

ITEM-3	POST EXHIBITION - PLANNING PROPOSAL AND DRAFT VOLUNTARY PLANNING AGREEMENT - VIVIEN PLACE, CASTLE HILL (2/2017/PLP)
THEME:	Shaping Growth.
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	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.
MEETING DATE:	27 NOVEMBER 2018 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	STRATEGIC PLANNING COORDINATOR BRENT WOODHAMS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Planning Proposal (2/2017/PLP) applying to land at Vivien Place and Gay Street, Castle Hill be progressed to finalisation. The Planning Proposal seeks to facilitate a high density residential development incorporating 220 dwellings within a built form comprising a 17 storey building and 13 storey building with a 3 storey terrace edge. This report also recommends that Council enter into a Voluntary Planning Agreement with the Proponent and that the draft amendments to DCP 2012 (Part D Section 18 – Castle Hill North) be adopted and come into force when the amendment relating to Planning Proposal 2/2017/PLP is published on the NSW Legislation website.

The draft VPA addresses the construction of the western road connection to Council's standards, provision of a 1,570m² through site link (Public Right of Access), and the provision of a monetary contribution to be allocated toward the local infrastructure within the vicinity of the site. The draft amendments to DCP 2012 (Part D Section 20 – Castle Hill North) include an update to the structure plan for the Castle Hill North Precinct to identify a height range of 3-17 storeys on the site, update to the indicative street network and hierarchy map to identify the proposed western road connecting Gilham Street and Les Shore Place, inclusion of a new road profile for the western road connection, and update to the setbacks surrounding the site. No change is proposed to the exhibited controls applicable to Planning Proposal (2/2017/PLP).

During the public exhibition period Council received 10 submissions on the draft plans, comprising 3 submissions from public authorities (Endeavour Energy, Roads and Maritime Services and Transport for NSW) and 7 public submissions. The RMS raised a number of concerns in relation to need for a cumulative traffic study for the Castle Hill Precinct, location of pedestrian links and the intended intersection treatment of the western road connection and Les Shore Place. The key issues raised within the public submissions included height

of buildings, density, traffic congestion and parking, objection to western road connection, request for pedestrian crossing, impact on Castle Hill Public School, impact on privacy, lack of public open space, and impact on amenity during construction (dust, noise and traffic).

The comments raised within submissions are not considered to warrant any changes to the Planning Proposal as the development concept incorporates adequate height transition and separation to sensitive interfaces and sufficient local infrastructure can be provided to support the additional growth (including traffic upgrades, passive open space and active open space infrastructure identified as part of the planning for the broader Castle Hill North Precinct). It is recommended that the Indicative Street Network and Hierarchy map within the DCP be updated to include the likely alignment of the proposed pedestrian link. It is considered that there is sufficient strategic and site specific merit for higher density residential development at this location, to warrant progression of the planning proposal to finalisation.

APPLICANT

Castle 7 Pty Ltd

OWNERS

Mr D M McLennan & G M McLennan
Mr A Bhattacharya & Mrs S Bhattacharya
Castle 7 Pty Ltd
Castle 18 Pty Ltd
Mr J W Maxwell & Mrs J J Maxwell

Mr P Song & Mrs K Song
Mr J E C Nelis & Mrs S Nelis-Rocque
Mrs H Steffel & J E Steffel
Mr S S Lee & Ms H Choi
Ms Wing Sze Yeung

POLITICAL DONATIONS

Nil disclosures by the applicant

BACKGROUND

The site is comprised of 11 low density residential lots with a total site area of 8,620m². The land parcels subject to the proposal are 1–6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill. The development concept involves the incorporation of the Vivien Place road reserve (cul-de-sac and footpaths/verge - 968m²) 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

The development concept for the site is for a high density residential development incorporating 220 dwellings within a built form comprising a 17 storey building and 13 storey building with a 3 storey terrace edge. The site plan (identifying the intended road closure, new road connections and easement) and a photomontage of the concept submitted by the proponent are included in the following figures.

