

**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 August 2018**

4. The proposal would enable a built form outcome that is incompatible with the current and future character of the Business Park and inconsistent with the existing and anticipated future development on adjoining land; and
5. The proposal has not adequately addressed the impacts of the proposed development on local infrastructure.

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

## VOTING FOR THE MOTION

Mayor Dr M R Byrne  
 Cllr R A Preston  
 Cllr Dr P J Gangemi  
 Cllr B L Collins OAM  
 Cllr R Jethi  
 Cllr J Jackson  
 Cllr M G Thomas  
 Cllr E M Russo  
 Cllr F P De Masi  
 Cllr A J Hay OAM  
 Cllr R M Tracey  
 Cllr A N Haselden  
 Cllr S P Uno

## VOTING AGAINST THE MOTION

None

**ITEM-4**

# SHOWGROUND STATION PRECINCT - DRAFT DEVELOPMENT CONTROL PLAN, CONTRIBUTIONS PLAN AND PUBLIC DOMAIN PLAN (FP223)

## Proceedings in Brief

*Belinda Thomas, Principal Planner, Ethos Urban (Objector) addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR UNO THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

## 489 RESOLUTION

1. Draft The Hills Development Control Plan 2012 (Part D Section 19 – Showground Precinct) (Attachment 1), draft Development Contributions Plan No.19 – Showground Precinct (Attachment 2) and draft Public Domain Plan – Showground Precinct (Attachment 3) be adopted.
2. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend clause 9.7 of The Hills Local Environmental Plan 2012 to provide additional flexibility in its application.

---

**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 August 2018**

---

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

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr Dr P J Gangemi  
Clr B L Collins OAM  
Clr R Jethi  
Clr J Jackson  
Clr M G Thomas  
Clr F P De Masi  
Clr A J Hay OAM  
Clr A N Haselden  
Clr S P Uno

**VOTING AGAINST THE MOTION**

Clr R M Tracey

**ABSTAIN**

Clr E M Russo

**ITEM-5 DRAFT VOLUNTARY PLANNING AGREEMENT - 8  
SOLENT CIRCUIT, NORWEST (11/2018/PLP)**

**Proceedings in Brief**

*Peter Lee of Calibre Consulting representing the applicant addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR JETHI THAT

1. Council continue discussions with the proponent on a Voluntary Planning Agreement which secures a fair and reasonable contribution from future development on the site towards infrastructure improvements within the Norwest Business Park.
2. Following further negotiations with the applicant on the draft Voluntary Planning Agreement, a further report on the draft Voluntary Planning Agreement be submitted to Council by October 2018 for consideration.
3. In the interim the planning proposal proceed to exhibition for public comment.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

**490 RESOLUTION**

1. Council continue discussions with the proponent on a Voluntary Planning Agreement which secures a fair and reasonable contribution from future development on the site towards infrastructure improvements within the Norwest Business Park.

<b>ITEM-4</b>	<b>SHOWGROUND STATION PRECINCT - DRAFT DEVELOPMENT CONTROL PLAN, CONTRIBUTIONS PLAN AND PUBLIC DOMAIN PLAN (FP223)</b>
<b>THEME:</b>	Shaping Growth.
<b>OUTCOME:</b>	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
<b>STRATEGY:</b>	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
<b>MEETING DATE:</b>	<b>28 AUGUST 2018</b> COUNCIL MEETING
<b>GROUP:</b>	<b>SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS</b>
<b>AUTHOR:</b>	<b>FORWARD PLANNING COORDINATOR</b> BRENT WOODHAMS
<b>RESPONSIBLE OFFICER:</b>	<b>MANAGER – FORWARD PLANNING</b> STEWART SEALE

---

## EXECUTIVE SUMMARY

This report recommends that the following draft planning documents (amended as detailed within this report) be adopted:

- Draft DCP 2012 (Part D Section 19 – Showground Precinct);
- Draft Contributions Plan No.19 – Showground;
- Draft Public Domain Plan – Showground Precinct.

If adopted, the draft amendments to DCP 2012 and draft Contributions Plan would come into force following public notice of Council's decision.

It is further recommended that Council initiate a planning proposal to amend LEP 2012 to provide some additional flexibility with respect to the application of the minimum 10,000m<sup>2</sup> site amalgamation requirement to achieve the incentive floor space ratio. It has become apparent that in certain instances a variation to this 10,000m<sup>2</sup> requirement is necessary due to a development site being isolated ('orphaned') as a result of the existing allotment configuration and/or adjoining applications for high density development which result in a site below the 10,000m<sup>2</sup>. A more flexible approach would allow a merit based consideration of the site configuration, density and final built form outcomes and would assist in supporting the delivery of housing diversity within the Precinct.

The draft Plans were exhibited from Tuesday 9 January 2018 to Friday 9 February 2018. During the exhibition, Council received a total of 129 submissions, including 5 from public authorities (Office of Environment and Heritage, Endeavour Energy, NSW Department of Planning and Environment, Landcom, and a combined submission from Transport for NSW and the Roads and Maritime Services) and 124 public submissions.

The Office of Environment and Heritage, Endeavour Energy, NSW Department of Planning and Environment, Transport for NSW and the Roads and Maritime Services raised no objections to the draft documents, however did recommend that some amendments be made to improve that clarity and usability of the plans, and to reflect current infrastructure planning for the Precinct.

The key matters raised by Landcom related to the application of the draft plans to the station sub-precinct (north of Carrington Road). Given the intended future context and character of the station site Landcom have commented that the application of the residential flat building and shop top housing controls, which are principally framed around delivering high density development in a landscaped setting (such as for land south of Carrington Road), are unlikely to result in an appropriate built form outcome within this sub-precinct. Their comments related to solar access and overshadowing, requirement for podiums, landscape open space provision, site coverage, tower floor plate area and parking rates. In recognition of the unique character intended for the station sub-precinct, being mixed use development with smaller building setbacks, active street frontages and a greater site coverage, refinements to some of the controls applying in this location are considered necessary and appropriate in this instance.

Council officers have been in consultation the urban renewal team within the Department of Planning and Environment who have made a number of recommendations with respect to various controls within the DCP. A number of the Department's recommendations have been implemented through post exhibition amendments to the draft plans.

The public submissions raised concern in relation to the following key matters:

- a) Objection to LEP 2012 provisions (including the area requirements for the FSR incentive, the 5,000 dwelling cap, housing diversity and requests for higher density north of Showground Road);
- b) Determination of riparian corridor distances;
- c) Objection to the requirement for 2m land dedication;
- d) Development controls for high density development (including solar access and overshadowing, rear setbacks, riparian corridor setbacks, upper level setbacks, site coverage, wind tunnel testing, building depth and impact of heritage controls on adjoining development);
- e) Development controls for terrace housing (including the requirement for 8m terrace width for north-south facing lots), proposed rear laneways and general viability of terrace housing);
- f) Request for timed parking for non-residents;
- g) Application of the DCP to land within the LEP deferred area;
- h) Application of the contributions plan to land that has not been rezoned; and
- i) Setbacks to 6-8 Hudson Avenue.

In recognition of the matters raised within submissions a number of post exhibition amendments are proposed to the draft Plans. These amendments will ensure that future development exhibits a high quality built form outcome that responds to the location and the intended character for the Precinct. The amendments will also improve the structure and usability of the plans and also clarify the intent and application of various controls.

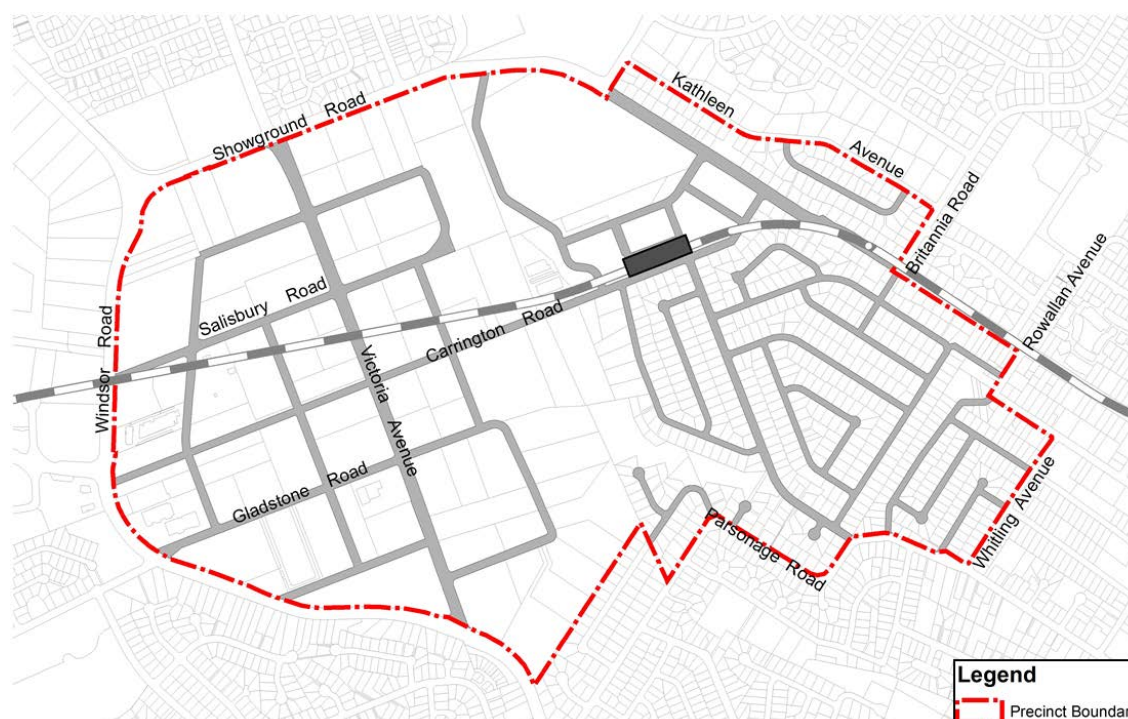
As the contribution rates within the draft Contributions Plan are less than \$20,000 per dwelling, the plan will not need to be forwarded to the Independent Pricing and Regulatory Tribunal for endorsement prior to adoption.

## BACKGROUND

The Showground Precinct is one of four Precincts identified by the NSW Government to be planned as part of its 'Planned Precinct Program' along the Sydney Metro Northwest corridor.

On 15 December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. This rezoning was the outcome of an extensive planning process led by the Department of Planning and Environment which commenced in August 2014. While the land has been rezoned, additional guidance is required in the form of a development control plan, contributions plan and public domain plan to further guide future development outcomes that reflect the intended character for the Precinct. These documents have been prepared by Council to support the rezoning of the Precinct and have been exhibited for public comment.

The location and extent of the Showground Precinct is included in the following figure.



