

Planning Services

Gateway Determination Report

LGA	The Hills Shire
RPA	The Hills Shire Council
NAME	Amendment to Schedule 1 – Additional Permitted Uses to facilitate high-density residential development with maximum FSR 3:1 and maximum height of 18 storeys (190 dwellings).
NUMBER	PP_2017_THILL_010_00
LEP TO BE AMENDED	The Hills Local Environmental Plan 2012
ADDRESS	6–12 and 16–20 Garthowen Crescent, Castle Hill
DESCRIPTION	Lots 23, 24, 25, 28, 29 & 30 in DP222257 and Lots 1 & 2 in SP40627
RECEIVED	25 August 2017
FILE NO.	17/12430
QA NUMBER	qA418165
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

This planning proposal proposes to amend The Hills Local Environmental Plan 2012 by introducing provisions to Schedule 1 – Additional Permitted Uses to facilitate high-density residential development with a maximum FSR of 3:1 and maximum height of 18 storeys for land at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

Site Description

The subject site has a total area of 6,010m² is located in the north-eastern portion of the Castle Hill North Precinct and is approximately 420m walking distance from Castle Towers Shopping Centre and railway station. The site has two frontages to Garthowen Crescent and is currently occupied by dwelling houses. The site is surrounded by low to medium-density residential uses and adjoins 'Garthowen House,' a locally listed heritage item currently operating as a child care centre.



Figure 1 – Aerial view of subject site at 6–12 and 16–20 Garthowen Crescent, Castle Hill (outlined in yellow) and surrounding area.

Summary of Recommendation

The planning proposal has merit and should proceed subject to conditions as it will enable a high-density residential development in close proximity to Castle Towers and the future Castle Hill Metro station. The proposal will deliver a range of housing types in accordance with the North West Rail Link Corridor Strategy and Castle Hill Precinct Structure Plan.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal is to amend The Hills LEP 2012 to facilitate a high-density residential development incorporating approximately 190 dwellings. The intended outcomes of the subject planning proposal are also explained in further detail in the following sections of this report.

Explanation of Provisions

The planning proposal seeks to amend The Hills LEP by introducing a clause under Schedule 1 – Additional Permitted Uses for the subject site as follows:

“Use of certain land at 6–12 and 16–20 Garthowen Crescent, Castle Hill

a) This clause applies to land at 6–12 and 16–20 Garthowen Crescent, Castle Hill, comprising Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627, shown as “Item 17” on the Additional Permitted Uses Map.

b) Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2

Column 1	Column 2
Residential flat buildings	Maximum floor space ratio must not exceed 3:1. Maximum building height must not exceed 18 storeys. Development must fully comply with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012. The entire site (including land at Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627) must be amalgamated to form one development site. The proposed development must incorporate a 7.5 metre setback to both sides of Garthowen Crescent. A through-site link with public right of carriage for pedestrian movement must be provided through the site, in the western portion of the site, connecting between both Garthowen Crescent frontages. Development must provide a sensitive response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390. Development must provide a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent."

Note, the proposed provisions are not consistent with the provisions of the Castle Hill North Precinct planning proposal (PP_2016_THILL_002_00) which received a Gateway determination on 2 November 2016 and was on public exhibition from 17 August 2017 to 15 September 2017. The following table compares the provisions of this planning proposal with the provisions of the Castle Hill North Precinct planning proposal.

Controls under Castle Hill North Precinct Planning Proposal	Subject Planning Proposal
Dwelling Yield: 111	Dwelling Yield: 190
Zoning R4 High Density Residential	Zoning R3 Medium Density Residential
Minimum Lot Size 1,800m ²	N/A
Floor Space Ratio 1:1 marked site Area A	Floor Space Ratio 3:1 (Proposed as amendment to Schedule 1 – Additional Permitted Uses).
Height of Building No controls (although site is identified as suitable for 4-10 storeys in Castle Hill North Precinct DCP).	Height of Building 18 storeys (Proposed as amendment to Schedule 1 – Additional Permitted Uses).
Floor Space Ratio Incentive S1 - 1.54:1 (total FSR)	N/A
Key Sites Map Area L 20% or Total FSR 1.85:1 subject to site being amalgamated and public domain improvements.	N/A

The following sections in this report assess the strategic merit of the subject planning proposal and departures from the Castle Hill North Precinct planning proposal.