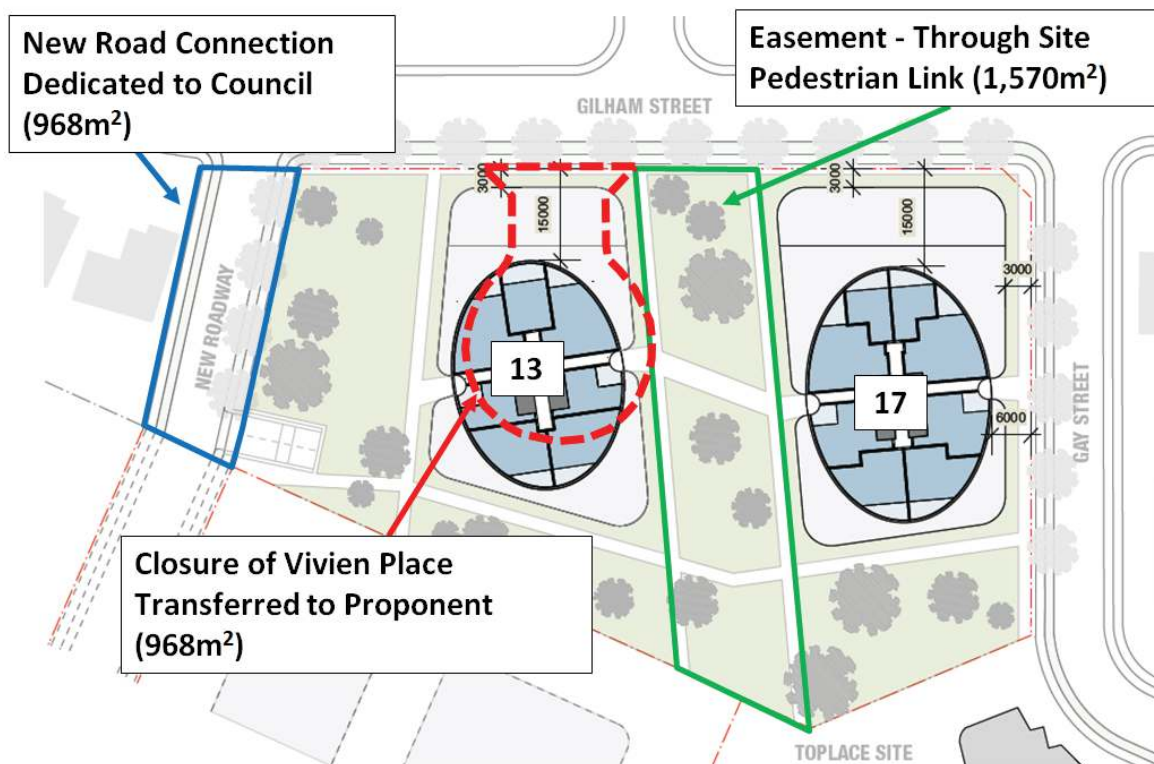


Figure 2

Site Plan – Development Concept (Towers)

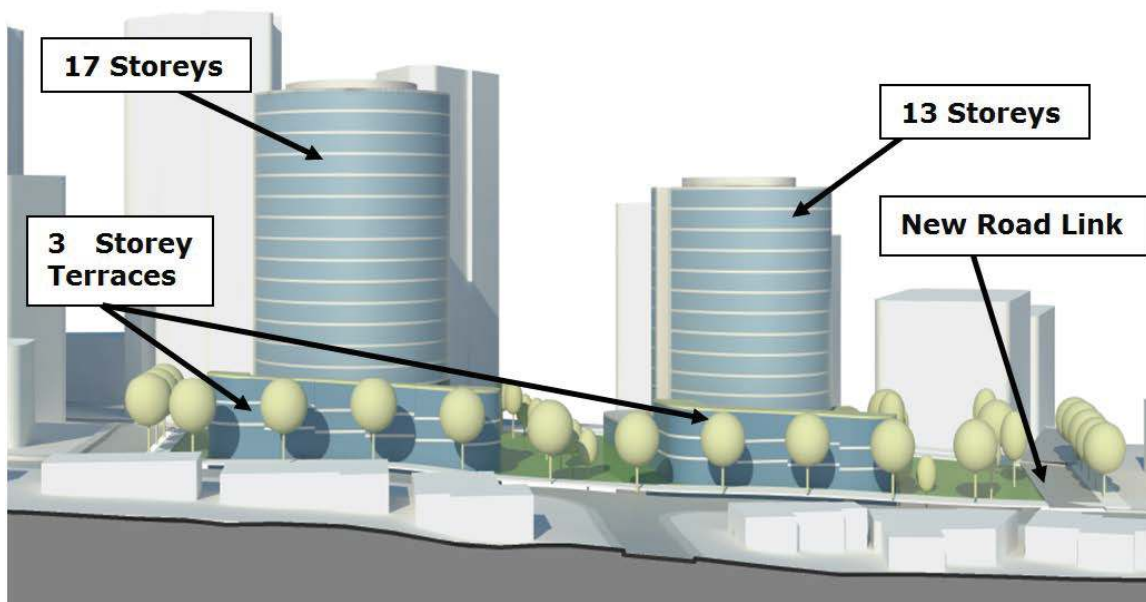


Figure 3
Photomontage (view from north of site)

At its meeting of 25 July 2017 Council considered a report on the Proposal and resolved as follows:

1. A planning proposal be forwarded to the Department of Hills Local Environmental Planning and Environment for a Gateway Determination to amend The 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.*

A Gateway Determination was subsequently issued by the Department of Planning and Environment on 13 September 2017 which permitted the Proposal to proceed to public exhibition. A condition of the Gateway Determination required the Proponent to prepare an amended traffic assessment (as per Council's resolution). A further condition of the Gateway Determination required an amendment to the Proposal to investigate opportunities to retain any mature trees on the site, which can be incorporated into the concept layout plans. The Gateway Determination also required consultation to be undertaken with the following Government Agencies:

- Sydney Water;
- Endeavour Energy;
- Roads and Maritime Services;
- Transport for NSW; and
- Department of Education.

Council has complied with all of the conditions of the Gateway Determination.

In accordance with Council's resolution a draft Voluntary Planning Agreement was prepared and submitted along with an updated traffic assessment. At its ordinary meeting of 26 June 2018 Council considered a report on the draft Voluntary Planning Agreement and resolved as follows:

1. *The Draft Voluntary Planning Agreement, as detailed in Attachment 1, be subject to a legal review at the cost of the proponent, prior to public exhibition.*
2. *The Draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.*
3. *The Draft Voluntary Planning Agreement be publicly exhibited concurrently with the associated planning proposal (2/2017/PLP) for a period of at least 28 days in accordance with the Environmental Planning and Assessment Act 1979.*
4. *Draft The Hills Development Control Plan 2012 (Part D Section 20 – Castle Hill North), as detailed in Attachment 2, be exhibited concurrently with the planning proposal (2/2017/PLP).*

The Voluntary Planning Agreement was subject to an independent legal review and updated prior to public exhibition as per Council's resolution.