**Figure 1**  
Showground Priority Precinct

## REPORT

The purpose of this report is to consider the outcomes of the exhibition of the draft development control plan, draft contributions plan and draft public domain plan for the Showground Precinct.

### 1. SUMMARY OF DRAFT PLANS

The draft development control plan includes controls to regulate future built form and ensure high quality development outcomes that reflect the intended character for the Precinct as a highly liveable transit centre. The controls also seek to achieve a well-connected pedestrian network, active street frontages, high quality architectural style and character, attractive streetscapes, public realm, common open space and car parking.

The draft contributions plan will enable Council to levy new residential and employment development to collect the funds necessary for the provision of local infrastructure required to support the additional growth. It aims to ensure that existing infrastructure is not over-taxed and that future residents are able to access facilities and services that are consistent with the lifestyle enjoyed by existing Hills Shire residents. It identifies upgrades and new facilities including playing fields, expansion and embellishment of open space, stormwater management facilities, village plaza, roundabouts, traffic signals, road widening, pedestrian bridges and other pedestrian facilities.

The draft public domain plan seeks to enhance the image and amenity of the Precinct through the provision of street trees, footpath paving, furniture and landscaping to give the Precinct a unique urban identity, whilst complementing the character of the surrounding area. It will provide the overall direction for creating coordinated public domain spaces that are attractive, safe and vibrant within the centre.

## **2. EXHIBITION DETAILS**

The draft Plans were exhibited from Tuesday 9 January 2018 to Friday 9 February 2018. Notification letters were sent to 9 public authorities and all landowners within the Showground Station Precinct (1,461 landowners).

Council received 129 submissions on the draft plans, comprising 5 submissions from public authorities and 124 public submissions (does not include multiple submissions from same authors).

## **3. PUBLIC AUTHORITY CONSULTATION**

Submissions were received from the following public authorities:

- Office of Environment and Heritage;
- Endeavour Energy;
- NSW Department of Planning and Environment;
- Landcom; and
- Transport for NSW and RMS (combined).

### **a) Office of Environment and Heritage**

OEH raised no objection to the draft plans, however made two recommendations to:

- *require a master plan for rehabilitation of riparian corridor to provide more weight when considering DAs rather than relying only on the strategy contained within the Public Domain Plan; and*
- *Correct a minor administrative anomaly in the Open Space Network table in Section 4.2.*

### **Comment**

The Department of Planning and Environment is currently undertaking further master planning for the 'Deferred Area' as part of the Cattai Creek West Master Planning process. As part of this process a Landscape Master Plan is being prepared to outline a clear plan for the rehabilitation of riparian corridor. The DCP requires a Vegetation Management Plan (VMP) to be developed and submitted with any development applications for land adjoining the riparian corridor. Any VMP would need to be consistent with this plan once it is completed.

**b) Endeavour Energy**

Endeavour Energy raised no formal objection to the planning proposal but did provide a number of standard conditions that will be applicable to future development in the Precinct.

**Comment**

Further consultation with Endeavour Energy will occur through the development assessment process. This will ensure an appropriate development outcome is achieved and that building work is appropriately distanced from identified easements. Endeavour Energy will have opportunity to request the imposition of any relevant conditions of consent at this time.

**c) NSW Department of Planning and Environment**

The Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017 provides that Section 94 contribution plans that propose a rate in excess of \$20,000 for residential development must be reviewed by the Independent Pricing and Regulatory Tribunal (IPART), and, as necessary, amended in accordance with the Minister's advice before being adopted by Council. The submission notes that as the draft contributions plan for the Showground Station Precinct included contributions rate above \$20,000 for some forms of residential development, Council will be required to follow this procedure.

**Comment**

The provision of the Direction which requires contribution plans that propose a rate in excess of \$20,000 for residential development must be reviewed by IPART is noted and the procedure will be adhered to. The post exhibition amendments to the draft contributions plan, as detailed within this report, have reduced the contribution rates below the \$20,000 cap. As the contribution rates within the draft Contributions Plan are less than \$20,000 per dwelling, the plan will not need to be forwarded to the IPART for endorsement prior to adoption.

**d) Landcom (Relating to the Developable Government Land)**

A summary of the key issues raised by Landcom are included below. They relate principally to the application of the draft plans to the station sub-precinct (north of Carrington Road).

*i. Building Layout and Design & Control 6.1.2 – Built Form Controls*

Landcom states that whilst most of the individual provisions are not necessarily objectionable, cumulatively they add to the complexity of consideration and may lead to delays in DA formulation and assessment. Landcom recommend a rationalisation and simplification of detail design provisions. They recommend placing greater reliance on SEPP 65, the Apartment Design Guide and merit based design objectives.

**Comment**

It is considered that solely relying on SEPP 65 and the Apartment Design Guide will not facilitate the delivery of a high quality built form outcome envisaged by the community. Notwithstanding, it is agreed that refinements could be made to the draft DCP to improve its usability. With respect to the station sub-precinct (north of Carrington Road), it is recommended that this section (Part 5 Local Centre and Business Development) include all of the relevant controls to guide future development at this location. This will ensure that developers will not need to refer to both Part 5 and Part 6 Residential to establish the relevant controls to guide their developments. This will substantially improve the usability of

the plan. Further refinements to the controls applying to the station sub-precinct are discussed below.

It is anticipated that a master plan State Significant Development Application (SSDA) would be lodged by Landcom with the Department of Planning and Environment for consent. It is noted that as part of the assessment of SSDA, consideration of any applicable development control plan is not required. This application would involve the preparation of an Environmental Impact Statement and would relate to the creation of super lots, roads and public domain within the station sub-precinct. The development application would articulate the urban structure, building envelopes, setbacks, road layouts, site access, location of plaza and community facilities, design principles, indicative built form, allocation of gross floor area to individual lots, amenity requirements (visual, wind and built form impacts). The SSDA approval would effectively override any development controls within DCP 2012.

Whilst the controls within the development control plan would not apply, it is important that Council establishes its expectations of future redevelopment within the station sub-precinct within the draft DCP.

*ii. Solar Access & Overshadowing*

Objection to the solar access controls within the DCP which requires 4 hours sunlight to private open space on the basis that it is inconsistent with the Apartment Design Guide requirement of 2 hours. Additional concern was raised with respect to the minimum 3 hours sunlight 'for the extent of the road reservation' adjacent and perpendicular to the site. Landcom comment that this control is onerous and is recommended for amendment to clarify its intent.

**Comment**

The solar access controls within the exhibited DCP are as follows:

- Private open space of adjoining sites is to receive a minimum of 4 hours of sunlight between 9am-3pm on June 21;
- No additional overshadowing of public open spaces such as local parks and plazas, including public open spaces adjoining the precinct is to occur between the hours of 11am and 2pm between the dates of April 21 and August 21; and
- The road reserve forward of development is to receive 3 hours of sunlight between the hours of 9am-3pm on June 21.

Clause 6A of SEPP 65 identifies matters where development control plans cannot be inconsistent with the Apartment Design Guide. It is noted that 'communal and public open space' is not a matter listed within this Clause. Accordingly, it is appropriate for Council to have such controls within the DCP. Notwithstanding, it is noted that the draft DCP is silent with respect to the level of solar access of common open space within the development itself. To avoid doubt it is recommended that an additional control be included within the draft DCP to specify that:

- Developments shall achieve direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.

It is also recommended that the control requiring minimum 3 hours sunlight 'for the extent of the road reservation' adjacent and perpendicular to the site' be deleted. Whilst the intent of the control to maximise solar access to road reservations is valid, the control may be difficult to apply especially for road verges along southern boundaries. It is also proposed that the



control relating overshadowing of public open space be updated to apply to the winter solstice of 21 June.

Having regard to the above, it is recommended that the solar access controls be as follows:

- *Development is to ensure that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June.*
- *Note: Where these areas already receive less than the minimum 4 hours, the proposed development shall not further reduce the level of solar access.*
- *Development shall achieve direct sunlight to the principal usable part of the communal open space within the development site for a minimum of 2 hours between 9am and 3pm on 21 June.*
- *The development shall not create additional overshadowing of land identified for public open space between the hours of 11am-2pm on 21 June. This includes public open spaces outside and adjacent to the precinct.*
- *Solar access to future dwellings within the development shall comply with, and where possible exceed, the minimum solar access requirements within the Apartment Design Guide.*

iii. Development Adjoining the Cattai Creek Riparian Corridor

For development facing the Cattai Creek riparian corridor, the draft DCP requires a four (4) storey podium, and a 6m setback for any tower component above the podium. Landcom recommends reconsidering the built form and urban design outcomes which are likely to eventuate from such a control. Specifically, a maximum of 20-21 storeys could be achieved for land adjoining the creek according to the Hills Shire Local Environmental Plan 2012. In the view of Landcom, a 4 storey podium is not proportional to a maximum height of 20-21 storeys, and may result in an awkward urban design outcome for these highly visible locations. Landcom recommend deleting this control since a signature building facing the creek, without any podium setback, and still delivering appropriate scale, is a highly acceptable outcome.

**Comment**

It is acknowledged that future development on the station site will have a high density urban context, characterised by taller mixed use buildings with reduced setbacks and higher site coverage. The comment within the submission that podiums are not required adjoining the riparian corridor and are not necessary at this location is not supported. In locations with smaller road reservations with reduced setbacks, it is imperative that podium elements are around 4 storeys so as to not create an over bearing and oppressive streetscape. However, having regard to the context of the site, it is recommended that no further upper level setbacks would apply to development above the 4<sup>th</sup> storey.

iv. Open Space and Landscaping

Landcom raise concern regarding the proposed landscaped open space control of 50% of the site area which would be a particularly high minimum requirement, considering the location of any site adjoining the station. Such a high minimum requirement for open space will not facilitate the delivery of building envelopes, overall scale, as well as yield envisaged by the draft DCP.

**Comment**

In light of the higher site coverage anticipated within the station sub-precinct it is considered reasonable that development at this location has a lower landscaped open space requirement.

In this regard, it is recommended that within the B2 Local Centre zone, a control be included within the DCP to identify that landscaped open space should be provided, where possible. Whereas for the R1 General Residential zone it is recommended that the 50% requirement be maintained. On a large master planned site there is no reason as to why the future development at this location should be unreasonably undersupplied with landscaped open space. It is recommended that the landscaped open space requirement for the station site be as follows:

- For Land zoned R1 General Residential, a minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space.
- For land zoned B2 Local Centre, landscaped open space should be provided where possible.

v. Built Form Controls

Concern was raised that the draft control seeks to decrease the size of floor plates as building envelopes become taller. This method of achieving articulated envelopes seems unnecessarily complicated. There may also be a risk that such a control encourages a 'wedding cake' or 'ziggurat' envelope. Concern that due to the reduced setbacks anticipated on the station site (0m and 5m), and the requirement for 4 storey podiums, the site coverage controls as specified within the draft DCP will not be workable.

