and the potential for soil level changes in the vicinity of the trees, an updated Flora and Fauna Report that addresses the current development concept and the viability of tree retention, and considers the proposal under the *Biodiversity Conservation Act 2016*, will be required if the proposal receives a Gateway Determination.

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

Other potential environmental effects resulting from the proposal are outlined below.

▪ **Flooding**

As discussed earlier in Section 6, flooding has been identified as a constraint for development on this site. The proponent will be required to submit additional information to demonstrate compliance with Council's flood related development controls, and to show that the proposed development will not increase flood impacts to the property or any adjacent property up or downstream.

▪ **Built Form**

The draft Castle Hill North Development Control Plan envisages a maximum of 3-5 storey high density residential development with terrace edge elements on the subject site. A pedestrian connection is identified between Larool Crescent Reserve and Barrawarn Place. This through site link is proposed to be dedicated for public access under the draft VPA. Figures 11 and 12 provide indicative siting of built form, height of buildings and the publicly accessible through site link.



While the current plans are conceptual, they will require refinement prior to the issue of development consent to demonstrate full compliance with the draft Castle Hill North DCP, the Apartment Design Guidelines and flood planning requirements. In addition to compliance with setbacks, solar access and overshadowing requirements, the streetscape design will need to fully address the street in a terrace style with ground floor dwelling entries.

Should the planning proposal proceed, amended plans would be required to be submitted by the proponent to demonstrate full compliance with the design outcomes envisaged for the Castle Hill North Precinct.

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

Future development of the site will be supported by planning controls that have been prepared for the Castle Hill North Precinct. Draft The Hills DCP Part D Section 18 - Castle Hill North was adopted by Council on 27 November 2018 (with post-exhibition amendments) and will come into

force upon the finalisation of the Castle Hill North Planning Proposal 16/2016/PLP. The development controls relate to matters such as:

- Desired future streetscape and character for the Precinct;
- A Structure Plan for the Castle Hill North Precinct, which identifies pedestrian connections, development typology and indicative building heights in storeys;
- Site requirements for residential flat buildings, setbacks, open space; and
- Design outcomes for achieving a 'Terrace Edge' streetscape.

If the subject planning proposal is supported, the proponent's design concept will require refinement at the Development Application stage to demonstrate compliance with the SEPP 65 Apartment Design Guide, the Draft Castle Hill North Development Control Plan and flood planning requirements.

The proponent has submitted a preliminary Voluntary Planning Agreement Offer in support of the proposal. In accordance with the Council resolution of 27 November 2018, Council will proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which resolves how the applicant will address the demand for local infrastructure generated by the proposal. 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 would be submitted to Council for consideration.

The planning proposal is not anticipated to have any negative social or economic impacts on the locality, however consideration is required of the following matters:

▪ **The timing and suitability of the planning proposal in the context of the Castle Hill North Planning Proposal**

Population growth in the Castle Hill North Precinct will generate additional demand for local open space, playing fields (active open space), upgraded traffic management and transport facilities, public domain works and new pedestrian infrastructure. Funds for these upgrades will be generated from the new Contributions Plan that has been prepared for the area. A report on the outcomes of the public exhibition of the Castle Hill North Planning Proposal, draft VPA, draft DCP and draft Public Domain Plan was considered by Council in November 2018. The draft Contributions Plan is currently on exhibition given changes to the active open space solution.

There are some concerns associated with the timing of the subject proposal in relation to the Castle Hill North Planning Proposal, including:

- The need to ensure that planning outcomes will achieve orderly development and equity for all landowners in the precinct; and
- The need to ensure that the developer will appropriately contribute towards the additional infrastructure needs that will be generated by the population increase on the subject site, for example traffic management measures and playing field provision.

The proponent has submitted an offer to enter into a voluntary planning agreement to address infrastructure concerns, which is discussed below in further detail. Notwithstanding infrastructure contributions, the planning proposal is largely consistent with the aims and desired future outcomes for the Castle Hill North Precinct. In this instance it is considered appropriate for the proposal to proceed at this time as it will not result in inconsistency with the desired outcomes envisaged under the Castle Hill North Planning Proposal.

