

Planning Services

Gateway Determination Report

LGA	The Hills
RPA	The Hills Shire Council
NAME	Rezoning of land at 1 – 6 Vivien Place, 1,3,5, and 7 Gay Street and 12 Gilham Street, Castle Hill (220 dwellings, 0 jobs)
NUMBER	PP_2017_THILL_009_00
LEP TO BE AMENDED	The Hills Local Environmental Plan 2012
ADDRESS	1 – 6 Vivien Place, 1, 3, 5 and 7 Gay Street and 12 Gilham Street, Castle Hill
DESCRIPTION	Lots 30-32 DP 259208 and Lots 5-11 DP 227212
RECEIVED	22 August 2017
FILE NO.	17/11889
QA NUMBER	qA417702
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

The planning proposal seeks to rezone the subject site to permit a high density residential development providing approximately 220 dwellings.

The planning proposal seeks to amend The Hills Local Environmental Plan 2012 by:

- rezoning the site from R2 Low Density Residential Development to R4 High Density Residential Development;
- remove the height of building provision;
- increasing the minimum lot size from 700m² and 1,800m²;
- applying a 'base' floor space ratio of 1:1 to the site and to mark it 'Area A', subject to clause 7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor;
- apply an 'incentivised' floor space ratio of 1.9:1 to the site by amending the Floor Space Ratio Incentive Map;
- identifying the site on the Key Site Map ('Area N'); and
- amending 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.

Castle Hill North Planning Proposal

The subject site (identified in yellow in Figure 1), is located within the Castle Hill North Precinct Planning Proposal PP_2016_THILL_002_00.



Figure 1: Vivien Place site within the broader Castle Hill North and North West Rail Corridor Boundary

The proposed amendments below are proposed in both the Castle Hill North and the Vivien Place proposals. If the Castle Hill North proposal is made prior to the finalisation of this proposal, then the LEP will already include the following proposed controls:

- land zoning – from R2 Low Density Residential to High Density Residential;
- lot size map – from 700m² to 1,800m²;
- height of buildings – 9m to no proposed control; and
- insertion of Clause 4.4B

Following on from this, if the Castle Hill North proposal is made prior to the finalisation of this proposal, then the subject proposal would only amend the following controls:

- amend the Floor Space Ratio map from 0.77:1 to apply a 'base' FSR of 1:1 and mark it Area A;
- amend the Floor Space Ratio Incentive map from 1.54:1 to 1.9:1;
- amend the Key Sites Map to identify the site 'Area N'; and
- update the table in Clause 4.4B to include the specifications for the subject site 'Area N'.

the Castle Hill North Precinct Plan identifies the site as being suitable for a residential density of 192 dwellings per hectare, (or a FSR of 1.9:1). The Castle Hill North Proposal provided a lower dwelling yield of 132 residential dwellings. The current proposal would provide for approximately 220 dwellings, and notes that the increase is a result of further studies and investigations which were not available when the Castle Hill North proposal was prepared. A table outlining the two proposal is below.

Current Planning Proposal	Castle Hill North Proposal
Dwelling Yield: 220	Dwelling Yield: 132
Zoning R4 High Density Residential	Zoning R4 High Density Residential
Minimum Lot Size 1,800m ²	Minimum Lot Size 1,800m ²
Height of Building No controls	Height of Building No controls
Base Floor Space Ratio 1:1	Base Floor Space Ratio 1:1
Incentive Floor Space Ratio 0.8:1	Incentive Floor Space Ratio 0.4:1
Key Site Map Area N with a clause to allow an additional 20% bonus floor space incentive where the site is amalgamated, where terraced edges are provided along Gilham and Gay Street frontages and where the road along the western boundary and public pedestrian through site link are delivered.	Key site Map Not a key site.
Total FSR 2.28:1	Total FSR 1.54:1

The North West Rail Link Corridor Strategy (Strategy) identified the site as suitable for high density residential development and the proposed uplift better delivers the anticipated outcomes for the site, and is therefore supported. The proposal also acknowledges that this proposal will involve an uplift and Council is negotiating a Voluntary Planning Agreement to address the increased demand on local infrastructure.