Mapping

The planning proposal seeks to amend the existing Additional Permitted Uses Map to include the subject site. The mapping contained in the planning proposal documentation is clear and sufficient for the purposes of public exhibition.

NEED FOR THE PLANNING PROPOSAL

The proposal will facilitate an increased density of residential development on the site, providing additional housing in a strategic location close to the Castle Hill rail station and employment opportunities within the Castle Hill Town Centre. The proposal states in order to provide certainty with respect to key development outcomes on the site, the existing R3 Medium Density Residential zoning be retained, and that the proposal be facilitated through the use of Schedule 1 Additional Permitted Uses within LEP 2012. The proposal seeks this approach to enable the key components of the proposed development concept to be clearly articulated and for the master planned outcome to be clearly guided, particularly the amalgamation of the allotments, through-site pedestrian link, through-site vehicular link at basement level for residents and appropriate relationship with the adjoining heritage item.

Council notes, should the planning proposal to proceed to finalisation and the site be redeveloped, a future planning proposal will be lodged to rezone the site to reflect the approved uses.

The Department does not agree with this approach and to ensure consistency with the Standard Instrument, the Gateway determination requires the proposal to be amended prior to community consultation to achieve these proposed development standards through amendments to zoning, height of buildings, floor space ratio, lot sizes and other maps as relevant (as discussed further in this report).

STRATEGIC ASSESSMENT

Regional / District

A Plan for Growing Sydney

The Directions of A Plan for Growing Sydney which apply to the proposal are:

- Direction 2.1 Accelerate housing supply across Sydney;
- Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs;
- Direction 2.3 Improve housing choice to suit different needs and lifestyles; and
- Direction 2.4 Deliver well planned new areas for housing.

The planning proposal aligns with these directions.

The actions of A Plan for Growing Sydney which apply to the proposal are:

- Action 2.1.1: Accelerate housing supply and local housing choices; and
- Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.

The proposal is consistent with these actions with respect to the site's proximity to the future Castle Hill North Metro station.

Draft West Central District Plan

The actions of the draft West Central District Plan which relate to the proposal are:

- Action L3: Councils to increase housing capacity across the District; and
- Action L4: Encourage housing diversity.

The proposal is consistent with these actions in that it would enable additional housing capacity within the District and contribute to realising the Plan's 5-year housing target of 8,550 dwellings in The Hills and progressed opportunities around the Northwest Sydney Metro Corridor.

Local

Local Strategy

Council's Local Strategy is supported by seven (7) Strategic Directions, those of relevance to this proposal being the Residential Direction, Centres Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below:

- **Residential Direction**
The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide additional residential accommodation close to the future Castle Hill Metro station and services. The proposal 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;
- **Centres Direction**
The site is located in close proximity to the Castle Hill Town Centre identified within the Centres Direction. The proposal seeks to increase the residential density of the site which will strengthen and support the role and viability of the Centre; and
- **Integrated Transport Direction**
The subject site is located within 420m of the future Castle Hill Metro station and is also serviced by existing transport infrastructure such as bus routes operated by Hillsbus and Busways. 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. Further, the proposed through-site link will improve connectivity between surrounding residential areas and the Centre.

The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the Department of Planning and Environment and Transport for NSW

W's North West Rail Link Corridor Strategy (2013) (Sydney Metro North West) and associated Castle Hill Station Structure Plan.

The proposal is consistent with the Strategy as it will facilitate high-density residential development within a convenient walking distance to the public corridor, whilst providing a quality living environment for future residents and improving connectivity for the surrounding area.

Section 117(2) Ministerial Directions

The following directions are relevant for this proposal:

- Direction 2.3 Heritage Conservation;
- Direction 3.1 Residential Zones;
- Direction 3.4 Integrated Land Use and Transport;
- Direction 5.9 North West Rail Link Corridor Strategy;
- Direction 6.1 Approval and Referral Requirements; and
- Direction 6.3 Site Specific Provisions.

The proposal is consistent with these Directions except discussed as follows:

Direction 2.3 Heritage Conservation

This Direction requires the planning proposal to contain provisions that facilitate the conservation of the local heritage item 'Garthowen House' and its historical value. The planning proposal notes the future built form's relationship with the adjoining local heritage item will be further investigated during the development application stage. The Gateway determination recommends consultation with the Office of Environment and Heritage to ensure consistency with this Direction.