▪ **The adequacy of the Preliminary Voluntary Planning Agreement Offer and proposed public benefits**

The proponent's VPA offer includes:

- A publicly accessible through-site link: public access and embellishment works to provide a through-site pedestrian link (10m wide, 743.9m<sup>2</sup>); and
- Payment of a monetary contribution to Council towards the provision of open space at a rate of \$1,750 per dwelling. Based on the proposed 128 dwellings, the total amount offered is \$224,000, payable prior to the issue of the Construction Certificate.

The proponent's offer is in addition to the contributions payable under the applicable contributions plan. The Hills Section 7.12 Contributions Plan currently applies to the site, which levies contributions at the rate of 1% of the cost of works.

The Local Planning Panel noted that the VPA offer is unsatisfactory and that the matter should be resolved prior to any exhibition should Gateway Determination be granted to proceed.

Since the Local Planning Panel considered the matter, the proponent has provided further clarification that the contributions referred to in the draft VPA are intended to be in addition to the anticipated contribution that would be payable under the exhibited draft Contributions Plan No.17 Castle Hill North.

The current wording of the VPA is not clear with respect to the relevant contribution rates and further negotiation is required to clarify these matters.

Council resolved on 27 November 2018 to proceed with discussions with the applicant to prepare a draft Voluntary Planning Agreement which resolves how the applicant will address the demand for local infrastructure generated by the proposal. Prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement would be submitted to Council for consideration.

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

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

Utility providers including Sydney Water, Endeavour Energy and Telstra will be consulted during the exhibition period.

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

It is recommended that the following agencies be consulted if the planning proposal receives a Gateway Determination:

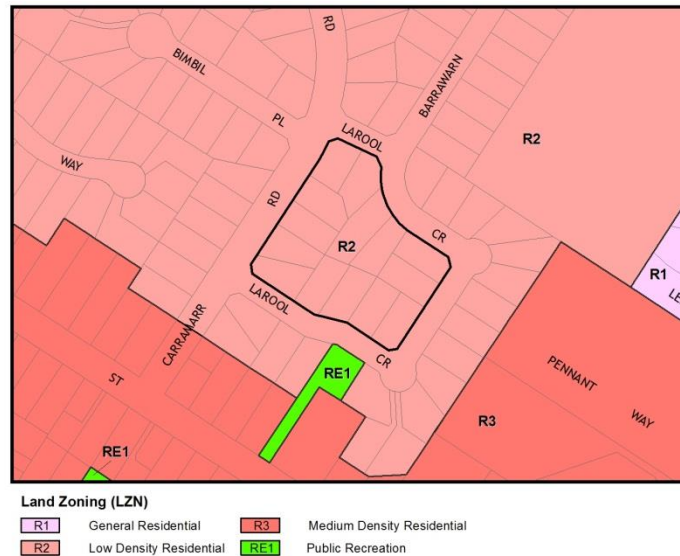
- Endeavour Energy;
- Transport for NSW;
- Transport for NSW - Roads and Maritime Services NSW;
- Sydney Water;
- Transgrid;
- Telstra;
- Office of Water; and
- Office of Environment and Heritage.

## PART 4 MAPPING

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

### Existing Land Zoning Map:

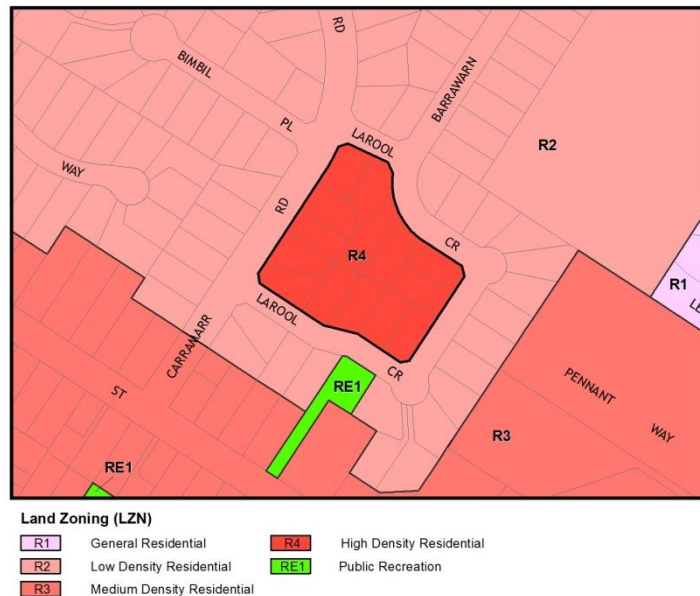
The site is currently zoned R2 Low Density Residential under The Hills Local Environmental Plan 2012.