Site Description

The subject site comprises 11 single, detached, low density residential lots at 1 – 6 Vivien Place, 1, 3, 5, and 7 Gay Street and 12 Gilham Street, Castle Hill Lots 30 – 32 DP 259208 and Lots 5 – 11 DP 227212, and the Vivien Place road reserve. The total site area is 9,570m². The site area of the 11 residential lots is 8,620m² and the Vivien Place road reserve which includes the cul-de-sac, footpaths and verge has a site area of 968m².



Figure 2: Subject site

Surrounding Area

The site is currently surrounded by low density single detached residential dwellings. The Castle Hill Public School adjoins the site on the western corner. To the south-west the site adjoins a currently unoccupied future development site, known as the QIC site. Immediately south, the site adjoins the Toplace development site, a recently approved residential development, comprising 5, 18 – 23 storey towers.

The subject site is within 400m of Castle Hill Tower Shopping Centre and within 800m of the future Castle Hill Train Station. The subject site is identified as being located within the Castle Hill Precinct of the North West Rail Link Corridor Strategy which identifies the site and as being suitable for high density residential development, between 7 – 20 storeys.

Due to the introduction of a rail line and station at Castle Hill, the area is likely to undergo significant change and the proposed development is not considered out of keeping with the anticipated growth within this area, as set out in the Strategy.



Figure 3: Subject site and surrounding area

Summary of Recommendation

It is recommended that the proposal proceeds, subject to conditions as it will deliver a high-density residential development in proximity to Castle Hill Towers and the proposed Castle Hill Station. The proposal is consistent 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 and will deliver a variety of housing types.

PROPOSAL

Objectives or Intended Outcomes

The proposal aims to rezone the subject site to enable a high density residential development, providing approximately 220 dwellings.

Explanation of Provisions

The following amendments to The Hills LEP 2012 are proposed:

- rezone the site from R2 Low Density Residential to R4 High Density Residential;
- remove the height of building provision applying to the site to no height of building provision;
- increase the minimum lot size requirement from 700m² to 1,800m²;
- apply a 'base' floor space ratio of 1:1 to the site and mark it 'Area A' on the floor space ratio map;
- amend the Floor Space Ratio map to apply an 'incentivised' floor space ratio of 1.9:1;
- identify the site on the key site map ('Area N'); and
- amend clause 4.4B to allow the site to achieve a maximum 20% bonus floor space ratio incentive where the site is amalgamated, where the development incorporates a three storey terrace edge along the Gilham Street and Gay Street frontages and where the road along the western boundary and public pedestrian through the site link are delivered.

Mapping

The proposal seeks to amend the following maps:

- Land Zoning Map – Sheet LZN_024;
- Height of Buildings Map – Sheet HOB_24;
- Lot Size Map – Sheet LSZ_24;
- Floor Space Ratio – Sheet FSR_24;
- Floor Space Ratio Incentive Map – Sheet FSI_24 (new map tile); and
- Key Sites Map – Sheet KSM_24.

The proposal includes relevant maps showing existing and proposed controls. These are considered satisfactory for public exhibition.

NEED FOR THE PLANNING PROPOSAL

The construction of the North West Rail Line will result in the transformation of land along this corridor. The North West Rail Link Corridor Strategy (Strategy) provides that there is merit for higher density residential development within close proximity of proposed railway stations. The planning proposal is in response to this and seeks to integrate land use, transport and infrastructure planning in North-West Sydney by permitting a high density residential development, of approximately 220 dwellings, within 800m of the proposed Castle Hill Station.