**Comment**

The draft site coverage controls within the DCP are principally framed for high density development within a landscaped setting (i.e. land zoned R4 High Density Development south of Carrington Road). The site coverage controls as identified within the exhibited DCP require the following:

- The floor plate of each individual level of a building shall not exceed a cumulative total of:
  - 50% of the site area (excluding land to be dedicated or acquired for a public purpose) for each level of the building up to, and including, the 8<sup>th</sup> storey;
  - 40% of the site area (excluding land to be dedicated or acquired for a public purpose) for each level of the building between 9 to 12 storeys; and
  - 30% of the site area (excluding land to be dedicated or acquired for a public purpose) or 750m<sup>2</sup> per building (whichever is the lesser), for each level of the building above 12 storeys.

It is acknowledged that high site coverage would be anticipated on the station site as a result of reduced setbacks. Furthermore the tiering of the setback control on the station site requiring 50%, 40% and 30% for the 1-8 storeys, 9-12 storeys and 12+ storeys respectively may not result in a workable outcome at this location. As the future built form on the station site will be principally guided by the landscaped open space requirement (see above), podium heights, upper level setbacks, and the maximum tower floor plate areas of 750m<sup>2</sup>, it is considered that the site coverage requirement for the B2 Local Centre zone is not necessary. Whereas for the R1 General Residential zone it is recommended that a more simplified maximum site coverage control of 50% of the site area, be applied.

It is further recommended that the following amendments be made to the setback controls applying to the government land (see following figure):

- Revise layout of the site according to the most recent layout plan for the site as provided by Landcom;
- Update the front setbacks to 10m adjoining Showground Road, zero setback to the frontage adjoining the B2 Local Centre zone, and 5m from the remaining roads;
- Apply 4 storey podium to all roads;
- For development sites adjoining the car park, levels above the 4<sup>th</sup> storey shall be setback 3m behind the front building line. For all other roads, levels above the 4<sup>th</sup> storey shall be setback 3m behind the front building line.



**Figure 2**  
Proposed setbacks – Station Site



**Figure 3**  
Upper level setbacks – Station Site

These setbacks have regard to proposed active frontages (where reduced setbacks would be envisaged), proposed lot sizes and existing constraints such as the car park which will restrict lot depth, the need to get wider verge widths in certain locations to encourage outdoor dining and safe pedestrian movement (especially when events are operating), and the capacity of future lots to accommodate an upper level setbacks.

*vi. Tower Form and Design*

This draft control prescribes a maximum tower floor plate of 750m<sup>2</sup>. Landcom comments that this appears to be an unnecessarily small floor plate given the context of the government lands. Once essential elements are accounted for in any tower floor plan, such as services, lobbies, lifts and emergency exits, a tower footprint of 750m<sup>2</sup> would not allow for appropriate yield or design flexibility. Further, the subject site's substantial area, as well as related controls in the draft DCP, will provide for large floor plate podiums. A tower with a floor plate of 750m<sup>2</sup> is not likely to be proportional to the podiums and may lead to development inefficiencies necessitated by multiple towers with required separation distances. Landcom recommends that the draft control references tower floor plates of between say 900m<sup>2</sup> to 1,000m<sup>2</sup>.

**Comment**

The intent of the maximum floor plate control is to reduce building bulk, create slender tower forms and facilitate increased solar access into the public domain and adjoining communal open spaces. In order to provide some additional flexibility in the application of the control it is considered reasonable that it be amended to 750m<sup>2</sup> of gross floor area rather than 750m<sup>2</sup> for the entire tower floor plate. This would provide additional flexibility as stairways, lift shafts, balconies and the like would be excluded from the calculation. This would also enable the delivery of around 6-8 units per storey depending on configuration and apartment sizes provided.

---

*vii. Car and Bicycle Parking*

The Department of Planning and Environment has established parking controls commensurate to the character intended for, and the public transport infrastructure available to such precincts. The submission notes that the parking controls for the North Ryde Priority Precinct have significantly lower commercial and retail parking than those in the draft control.

The parking requirements in the draft control are more consistent with those traditionally adopted for established centres throughout urban Sydney. They do not necessarily reflect the infrastructure capacity and intended character of new precincts such as the Showground Precinct. Landcom recommend that the control be amended such that it reflects precinct specific public transport capacity and the precinct's intended character, particularly in relation to the commercial and retail parking rates.

**Comment**

The residential parking rate within the DCP reflects the parking requirement within the housing diversity provision (within LEP 2012) for the Showground Precinct, being 1 space per unit and 1 visitor space per 5 units. This rate was established following analysis of car ownership within other transit centres within the Sydney Metro Region, whereby the average car ownership rates were around 1 per dwelling. It is recognised that SEPP 65 and the Apartment Design Guide would enable future development on the station site to only provide residential parking as per the RMS Guide to Traffic Generating Developments. Nevertheless it is recommended that the residential rates within the DCP remain as specified in clause 9.7 of LEP 2012.

With respect to the commercial and retail floor space, it is not considered appropriate to set new parking rates for the station site simply to reflect the parking rates that are applied to the North Ryde Precinct. Notwithstanding, it is acknowledged that the land zoned B2 Local Centre is of a size and location (close to the entry of the station) that provides services focused on the population in the Precinct. Under these circumstances retail and commercial uses may be able to operate at a lower level of parking provision to what would ordinarily be required for retail and commercial floor space throughout the remainder of the Shire. In this regard, it is recommended that the parking rate for commercial and retail floor space on land zoned B2 Local Centre be as follows:

- Parking provision to be determined on a merit based assessment. Development applications to be accompanied by a traffic and parking study which demonstrates that the parking provision is sufficient to meet the forecast demand generated by the development.

**e) Transport for NSW and RMS (Combined)**

*i. Infrastructure Priorities*

Council should consider developing a revised contributions plan showing the infrastructure to be delivered for the first 5,000 dwellings and then the infrastructure to be delivered for the remaining 5,400 dwellings to assist infrastructure planning by TfNSW.

**Comment**

The 5,000 dwelling cap is related to the threshold where the State Government needs to provide a school for the future population within the Showground Precinct, not the ultimate number of dwellings that may be constructed. As a result the suggested approach will not be workable. The development contribution has to account for the entirety of growth that is likely to occur within the Precinct and the infrastructure that is required to service this growth. The Contribution Plan, operating over a 20 year period, is designed to provide local

infrastructure to support this growth and needs to apportion the cost of providing full schedule of infrastructure items required to support the overall growth within the Precinct.

*ii. Parking Rates*

Maximum parking rates should be set, which will encourage reduced car use and reduce traffic generation and infrastructure requirements as part of an integrated plan in accordance with clause 9.4 4(d) of The Hills LEP 2012.

**Comment**

As mentioned above, this rate was established following analysis of car ownership within other transit centres within the Sydney Metro Region. At these centres the average car ownership rates were around 1 car per dwelling. Amendment to this rate are not considered necessary at this time as there is still a substantial amount of uncertainty as to the likely impact of mode shift that will result from the delivery of the Sydney Metro Northwest.

*iii. Section 3.4.1 Contributions Plan Table 3*

Transport for NSW and the RMS are concerned that the intersection upgrades costs of \$1.18m each are understated. Furthermore, there are currently no approved traffic signal design plans for the proposed traffic signals along Victoria Avenue. Further design and development for the proposed intersections should occur in consultation with RMS.

**Comment**

The intersection upgrade costs are based on reasonable internal estimates of the likely costs of these upgrades. As detailed designs are progressed, future updates to the contributions plan will reflect adjustments to costs estimates or actuals, following the delivery of the infrastructure items.

*iv. Intersection of Gladstone Road and Victoria Avenue*

RMS recommend that the intersection of Gladstone Road and Victoria Road also be indicated as being signalised within the draft DCP. The intersection is shown as a roundabout within Figure 8 of the draft (Showground Station) DCP but is marked for upgrade to the intersection within Item T3 of Table 3 Works Schedule of the contributions plan.

**Comment**

It is considered appropriate that the Indicative Street Network and Hierarchy figure within the draft DCP be updated to identify the intersection of Gladstone Road and Victoria Avenue as a signalised intersection so as to match the draft Contributions Plan.

*v. Victoria / Hudson / Anella Intersection*

Signalising the Victoria / Hudson / Anella intersection may cause problems in the longer term with potential for weekday peak traffic demands to form cues on the southbound approach to exceed the distance back to signals at Showground Road / Victoria Avenue / Green Road. Alternative intersection improvements are recommended for consideration at this intersection such as Left-in / Left-out.

**Comment**

This intersection is located close to the Showground Road / Victoria Avenue intersection. It is acknowledged that the installation of traffic signals at this junction could result in cue lengths which would impact on the operation of the Showground Road / Victoria Avenue intersection. In recognition of the concern raised by the RMS and Transport for NSW, it is recommended that the draft DCP be amended to identify the Hudson, Victoria and Anella Avenue intersection as left-in and left-out only. It is further recommended that the draft contributions plan be amended to update this infrastructure item in the draft plan.

vi. Proposed Left-In Left-Out to Showground Road near Britannia Road

The proposed new left-in left-out local street connection to Showground Road would be better located opposite Britannia Road in order to future proof this intersection should it be required to be converted to signals and/or provide for pedestrian/active transport in the future.

**Comment**

The DCP identifies a proposed road link connecting Chapman Avenue and Showground Road. This road was not proposed to align with Britannia Road as the intersection is only anticipated to be left-in and left-out. It is noted that as part of the Showground Road upgrade, there will be a central median.

It is considered that relocating the proposed road to align with Britannia Road will have a number of benefits as detailed below:

- It will not impact on the efficiency of Showground Road as there will be a central median as part of the Showground Road upgrade;
- It will future proof the intersection and allow for a future upgraded intersection at this location, subject to future demand; and
- It will be wholly located on land zoned R4 High Density Residential. Future high density development will have greater capacity to provide the road as the lost development potential can be shifted onto the remainder of the development site.

For the reasons outlined above, it is recommended that the structure plan and indicative street network and hierarchy figures be updated to relocate the proposed road, connecting Chapman Avenue and Showground Road, to better align with Britannia Road.

vii. Proposed Left in to Showground Road near Cattai Creek

It is undesirable to have an access point at the bottom of a gully along Showground Road, with quite a steep downward grade. This access would not be supported due to road safety risk concerns such as increase in rear end crashes due to sight lines and topography. Council is encouraged to remove the proposed new left in vehicle access point along Showground Road near Cattai Creek.