Existing Land Zoning Map

### Proposed Land Zoning Map:

The planning proposal seeks to rezone the site to R4 High Density Residential.



Proposed Land Zoning Map

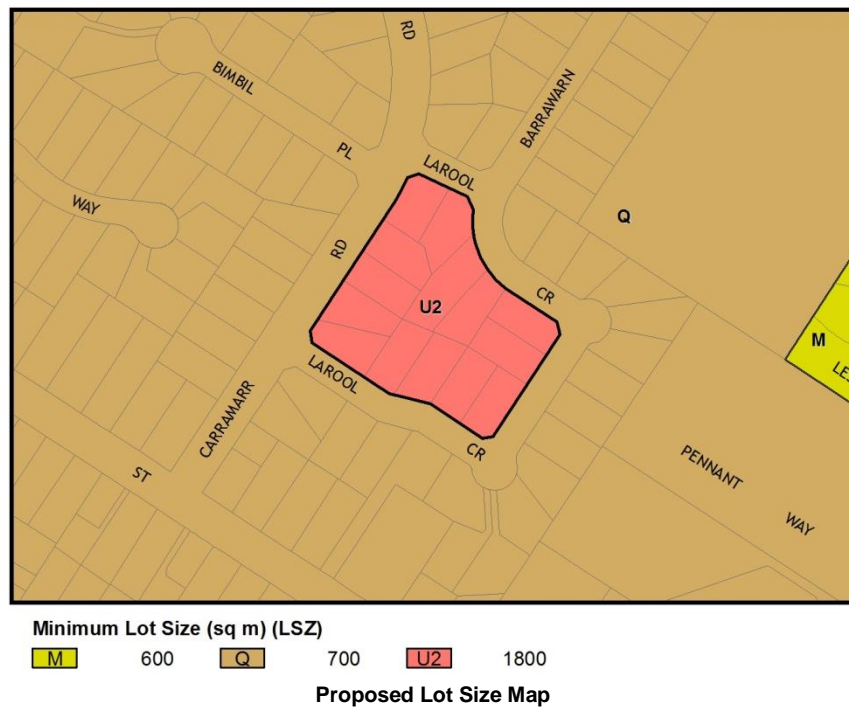
### Existing Lot Size Map:

The site currently has a minimum lot size of 700m<sup>2</sup>.



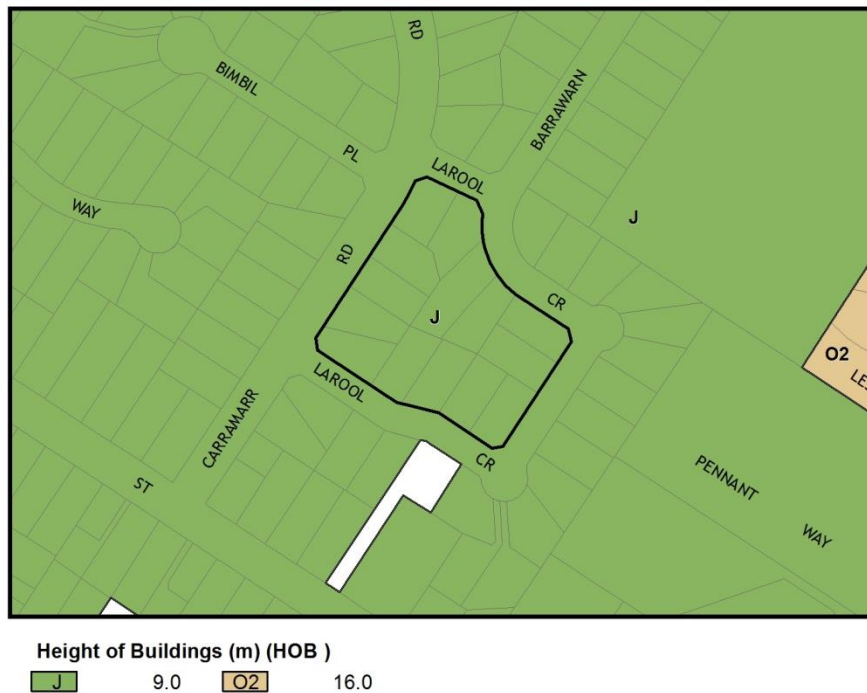
### Proposed Lot Size Map:

The proposal seeks to amend the minimum lot size to 1,800m<sup>2</sup>.