Draft Voluntary Planning Agreement

The draft VPA addresses the following matters:

- Developer to construct the western road connection to Council's standards;
- Provision of 1,570m² through site link (public right of access); and
- Monetary Contribution (yield in excess of the planned growth).

Dedication of the western road connection to Council and the closure and transfer of Vivien Place to the Developer would occur as part of a land swap arrangement. This would be addressed through a separate agreement between the developer and Council at the development assessment stage. Following the legal review it was recommended that the 'land swap' is not technically a 'development contribution' and as such should not be addressed as part of this Voluntary Planning Agreement. Nevertheless a clause was included in the Voluntary Planning Agreement, prior to exhibition, stating that *'the parties acknowledge that the Developer and Council will seek the closure, and land swap, of Vivien Place (owned by Council) for the dedication of the new roadway by the Developer on a like for like basis pursuant to a separate agreement as part of a future development application for the Land'*.

Draft Development Control

In order to guide future development on the site an amendment to draft DCP 2012 (Part D Section 20 – Castle Hill North) was prepared and exhibited with the Planning Proposal. The amendment to the draft DCP updated the structure plan for the Castle Hill North Precinct to identify a height range of 3-17 storeys on the site, updated the indicative street network and hierarchy map to identify the proposed western road connecting Gilham Street and Les Shore Place, inserted a new road profile for the western road connection, and updated the setbacks surrounding the site.

REPORT

The purpose of this report is to consider the outcomes of the public exhibition of the Vivien Place Planning Proposal (2/2017/PLP), draft Development Control Plan amendment and draft Voluntary Planning Agreement.

1. EXHIBITION DETAILS

The Planning Proposal (2/2017/PLP), draft amendment to DCP 2012 and draft Voluntary Planning Agreement were exhibited from Tuesday 11 September 2018 to Friday 12 October 2018. Council received 10 submissions on the draft plans, comprising 3 submissions from public authorities and 7 public submissions.

2. PUBLIC AUTHORITY CONSULTATION

Submissions were received from the following public authorities:

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

Endeavour Energy raised no objection to the draft plans. Comments raised by the RMS and Transport for NSW are detailed below.

a) Roads and Maritime Services

The RMS raises a number of key concerns with respect to traffic and transport infrastructure.

-
- i. RMS have commented that a precinct wide traffic and transport study has not yet been completed to assess the cumulative impacts on traffic and transport infrastructure, identify any necessary road transport upgrades and travel demand management measures required to support the development uplift identified for Castle Hill North Precinct. This would be required to identify cost estimates and timing requirements of any upgrades and funding mechanisms for developer contributions on an equitable basis.

RMS has concerns with the subject proposal proceeding prior to completion of detailed investigations for the Castle Hill North Precinct. The precinct-wide traffic and transport assessment is imperative to identify/confirm any long term traffic management mitigation measures that may be required (including travel demand management measures such as car parking). It is recommended that site-specific planning proposals are held in abeyance until the completion of the precinct-wide study and establishment of appropriate funding mechanism to ensure contributions for transport upgrades are provided to support future growth.

Comment

As detailed within the response to the RMS submission on the Castle Hill North Planning Proposal (16/2016/PLP), the need to consider precinct-wide traffic impacts is acknowledged. However the State Government's 2013 North West Rail Link Corridor Strategy identified substantial growth within all rail precincts along the Sydney Metro Northwest Corridor. The traffic analysis requested by the RMS should have already been completed as a State Government responsibility and it is unreasonable that the requirement (and costs) of further detailed modelling be passed on to Council or developers.

Transport for NSW and RMS are the key agencies responsible for the arterial road and transport network and it is their responsibility to plan for upgrades to these networks to support growth. Council has a responsibility to plan for the delivery of local infrastructure to accommodate growth and has included necessary items for the Precinct within the Castle Hill North Contributions Plan.

As part of the master planning for the Castle Hill North Precinct, analysis was undertaken by Council to consider traffic impacts associated with the expected future growth in the Precinct. This analysis found that redevelopment of the area for higher density development would not have a significant impact subject to certain amendments to lane widths on Castle Street, Old Castle Hill Road and Pennant Street. Furthermore the traffic assessment submitted with the Planning Proposal determined that the network improvements identified as part of the master planning for the Castle Hill North Precinct, including the roundabout upgrade at Gilham Street/Old Castle Hill Road and the north south link road to Les Shore Place, will provide sufficient spare capacity on the key intersections to accommodate the development.

To hold the progression of the subject Proposal in abeyance pending the outcome of a precinct-wide traffic study would be unreasonable.

- ii. The Council Precinct map shows an additional 4,873 dwellings (Including the Target Site which is located outside of the Castle Hill North Precinct), however the modelling provided with the report does not provide the intersection performance with the overall yield scenario.

Comment

This position is not supported. The assessment submitted with the planning proposal assessed the intersections surrounding the site which included Gilham Street/Old Castle Hill Road and Gilham Street Carramarr Road. The assessment also took into account the cumulative growth within the portions of the Precinct that would likely have an impact on those intersections. This included future development within Garthowen Crescent, Gilham Street and Gay Street.

- iii. The modelling prepared by the Proponent seems to have not occurred for the critical State road intersections. The submission continues by commenting that the traffic modelling and SIDRA network analysis for the proposal should consider the cumulative traffic impact of the proposed development on surrounding major roads and intersections to determine the need for upgrading or improvement work including timing and funding. The network analysis should include (but not be limited to) following key intersections:

- Pennant Street/Castle Street;
- Pennant Street/Les Shore Place;
- Pennant Street/Castle Towers northern carpark entrance;
- Pennant Street/McMullen Avenue/Old Castle Hill Road; and
- McMullen Avenue/Old Northern Road.

