

THE HILLS SHIRE COUNCIL

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21 August 2017

Ms Catherine Van Laeren Director, Sydney Region West Planning Services Department of Planning and Environment GPO Box 39 SYDNEY NSW 2001

Our Ref: 2/2017/PLP

Dear Ms Van Laeren

# PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No. ##) – to rezone land at land at 1–6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill (2/2017/PLP).

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), please be advised that at its meeting of 25 July 2017 Council considered a report on the above 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 follows:
  - Amend the Land Zoning Map to rezone the site from R2 Low Density Residential to R4 High Density Residential;
  - Amend the Height of Buildings Map to remove the height of buildings requirement applying to the site;
  - Amend the Lot Size Map to increase the minimum lot size requirement from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
  - Amend the Floor Space Ratio Map to apply a 'base' Floor Space Ratio of 1:1 to the site and to mark it as 'Area A' (subject to Council's housing mix and diversity local provision Clause 7.12);
  - Amend the Floor Space Ratio Incentive Map to apply an 'incentivised' Floor Space Ratio of 1.9:1 to the site; and
  - Identify the site on Key Site Map and amend Clause 4.4B to allow the site to achieve the 20% bonus floor space incentive where the site is amalgamated, where terrace edges are provided along the Gilham and Gay Street frontages and where the road along the western boundary and public pedestrian through site link are delivered (this will increase the total achievable Floor Space Ratio to 2.28:1).
- 2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed local road, closure of Vivien Place, provision of pedestrian linkages and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
- 3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

- 4. The proponent be required to prepare an updated traffic assessment, prior to exhibition, which assesses the impact of the proposed development on the performance of the surrounding road network and key intersections, taking into account the proposed road improvements (within the Castle Hill North Precinct), the approved growth on the target site (36 Pennant Street, Castle Hill) and the additional growth resulting from the Castle Hill North Planning Proposal. The assessment will also need to have regard to the potential impact of the new road along the western boundary of the site.
- 5. Draft The Hills Development Control Plan 2012 Part D Section 20 Castle Hill North, as detailed in Attachment 1, be exhibited concurrently with the planning proposal.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 2/2017/PLP. Should you require further information please contact Brent Woodhams Acting Principal Coordinator Forward Planning on 9843 0443.

Yours faithfully

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# Janelle Atkins ACTING MANAGER FORWARD PLANNING

Attachment: Planning Proposal (2/2017/PLP)

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

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to rezone land at land at 1–6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill to R4 High Density Residential, apply a base floor space ratio of 1:1, apply an incentivised floor space ratio of 1.9:1, increase the minimum lot size requirement to 1,800m<sup>2</sup>, remove the maximum height of building requirement, and apply a Key Site provision to the site to facilitate a 20% floor space bonus (2/2017/PLP).

**ADDRESS OF LAND:** 1–6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill (Lots 30-32 DP 259208, Lots 5-11 DP 227212).

#### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	ADDITIONAL YIELD
Dwellings	11	220	219
Jobs	0	0	0

#### SUPPORTING MATERIAL:

- **Attachment B** Assessment against Section 117 Local Planning Directions.
- Attachment C Council Report and Minute, 25 July 2017
- Attachment D Urban Design Assessment (July 2017)

#### THE SITE:

The site is comprised of 11 low density residential lots with a total site area of  $8,620m^2$ . The properties subject to the proposal are 1–6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill. The concept submitted by the proponent involves the incorporation of the Vivien Place road reserve (cul-de-sac and footpaths/verge -  $968m^2$ ) into the development site. The site is located on the northern boundary of the Castle Hill North Precinct and is approximately 800m from the future Castle Hill Train Station.



**Figure 1** Aerial view of the site and surrounding locality

# **BACKGROUND:**

The planning proposal, as originally submitted to Council, sought the following amendments to LEP 2012:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Increase the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
- Increase the maximum height of buildings from 9m to 62m (18 storeys); and
- Apply a Floor Space Ratio of 3.2:1 to the site.

The original development concept submitted by the proponent included residential flat buildings comprising 270-300 residential units within three (3) buildings ranging in height from four (4) storeys along Gilham Street stepped up to 18 storeys along the Gay Street interface. The concept included incorporation of Vivien Place into the development site. The proponent submitted a preliminary VPA offer for the provision of:

- Dedication of two through site links that run north-south;
- Dedication of a 'shareway' that runs north-south; and
- Construction of new footpaths.

The proposed site plans originally submitted by the proponent are included below.