Although amending the Castle Hill Precinct planning proposal may be a more streamlined approach to achieving the desired planning controls, the current proposal is supported as a stand-alone proposal because if the Castle Hill Precinct proposal is delayed, this may proceed ahead to finalisation without delay. Changes to land use controls are required to deliver the vision for Castle Hill as outlined in the Strategy and a planning proposal is the best way to achieve the intended outcomes.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

A Plan for Growing Sydney provides an overarching strategic vision for development across the Greater Metropolitan Region with an emphasis on livability, economic growth and environmental protection with a focus on the location of housing, infrastructure, employment and open space.

The proposal is considered generally consistent with a Plan for Growing Sydney.

Regional / District

Draft West Central District Plan

The Draft West Central District Plan (Plan) provides vision, priorities and actions for the development of West Central District of Greater Sydney. Key priorities include improving housing choice, diversity and affordability and to provide design led and integrated planning outcomes to create liveable places. Castle Hill is identified as a key centre for economic development in the West District.

The proposal will deliver high density residential development within the walkable catchment of the Castle Hill Town Centre and future Castle Hill Station. The development is consistent with the Plan as the proposal will provide housing supply, in walkable proximity to employment, services and transport.

North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy (Strategy) seeks to guide development in the corridor and around the proposed station precincts. The delivery of a station at Castle Hill is expected to see Castle Hill grow into a major centre.

The Strategy proposes that the subject site is suitable for high density residential development and the total capacity for the Castle Hill centre is 7,900 dwellings and 18,500 jobs. The Strategy's propose apartment living, between 7 – 20 storeys, surrounded by retail and commercial opportunities close within 800m to the station with medium density housing characterised by 2 – 3 storey town houses on the periphery of the centre.

The proposal consists of two high density apartment towers, 13m and 17m set on a 3 storey terrace podium, providing terrace style housing along Gilham, Gay Streets and to the central landscaped spine to provide a buffer between low and medium density housing on the northern side of Gilham Street and open space provisions. The proposal will also provide a pedestrian through link and a new road. The proposal is considered in keeping with the North West Rail Link Corridor Strategy.

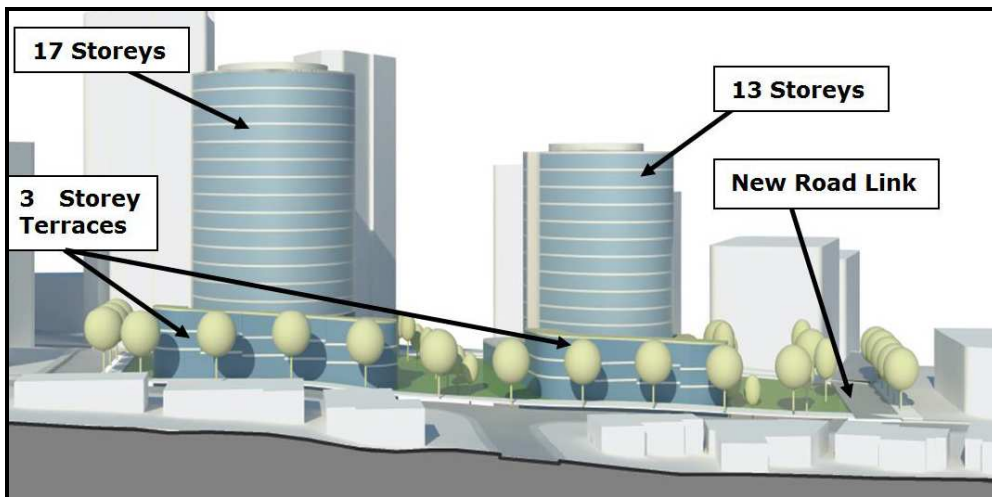


Figure 4. Photomontage (view from north of site)