**Comment**

The intersection near Cattai Creek at Showground Road is only identified as a left-in intersection, not a left-in / left-out intersection. The deliverability of this junction will be further investigated as part of the master planning for the Castle Hill Showground site. In the interim it is recommended that the potential access point remain. Once the master planning for the Castle Hill Showground has been completed, if it is determined that access point will not be possible, the plan can be updated as part of a future review of the DCP.

viii. Proposed New Minor Collector Road to Windsor Road

Roads and Maritime would only support limited vehicular access at this location being left-in only together with an Austroads compliant left turn lane.

**Comment**

It is considered to be important that future development allows for a potential future road link to connect the intersections of Norwest Boulevard / Windsor Road and Victoria Avenue / Carrington Road. The role and function of this road (car or transit only) and intersection treatment can be further negotiated with the RMS as the Precinct develops.

#### 4. PUBLIC SUBMISSIONS

A total of 124 public submissions were received during the public exhibition period. Key issues included the following:

- a) Objection to LEP 2012 provisions (including the area requirements for the FSR incentive, the 5,000 dwelling cap, housing diversity and request for higher density north of Showground Road);
- b) Determination of riparian corridor distances;
- c) Requirement for 2m land dedication;
- d) Development controls for high density development (including solar access and overshadowing, rear setbacks, riparian corridor setbacks, upper level setbacks, site coverage, wind tunnel testing, building depth and impact of heritage controls on adjoining development);
- e) Development controls for terrace housing (including terrace width, proposed rear laneways and viability of terrace housing);
- f) Request for timed parking for non-residents;
- g) Application of the DCP to land within the LEP deferred area;
- h) Application of the contributions plan to land that has not been rezoned; and
- i) Setbacks to 6-8 Hudson Avenue.

Planning comments addressing the key issues are included below.

##### a) Objection to LEP 2012 provisions

###### *i. 10,000m<sup>2</sup> site area requirement for the FSR incentive*

Concern is raised with respect to the 10,000m<sup>2</sup> site area requirement for development to achieve the Incentivised Floor Space Ratio. Submission comments identified that the provision lacked flexibility which would mean that a number of sites would not be able to achieve the Incentivised FSR.

##### **Comment**

The plans that have been finalised by the State Government include an FSR incentive on the Incentive Floor Space Ratio Map. A development can achieve the maximum density if it includes housing diversity (at least 20% 3 bedroom apartments, at least 40% of 2 bedroom and 3 bedroom apartments are larger, at least 1 parking space is provided per unit, at least 1 visitor parking space is provided per 5 units, and if the development site is at least 10,000m<sup>2</sup>).

Currently, the wording of the provision includes minimal flexibility to enable variation to the 10,000m<sup>2</sup> requirement. The requirement within the provision is an 'application', rather than a 'development standard'. In other words if a development site is less than 10,000m<sup>2</sup>, then the incentive clause does not apply. As the area requirement is not a development standard it cannot be varied under Clause 4.6. As per the wording of the provision within the LEP, the only way that the incentive clause could apply to a development site less than 10,000m<sup>2</sup> is if the creation of roads is the sole reason for a site area being less than 10,000m<sup>2</sup>. If a development site is less the 10,000m<sup>2</sup> for any other reason, the incentive clause will not apply, and the maximum FSR applicable would be the base FSR.

It has become apparent that in certain instances a variation to this 10,000m<sup>2</sup> requirement may be necessary. This is principally due to development sites being isolated ('orphaned') due to the existing allotment configuration and/or adjoining applications for high density development, that exclude the remaining land. A site may simply become unable to



aggregate to 10,000m<sup>2</sup> as there are no additional lots adjoining the site to amalgamate with. In these instances some flexibility to the 10,000m<sup>2</sup> requirement would be warranted.

For the reason outlined above, it is recommended that Council initiate a planning proposal to further amend LEP 2012 to provide some additional flexibility in the application of the 10,000m<sup>2</sup> site amalgamation requirement. The site area requirement should ideally remain as an 'application' instead of a 'development standard' so as not to water down the intent of the requirement in delivering master planned outcomes. Rather, it is recommended that the provision be slightly reworded, as detailed below:

#### **9.7 Residential development yield on certain land**

*(1) This clause applies to development that involves the erection of one or more buildings that contain dwellings on a lot that is:*

*(a) within the Showground Station Precinct, and*

*(b) has an area of 10,000 square metres or more, except where:*

*(i) the site area is less than 10,000 square metres because of the creation of roads, or*

*(ii) the site is isolated and cannot aggregate to 10,000 square metres due to the existing lot configuration, and*

*the consent authority is satisfied that the development will promote the orderly development of the precinct.*

#### *ii. 5,000 dwelling cap*

Concern was raised in relation to the 5,000 dwelling cap for the Precinct. There is uncertainty as to whether this means that there will be a pro-rata reduction in achievable floor space ratios so the whole precinct can be developed without exceeding the 5,000 units cap.

#### **Comment**

The 5,000 dwelling cap was set within LEP 2012 (Clause 9.8) by the State Government and is not a matter regulated by the DCP. The cap is related to the threshold where the State Government needs to provide a school for the future population within the Showground Precinct, not the ultimate number of dwellings that may be constructed.

Based on the development standards which currently apply to the Precinct, the overall yield is likely to be approximately 11,000 dwellings (comprising 9,000 under the Precinct, plus an estimate 2,000 in the deferred area currently under investigation). The State Government has indicated that when the outstanding infrastructure issues have been resolved the cap will be lifted. Until this time, development applications will be assessed on a 'first come first served' basis and will be subject to the relevant standards and controls applying to each site. Council is liaising with the Department to resolve outstanding infrastructure issues. Nevertheless the State Government will need to ensure that the regional infrastructure matters will be addressed prior to the cap being reached.

#### *iii. Housing diversity*

Submissions objected to Council's approach to seeking a portion of the future housing stock as larger apartments and requiring at least 20% of dwellings as 3+ bedrooms.

### Comment

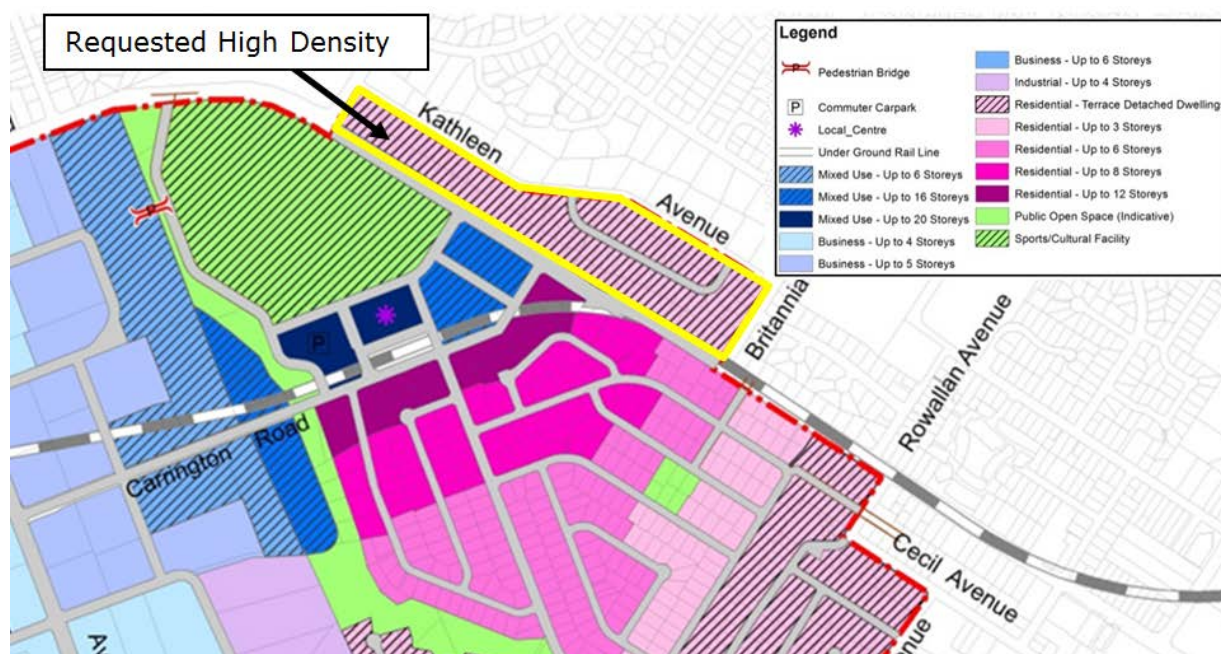
As the Hills Shire population grows there will be greater reliance on higher density development to accommodate future housing demand. For this reason, more households need to be able to choose to live, raise families and retire to an apartment located in an area of high accessibility and amenity.

Based on the State Government's population and household forecast a substantial proportion of the additional households within the Shire over the coming 20 years will be 'larger' household types such as couples with children, single parents with children and multiple family households. Whilst a proportion of this growth would be accommodated within the Shire's release areas, it will be critical that future high density development provides sufficient 'dwelling diversity' to cater for the different living needs, expectations and household budgets within the community. This will necessitate the provision of an appropriate mix of one, two and three bedroom apartments of variable sizes.

Council has long argued that there is a critical need for future apartment development to provide an appropriate 'housing mix', which ensures that future apartments are also capable of accommodating some 'larger' household types. Having regard to the Shire's forecast population growth and future housing supply, approximately 20% of all future apartments must be in the form of three or more bedrooms.

#### iv. Request for higher density north of Showground Road

Submission requested the identification of land north of Showground Road for higher density development. Concern was raised that this land falls within the walkable catchment of the Showground Station. Comments also identified the proposed redevelopment of this area to accommodate "terrace style housing" would be economically unviable for a developer due to the land and build costs.



**Figure 4**  
Kathleen Avenue and Belvedere Avenue (Site Specific Request)

**Comment**

The State Government rezoned land within the Showground Precinct on 15 December 2017. The land zone, height of building, floor space ratio and incentive floor space ratio are LEP standards and provisions set within LEP and not matters regulated by the DCP, which provides additional guidance for future development. The development control plan, contribution plan (infrastructure plan) and public domain plan have been prepared by Council to support the rezoning of the Precinct, not to change the zoning or permissibility of uses.