Following initial assessment of the application and briefing of Councillors, the proponent was advised on 12 October 2016 of a number of concerns in relation to the submitted concept. The concerns related to bulk and scale, density, overall external appearance of the design concept and its consistency with the principles of the Castle Hill North Precinct Plan. It was also noted that the construction and dedication of a link road through the site would be required, rather than the 'shareway' concept as proposed.

In response to the above concerns the proponent submitted a revised development concept for the site in May 2017. The revised concept provides the following:

• Consolidation of the built form into two (2) tower elements (13 and 17 storeys in height), with each tower on a 3 storey podium providing terrace style housing fronting onto Gilham Street, Gay Street and the central landscape spine;

- The provision of a new roadway along the western boundary of the site;
- Amalgamation of Vivien Place roadway and associated pathways and verge to allow for a consolidated development site;
- A total overall yield of 220 dwellings, of which approximately 30 dwellings will be terrace style housing located at ground level;
- A total permissible GFA of 21,820m<sup>2</sup>, which translates to an FSR of 2.28:1 based on an effective site area (including the amalgamated Vivien Place) of 9,570m<sup>2</sup>;
- Basement car parking for approximately 265 car parking spaces for both residents and visitors in alignment with council's incentivised car parking targets.

Proposed amendments to facilitate the above amendment would include a Base FSR of 1:1, an Incentivised FSR of 1.9:1 and an additional 20% floor space bonus incentive which would be contingent on the construction and dedication of the western road and provision of a public through site link.

The site plan (including proposed setbacks from Gilham and Gay Streets) and a photomontage of the amended concept submitted by the proponent are included in the following figures.



Site Plan – Revised Concept (Towers)



**Figure 4** Photomontage (view from north of site)

At its meeting of 25 July 2017 Council considered a report (Attachment 3) on the revised concept 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 follows:
  - Amend the Land Zoning Map to rezone the site from R2 Low Density Residential to R4 High Density Residential;
  - Amend the Height of Buildings Map to remove the height of buildings requirement applying to the site;
  - Amend the Lot Size Map to increase the minimum lot size requirement from 700m2 to 1,800m2;
  - Amend the Floor Space Ratio Map to apply a 'base' Floor Space Ratio of 1:1 to the site and to mark it as 'Area A' (subject to Council's housing mix and diversity local provision Clause 7.12);
  - Amend the Floor Space Ratio Incentive Map to apply an 'incentivised' Floor Space Ratio of 1.9:1 to the site; and
  - Identify the site on Key Site Map and amend Clause 4.4B to allow the site to achieve the 20% bonus floor space incentive where the site is amalgamated, where terrace edges are provided along the Gilham and Gay Street frontages and where the road along the western boundary and public pedestrian through site link are delivered (this will increase the total achievable Floor Space Ratio to 2.28:1).
- 2. Council proceed with discussion with the Proponent to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed local road, closure of Vivien Place, provision of pedestrian linkages and resolves how the Proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
- 3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
- 4. The proponent be required to prepare an updated traffic assessment, prior to exhibition, which assesses the impact of the proposed development on the performance of the surrounding road network and key intersections, taking into account the proposed road improvements (within the Castle Hill North Precinct), the approved growth on the target site (36 Pennant Street, Castle Hill) and the additional growth

resulting from the Castle Hill North Planning Proposal. The assessment will also need to have regard to the potential impact of the new road along the western boundary of the site.

5. Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North, as detailed in Attachment 1, be exhibited concurrently with the planning proposal.

#### PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal would facilitate a high density residential development on the site comprising 220 dwellings, with a built form comprising a 17 storey building and 13 storey buildings with a 3 storey terrace edge.

#### PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Amend the Land Zoning Map to rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Amend the Height of Buildings Map to remove the height of buildings requirement applying to the site;
- Amend the Lot Size Map to increase the minimum lot size requirement from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
- Amend the Floor Space Ratio Map to apply a 'base' Floor Space Ratio of 1:1 to the site and to mark it as 'Area A';
- Amend the Floor Space Ratio Incentive Map to apply an 'incentivised' Floor Space Ratio of 1.9:1 to the site;
- Identify the site on Key Site Map ('Area N') and amend Clause 4.4B to allow the site to achieve the 20% bonus floor space incentive where the site is amalgamated, where terrace edges are provided along the Gilham and Gay Street frontages and where the road along the western boundary and public pedestrian through site link are delivered.

The proposed wording for Clause 4.4B is included below.