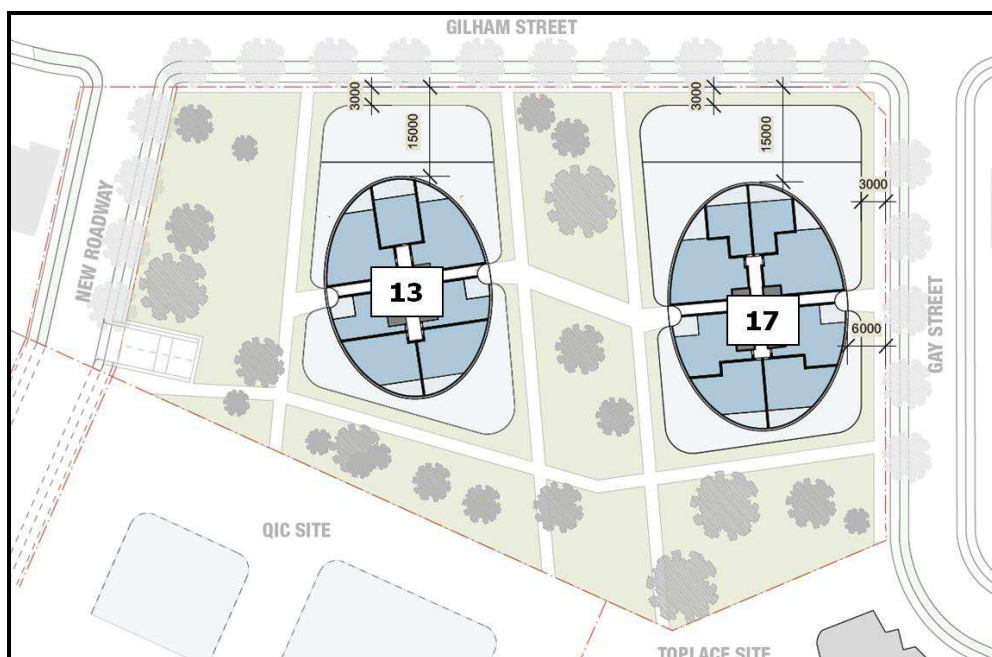


Figure 5: Site Plan

Local

The planning proposal is consistent with a number of Council's local strategies including the 'The Hills Future Community Strategic Plan' and the 'Local Strategy' which both outline shared visions, values and priorities for The Hills Shire now and in the future, including the provision of housing, transport and employment.

The proposal seeks to provide additional residential accommodation in proximity to the proposed railway station and existing and planned infrastructure including the Castle Hill town centre.

Section 117(2) Ministerial Directions

3.1 Residential Zones

This direction applies as the proposal is seeking to alter a residential zone.

The proposal satisfies items 4(a),(b),(c),(d) of this Direction.

The Hills Local Environmental Plan 2012 contains an essential services clause that will apply to the land satisfying item 5(a). However, to ensure consistency with this direction, it is recommended that the proposal be forwarded to Sydney Water and Endeavour Energy for consideration.

The proposal is not seeking to reduce the permissible density of the site, satisfying clause 5(b).

3.4 Integrated Land Use and Transport

This Direction applies as the proposal is seeking to alter provisions relating to urban land, zoned residential.

The objectives of this Direction seek to improve access to housing, jobs and services by walking, cycling and public transport, reducing the dependence on cars and supporting the viable operation of public transport services.

The proposal seeks to create 220 dwellings on the subject site, improving access to housing. The subject site is located within 400m of the Castle Hill 'Castle Towers Shopping Centre' which will facilitate a greater number of people being able to access jobs and services located in the centre by walking or cycling. The subject site is also located within the walkable catchment of the proposed Castle Hill Train Station enabling walking and cycling to the station and beyond and facilitates the use of public transport, supporting the viable operation of the North West Rail Link.

The proposal is considered consistent with this Direction.

5.9 North West Rail Link Corridor Strategy

This Direction applies as the relevant planning authority has prepared a planning proposal for land within the North West Rail Link Corridor as identified in the NWRL Corridor Strategy and Structure Plans.