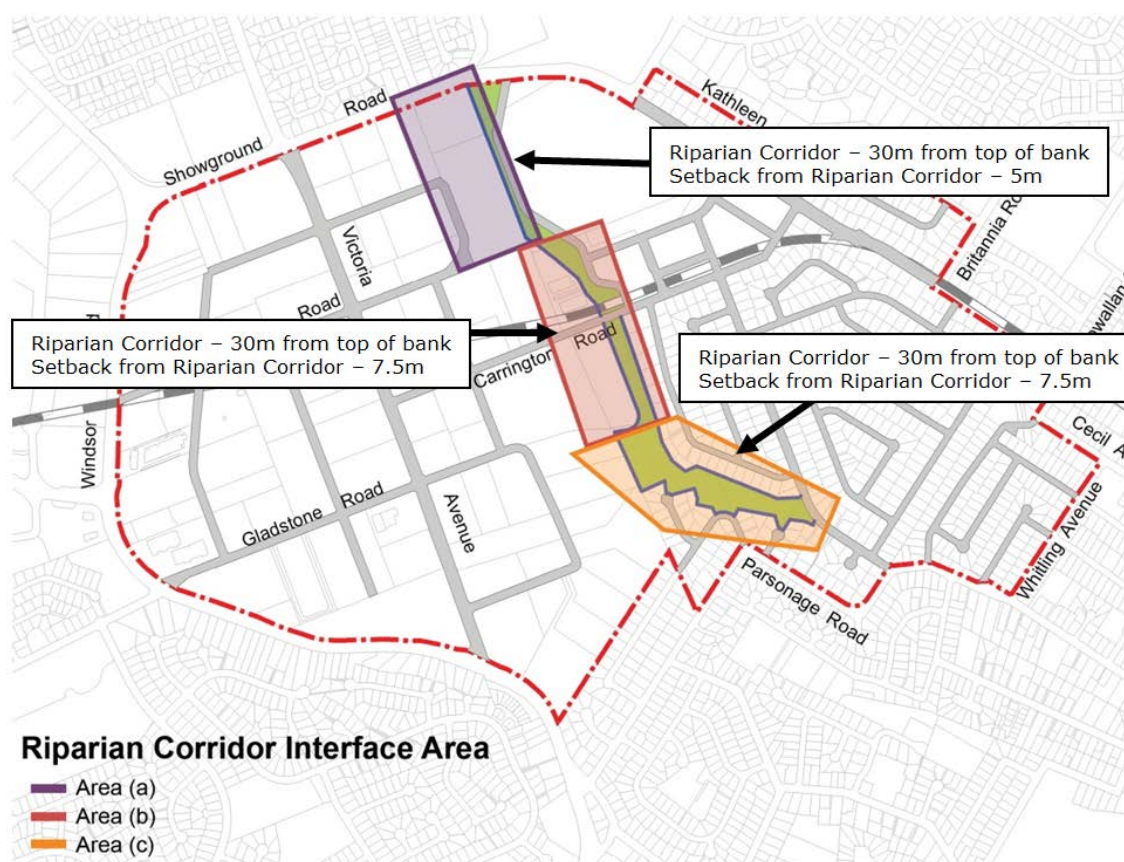
Should a landowner seek to change the current zone, there is a separate mechanism available through lodgement of a planning proposal that allows for consideration of the capacity to support additional growth, including infrastructure demand. However, given that this process has recently been undertaken for the entire Precinct it is unlikely to be supported.

**b) Determination of riparian corridor distances**

Concern was raised in relation to the riparian corridor setbacks in the DCP. Comments identified that the determination of the riparian corridor widths are inconsistent with the Office of Water guidelines.

**Comment**

The draft DCP required the following riparian corridor widths and setback distances to the riparian corridor.



**Figure 5**  
Riparian Corridor Interface Areas

However the Office of Water Guideline for Riparian Corridor Distances specifies a 10m riparian zone (on each side of the creek) for 1<sup>st</sup> order streams and 20m riparian zone (on each side of the creek) for 2nd order streams. It is noted that Areas (a) and (b) are 2<sup>nd</sup> order streams and Area (c) is a 1<sup>st</sup> order stream. Accordingly, it will be necessary to amend the draft DCP to update the controls by reducing the riparian corridor distances to the following:

- Area (a): Reduce Riparian Corridor Distance from 30m to 20m from top of bank;
- Area (b): Reduce Riparian Corridor Distance from 30m to 20m from top of bank; and
- Area (c): Reduce Riparian Corridor Distance from 30m to 10m from top of bank.

An amendment to the riparian corridor map in the public domain plan would also be required to reflect the updated riparian corridor distances within the DCP.

### **c) Object to 2m land dedication**

Concern was raised that the Draft DCP required 2m land dedication along certain roads, however there was no mechanism for compensating residents for the land dedication.

#### **Comment:**

The local streets within the Precinct are currently quite narrow, averaging at approximately 15 metres in most cases. In order to facilitate increased densities within the Precinct, a 'Land Dedication Plan' was prepared and included within the draft DCP which requires 2 metres of land to be dedicated at no cost so as to facilitate widening of the road reservation to at least 17 metres. The land dedicated would facilitate indented parking on one side of each local street. The Plan sought to equitably distribute the burden throughout the Precinct, in a manner which ensures that widening only occurs on one side of each local street.

For land that is zoned high density, where residential flat buildings are anticipated, the widening of the road reserve at these locations from 15m to 17m is considered to be essential as it will facilitate increased solar access into the road reserve, will reduce the feeling of enclosure and will improve the appearance of the streetscape, and would allow for some on-street parking. The high density areas are subject to a floor space ratio requirement, meaning that the floor space potential for the land dedicated for road widening could be redistributed onto the remainder of the development. As a result, each development site itself will not lose floor space potential.

The land dedication map proposed 2m land dedication on the western side of Ashford Avenue. However this land, especially toward the south, is constrained by riparian corridor setbacks and reduced lot depth. The setback requirements and site constraints along these properties will substantially restrict future building platforms. For this reason it is considered reasonable that the land dedication map be amended to shift the 2m land dedication requirement to the eastern side of Ashford Avenue. In order to ensure an equitable distribution of land dedication, and in order to avoid land dedication along multiple frontages of a development site, it is also recommended that the land dedication along Partridge Avenue be shifted from the western side to the eastern side.

It is further noted that there is an issue with respect to land zoned R3 Medium Density Residential as the future built form on these sites will be a terrace housing product. As these sites are not subject to a floor space ratio requirement they will not be able to transfer lost floor space potential onto the remainder of the development site. In recognition of this it is considered reasonable that the land dedication map be further amended to only apply to



land zoned R4 High Density Residential. The exhibited and recommended post exhibition land dedication maps are included below.



**Figure 6**  
Land Dedication Plan – Exhibited



**Figure 7**  
Land Dedication Plan –Post Exhibition

**d) Development controls for high density development***i. Solar access controls and overshadowing of public domain*

Concern has been raised with respect to the solar access controls in the DCP. The draft DCP proposes to impose solar access controls greater than that required by the Apartment Design Guidelines.

The ADG requires for private open space that a minimum of 50% to the principle usable part of the communal open space for a minimum of 2 hours between 9am-3pm on June 21. Sites with an east-west orientation and a northern street front will almost certainly be unable to meet the requirement of the controls.

**Comment**

Comments addressing this issue are provided in section 3(d)(ii) of this report in relation to the Landcom submission. It is recommended that the solar access controls be amended as follows:

- *Development is to ensure that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June.*
  - *Note: Where these areas already receive less than the minimum 4 hours, the proposed development shall not further reduce the level of solar access.*
- *Development shall achieve direct sunlight to the principal usable part of the communal open space within the development site for a minimum of 2 hours between 9am and 3pm on 21 June.*
- *The development shall not create additional overshadowing of land identified for public open space between the hours of 11am-2pm on 21 June. This includes public open spaces outside and adjacent to the precinct.*
- *Solar access to future dwellings within the development shall comply with, and where possible exceed, the minimum solar access requirements within the Apartment Design Guide.*

*ii. Rear setbacks*

Concern is raised regarding the 8m rear setback requirement for residential flat buildings. Submission authors have requested that this setback should be consistent with the Apartment Design Guide and be set at 6m.

**Comment**

The draft DCP proposes a 6m side setback and an 8m rear setback control. This control is consistent with Council's current setback requirements for residential flat development and is considered to be appropriate as it will facilitate sufficient areas for landscaping, will reduce potential interface impacts and will reduce overshadowing impacts.

The setbacks within the ADG are linked to the minimum separation distances between buildings. Whilst these separation requirements will need to be complied with, future development will also need to comply with the setback requirements within the DCP.

*iii. Upper level frontage setbacks*

Objection has been raised to the proposed upper level setbacks within the draft DCP. Specifically, comments identified that these setbacks are excessive and could limit potential for future development to achieve its full floor space potential.

**Comment**

The draft DCP includes upper level setbacks in order to create distinct podium and tower elements. The exhibited DCP upper level setbacks are as follows:

- Carrington Road and Part of Ashford Avenue, Partridge Avenue Middleton Avenue and Sexton Avenue (Podium Map)
  - 4 storey podium element;
  - Upper levels setback 3m behind the building line; and
  - All Storeys above the 8<sup>th</sup> storey – setback 9m behind the front building line.
- Road reservations greater than 20m in width (General)
  - 6 storey podium element;
    - 7<sup>th</sup> and 8<sup>th</sup> storey – setback 3m behind the building line; and
    - All Storeys above the 8<sup>th</sup> storey – setback 9m behind the front building line.
- All other road reservations less than 20m
  - 4 storey podium element; and
  - All storeys above the 4<sup>th</sup> storey - Setback 6m behind the front building line.

Concern regarding the specific nature of the setback controls and the potential for them to inhibit flexibility in the design of future buildings is recognised. Accordingly, it is recommended that the upper level setback control for residential flat buildings within the R4 High Density Residential zone be amended to apply a standard upper level setback requirement of 4m above a 4 storey podium. This would include the deletion of the specific setback requirement for the storeys above the 8<sup>th</sup> storey.

The above amendment is considered reasonable as the application of the maximum site coverage, minimum landscaped open space areas, minimum podium setbacks, minimum upper level setbacks (above podium elements), and maximum tower floor plate requirements (above 8 storeys), will provide sufficient regulation of the bulk of future development. Furthermore the solar access and overshadowing controls will ensure that the amenity of the street, open space and communal areas is appropriately maintained.

*iv. Site Coverage*

Concern was raised in relation to the proposed site coverage controls applying to land south of Carrington Road. Submissions commented that this control would create additional setbacks at both 8 and 12 storey heights, in addition to the setbacks already created by drawn street section diagrams and the front setbacks at 4, 6 and 8 storeys.

**Comments**

As mentioned previously when addressing Landcom's submission, the site coverage controls as identified within the exhibited DCP require the following:

- The floor plate of each individual level of a building shall not exceed a cumulative total of:
  - 50% of the site area (excluding land to be dedicated or acquired for a public purpose) for each level of the building up to, and including, the 8<sup>th</sup> storey;
  - 40% of the site area (excluding land to be dedicated or acquired for a public purpose) for each level of the building between 9 to 12 storeys; and
  - 30% of the site area (excluding land to be dedicated or acquired for a public purpose) or 750m<sup>2</sup> per building (whichever is the lesser), for each level of the building above 12 storeys.