#### 4.4B Additional floor space ratio incentive for key sites

- 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 Areas D, E, F, G, H, I, J and N on the Key Sites Map.
- 3. Despite clause 4.4 and 4.4A, development consent may be granted for development on land to this clause applies that exceeds the floor space ratio shown the <u>Floor Space Ratio Incentive Map</u> only if:
  - (a) The development complies with the all of the requirements in clause 4.4A;
  - (b) The development is for the entire area identified as a Key Site on the <u>Key</u> <u>Sites Map</u>;
  - (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 <u>Floor Space Ratio Incentive Map</u> 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.

Column 1	Column 2	
Area on the <u>Key Sites</u>	Specifications relating to the Area	
<u>Мар</u>		
Area N	<i>The entire key site is amalgamated to form one development site.</i>	
	<i>The proposed development incorporates a three storey terrace edge along the Gilham Street and Gay Street frontages.</i>	
	A road link along the western boundary of the site, with a reservation of 16.4m is constructed and dedicated at no cost to Council.	
	<i>A through-site link with public right of carriage for pedestrian movement is provided through the site connecting Gilham Street to 23-26 Pennant Street.</i>	

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

It is noted that the proposed amendments to the Land Zoning map, Floor Space Ratio map, Lot Size map and Height of Buildings map and the insertion of proposed Clause 4.4B are already proposed as part of the Castle Hill North Planning Proposal. If the Castle Hill North Planning Proposal is made prior to the finalisation of this proposal, then they will not be necessary as part of the subject proposal. Rather the proposal for the subject site would simply seek to amend the incentive floor space ratio map, key site map and update the table within Clause 4.4B to include the specifications for the subject site ('Area N').

# PART 3 JUSTIFICATION

# SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal has been initiated by a private landowner. It is considered that there is strategic justification and merit for higher density residential development at this location, having regard to the site's proximity to the future Castle Hill Railway Station Precinct. Further, it is noted that there is a significant public benefit associated with the redevelopment of the site.

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 way to achieve the intended outcomes for the site. The proposal utilises a base and incentive floor space ratio provision consistent with the agreed methodology for securing housing mix and diversity within the Sydney Metro Northwest Corridor. Specifically, the 'base' floor space ratio has been calculated having regard to the walking distance of the site from the station. A further key site incentive is proposed to give a further 20% floor space bonus for the provision of public benefits including the amalgamation of the site, provision of a western road connection and through site link.

# 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, a discussion of consistency is provided below.

# • A Plan for Growing Sydney

The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. Two of the key goals within the Plan are to create 'a City of housing choice with homes that meet our needs and lifestyles' and 'a great place to live with strong, healthy and well-connected communities'. As the planning proposal seeks to facilitate the delivery of housing within an area earmarked for growth the proposal is considered to be consistent with the Plan.

# • Draft West Central District Plan

In achieving the vision for the West Central Precinct, the District Plan includes the following key priorities which are of direct relevance to the current proposal:

- Improving housing choice;
- Improving housing diversity and affordability which includes planning for, and delivering, housing diversity;
- Create housing capacity within the District; and
- Provision of design-led planning.

The delivery of a high density residential development within the walkable catchment of the future Castle Hill Railway Station will facilitate an increase in the supply of housing to meet the housing demand of the future population. The local incentive provision will also facilitate an appropriate diversity of apartment types and sizes which will provide housing choice in the market and will ensure that the housing stock appropriately aligns with the needs and expectations of the future Hills Shire demography.

Castle Hill is identified as a district centre as it plays a significant role in the district due to its scale of retail activity, facilities that serve the local community, level of transport services and high number of jobs. The draft District Plan envisions that the number of jobs within Castle Hill will almost double by 2036 to accommodate retail and local services for communities.

The District Plan lists proposed priorities for Castle Hill, including:

- Encourage a greater take up of land for commercial employment uses to complement the significant growth in residential apartments and Castle Towers retail expansion;
- Align State priorities for expenditure on regional roads, schools and utilities to support growth forecasts and to address current deficits;
- Seek a greater understanding as to how best to differentiate the employment opportunities of Castle Hill to that of Norwest and how planning controls might modify in response;
- Complete the upgrade of Showground Road and the Castle Hill ring road system;
- Develop public domain plans to enhance identified pedestrian linkages to feed into the future Castle Hills transport hub;
- Plan for the active recreational needs for the future residents;
- Encourage greater cultural opportunities and uses in the centre to support a diversity of activity day and night; and
- Investigate opportunities to improve public transport connections to Greater Parramatta and the Olympic Peninsula.

The planning proposal will facilitate a through site link which will make up a new road, increasing pedestrian and vehicular permeability. While the District Plan's primary focus for Castle Hill is around commercial development, the overarching goals of the Plan, including increasing housing diversity and supply, are addressed in this planning proposal.