The cycle times for these intersections should be consistent with the actual times. These signalised intersections are a part of a SCATS sub system. The cycle times for these intersections should be modelled as a worst case scenario of 120 sec.

Comment

As mentioned above it would not be reasonable for Council to request the Proponent to model the impact of the entirety of growth within the Castle Hill Precinct on the regional road network. This is the responsibility of the RMS and Transport for NSW and should occur as part of a precinct-wide study.

- iv. While RMS appreciates and supports the initiative to provide active transport improvements, it does not support the direct pedestrian link between Gilham Street and Pennant Street for safety reasons. Having a mid-block pedestrian path connecting a high density residential area to the future train station and Castle Towers Shopping Centre would promote pedestrians crossing at mid-block locations. Pedestrians crossing at this location on a bend on Pennant Street (without appropriate crossing facilities) should not be encouraged due to potential sight distance and gradient issues which may be difficult to address.

Comment

The proposed pedestrian easement through the site would only become fully connected to Les Shore Place/Pennant Street as part of a future redevelopment of the property to the south (1 Les Shore Place). Depending on the final alignment, it is likely the pedestrian link would connect to Pennant Street closer to the signals at the Pennant Street/Les Shore Place intersection. If the RMS intends to restrict pedestrians from crossing Pennant Street at mid-block locations they could also consider installing a median fence. The anticipated alignment of the pedestrian connection is shown in the following figure.

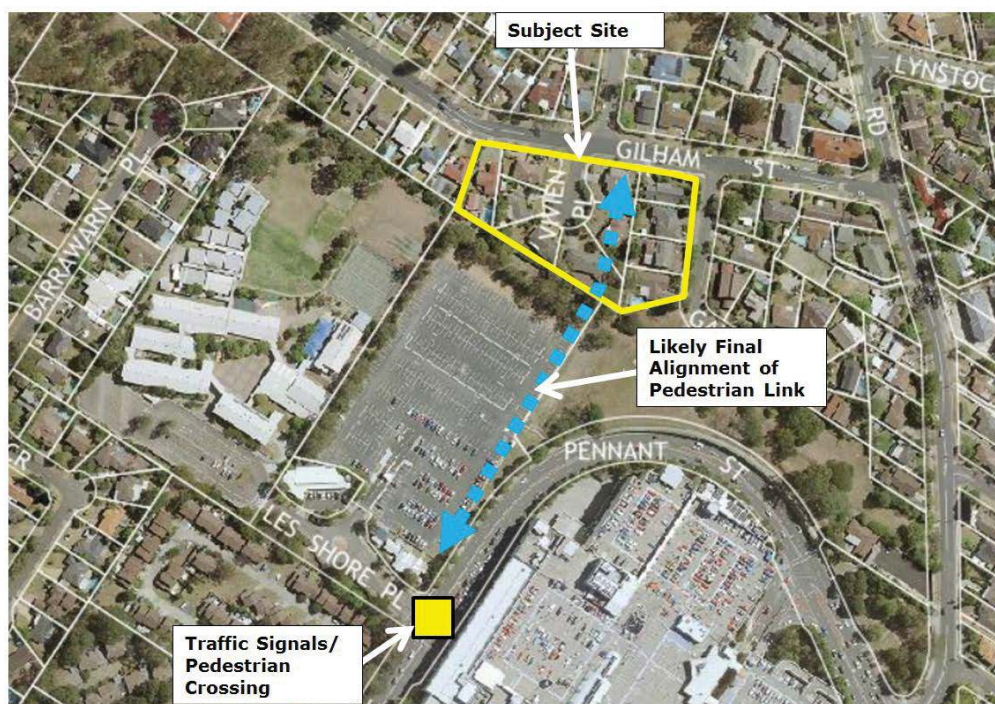


Figure 4
Likely Final Alignment of Pedestrian Link

Whilst it is considered that the final alignment of the connection will finish closer to the Pennant Street/Les Shore Place junction, it is noted that the draft DCP is currently silent on the alignment of the pedestrian connection. Accordingly, it is considered reasonable that the Indicative Street Network and Hierarchy Figure within the DCP be updated to ensure the pedestrian connection directs pedestrians closer to the traffic signals at the junction of Les Shore Place and Pennant Street. This will provide greater certainty to the community and developers.

- v. It is not clear from the information provided how the new local road would connect with Les Shore Place and may conflict with the existing pedestrian crossing to the school.

Comment

The final alignment of the western road, including the connection to Les Shore Place, would be established as part of the assessment of the future development application to the south.

b) Transport for NSW

Transport for NSW commented that the subject planning proposal is unlikely to have any material impact on the surrounding transport network on its own. The submission further comments that Council has rightly identified that there may be a cumulative impact. This is best considered as part of the transport investigations for the Castle Hill North Precinct. It is recommended that the subject planning proposal be included in the Castle Hill North transport investigations and any funding mechanism towards transport related infrastructure.

Comment

Matters relating to the preparation of a Precinct-wide traffic study are discussed above in response to the submission from RMS. The preparation of this study is the responsibility of the RMS and Transport for NSW.

3. KEY ISSUES

A total of 7 public submissions were received during the exhibition period of which 2 supported the Proposal. Key issues included the following:

- A. Density;
- B. Height of Buildings;
- C. Traffic Congestion and Parking;
- D. Western Road Connection;
- E. Proximity to Castle Hill Public School;
- F. Privacy;
- G. Open Space; and
- H. Impact on Amenity during Construction (Dust, Noise and Traffic).