Direction 6.3 Site Specific Provisions

The planning proposal is inconsistent with this Direction as it:

- permits development within a land use where it is not permitted; and
- imposes development requirements in addition to those already contained in that zone.

To provide certainty for future residential outcomes on the site, the planning proposal intends to retain the current R3 zone and incorporate development standards for height, density, dwelling types and development controls as site specific Additional Permitted Uses (under Schedule 1). The objective of the Direction is to discourage unnecessarily restrictive site specific planning controls.

The Gateway determination recommends that the proposed amendment to Schedule 1 to include site specific provisions be removed, and instead propose to seek associated amendments to zoning and the development standards for height of buildings, floor space ratio and lot sizes, in accordance with the Standard Instrument (Local Environmental Plans) Order 2006. In summary, for the planning proposal to be consistent with this s117 Direction, it is to be amended to:

- seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential (also discussed under the Site Specific Assessment heading of this report);
- seek to increase the minimum lot size from 700m² to 1,800m²;
- seek to increase the maximum floor space ratio from part no FSR control to 3:1; and
- seek to increase the maximum height of buildings standard from 7m to the equivalent height of 18 storeys in metres.

State Environmental Planning Policies

While it is noted there is a SEPP summary table attached to the planning proposal, there is no detailed assessment against State Environmental Planning Policies provided. The Gateway determination recommends the planning proposal is updated to include a detailed assessment addressing SEPPs including (but not limited to):

- SEPP 55 Remediation of Land; and

- SEPP 65 Design Quality of Residential Flat Development.

SITE SPECIFIC ASSESSMENT

Social and Economic

The planning proposal will positively contribute to growth of the Castle Hill Precinct and provide housing diversity in a suitable location with access to the nearby Castle Hill Centre and Metro station.

Environmental

Built form

The proposed height of up to 18 storeys is consistent with the built form outcome anticipated for the site under the NSW Government Corridor Strategy and the Castle Hill Station Structure Plan, despite being in excess of the outcome planned for under Council's The Hills Corridor Strategy and Castle Hill North Precinct Plan (and subsequent planning proposal).

The Castle Hill North Precinct Plan and Planning Proposal (received Gateway 2 November 2016) identified the site as suitable for a lower scale of development with heights ranging from 4 to 10 storeys. This reflected the specific constraints to development on this particular site as a result of the sensitivity of its surroundings, particularly the adjoining 'Garthowen House' heritage item.

Notwithstanding this, the proposal's strategic merit for an increased density is justified and the proponent has been able to demonstrate that a quality urban design outcome can be achieved. The subject planning proposal has been able to demonstrate the proposed provisions can achieve minimised bulk and site coverage; appropriate levels of height transition to adjoining properties; sufficient site setbacks for landscaping; and a substantially sized deep soil open space. In this regard, the subject proposal would provide a more suitable outcome in the immediate context of the site and, subject to further detailed design, would be capable of achieving the desired character outcomes for Garthowen Crescent and the locality.

However, the Gateway determination requires the supporting urban design report and concept plan (lodged with the proponent's planning proposal) to be updated prior to the planning proposal being placed on public exhibition. Further, considering the draft concept plan and proposed future scale of development, the objectives of the R4 High Density Residential zone, including to encourage high-density residential development in locations that are close to population centres and public transport routes and to provide a variety of housing types within a high-density residential environment, are better suited to achieve the intended outcome of the planning proposal rather than the proposal's current position to retain the existing R3 Medium Density Residential zoning.

Accordingly, it is recommended that the Gateway determination requires the planning proposal to be amended to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential. It is also recommended that the Gateway determination requires the planning proposal to be amended to seek an increase to the minimum lot size from 700m² to 1,800m²; increase the maximum floor space ratio control from nil to 3:1 and increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres.

Traffic and parking

The proposal incorporates a vehicular through-site link for residents (at basement level) which is anticipated to improve connectivity within Garthowen Crescent and contribute

towards the mitigation of additional traffic volume that would result from the future development on the site. The proposed through-site link will function as a connection between the entry/exit points at both the northern and southern frontages to Garthowen Crescent.

While the proposal is considered to enhance the performance of the surrounding road network via incorporating a through-site link as a key component, Council has requested that the proponent prepare and submit a revised traffic assessment which takes into account the proposed road improvements (within the Castle Hill North Precinct) as well as the additional growth resulting from the Castle Hill North Planning Proposal and the approved growth on the Pennant Street Target Site to the west. This will enable a more holistic assessment of the impact of the proposal as part of the Gateway Process.