# • North West Rail Link Corridor Strategy

The NSW Government Corridor Strategy provides a vision for how the areas surrounding the eight (8) new stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs.

The Structure Plan for Castle Hill indicated a total capacity for Castle Hill of an additional 7,900 dwellings and 18,500 jobs. However based on take up rates of 56% for housing and 52% for employment it was anticipated that by 2036 the projected residential growth would be 4,400 dwellings and the employment growth 9,500 jobs. The identified future character included apartment living surrounding the retail/commercial core with higher density apartment living (7-20 storeys) in areas with direct access to the new station and medium density apartment living (3-6 storeys) on the periphery with townhouses and duplexes beyond this to deliver a diversity of housing.

The Strategy identifies the subject site within the high density apartment living character area. The character statement for this area anticipates 7-20 storeys, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. The Strategy emphasises that these sites are only appropriate for multi-dwelling housing where the sites are of an appropriate size to deliver a high level of amenity for the existing and future residents. The high density apartment living character map is included below.



**Figure 5** Castle Hill Precinct –High Density Apartment Living Character Map

The proposed development outcome for the site which seeks around 220 residential units within a built form ranging from 3, 13 and 17 storeys is generally consistent with the character anticipated for the site within the North West Rail Link Corridor Strategy.

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

Yes, a discussion of consistency is provided below.

# • 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 seeks to promote better usage of existing land and capitalise on the strategic location of the site. The proposal will accommodate additional population close to planned and existing services and infrastructure being located within 800 metres of the future Castle Hill Rail Station. The planning proposal is considered to be consistent with the following Hills Future Community Outcomes:

- Vibrant Communities Public spaces area attractive, safe and well maintained providing a variety of recreational and leisure activities to support active lifestyle;
- Vibrant Communities A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing;
- Balanced Urban Growth Safe, convenient and accessible transport options that enable movement through and within our Shire;
- Balanced Urban Growth Responsible planning facilitates a desirable living environment and meets growth targets.

# Local Strategy

Council's Local Strategy is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The draft Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five key themes of "Hills 2026 Community Strategic Direction: Looking Towards the Future":

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

- Residential Direction

The key directions and objectives of the Local Strategy relevant to this proposal are:

- R1 Accommodate population growth;
- R2 Response to changing housing needs; and
- R4 Facilitate quality housing outcomes.

The North West Subregional Strategy set targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects. In this regard, the planning proposal is not required to meet housing targets. Notwithstanding, the planning proposal is consistent with the principles of the Residential Direction as it seeks to provide additional residential accommodation in close proximity to the future Castle Hill Railway Station and existing and planned services and infrastructure. It also applies to land that is already earmarked for higher residential densities through the North West Rail Link Corridor Strategy, The Hills Corridor Strategy and Castle Hill North Precinct Plan.

- Integrated Transport Direction

The subject site is located within 800m of the future Castle Hill station and is also serviced by existing transport infrastructure.

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration of and/or intensity of land use activities around major public transport nodes and higher order centres.

Future development on the site will play a key role in supporting the operation of the Sydney Metro Northwest as it will provide a resident population within close proximity to high frequency public transport services. This transport link will ensure that the site is well connected to the surrounding residential areas and strategic centres.

#### • Castle Hill North Precinct Plan

The Precinct Plan recognises the capacity within the 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. The location of the higher density housing options was informed by factors such as proximity to the future rail station and the town centre.

The exhibition of the draft Castle Hill North Precinct Plan enabled community feedback to be received based on a broad concept of redevelopment potential in the area, and for further investigations to be undertaken, including the development of The Hills Corridor Strategy to address strong interest in growth opportunities across the Rail Corridor.

The Castle Hill North Precinct Plan identified the subject site as being suitable for a residential density of 192 dwellings per hectare (which equates to an FSR of approximately 1.9:1), which is reflective of the anticipated density for the site within The Hills Corridor Strategy. Based on the area of the site (excluding Vivien Place), this would equate to around 164 dwellings. When applying this density to the overall development site, including the portion of Vivien Place that is proposed to be closed, this would equate to around 183 dwellings. The density map within the Castle Hill North Precinct Plan is included in the following figure.



Figure 6 Density Map – Castle Hill North Precinct Plan

The Castle Hill North Precinct Plan was adopted by Council at its meeting of 24 November 2015.