The intent of the site coverage control was to reduce the overall bulk of future buildings by requiring a progressive reduction in the percentage of site coverage as buildings get taller. Whilst the intent of the control is valid, there are other controls within the DCP which will ensure that this outcome is achieved, namely setbacks (front, side and rear), maximum podium heights, upper level setbacks, landscaped open space requirement, and the maximum tower floor plate area. The retention of the site coverage requirement for levels above the podium is not considered necessary as it may result in potential conflicts with other controls in the DCP. Accordingly, it is recommended that the control be amended to only require the following:

- The floor plate of each individual level of a building shall not exceed a cumulative total of 50% of the site area (excluding land to be dedicated or acquired for a public purpose).

v. Upper level setbacks adjoining the creek corridor

Concern was raised that the riparian corridor (b) applies a 6m setback above the 4<sup>th</sup> storey for buildings addressing the riparian corridor. The submission comments that this is inconsistent with areas (a) and (c) where the setback is 3m.

### Planning Comments

Riparian corridor Area (b) will accommodate taller buildings. Accordingly, a larger upper level setback of 6m is proposed at this location. This will minimise overshadowing into the riparian corridor and the perceived bulk of the buildings. Riparian corridor areas (a) and (c) only have 3m upper storey setbacks as lower building heights (up to 6 storeys) are anticipated at this location.

vi. Wind tunnel testing

The draft DCP requires wind tunnel testing for development 8 or more storeys (or over 25m). Submissions comment that the DCP is the place to implement controls to deal with wind tunnelling. Common methods are adopted by local government to deal with this in the form of podium and recessed towers, or awnings along the street front, or awnings adjacent towers where there are open spaces / dining areas at the ground level.

### Comment

Tall buildings block the passage of wind which leads to an increase in wind velocity resulting in wind becoming more intense as it seeks to move around the building. It is noted that the increase in the speed and strength of the wind can be significant and relates proportionally to the height of the building or structure. This creates an increase in the both the downward and upward pressure on the surface of the building façade. The ground plane is particularly affected by the increased wind velocity and upward/downward pressure as wind vortexes are created, which negatively impact on the amenity of pedestrians as a result of unpleasant gusty passages and spaces between buildings.

Windy places are not pleasant for pedestrians and impact upon the activation of the communal open spaces, public open spaces, the public streets and neighbourhood. Extremely windy places can become dangerous to the public and so the built form must be appropriately designed to avoid creating hostile and potentially dangerous places.

For the reasons outlined above it is imperative that future development assesses the impact of future built form on wind tunnels and it is considered reasonable that the control requiring wind tunnel testing to be undertaken for any development with 8 or more storeys (or over 25m) be retained.



*vii. Building depth*

Concern is raised with respect to the maximum building depth requirement of 18m. The ADG sets out that the minimum depth from glass line to glass line of a cross through apartment is 18m. However, the ADG does note that greater depths can occur and that this is achievable through significant building articulation and increased perimeter wall length. Having regard to the minimum allotment sizes for residential flat buildings, imposed by the relevant controls, the character of the Precinct will generally be of larger sites with larger buildings. The building length will require significant building articulation and increased perimeter wall lengths, and no doubt depths greater than 18m.

**Comment**

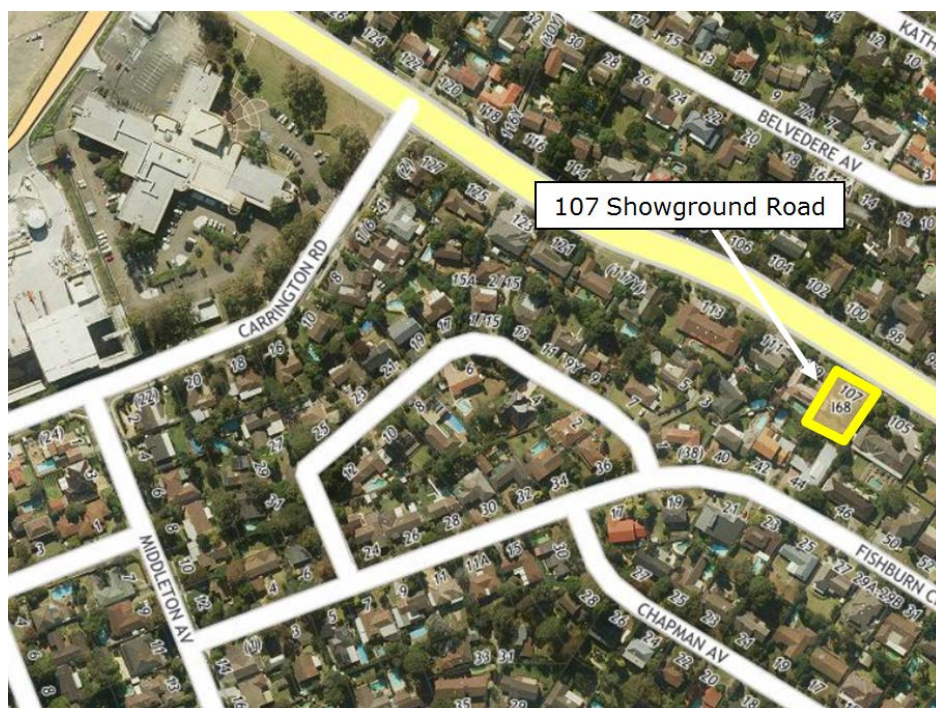
The maximum building depth requirement of 18m correlates with the Apartment Design Guide and is intended to ensure that apartments receive adequate daylight and natural ventilation and will optimise natural cross ventilation. It is acknowledged that greater building depths may be possible in situations where higher ceiling heights are provided. The Apartment Design Guide provides that 'where greater depths are proposed, applications are to demonstrate that indicative layouts can achieve acceptable amenity. This may require significant building articulation and increased perimeter wall length'. In this regard, it is considered reasonable that this control be deleted from the DCP as the building depth is appropriately addressed within the Apartment Design Guide.

*viii. Heritage Controls Applying to 107 Showground Road*

Concern regarding the heritage controls within the DCP with respect to their application to 107 Showground Road. The control requires the built form on adjoining sites that interface with the heritage item to be 10m or 3 storeys (whichever is less). The submitter has suggested that the height should be 4 storeys (consistent with the GML Assessment which formed part of the exhibition of the Planned Precincts. It was further noted that this is restriction would be inconsistent with the intended height of 6 storeys within the area.

**Comment:**

The heritage item is located in the portion of the Precinct where the intended height of development is around 6 storeys. The location of 107 Showground Road is shown in the following figure.

**Figure 8**

Heritage Item – 107 Showground Road

Development adjoining the heritage site will be required to provide a transition of building height and reduce the impact of future built form on the significance of the heritage item. This does not mean that development sites adjoining the item are capped at a reduced height over the entirety of their site. Rather the building elements that interface with the heritage item would be limited. In this location a podium element would be required whereby the upper levels are stepped in. Nevertheless it is considered reasonable that the draft DCP be amended to increase this height from '3 storeys or 10m (whichever is lesser)' to '4 storeys or 13m (whichever is lesser)'. So long as the heritage curtilage of the property is maintained and adjoining buildings provide a transition of building height, the significance of the item should be appropriately maintained.

#### **e) Development controls for terrace housing**

##### *i. Minimum terrace width control*

Concern was raised in relation to the 8m minimum width requirement for terraces which are north facing. This increases the terrace footprint from 180 to 240 square metres. Concern was raised that this impacts on the viability of terrace style development as it reduces the achievable yields.

#### **Comment**

The exhibited controls set a minimum width of 6m for each dwelling. However the DCP also requires that north facing terraces on north-south block arrangements shall have a minimum of width of 8m. It is recognised that this will reduce the number of achievable dwellings within a terrace development which could impact on the attractiveness and viability of this form of housing. Accordingly it is considered reasonable that the 8m width control for north-south facing terraces be deleted. Open space, landscaping and solar access controls will continue to apply to ensure that the amenity of the future residents is appropriately maintained.

ii. Proposed rear laneways for terrace development

Concern is raised with respect to the need for, location and practicality of requiring rear laneways in the Precinct. Further concern was raised with respect to conflict resulting from vehicular movement, and rubbish collection along these laneways. Additional concern was raised that there was a discrepancy between the minimum width requirements for laneways within the DCP.

**Comment**

It is anticipated that the R3 Medium Density Residential zone will be developed as terrace housing. Terrace housing presents high quality articulation of buildings to the street frontage and contributes to an active streetscape. Terraces are designed in rows, with each dwelling attached by common walls to present a continuous active frontage, generally 2-3 storeys in height. Torrens and Community Title terrace housing is usually serviced by rear laneway access to allow the removal of garages and vehicle entries from the primary frontage and facilitate improved articulation of built form to the street. The following image provides an example of a typical terrace house product. As can be seen this building typology is characterised by smaller front setbacks and no front loaded driveways.



**Figure 9**  
Example Terrace Design

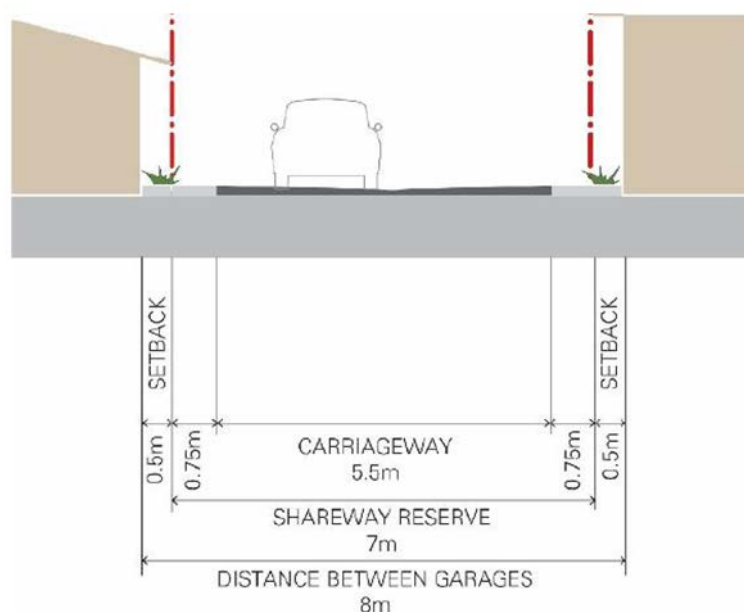
As the future terraces will be rear loaded, they will need to be accessed via a rear laneway or a common basement. These laneways will be private roads as they would not be of a size or width to enable them to be public roads. Requiring these laneways to be of a public road standard would place an unreasonable burden on developers and would substantially reduce the developable area of each site.