Planning comments addressing the key issues are included below.

A. Density

Concern has been raised in relation to the proposed density and that such densities are likely to overwhelm the infrastructure.

Comment

Under the Castle Hill North Planning Proposal (16/2016/PLP) 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 enable the collection of necessary funds for the provision of local infrastructure required to support the additional population.

The 88 additional unplanned dwellings (over and above the 132 dwellings planned for as part of the Castle Hill North Precinct) 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.

The planned growth on the site (up to 132 dwellings) would continue to be levied under the draft Contributions Plan for the Castle Hill North Precinct. A separate additional monetary contribution, through the Voluntary Planning Agreement, would be paid for the additional 88 dwellings.

The proposed additional monetary contribution would result in an average contribution of around \$23,732 per dwelling. Based on an estimated yield of 88 unplanned dwellings, the likely contribution will be approximately \$2,124,000 (depending on the final yield and mix). These funds would be allocated toward local infrastructure within the vicinity of the site. Such infrastructure could include open space and additional traffic upgrades. Coupled with the capital cost of constructing the western road connection, the monetary contribution is considered to be a reasonable offer and as such would be sufficient to meet the additional demand on local infrastructure resulting from the additional population.

B. Height of Buildings

Concern was raised in relation to the proposed height of the towers being 17 and 13 storeys. Specifically, submissions comment that such heights would be out of context in the Gilham Streetscape. It was requested that the proposed heights remain at the 8 storeys as proposed within the Castle Hill North Planning Proposal.

Comment

As detailed within the Planning Proposal, 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 concept has sought to establish a balance and facilitate a transition of height from the future development on the site to the south and the lower density development to the north. 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).

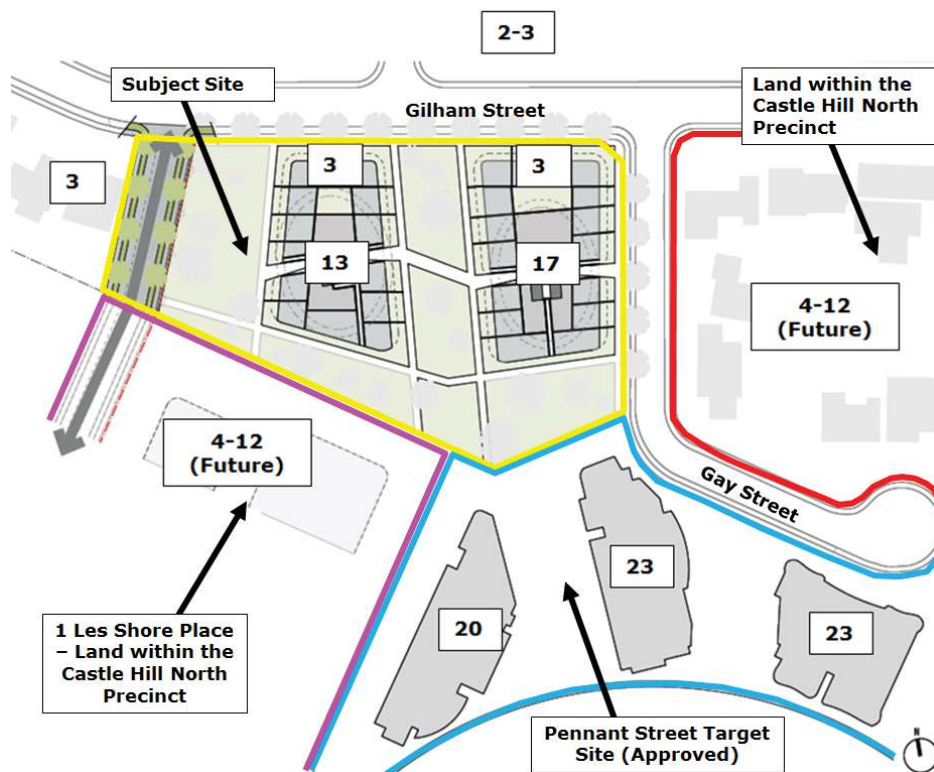


Figure 5

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

The draft development controls for the site require a 3 storey terrace edge to be provided to the Gilham Street and Gay Street frontages. It is still considered that this will ensure that the proposed tower elements will not have a direct and overbearing interface to the properties on the northern side of Gilham Street. 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. The development controls that have been prepared will reinforce this built form outcome.

C. Traffic Congestion and Parking

Concern has been raised in relation to increased traffic congestion as a result of the development. Specifically comments included the following:

- General objection to increased traffic congestion;
- Concern that Gilham Street and Les Shore Place will not be able to cope with the increased traffic generation;
- Parking congestion along Old Castle Hill Road and Gilham Street; and
- Concern that the additional vehicles, especially along Gilham Street, will be dangerous for children and parents walking to the rear entrance of Castle Hill Public School.

Comments

Based on the Traffic Assessment prepared by Traffix - Traffic and Transport Planners, February 2018 (submitted in support of the Planning Proposal) the additional 88 additional dwellings being proposed (over and above the 132 dwellings already planned for on the site) would result in an additional 17 trips during the AM peak and 13 additional trips during the PM peak. The traffic assessment submitted in support of the proposal undertook SIDRA analysis to assess the impact of the development on surrounding intersections. The assessment concluded that the network improvements identified as part of the master planning for the Castle Hill North Precinct will provide sufficient spare capacity on the key intersections to accommodate the development. Accordingly, the road improvements already identified are considered to be sufficient to accommodate the additional traffic generation resulting from the proposed development.