# • Castle Hill North Planning Proposal

On 2 November 2016 a Gateway Determination was issued by the Department of Planning and Environment to enable the exhibition of the Castle Hill North Planning Proposal. Since the issue of a the Gateway Determination a number of draft planning documents have been prepared to support the draft amendments to LEP 2012. These include a draft Contributions Plan to collect the necessary funds for the provision of local infrastructure required to support the additional population, draft amendments to DCP 2012 to regulate the urban structure, built form and the design of development and a draft public domain plan to guide the design for embellishment of the public realm. At its meeting of 25 July 2017 Council resolved to exhibit these draft documents in conjunction with the Castle Hill North Planning Proposal.

The proposed structure plan for the Precinct is included below. As can be seen it has been anticipated that the subject site would have a built form of 4-8 storeys across the site. The intention of this was to facilitate a transition of height and density between the taller/higher density elements within close proximity to the station and the lower and medium density development to the north of the site.



DCP Structure Plan – Castle Hill North Precinct Plan

Under the Castle Hill North Planning Proposal, the site has been given a Base FSR of 1:1 (consistent with the agreed methodology with the Department) and an Incentivised FSR of 1.54:1. Based on the area of the site (excluding Vivien Place), this would equate to 132 dwellings. The achievable density under the Castle Hill North Planning Proposal is lower than that originally identified within the Castle Hill North Precinct Plan as a result of further investigations and consideration of appropriate built form on the site.

It is important to note than when preparing controls planning authorities cannot anticipate, or have 100% assurance, that certain sites will be amalgamated. Where developers can create a larger master planned development site (such as the subject site), higher densities and built forms may be appropriate as larger sites allow greater flexibility with design and layout of building forms in order to maximise solar access and privacy to units and achieve an attractive future streetscape and urban design outcome.

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

The planning proposal is consistent with all applicable State Environmental Planning Policies. An assessment of the proposal against applicable State Environmental Planning Policies is provided in Attachment A.

# 6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

# • Direction 3.1 – Residential Zones

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is 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 the 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.

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, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.

# • Direction 3.4 – Integrating Land Use and Transport

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles 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 which meets the following key objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport; and
- b) Increase the choice of available transport and reducing dependence on cars; and
- c) Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) Support the efficient and viable operation of public transport services including the Sydney Metro Northwest.

# • Direction 5.9 – North West Rail Link Corridor Strategy

The planning proposal is considered to be consistent with the Structure Plan and Character Maps of the North West Rail Link Corridor Strategy. Consistency with the North West Rail Link Corridor Strategy is discussed in Section B Question 3 of this planning proposal.

# • Direction 7.1 – Implementation of A Plan for Growing Sydney

The planning proposal is considered to be consistent with A Plan for Growing Sydney. Consistency with A Plan for Growing Sydney is discussed in Section B Question 3 of this planning proposal.

# 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?

No, the land that is subject to the planning proposal is already developed and occupied by an residential development. The subject area is generally void of any significant vegetation or trees. Therefore the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

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

It is considered that the proposed amendment to *The Hills Local Environmental Plan 2012* does not result in any additional likely environment effects that would not already be anticipated under the current controls. Any future development application for the site would be assessed against the LEP provisions and the Hills Development Control Plan having regard to potential impacts of the development on adjoining and surrounding property owners.

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

#### • Floor Space Ratio and Density

The Castle Hill North Planning Proposal anticipates a yield of 132 dwellings on the subject site. In comparison, the current proposal seeks to increase the achievable yield on the site to 220 dwellings, which equates to 88 additional/unplanned dwellings (+66%).

It is proposed to facilitate the delivery of 220 dwellings on the site, with approximately 181 dwellings achievable at an 'incentivised' FSR of 1.9:1 (which is largely consistent with the outcomes originally envisaged under the Castle Hill North Precinct Plan), with the opportunity for a further 39 dwellings achievable through a 20% floor space bonus incentive, contingent on the public benefits associated with the road connection and pedestrian links. The additional 20% floor space bonus over and above the 'incentivised FSR' would result in an overall FSR of 2.28:1 across the site.

As the proposal would facilitate yield in excess of what has been planned for as part of the infrastructure planning for the Castle Hill North Precinct, Council has resolved to negotiate a Voluntary Planning Agreement with the proponent to address the increased demand on local infrastructure.

#### • Building Height

The proposed buildings are substantially taller than what was originally anticipated for the site as part of the Castle Hill North Precinct Plan and Planning Proposal, which anticipates heights of up to 8 storeys at this location. When considering the appropriate heights of development, it is necessary to consider the significance of the site in relation to overall context of the Precinct and also the relationship between the site and adjoining sensitive uses. By doing so, an appropriate maximum building height and transition of height across the site can be determined.