### Existing Height of Buildings Map:

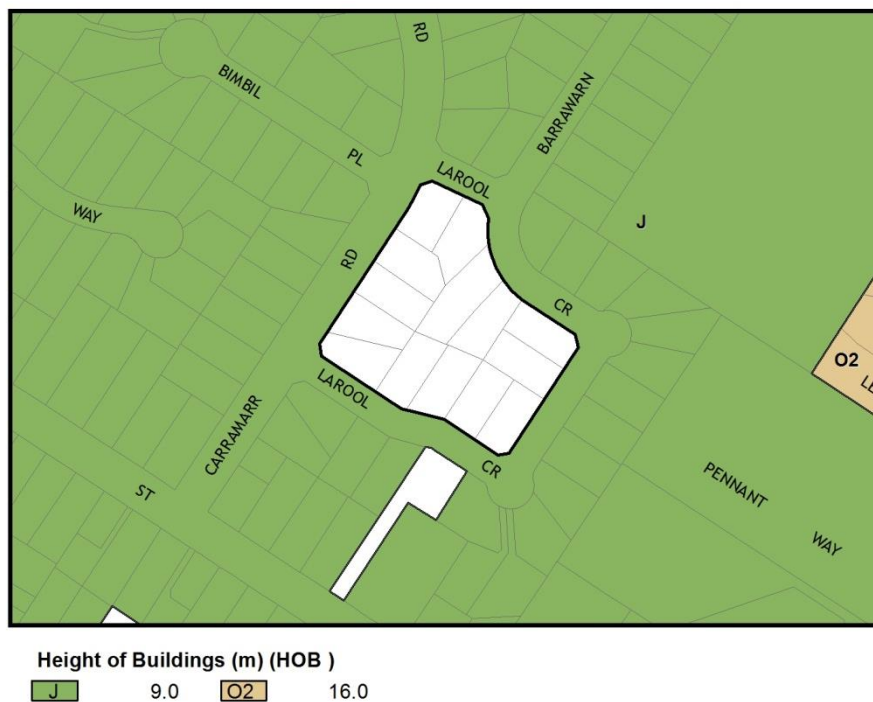
The site is currently subject to a maximum building height of 9 metres.



Existing Height of Buildings Map

### Proposed Height of Buildings Map:

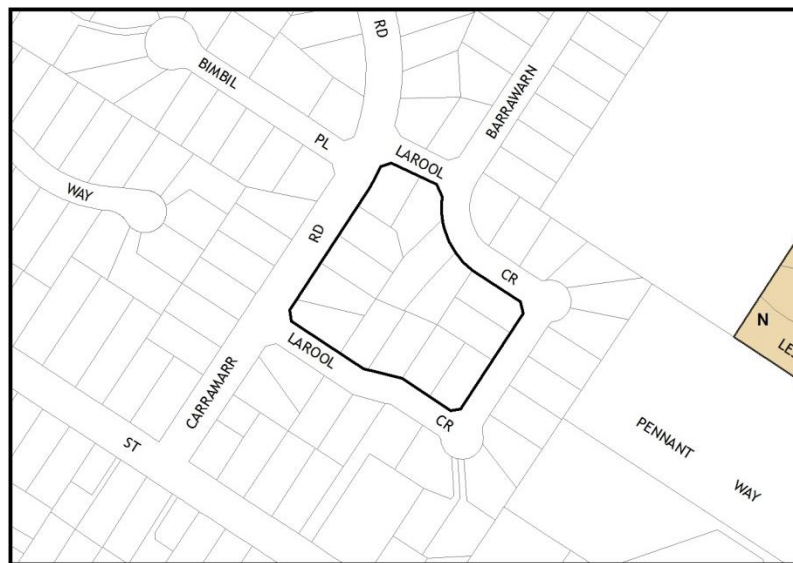
The proposal seeks to amend the Height of Buildings Map by removing the maximum building height control for the site.