Furthermore it is considered that the additional growth will not result in a reduction in the environmental capacity of Gilham Street. The Environmental Capacity (EC) is a measurement of the number of vehicles (including moving and parked) that is considered to be acceptable within an area or individual street, with respect to the impacts on such environmental indicators as pedestrian risk, pedestrian crossing delay, noise and accessibility. Gilham Street is currently below its respective Environmental Capacities however the full development scenario as a result of the Castle Hill North Precinct, will likely increase the traffic volumes to near the Environmental Capacity of Gilham Street being 350 cars per hour.

The proposed roundabouts at the intersections of Carramar Road/Gilham Street and Gilham Street/Old Castle Hill Road, identified as part for the planning for the Castle Hill North Precinct, will ameliorate the impacts of that additional traffic in three ways:

- The additional traffic will have safe ingress/egress into the local road network via Castle Street and via Old Castle Hill Road where traffic safety will be an issue because of the existing high traffic volumes.
- Residential amenity of the adjacent area will be enhanced for the new residents as pedestrian access at the intersections will be greatly improved by the central median island treatments required for the roundabout; and
- Traffic speeds at the intersections will be controlled to acceptable limits.

The additional traffic volume (over and above what has been planned for through the Castle Hill North Proposal) resulting from the subject development being 17 trips during the AM peak and 13 trips during the PM peak will not unreasonably impact on the Environmental Capacity of the Gilham Street.

As part of the approval of the Sydney Metro Northwest, Transport for NSW is required to prepare a Parking Management Strategy that considers management of commuter parking facilities and on-street parking around each of the new railway stations. This strategy will guide any future implementation of parking restrictions on the road network surrounding each station. Transport for NSW is required to consult with Councils, RMS and bus operators during the preparation of the strategy. Following finalisation of the strategy, Council will be responsible for implementing parking restrictions surrounding the new stations. Further details will be available following finalisation and public release of the strategy in the near future.

D. Western Road Connection

Objection was raised to the proposed western road connecting Gilham Street and Les Shore Place as it will increase the number of vehicles along Les Shore Place and will make the location more hazardous.

One submission requested that a pedestrian crossing be provided on the new western road connection to assist with safety as children move to the rear entry of the school, or go to Maurice Hughes and Bert Parkinson Reserves to play on the soon to be upgraded facilities funded by such developments. The submission author also notes that many children from Castle Hill High School also walk along Gilham Street to get to Castle Towers.

Comments

The future road link, once fully completed, would be approximately 270 metres in length, of which approximately 43 metres would be provided by the subject development. The remainder of the road link would be completed as part of the redevelopment of the southern property at 1 Les Shore Place. 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 shown in the following figures.



Figure 6
Future Road Link

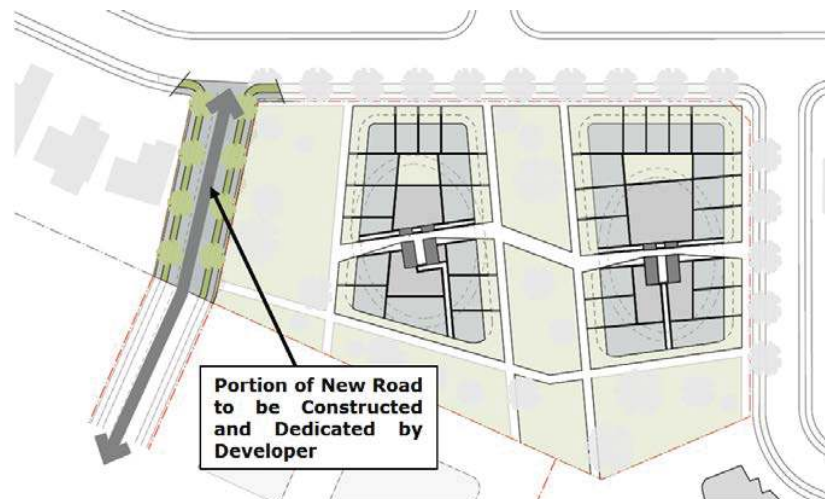


Figure 7
Site Plan – Part of Future Road Link on Subject Site

The proposed local road (once fully connected to Les Shore Place) would allow for greater permeability through this part of the Precinct and will promote a positive development outcome in terms of the local road network. Further consideration of improved pedestrian access across the road will occur as part of a future development application for 1 Les Shore Place, which would complete the road connection to Les Shore Place. This will also include consideration of appropriate intersection treatments to ensure safe and efficient traffic flow, whilst reducing the potential for vehicles to use the western road as a rat-run. This could include restricting right turn movements from the new western road onto Gilham Street.

With specific reference to the request for a pedestrian crossing, until the site to the south develops, and the road link becomes fully connected to Les Shore Place, the only traffic using the road will be the residents and visitors of the proposed development. Accordingly, a dedicated pedestrian crossing at this location would not be necessary at this time. However, as part of a future application to connect the proposed road to Les Shore Place consideration could be given to improved pedestrian links and access points.

E. Privacy

Concern is raised that the proposed towers will impact on the privacy of adjoining properties.

Comments

In order to ensure that the privacy of residents is maintained development controls have been prepared to ensure that private open space and habitable rooms of proposed and existing residential dwellings are reasonably protected. These controls are included within the draft DCP relate to:

- Podium and tower form;
- Building orientation;
- Building layout,
- Location, size and placement of windows and balconies;
- Screening devices; and
- Landscaping.

The design of future development on site will also need to be consistent with Council's *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* and the associated Apartment Design Guide which contains design requirements with respect to visual and acoustic privacy.