The property to the south (Pennant Street Target Site) is subject to an approval for the construction of five (5) residential flat buildings ranging from 17 storeys to 23 storeys and will deliver 920 dwellings. The following site plan shows the height (in storeys) proposed on the subject site in relation to the heights anticipated on adjoining sites (through both the Castle Hill North Planning Proposal and the approved development on the Pennant Street Target Site).



Figure 8

Southern Elevation of Approved Pennant Street Target Site Development (View from Pennant Street)

The following figures show cross sections of the proposed development, including the approved Pennant Street Target Site development (on the left) and low/medium density development (on the right).



Figure 9 Cross Section - 13 Storey Tower



Figure 10 Cross Section - 17 Storey Tower

The incorporation of the 3 storey terraces along the Gilham and Gay Street frontages will provide increased buffer distances from the low/medium density development on the northern side of Gilham Street and the proposed 13 and 17 storey tower elements. The concepts that have been submitted indicate that the tower elements will be setback approximately 15 metres from the Gilham frontage. By having terraces along the frontage, with the tower elements setback, the predominant streetscape when viewed from the street will be a terrace edge.

In support of the planning proposal, draft development controls have been prepared. These controls will ensure that the built form is delivered it is recommended that draft development controls be applied to require a 3 storey terrace edge along the Gilham Street and Gay Street frontages and the application of setbacks which ensure that the tower elements are setback no less than 15 metres from the Gilham Street frontage. The proposed setback for terrace edge product is proposed to be 3 metres, which is consistent with the terrace setbacks proposed within the broader Castle Hill North Precinct. Notwithstanding, further consideration of the appropriateness of the setbacks for the subject site will be undertaken in conjunction with the consideration of the draft controls proposed for the broader Castle Hill North Precinct during the exhibition period.

# • Overshadowing

In determining the most appropriate land use and built form for the site it is important to consider the potential impact of the development on adjoining uses. In this regard consideration needs to be afforded to overshadowing of land south of the development.

The following diagrams show the potential shadow impact of the development at 9am, 10:30am, 12pm, 1:30pm and 3pm on the winter solstice (21 June).





June 21 9:00am







June 21 12:00pm

June 21 1:30pm



June 21 3:00pm Figure 11 Overshadowing Diagrams – Winter Solstice

Future development on the site will be subject to the following solar access and overshadowing requirement:

- The common open space area must receive at least four hours of sunlight between 9am and 3pm on 21 June.
- Buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.

Based on the overshadowing diagrams the proposed common open space within the development (which will be located on the western edge of the development site - adjoining the proposed new road connection) will be generally free of any overshadowing and have direct solar access from 10am to 3pm.

With respect to the overshadowing of adjoining sites, the control requires that a major part of the landscape is to receive at least 4 hours of sunlight between 9am and 3pm on the winter solstice. The information submitted indicates that at least 39% of the communal open space within the adjoining Target Site would achieve at least 4 hours of sunlight during the allocated time period. The control does not indicate what proportion of the landscape is to receive 4 hours of solar access, however standard practice would suggest that the proportion should be least 50%. Whilst the proposal does not achieve 50% in this instance it is considered to be acceptable as:

- The southern site is subject to a development approval where a proportion of the communal open space is already proposed to be overshadowed by the buildings within the approved development;
- A significant portion (at least 39%) of the landscape will receive 4 hours of solar access;
- More than 50% of communal open space will achieve solar access during the critical lunch time period of 12pm and 2pm; and
- The adjoining communal open space would comply with the Apartment Design Guide which requires that a minimum of 50% 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. Based on the analysis submitted with the proposal the overall proportion of the communal open space that would receive at least 2 hours of sunlight during 9am and 3pm is 87%.

# • Traffic and Transport

As part of the Castle Hill North Planning Proposal, additional intersection improvements are proposed to ensure that the road network operates at an efficient level of service following development. Broadly, these improvements are as follows:

- Roundabouts in four (4) locations are to be provided under the Contributions Plan. The works are considered necessary to meet future demand, whilst ensuring an acceptable level of access, safety and convenience for all street and road users within the Castle Hill North Precinct. New roundabouts are proposed at the Carramarr Road/Castle Street junction, Gilham Street/Carramarr Road junction, Gilham Street/Old Castle Hill Road junction; and
- Intersection upgrade/realignment at the junction of Old Northern Road/McMullen Avenue/Brisbane Road to improve its operational efficiency.