In order to achieve orderly development within these areas, the indicative location of proposed laneways needed to be identified. This will ensure that as the area develops, each development will contribute to the private laneway network. However, it is recognised that the exact alignment and location of rear laneways and rear laneway access points will vary

depending on how the area develops. Variations would need to be assessed on a merit basis.

Currently the integrated housing provision within LEP 2012 permits small lot housing development (integrated housing) within all R3 Medium Density and R4 High Density residential zones throughout the Shire. This provision enables developers to seek approval to compress three (3) or more attached dwellings onto a standard single 720m<sup>2</sup> residential lot, if the resulting small lots are equal to or greater than 240m<sup>2</sup>. It is noted that the requirement for the rear laneways in association with the terrace housing product would reduce the land available for terrace housing lots. In recognition of this Council has initiated a planning proposal (13/2018/PLP), which is currently with the Department of Planning and Environment for Gateway Determination. The planning proposal would enable terrace housing lots to have a minimum area of 180m<sup>2</sup> where a rear laneway is provided. This will assist in improving the viability of terrace housing and will offset the burden on developers with respect to the provision of the rear laneway.

Submission authors further noted that there was some inconsistency in the rear laneway dimensions within the DCP and potential conflicts such as waste collection. The rear lane controls that were exhibited reflected the rear lane specifications within the development controls plans for the Growth Centre Precincts. These controls require a 5.5m carriageway and a 0.75m verge width on either side, resulting in a total rear laneway reservation width of 7m. The section showing the exhibited controls are included in the following figure.



**Figure 10**  
Exhibited rear laneway widths

It has become apparent within these precincts that the rear laneway widths are insufficient and do not provide waste collection trucks (side arm vehicles) with adequate space to manoeuvre. Whilst parking restrictions would apply to rear laneways, it is likely that instances will occur where a car will park along the carriageway, despite the restriction. In order to account for this, carriageways need to be of a sufficient width (at least 6 metres) to enable a waste collection truck to pass any car that may be parked on the laneway. Furthermore, bins would need to be placed on, and collected from, the verge space. However, even with a 0.5 metre setback, having a 0.75m verge space will not provide

adequate room for the waste vehicle as garages, eaves, gutters and balconies would encroach into the setback area. With these specifications, it is likely that the side arm of the waste vehicle will hit the above building elements. For these reasons it is proposed that the draft DCP be amended as follows:

- Increase the carriageway width from 5.5m to 6m;
- Increase the verge width from 0.75m to 2m on each side; and
- Insert a new control to ensure that no building element (such as eaves, balconies, gutters and the like) shall encroach into the rear shareway reserve area (carriageway plus verge).

The above amendments would increase the total rear laneway reservation width from 7 metres to 8 metres for single loaded laneways and 10m for double loaded laneways. This is the minimum width required to enable adequate waste servicing along these laneways. In recognition of the increase in road reservation distance, it is proposed to reduce the rear setback requirements to ensure that future development is not unreasonably burdened by the wider rear laneway widths, as detailed below:

- Reduce the rear setback requirement for first and second storeys from 8m to 7m.
- Reduce the rear setback requirement for the third storey from 10 metres to 9 metres.

In order to ensure that it is clear to future occupants on where the bins are to be located, it is proposed that a new control be included within the DCP to provide a concrete bin pad on the kerb adjacent to the driveway. This will ensure that bins are appropriately located for collection. It is also proposed that a new control be included within the DCP to require swept path analysis for heavy rigid vehicles. This will ensure that collection trucks will be able to safely enter, travel along and exit the rear laneway without damaging any structure or vegetation within the road verge. It is proposed that the following be included within the DCP:

- A concrete bin pad 1.7m wide and 0.8m deep must be provided behind the kerb and adjacent to the driveways for bin presentation.
- A swept path analysis for the standard 12.5m long HRV (AS2890.2-2002) shall be submitted demonstrating all bends of laneways are suitable for the turning of garbage vehicles. This includes ingress and egress points to intersecting roads or laneways. All manoeuvring must be contained within trafficable carriageways.

To assist interpretation and application of the control, it is also proposed that the rear laneway section and plan view figure be updated to reflect the above changes.

*iii. Viability of Terrace Housing*

Concern was raised that terrace housing within the Precinct will not be viable due to the high land values.

**Comment:**

Reduction in terrace width to a standard 6m for north south dwellings, similar to the exhibited control for east-west facing dwellings, plus removal of the 2m land dedication requirement within the R3 Medium Density Residential zone will provide additional incentive for this type of development. However it is important to note that economic viability of any development is subject to fluctuations in the market including base land value, sale value and construction costs. These factors coupled with the broader fluctuations in the demand and supply of housing within the marketplace will influence economic viability.



**f) Request timed parking for non-residents (commuter parking inadequate)**

Submissions requested that the draft DCP needs to include timed parking in Kathleen Avenue and Belvedere Avenue for non-residents as 600 commuter parking spots on the station site will be insufficient.

**Comment:**

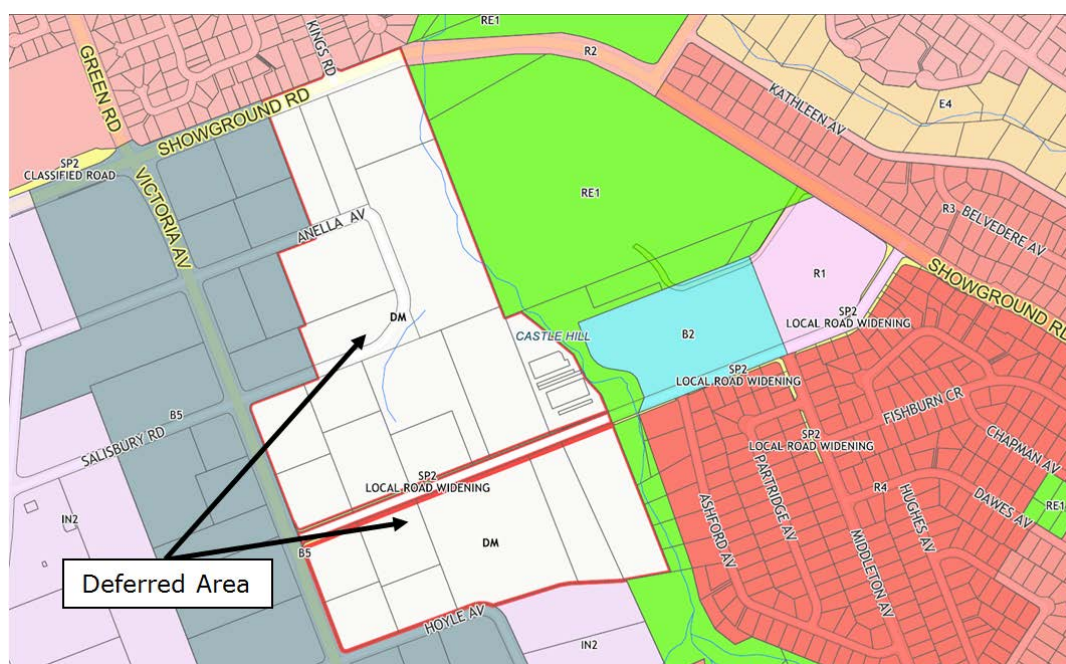
As part of the approval of the second Environmental Impact Statement for the Sydney Metro Northwest, the Department of Planning and Environment placed a condition requiring Transport for NSW to prepare a Parking Management Strategy that considers management of commuter parking facilities and on-street parking around each of the new railway stations. They are required to consult with Councils, RMS and Bus Operators during the preparation of this strategy. This strategy will guide any future implementation of parking restrictions on the road network surrounding each station. It is anticipated that once completed this strategy will be available to the public.

**g) Application of DCP to Land within the LEP Deferred Area**

Concern was raised in relation to the application of the DCP, contribution plan and public domain plan to the deferred area (with specific reference to 3 Hoyle Avenue). The inconsistency was considered to be confusing. Furthermore the DCP identified road and pedestrian links through sites that have not as yet been rezoned. Submissions also noted that the draft DCP proposes public roads and pedestrian connections through various properties which, without any uplift in zoning, would create an acquisition liability.

**Comment**

The Department of Planning and Environment deferred a large portion of land on the western side of Cattai Creek, within the Castle Hill Employment Area, from the rezoning. The deferred area is shown in the following figure.



**Figure 11**  
Deferred Area

The purpose of deferring this area was to allow for further master planning (Cattai Creek Master Plan Process) of this area which is currently being led by the Department of Planning and Environment. This master planning process will articulate the intended built form, land uses and public infrastructure required to support future development. The master plan will also articulate the required revitalisation and rehabilitation works along the Cattai Creek riparian corridor.

As the gazetted maps identify this area as a 'Deferred Area' it is recommended that the draft development control plan, contributions plan and public domain plan be amended to also identify this land as a 'Deferred Area'. It will be expected that any future LEP amendment resulting from the Cattai Creek West Master Planning Process will also involve an amendment to the draft DCP, contribution plan and public domain plan for the Precinct.

#### **h) Application of the draft contribution plan to land that has not been rezoned**

Concern has been raised with respect to the application of the contribution plan to land that has not been rezoned. It was also noted that the contribution rates for employment floor space are quite high, potentially discouraging new non-residential floor space in the locality.