It is also noted that Clause 7.7 Design Excellence of LEP 2012 currently applies to all development with a height of 25 metres or more (around 8+ storeys). The provision requires that development consent must not be granted to development unless the consent authority considers that the development exhibits design excellence. This provision also enacts Council's Design Excellence Panel which will review any future application and provide recommendations on whether the development exhibits design excellence.

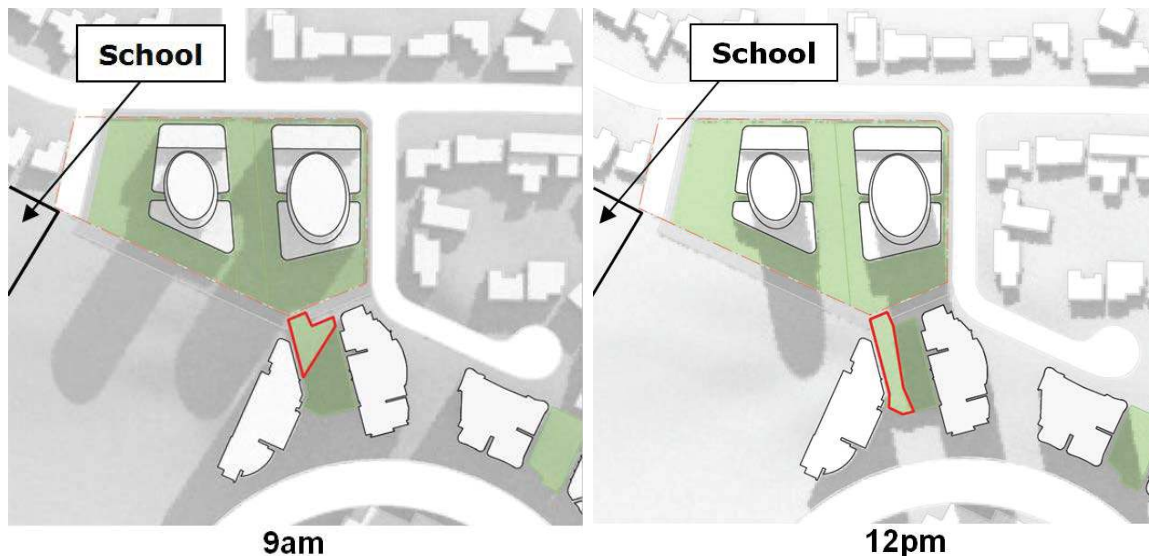
F. Proximity to Castle Hill Public School

Concern has been raised in relation to the impact of the development on the Castle Hill Public School. Comments principally related to overshadowing and overlooking.

Comments

The western tower which will be 13 storeys will be located around 50 metres from the north-eastern corner of the school and will contain the road connection along the western boundary of the site and the landscaped open space area within the development. Accordingly, there is considered to be sufficient separation between the tower and the school site. Even though there is considered to be adequate separation, development controls are included within the Castle Hill North DCP to require higher built forms to be located in a manner that will have the least impact on the school. Additionally, a control is included within the Castle Hill North DCP which requires all buildings to be designed to maximise the privacy of surrounding properties, particularly sensitive interfaces.

The development would not result in any overshadowing over Castle Hill Public School between the hours of 9am to 3pm during the winter solstice. The shadow diagrams which form part of the urban design assessment are included below, and identify the shadows at 9am, 12pm and 3pm.



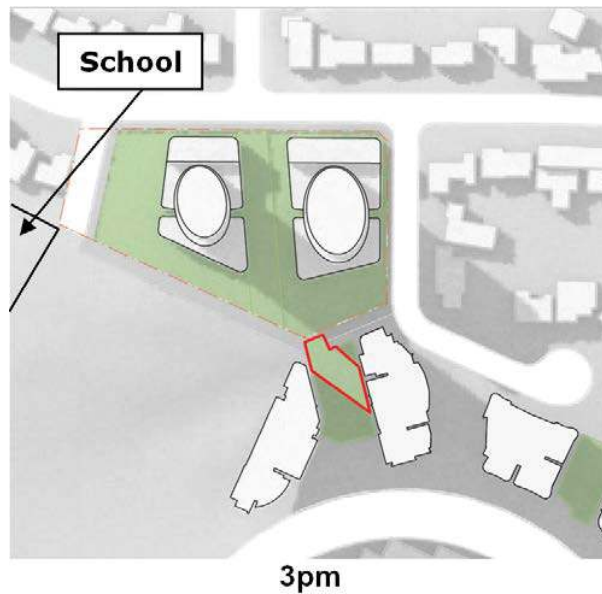


Figure 8
Proposed Shadow Diagrams

As there is considered to be adequate separation between the school and the proposed towers, there is unlikely to be overlooking from the apartments into the school grounds. Furthermore it is unlikely that the future built form will result in unreasonable overshadowing of the school grounds.

G. Open Space

Concern has been raised with respect to the lack of open space within the Castle Hill North Precinct.

Comments

The approach which was pursued as part of the planning for the broader Castle Hill North Precinct, wherein the site is located, has been to ensure that future residents are able to access open space and recreation facilities consistent with the lifestyle enjoyed by existing Hills Shire residents.

Achieving a higher amount of passive open space within the Precinct has presented challenges due to its highly urbanised context and the cost of acquiring land. Accordingly the approach which has been pursued has been to improve the function and capacity of the existing passive open space areas including Maurice Hughes Reserve, Larool Crescent Reserve, and Eric Felton Reserve. The small pocket parks located within the broader Precinct currently have minimal levels of embellishment and as a result are under-utilised. The focus for these areas is to increase the range of activities through the use of improvements such as play equipment, picnic facilities and additional landscaping and seating. Future residents on the subject site will have access to these upgraded parks.