Whilst the assessment submitted with the proposal concludes that the proposed development will have a negligible impact on the surrounding road network, it is principally focused on the subject site without full consideration of the growth that is likely to occur within the broader Castle Hill North Precinct. In recognition of this, Council has resolved to require the proponent to prepare an updated traffic assessment, prior to exhibition, which assesses the impact of the proposed development on the performance of the surrounding road network and key intersections, taking into account the proposed road improvements (within the Castle Hill North

Precinct), the approved growth on the target site (36 Pennant Street, Castle Hill) and the additional growth resulting from the Castle Hill North Planning Proposal. The assessment will also need to have regard to the potential impact of the new road along the western boundary of the site.

The updated traffic assessment would form part of the exhibition material, should a Gateway Determination be issued.

# • Public Benefit (Road Link)

The planning proposal seeks to provide part of a new local road connection from Gilham Street to Les Shore Drive, along the boundary of the property to the south which would be constructed and dedicated to Council (at no cost to Council). In total, the future road link would be approximately 270 metres in length, of which approximately 43 metres would be provided by the subject development. It is anticipated that the remainder of the road link would be completed as part of the redevelopment of the southern property. The location of the road link and detail of the part of the road that would be provided as part of the subject proposal are identified in the following figures.



Figure 12 Future Road Link



**Figure 13** Site Plan – Part of Future Road Link on Subject Site

The proposal allows for a 16.4m total road reserve width, which is consistent with that proposed for other local roads in the Precinct. This would be comprised of 2 x 3.2m traffic lanes, 1 x 3m parking lane and a 3.5m verge on both sides of the carriageway.

It is noted that the redevelopment of the site as part of a consolidated development site would involve the closure and incorporation of the existing Vivien Place Cul-de-sac, which is currently a public road, into the development site. The total area of the proposed road reserve is 700m<sup>2</sup>, compared with the area of the amalgamated Vivien Place at 968m<sup>2</sup>.

It is considered that the proposed local road (when fully connected to Les Shore Place) would allow for greater permeability through this part of the Precinct and would promote a positive development outcome in terms of the local road network. However, any additional development potential on the site, over and above what is anticipated for the site as part of the Castle Hill North Planning Proposal, should be contingent on the construction and dedication of part of this road link. Matters relating to the construction and dedication of the new road link along the western boundary and the future closure of Vivien Place are to be considered as part of the draft VPA for the site offered by the proponent.

#### • Pedestrian Connectivity

The proposed development concept, as revised by the proponent, incorporates a single pedestrian connection from north of Gilham Street to Pennant Street. This connection will provide improved pedestrian permeability through Precinct and improve access to the Castle Towers Shopping Centre and active uses proposed along Pennant Street.

Due to the change in level created by the steep retaining wall along most of Pennant Street, there is no safe or direct route for residents through the Target Site at 26 Pennant Street. However, there is potential for the pedestrian link to be provided along the eastern boundary of the property to the south (26-34 Pennant Street). The remainder of the pedestrian link would ultimately need to be completed as part of the redevelopment of the southern site.

The draft VPA will need to provide detail regarding the public right of access through the site, including the extent of land that would be subject to a public right of carriage. The location of the proposed pedestrian link is included in the following figure.



Pedestrian Connectivity (through site link)

#### • Local Infrastructure

Under the Castle Hill North Planning Proposal the site has been given a Base FSR of 1:1 (consistent with the agreed methodology with the Department) and an Incentive FSR of 1.54:1. Based on the area of the site (excluding Vivien Place), this would equate to 132 dwellings. Since the issue of a the Gateway Determination for the Castle Hill North Planning Proposal a draft Contributions Plan has been prepared to collect the necessary funds for the provision of local infrastructure required to support the additional population.

The population growth forecast within the draft Contributions Plan is based on a yield of 132 dwellings on the subject site. As the proposal would facilitate approximately 220 dwellings, this equates to 88 unplanned dwellings. Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

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

The 88 additional unplanned dwellings (over and above the 132 dwellings planned for as part of the draft Contributions Plan for the Castle Hill North Precinct) proposed by the current planning proposal would generate the need for approximately:

- 4.4% of a new sports field;
- 4.4% of a local park;
- 4.4% of a netball court;
- 4.4% of a tennis court; and
- 7.8% of a local community centre.

Council has resolved to undertake further negotiation with the proponent to address the increased demand for local infrastructure generated by the proposed increase in residential density. Matters relating to how the proponent intends to address the additional demand on local infrastructure, including the funding of additional infrastructure, should be addressed in the draft VPA offered by the proponent.

# • Local Incentives Provision

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

The proposed local provision utilises an incentives framework established through the precinct planning process for the Castle Hill North Precinct which provides a 'base floor space ratio' and an 'incentivised floor space ratio'. This approach is entirely consistent with the agreed housing diversity methodology between Council and the NSW Chief Town Planner. Given the uplift generated by this proposal should only be granted where the development meets Council's requirements, it is recommended that the 'base floor space ratio' be set at 1:1 (allowing for approximately 95 dwellings), with an 'incentivised floor space ratio' of 1.9:1 (allowing for approximately 181 dwellings).