Proposed Height of Buildings Map

### Existing Floor Space Ratio Map:

The site is not currently subject to a floor space ratio.



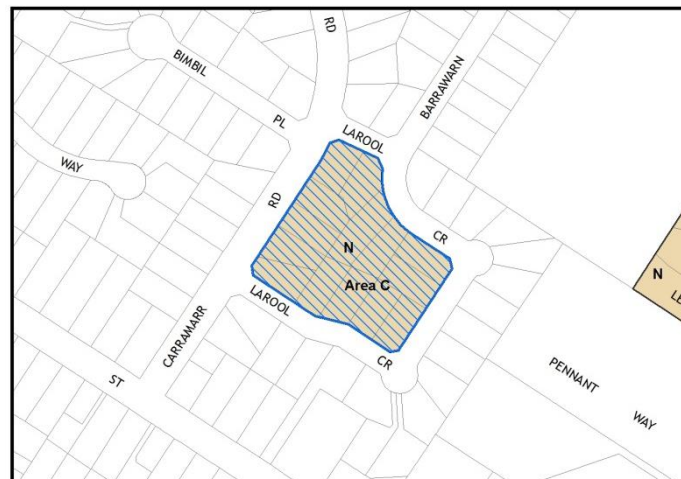
Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

Existing Floor Space Ratio Map

### Proposed Floor Space Ratio:

The proposal seeks to amend the Floor Space Ratio Map to apply a floor space ratio of 1:1, and to identify the site as 'Area C'. The identification of the site as 'Area C' will enable an alternative housing diversity outcome on the site by allowing the number of larger 2 bedroom dwellings to be reduced if the number of 3 bedroom dwellings is increased by an equal number. The proposed amendment to LEP 2012 Clause 7.12 is provided in Attachment D.



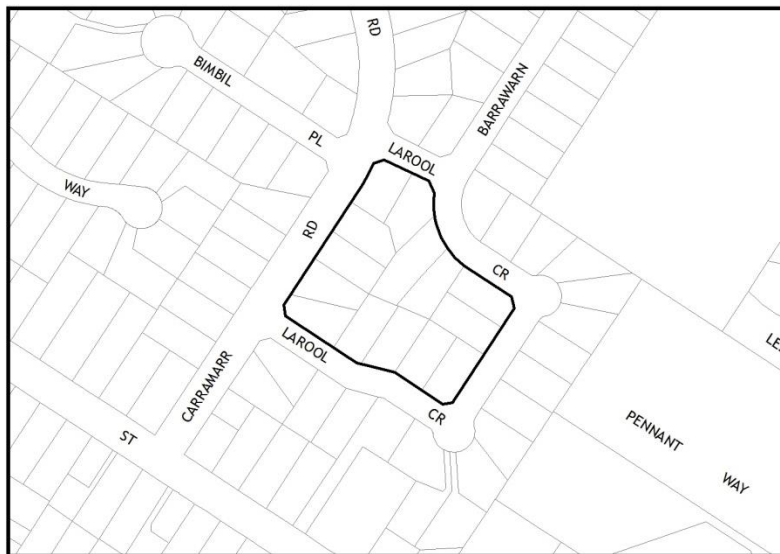
Maximum Floor Space Ratio (FSR) (n:1)

N 1.0  
Area C

Proposed Floor Space Ratio

### Existing Floor Space Ratio Incentive Map:

The Floor Space Ratio Incentive Map does not currently apply to the site.