The Gateway determination requires the supporting transport and access/traffic impact assessment report (lodged with the proponent's planning proposal) is to be updated prior to the planning proposal being placed on public exhibition.

Further, the Castle Hill North Planning Proposal (received Gateway determination 2 November 2016), proposed additional traffic infrastructure improvements to ensure that the road network operates at an efficient level of service following development. The improvements which may benefit the subject site include:

- a new roundabout at the northern junction of Garthowen Crescent and Old Castle Hill Road;
- road widening works for Garthowen Crescent; and
- converting the southern junction of Garthowen Crescent and Old Castle Hill Road to a left in-left out junction.

These above improvements were planned to serve the Castle Hill North Precinct as a whole and are independent to the proposal which seeks to further increase the yield over and above that envisaged for the site. The subject proposal is generally supported on the basis that the concept design enhances the site's capability to accommodate the additional growth, in the context of all other anticipated development within the Precinct.

Heritage

The site adjoins the 'Garthowen House' local heritage item, which is listed under Schedule 5 of LEP 2012 as an item of local heritage significance. The proposal seeks to implement a design that would minimise site coverage, increase upper level setbacks, incorporate landscaping within setback areas and include a large common open space in the north-eastern portion of the site adjoining the heritage item. The implementation of these features is to provide a physical separation distance of approximately 50 metres between the heritage item and the proposed built form.

There are sufficient provisions currently in The Hills Local Environmental Plan 2012 to address any potential impacts of the planning proposal on the adjoining heritage item. Subsequently, the subject planning proposal's draft heritage provisions are not necessary. Further, subject to the preparation of detailed plans, heritage impact analysis and further consideration as part of the development application process, it is considered that the proposal represents an appropriate balance between allowing for increased residential densities in strategically located areas and protecting the setting and significance of the adjoining 'Garthowen House' heritage item.

The Gateway determination requires the supporting heritage impact statement (lodged with the proponent's planning proposal) to be updated prior to the planning proposal being placed on public exhibition.

Infrastructure

The proposal will generate the need for additional infrastructure not currently planned for in Council's contributions plans including the draft contributions plan for the Castle Hill North Precinct. The existing and planned local infrastructure will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

Agencies

Referral to the following agencies is recommended:

- Sydney Water;
- Department of Education;
- Office of Environment and Heritage;
- Transport for NSW; and
- Transport for NSW – Roads and Maritime Services.

TIMEFRAME

The proposed timeframe to finalise this planning proposal is 12 months.

DELEGATION

It is recommended that delegation of the Greater Sydney Commission is issued in this instance given its location in the Castle Hill North Precinct, for which Council is the delegated plan making authority.

CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will enable a high-density residential development in close proximity to Castle Towers and the future Castle Hill Metro station. The proposal will deliver a range of housing types in accordance with the Transport for New South Wales and Department of Planning and Environment North West Rail Link Corridor Strategy and Castle Hill Precinct Structure Plan.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with Section 117 Direction 2.3 Heritage Conservation is justified in accordance with the terms of the Direction; and
2. note that the inconsistency with Section 117 Direction 6.3 Site Specific Provisions, remains unresolved until further justification has been provided.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) remove any references to proposed amendments to Schedule 1 – Additional Permitted Uses;
 - (b) amend the planning proposal to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential in accordance with Part 2 of The Hills Local Environmental Plan 2012;
 - (c) amend the planning proposal to seek to increase the minimum lot size from 700m² to 1,800m²;
 - (d) amend the planning proposal to seek to increase the maximum floor space ratio control from nil to 3:1 in accordance with clause 4.4 of The Hills Local Environmental Plan 2012;
 - (e) amend the planning proposal to seek to increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres in accordance with clause 4.3 of The Hills Local Environmental Plan 2012;
 - (f) update the Urban Design Concept Plan, Urban Design Report, Transport and Access Report, and Heritage Impact Assessment Report; and
 - (g) re-submit the planning proposal to the Department of Planning and Environment for endorsement.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Sydney Water;
 - Department of Education;
 - Office of Environment and Heritage;
 - Transport for NSW; and
 - Transport for NSW – Roads and Maritime Services.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any

obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



14/9/17

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