An additional 20% floor space incentive would increase the total achievable yield on the site to 220 dwellings. This floor space bonus would be granted through the key site provision, where the site is amalgamated to form a consolidated development site, the proposed development incorporates a three (3) storey terrace edge along the Gilham and Gay Street frontages and the proposed road connection and pedestrian link are constructed and dedicated to Council, at

no cost. The take-up of all available incentives by the developer would allow for a total achievable FSR of 2.28:1 across the site.

# SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, future development on the site would need to be supported by the necessary services including electricity, telecommunication, water and sewer. The required services are available to the site. Further consultation with utility providers will occur during the formal public consultation period.

Matters relating to social infrastructure were discussed previously within this proposal.

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? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

A list of relevant agencies to be consulted would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted. A preliminary list of agencies which could be consulted includes:

- Transport for NSW;
- Roads and Maritime Services;
- Endeavour Energy
- Telstra; and
- Sydney Water.

#### PART 4 MAPPING

The planning proposal seeks to amend the Height of Buildings Map, Floor Space Ratio Map and Additional Permitted Uses Map of *The Hills Local Environmental Plan 2012*.

#### **Existing Land Zoning Map**



# **Proposed Land Zoning Map**



# **Existing Height of Buildings Map**



# **Proposed Height of Buildings Map**



**Existing Lot Size Map** 



M 600 Q 700

# Proposed Lot Size Map



# **Existing Floor Space Ratio Map**



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

N 1.0 Z2 2.95

# **Proposed Floor Space Ratio Map**



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

Ν	1.0
Z2	2.95
	Area A

# Existing Floor Space Ratio Incentive Map



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

# Proposed Floor Space Ratio Incentive Map



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



**Existing Key Sites Map** 



Key Sites Map

Proposed Key Sites Map



Key Sites Map

### PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

#### PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	October 2017
Government agency consultation	November 2017
Commencement of public exhibition period	November 2017
Completion of public exhibition period	December 2017
Timeframe for consideration of submissions	January 2018
Timeframe for consideration of proposal post exhibition	February 2018
Report to Council on submissions	March 2018
Planning Proposal to PCO for opinion	April 2018
Date Council will make the plan (if delegated)	May 2018
Date Council will forward to department for notification (if delegated)	June 2018

# ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

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STATE E	NVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	NO	-	
No. 26	Littoral Rainforests	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	NO	
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	NO	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable	Rental Housing (2009)	YES	No	-
Building S	ustainability Index: BASIX 2004	NO	_	-
	nd Complying Development	YES	NO	-
-	Housing for Seniors or People with a Disability (2004)		NO	-
Infrastruct	cure (2007)	YES	NO	-
(2007)	o National Park – Alpine Resorts	NO	-	-
Kurnell Pe	ninsula (1989)	NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
	ous Consent Provisions (2007)	YES	NO	-
	kes Scheme (1989)	NO	-	-
Rural Land		NO	-	-
	Regional Development (2011)	YES	NO	-
	ificant Precincts (2005)	YES	NO	-
	inking Water Catchment (2011)	NO	-	-
	gion Growth Centres (2006)	NO	-	-
Three Ports (2013)		NO	-	-
Urban Renewal (2010)		NO	-	-
Western S	ydney Employment Area (2009)	NO	-	-
Western S	ydney Parklands (2009)	NO	-	-
Deemed S	SEPPs			

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	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)	NO	-	-
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	NO	-	-

# ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

	DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. E	Employment and Resources	- -		
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. E	Environment and Heritage			
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	
2.4	Recreation Vehicle Area	NO	-	-
3. H	lousing, Infrastructure and Urban	Development		
3.1	Residential Zones	YES	YES	Consistent – see Section B Question 6
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	Consistent – see Section B Question 6
3.5	Development Near Licensed Aerodomes	YES	NO	-
3.6	Shooting Ranges	NO	-	-
	lazard and Risk			
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	NO	-
5. F	Regional Planning			
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 Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor	YES	YES	Consistent – see

	DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT	
	Strategy			Section B Question 6	
6. L	ocal Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-	
6.2	Reserving Land for Public Purposes	YES	NO	-	
6.3	Site Specific Provisions	YES	NO	-	
<b>7.</b> N					
7.2	Growing Sydney Implementation of Greater Macarthur Land Release Investigation	NO	-	Section B Question 3 -	
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	-	-	