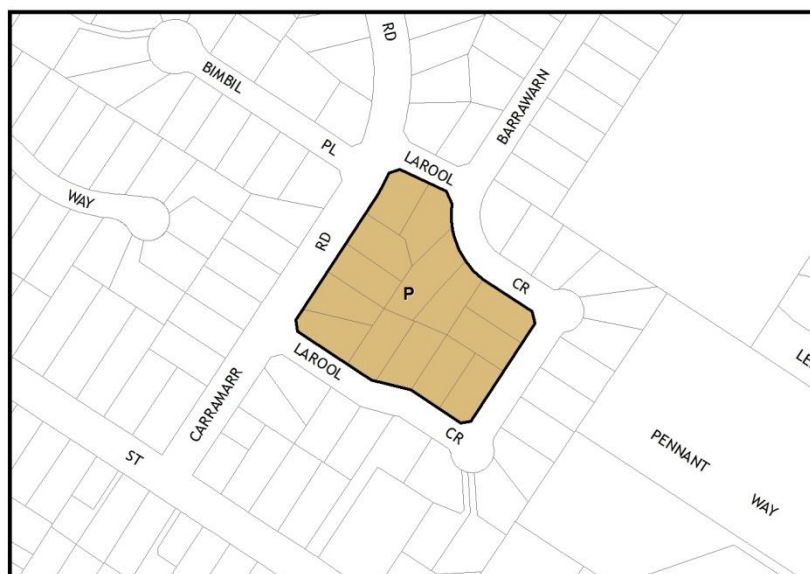


Maximum Floor Space Ratio Incentive (FSI) (n:1)

### Existing Floor Space Ratio Incentive Map

### Proposed Floor Space Ratio Incentive Map:

The proposal seeks to apply a floor space ratio incentive of 1.2:1 to the site that can be used when particular requirements stipulated in the written instrument are met, such as apartment size, mix and car parking.



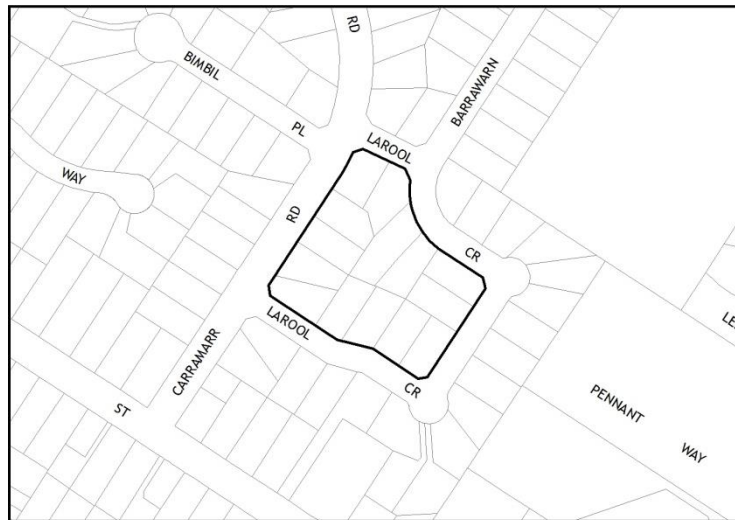
Maximum Floor Space Ratio Incentive (FSI) (n:1)

P 1.2

### Proposed Floor Space Ratio Incentive Map

### Existing Key Sites Map:

The Key Sites Map does not currently apply to the site.



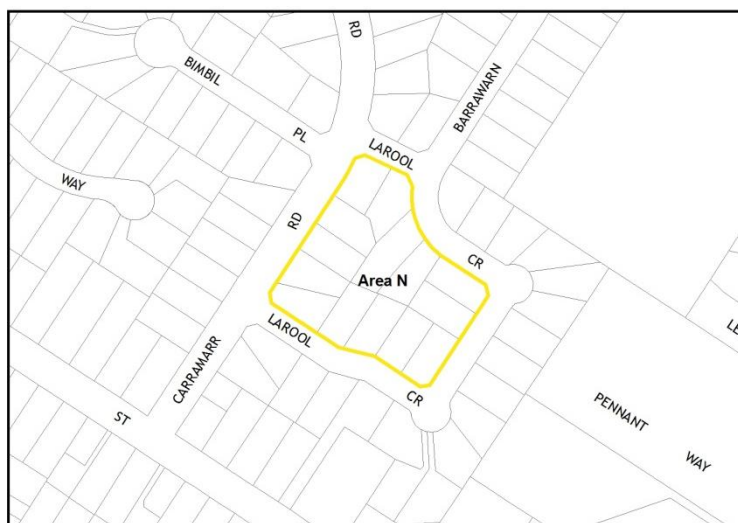
Existing Key Sites Map

### Proposed Key Sites Map:

Under this planning proposal, the site will be identified as 'Area N' on the Key Sites Map. This will identify that a particular outcome and public domain improvement is incentivised via a new clause in the written instrument (refer Attachment C). An extract of the Key Sites Map is included below.