H. Impact on Amenity During Construction (Dust, Noise and Traffic)

Concern is raised in relation to the impact of construction activity (dust, noise and traffic).

Comments

Managing and mitigating the impact of construction activity on the amenity of adjoining properties is a matter that is addressed as part of the development assessment process. As

part of the assessment of future developments the following requirements would generally be imposed through conditions of development consent:

- Construction Noise Management Plan: to demonstrate how compliance with the Interim Construction Noise Guideline published by the Development of Environment and Climate Change, 2009 can be achieved;
- Construction Management Plan and Traffic Control Plan: demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development;
- Conditions of consent would also require that the emission of dust to be controlled to minimise nuisance to the occupants of the surrounding premises. Measures could include dust screens erected around the perimeter of the site, wetting down and water spraying to suppress dust, and covering/wetting stockpiles; and
- Restrictions on hours of work.

4. POST EXHIBITION AMENDMENTS

Planning Proposal

The Proposal seeks to apply an incentive Floor Space Ratio of 1.9:1 to the site and to identify the site on Key Site Map and amend 'Clause 4.4B' to allow the site to achieve the 20% bonus floor space incentive. The 20% floor space bonus could only be achieved if the site is amalgamated, terrace edges are provided along the Gilham and Gay Street frontages, the road is provided along the western boundary and the through site pedestrian link is delivered. This would increase the total achievable Floor Space Ratio to 2.28:1 (1.9:1 + 20%). The new Key Site provision will be introduced as part of the Castle Hill North Panning Proposal (16/2016/PLP). It is noted that a post exhibition amendment to the Castle Hill North Planning Proposal would change the clause numbering from 'Clause 4.4B' to 'Clause 4.4A'. It is proposed that this administrative amendment also be made to the Vivien Place Planning Proposal to ensure consistency.

Voluntary Planning Agreement

No post exhibition changes are proposed to the draft Voluntary Planning Agreement.

Draft DCP 2012 (Part D Section 20 – Castle Hill North)

As detailed within this report it is proposed that the Indicative Street Network and Hierarchy Map be updated to identify an indicative alignment for the pedestrian link connecting Gilham Street and Pennant Street.

It is noted that a number of refinements are proposed to draft DCP 2012 (Part D Section 20 – Castle Hill North) as a result of the exhibition of the Castle Hill North Planning Proposal (16/2016/PLP). Accordingly, the version of the DCP that has been prepared in support of the Vivien Place Planning Proposal (2/2017/PLP), and which is attached to this report, has been updated to reflect the most up to date version of draft DCP and includes the changes proposed following the exhibition of the Castle Hill North Planning Proposal (16/2016/PLP).

IMPACTS

Financial

The draft VPA is the result of negotiations between Council and the Developer which commenced in July 2017 and concluded in June 2018, when Council accepted the Developer's offer and resolved to publicly exhibit the draft agreement.

Under the draft VPA, the first 132 dwellings on the site (the yield anticipated through the Castle Hill North Planning Proposal) would be levied under Contributions Plan No.17 – Castle Hill North, once it comes into force. The yield in excess of 132 (approximately 88 dwellings) would be levied in accordance with the rates contained within the VPA, as follows.

Mix	Offer (Rates within Draft VPA)
1 bed	\$21,000
2 bed	\$23,000
3 bed	\$31,000

Note: the above rates will be indexed.

Based on an estimated yield of 88 unplanned dwellings the likely monetary contribution will be approximately \$2,124,000 which Council would have the discretion to allocate toward local infrastructure that supports the population in the Castle Hill North Precinct. In addition to this monetary contribution, the VPA also secures additional benefits comprising the construction of a new road connection through the site as well as provision of a 1,570m² through site link (Easement for Public Right of Access).

Having regard to the negotiations between Council and the Developer to date, the value of monetary contributions and the additional benefits secured through the VPA, it is considered that the VPA continues to secure a fair and reasonable contribution from the developer, which is proportionate to the demand for additional infrastructure likely to be generated by the planning proposal.

Additionally, as the Contribution Plan is not yet finalised, it is not possible to directly and accurately compare it to the VPA as it is not yet certain or imminent.

Strategic Plan - Hills Future

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will facilitate a desirable living environment and assists Council in meeting its 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. Planning Proposal (2/2017/PLP), which seeks to amend LEP 2012 to facilitate a high density residential development incorporating approximately 220 dwellings, within a built form comprising a 17 storey building and 13 storey building with a 3 storey terrace edge at Vivien Place and Gay Street, Castle Hill be progressed to finalisation.
2. The publication of the amendment to LEP 2012 associated with the Vivien Place Planning Proposal (2/2017/PLP) to occur after the amendment to LEP 2012 associated with the Castle Hill North Planning Proposal (16/2016/PLP).
3. Draft The Hills Development Control Plan 2012 (Part D Section 18 – Castle Hill North) (Attachment 1) be adopted.

4. Council enter into the Voluntary Planning Agreement (Attachment 2) and authorise Council's common seal to be affixed to the Voluntary Planning Agreement.

ATTACHMENTS

1. Draft The Hills Development Control Plan 2012 (Part D Section 18 – Castle Hill North) – Vivien Place Castle Hill (56 pages)
2. Draft Voluntary Planning Agreement – Vivien Place, Castle Hill (26 pages)