#### **Comment**

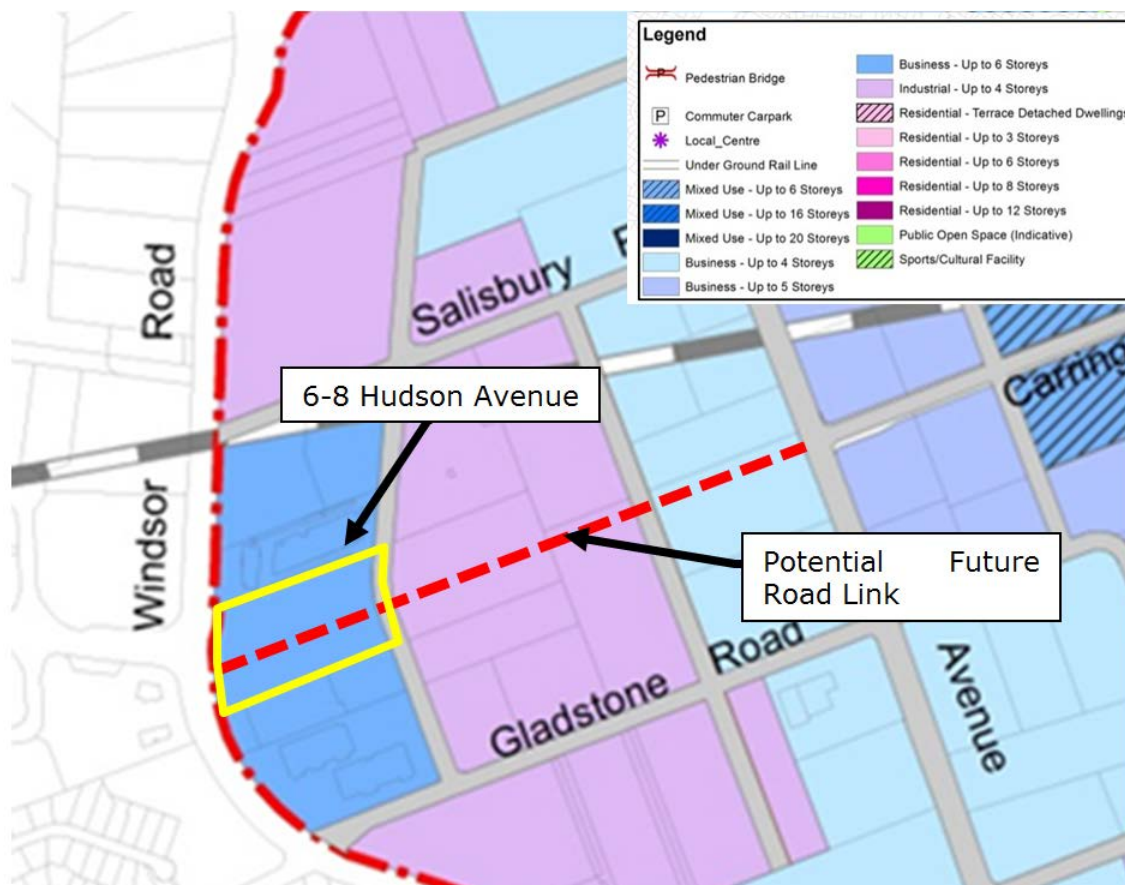
The exhibited plan applied to the entirety of the Showground Precinct, however only accounted for growth (additional employment floor space/dwellings) achievable on land that was proposed to be rezoned. The sources of growth included:

- Land that was rezoned; and
- Growth resulting from the Cattai Creek West Master Planning Area (now Deferred Area).

It is recommended that the plan only apply to land that has been rezoned through the 'Planned Precinct Program' and land within the 'Deferred Area' as this is where the future growth will occur. It is considered reasonable that any additional floor space achieved on land that has not been rezoned should only be levied under the existing development contribution regime that currently applies to those lots, being The Hills Section 7.11 Development Contributions Plan.

#### **i) Setbacks to future road through 6-8 Hudson Avenue**

Submission lodged on behalf of the owner of 6-8 Hudson Avenue has raised concern with respect to the proposed 15m setback to the future road link extending from Norwest Boulevard to Victoria Avenue as this will severely restrict the potential footprint of future development. The location of 6-8 Hudson Avenue on the draft Structure is included below.



**Figure 12**  
6-8 Hudson Avenue

The site is located within a pocket of land, bound by Windsor Road, Gladstone Road, Hudson Avenue and Salisbury Road, which was rezoned to B6 Enterprise Corridor, and applied a floor space ratio of 2.3:1 and a height of buildings requirement of 27m. The DCP anticipates that this land will accommodate higher density commercial/ business uses in a built form of around 6 storeys. The indicative street network and hierarchy plan also identifies a potential future road link connecting the intersection of Windsor Road / Norwest Boulevard and Carrington Road / Victoria Avenue.

With respect to the employment area, the exhibited DCP retained the existing 15m setbacks to employment roads. Coupled with the road reservation for the new road link the 15m setback would result in building platforms not suitable for a high density commercial building. In order to facilitate the future road link, the submission author has suggested 5m setback to the new road. This would both allow for a suitable building platform on either side of the future road link, and would also provide a continuation of the 5m setback which is anticipated along Carrington Road.

In support of the submission the author has submitted an indicative site plan and built form massing diagrams to demonstrate the development outcome that could be achieved. These are included below.





**Figure 13**  
Site Plan and Built Form Massing (6-8 Hudson Avenue)

It is recommended that the setbacks within the draft DCP be updated to apply a 5m setback to the new road connecting the junction of Norwest Boulevard / Windsor Road and Hudson Avenue. This will ensure a consistent setback along Carrington Road and will facilitate appropriate building platforms on land adjoining the future roadway.

## 5. POST EXHIBITION AMENDMENTS

A summary table of which break a detailed summary of the proposed amendments to the exhibited plans is included as Attachment 4.

## 6. FURTHER AMENDMENT TO LEP 2012 – NEW PLANNING PROPOSAL

As detailed within this report it is proposed that clause 9.7 of LEP 2012 be amendment to provide additional flexibility in its application. Currently, only development sites that comply with the provision, with a minimum amalgamated site area of 10,000m<sup>2</sup>, are eligible for the Incentive Flor Space Ratio. However there are certain circumstances where a development

site may not be able to amalgamate to the 10,000m<sup>2</sup> minimum requirement. In this regard, it is recommended that the provision be amended to read as follows:

### **9.7 Residential development yield on certain land**

(2) *This clause applies to development that involves the erection of one or more buildings that contain dwellings on a lot that is:*

(c) *within the Showground Station Precinct, and*

(d) *has an area of 10,000 square metres or more, except where:*

- (i) *the site area is less than 10,000 square metres because of the creation of roads, or*
- (ii) *the site is isolated and cannot aggregate to 10,000 square metres due to the existing lot configuration, and*

*the consent authority is satisfied that the development will promote the orderly development of the precinct.*

It is recommended that the planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In accordance with the Ministerial Direction issued on 23 February 2018, the planning proposal will need to be referred to the local planning panel for advice prior to being forwarded to the Department of Planning and Environment under section 3.34 of the EP&A Act.

## **IMPACTS**

### **Financial**

The net impact of the proposed post exhibition amendments to Contributions Plan No.19 - Showground Precinct, in comparison to the exhibited plan, is detailed below.

	<b>Exhibited Plan</b>	<b>Post Exhibition</b>
<b>Value of Land &amp; Works</b>	\$194.2 million	\$163.8 million
<b>Additional Dwelling</b>	10,460	10,743
<b>Contribution Rate per 4 bedroom unit (2018/19)</b>	\$26,817.88	\$19,012.28
<b>Non-Residential GFA (m2)</b>	458,645	551,527
<b>Non-Residential Contribution Rate per m2 (2018/19)</b>	\$146.89	\$120.57

The draft post exhibition Contributions Plan identifies approximately \$163.8 million of land and capital works required to support the envisaged development within the Showground Precinct. The decrease in land and capital works value is driven primarily by the removal of Community Facilities which are not identified on the Department of Planning and Environment's "Essential Works List" and the updated land cost estimates to reflect recent valuations within the Precinct. The planned infrastructure would be funded using contributions collected from development within the Precinct.

A detailed break-down of the contribution rate by facility category and development is provided in the following tables:

Facility Category	Total Cost (PV)	Rate Per Person	CONTRIBUTION RATE PER LOT/UNIT			
			Rate Per: Medium and High Density Dwellings*			
			4+ bedroom	3 bedroom	2 bedroom	1 bedroom
Open Space - Land	-\$50,300,426.24	\$2,719.08	\$8,429.14	\$7,069.60	\$5,710.06	\$4,078.62
Open Space - Capital	-\$25,425,156.22	\$1,374.40	\$4,260.65	\$3,573.44	\$2,886.24	\$2,061.60
Transport Facilities - Land	-\$12,510,014.86	\$676.25	\$2,096.38	\$1,758.25	\$1,420.13	\$1,014.38
Transport Facilities - Capital	-\$19,467,265.41	\$1,052.34	\$3,262.25	\$2,736.08	\$2,209.91	\$1,578.51
Water Management - Capital	-\$5,082,843.04	\$274.76	\$851.76	\$714.38	\$577.00	\$412.14
Administration	-\$668,975.47	\$36.16	\$112.10	\$94.02	\$75.94	\$54.24
<b>Total (2018/2019)</b>	<b>-\$113,454,681.23</b>	<b>\$6,132.99</b>	<b>\$19,012.28</b>	<b>\$15,945.78</b>	<b>\$12,879.29</b>	<b>\$9,199.49</b>
<b>Total (2019/2020)</b>			<b>\$19,487.59</b>	<b>\$16,344.43</b>	<b>\$13,201.27</b>	<b>\$9,429.48</b>
<b>Total (2020/2021)</b>			<b>\$19,974.78</b>	<b>\$16,753.04</b>	<b>\$13,531.30</b>	<b>\$9,665.21</b>

\* 'Medium and High Density Dwellings' includes any form of residential development with the exception of a dwelling house, dual occupancy dwelling or second home.  
 \*\* Dwelling House is not a form of development anticipated in the Precinct. Credit associated per dwelling house and dual occupancy is \$20,852.18 for the FY

Facility Category	Total Cost (PV)	Rate Per m <sup>2</sup> GFA
Open Space - Land	\$0.00	\$0.00
Open Space - Capital	\$0.00	\$0.00
Transport Facilities - Land	-\$18,765,022.28	\$42.28
Transport Facilities - Capital	-\$29,200,898.11	\$65.80
Water Management - Capital	-\$5,082,843.04	\$11.45
Administration	-\$459,944.77	\$1.04
<b>Total (2018/2019)</b>	<b>-\$53,508,708.21</b>	<b>\$120.57</b>
<b>Total (2019/2020)</b>		<b>\$123.58</b>
<b>Total (2020/2021)</b>		<b>\$126.67</b>

As shown above, the contribution rates within the draft post exhibition Plan are less than \$20,000 per dwelling and hence the plan will not need to be forwarded to the Independent Pricing and Regulatory Tribunal (IPART) for endorsement prior to adoption.

The contribution rates will exceed \$20,000 per dwelling from FY2021/22 under this Plan. Accordingly, Council will review and update the Plan prior to this time to ensure the plan is forwarded for IPART's review as appropriate.

### Strategic Plan - Hills Future

The development control plan, contribution plan and public domain plan will facilitate a desirable living environment that meets growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

### RECOMMENDATION

1. Draft The Hills Development Control Plan 2012 (Part D Section 19 – Showground Precinct) (Attachment 1), draft Development Contributions Plan No.19 – Showground Precinct (Attachment 2) and draft Public Domain Plan – Showground Precinct (Attachment 3) be adopted.
2. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend clause 9.7 of The Hills Local Environmental Plan 2012 to provide additional flexibility in its application.

**ATTACHMENTS**

1. Draft The Hills DCP 2012 (Part D Section 19 – Showground Station Precinct) (83 pages)
2. Draft Contributions Plan No.19 – Showground Station Precinct (36 pages)
3. Draft Public Domain Plan – Showground Station Precinct (68 pages)
4. Summary of Post Exhibition Amendments (11 pages)