Land identified on the following map would be eligible for a 20% bonus floor space (over and above the incentive FSR) if development complies with the criteria included within the new Key Site Provision. For development on this site to achieve the bonus floor space ratio, the following outcomes must be achieved (see draft clause in Attachment C):

- The site must be amalgamated to form one development site;
- The proposed development incorporates a three storey terrace address along the Larool Crescent and Carramarr Road frontages; and
- The proposed development includes a publicly accessible through site pedestrian link to connect Barrawarn Place north of the site to Larool Crescent Reserve south of the site.



Key Sites Map

Area N

Proposed Key Sites Map

## PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and placed on display at:

- Council's Administration Building, located at 3 Columbia Court, Norwest; and
- Castle Hill Library.

The planning proposal will also be made available on Council's website. In addition, letters will be issued to affected property owners advising them of the planning proposal.

## PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	March 2019
Government agency consultation	April 2019
Commencement of public exhibition period (28 days)	May 2019
Completion of public exhibition period	June 2019
Timeframe for consideration of submissions	July 2019
Timeframe for consideration of proposal post exhibition	July 2019
Report to Council on submissions	August 2019
Planning Proposal to PCO for opinion	September 2019
Date Council will make the plan (if delegated)	October 2019
Date Council will forward to department for notification (if delegated)	November 2019

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE TO THSC	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	-	
No. 19	Bushland in Urban Areas	YES	YES	CONSISTENT
No. 21	Caravan Parks	YES	NO	
No. 30	Intensive Agriculture	YES	NO	
No. 33	Hazardous and Offensive Development	YES	NO	
No. 36	Manufactured Home Estates	NO	-	
No. 44	Koala Habitat Protection	NO	-	
No. 47	Moore Park Showground	NO	-	
No. 50	Canal Estate Development	YES	NO	
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	
No. 55	Remediation of Land	YES	YES	CONSISTENT
No. 62	Sustainable Aquaculture	YES	NO	
No. 64	Advertising and Signage	YES	NO	
No. 65	Design Quality of Residential Apartment Development	YES	YES	CONSISTENT
No. 70	Affordable Housing (Revised Schemes)	YES	NO	
Affordable Rental Housing (2009)		YES	NO	
Building Sustainability Index: BASIX (2004)		YES	NO	
Educational Establishments and Child Care Facilities (2017)		YES	NO	
Exempt and Complying Development Codes (2008)		YES	NO	
Housing for Seniors or People with a Disability (2004)		YES	NO	
Infrastructure (2007)		YES	NO	
Integration and Repeals (2016) (Policy is to be repealed on 6.8.2018)		YES	NO	
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	
Kurnell Peninsula (1989)		NO	-	
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	
Miscellaneous Consent Provisions (2007)		YES	NO	
Penrith Lakes Scheme (1989)		NO	-	
Rural Lands (2008)		NO	-	
State and Regional Development (2011)		YES	NO	
State Significant Precincts (2005)		YES	NO	
Sydney Drinking Water Catchment (2011)		NO	-	
Sydney Region Growth Centres (2006)		YES	NO	
Three Ports (2013)		NO	-	
Urban Renewal (2010)		NO	-	
Vegetation in Non-Rural Areas (2017)		YES	NO	
Western Sydney Employment Area (2009)		NO	-	
Western Sydney Parklands (2009)		NO	-	
<b>Deemed SEPPs</b>				

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SREP No. 8 (Central Coast Plateau Areas)	NO	-	
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	
SREP No. 16 – Walsh Bay	NO	-	
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	YES	CONSISTENT
SREP No. 24 – Homebush Bay Area	NO	-	
SREP No. 25 – Orchard Hills	NO	-	
SREP No. 26 – City West	NO	-	
SREP No. 30 – St Marys	NO	-	
SREP No. 33 – Cooks Cove	NO	-	
SREP (Sydney Harbour Catchment) 2005	YES	NO	

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS**

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>1. Employment and Resources</b>				
1.1	Business and Industrial Zones	NO	NO	-
1.2	Rural Zones	YES	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4	Oyster Aquaculture	YES	NO	-
1.5	Rural Lands	NO	-	-
<b>2. Environment and Heritage</b>				
2.1	Environment Protection Zone	YES	YES	CONSISTENT
2.2	Coastal Management	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	YES	CONSISTENT
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodromes	YES	NO	-
3.6	Shooting Ranges	YES	NO	-
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	YES	INCONSISTENT See Section B Question 6
4.4	Planning for Bushfire Protection	YES	NO	-
<b>5. Regional Planning</b>				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Development along the Pacific Highway, North Coast			
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT
5.10	Implementation of Regional Plans	YES	NO	-
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	INCONSISTENT See Section B Question 6
<b>7. Metropolitan Planning</b>				
7.1	Implementation of A Plan for Growing Sydney	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.9	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-

## **ATTACHMENT C: PROPOSED KEY SITES PROVISION**

### **Clause XX Additional floor space ratio incentive for key site (Larool Crescent and Carramarr Road, Castle Hill)**

1. *The objectives of this clause are as follows:*

*(a) to promote development that does not isolate sites that will contribute to an improved built form outcome.*

*(b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.*

*(c) to facilitate development that is sympathetic to the character of heritage items.*

2. *This clause applies to land identified as Area N on the Key Sites Map.*

3. *Despite clause 4.4 and 7.12, development consent may be granted for development on land to which this clause applies that exceeds the floor space ratio shown on the Floor Space Ratio Incentive Map only if:*

*(a) The development complies with all of the requirements in clause 7.12;*

*(b) The development is for the entire area identified as a Key Site on the Key Sites Map;*

*(c) The maximum floor space ratio, for development on land where the proposed development is permitted, does not exceed the floor space ratio allowed by the Floor Space Ratio Incentive Map by more than 20%; and*

*(d) The development in an area shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.*

<b>Column 1</b> <i>Area on the <u>Key Sites Map</u></i>	<b>Column 2</b> <i>Specifications relating to the Area</i>
Area N	<p><i>The entire key site is amalgamated to form one development site.</i></p> <p><i>The proposed development incorporates a three storey terrace address along the Larool Crescent and Carramarr Road frontages.</i></p> <p><i>The proposed development includes a publicly accessible through site pedestrian link to connect Barrawarn Place north of the site to Larool Crescent Reserve south of the site.</i></p>

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

**NOTE:** The above clause is subject to legal drafting.

## **ATTACHMENT D: PROPOSED AMENDMENT TO LEP 2012 CLAUSE 7.12**

### **Clause 7.12 'Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor'**

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

- (a) *to support the provision of increased housing around train stations forming part of the Sydney Metro Northwest at densities compatible with the future character of the surrounding area,*
- (b) *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,*
- (c) *to promote development that accommodates the needs of larger households, consistent with the demographics and family household structures of The Hills Shire.*

(2) *This clause applies to development that involves the erection of one or more buildings that contain dwellings on land identified as "Area A" and "Area C" on the Floor Space Ratio Map.*

(3) *Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the Floor Space Ratio Incentive Map, if the consent authority is satisfied that:*

- (a) *no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be studio or 1 bedroom dwellings, or both, and*
- (b) *at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be 3 or more bedroom dwellings, and*
- (c) *at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110m<sup>2</sup>, and*
- (d) *at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135m<sup>2</sup>, and*
- (e) *the following minimum number of car parking spaces are to be provided for the development:*
  - (i) *for each dwelling – 1 car parking space, and*
  - (ii) *for every 5 dwellings – 1 car parking space, in addition to the car parking space required for the individual dwelling.*
- (f) *For development on land identified as "Area C" on the Floor Space Ratio Map, the number of 2 bedroom dwellings satisfying subclause (c) may be reduced if the number of 3 bedroom dwellings satisfying subclause (d) is increased by an equal number of dwellings.*

(4) *In this clause:*

**internal floor area** *does not include the floor area of an balcony.*

**NOTE:** The above clause is subject to legal drafting.