The proposal is considered consistent with this Direction as the proposal promotes the principle of transit-orientated development and is consistent with the Strategy. The development is not mixed use; however, it does seek to deliver residential development within the walkable (800m) catchment of a train station. The proposal also seeks to create a pedestrian connection through the site which aims to improve pedestrian permeability through the Precinct and improve access to the Castle Hill Towers and the proposed rail station. Clause 4.4B ensures the creation of the through link if the 20% FSR bonus is to be achieved.

7.1 Implementation of a Plan for Growing Sydney

The proposal addresses A Plan for Growing Sydney and is consistent with the Plans goals to create housing choices and well connected communities.

The planning proposal is considered consistent with all relevant S117 Directions.

State Environmental Planning Policies

The following SEPPs are relevant:

SEPP No 55 – Remediation of Land;

SEPP No 65 – Design Quality of Residential Apartment Development; and

SEPP (Vegetation in Non-Rural Areas) 2017.

The proposal is considered consistent with all relevant SEPPs.

SITE SPECIFIC ASSESSMENT

Social and Economic

The proposal seeks to provide a mix of residential accommodation, pedestrian connectivity and public benefits, within convenient access to amenities such as shops, services and public transport. It is anticipated that the proposal will result in reduced urban sprawl, car dependence and pollution and may encourage physical activity and access to service for residents. The proposal will also contribute to the growth of the Castle Hill Precinct.

The subject site adjoins the Castle Hill Public School. Consultation is recommended with NSW Department of Education. The Gateway determination has been conditioned accordingly.

Environmental

Vegetation

The subject land comprises 11 single storey, detached houses and a number of mature trees. Trees help to offset the urban heat island effect and where possible mature trees should be retained where possible.

It is recommended that prior to community consultation, Council amend the planning proposal to investigate opportunities to retain any mature trees on the site, which can be incorporated into the concept layout plans. The Gateway determination is conditioned accordingly.

Built Form and Overshadowing

The NSW Government Corridor Strategy and Castle Hill Structure Plan identify the subject site as being suitable for buildings 7 -20 storeys high and the site to the south (Pennant Street Target Site) is currently subject to an approval for the construction of 5 residential flat buildings ranging from 17 – 23 storeys. The proposal has demonstrated strategic merit for increased density and the proponent has demonstrated that a satisfactory urban design outcome can be achieved on the site.

The proposal includes shadow diagrams which demonstrates overshadowing impacts to the landscaped area, during the winter solstice (June 21), within the subject site and to the neighbouring site to the south. The Council Report of 25 July 2017 acknowledges only 39% of the adjoining site will receive 4 hours of solar access between 10am – 3pm, however more than 50% of the communal area will achieve solar access between 12pm – 2pm and that the principle usable part of the adjoining communal space will receive at least 2 hours of sunlight between 9am – 3pm, which is consistent with the Apartment Design Guidelines.

Traffic and parking

The proposal seeks to provide 265 basement car parking spaces and the proposed new local road connection from Gilham Street to Les Shore Drive will allow for greater permeability through this part of the precinct and would enhance the local road network. However, Council has recommended that an amended traffic assessment be submitted to assess the impact of the proposal on the performance of the surrounding road network and key intersections, taking into account proposed road improvements (within the Castle Hill North proposal), additional growth resulting from the Castle Hill North proposal and Pennant Street Target site to the south and the potential impact of the proposed road along the western boundary of the site. The Gateway determination is conditioned accordingly.



Figure 6: Proposed new road

Infrastructure

The Council considers that 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 Council has indicated an intention to negotiate a Voluntary Planning Agreement to supplement the existing the planned local infrastructure.

CONSULTATION

Community

The proposal and associated documentation will be advertising in local newspapers and by making the proposal publicly available in Council's administration building, in the Castle Hill Library and on Council's website. Adjoining owner/occupiers will also be notified by mail.

Council have not provided details on how long they intend to the exhibit the proposal, however, it is recommended that the proposal be exhibited for 28 days. Conditioned accordingly.

Agencies

Council did not propose any agencies for consultation, however, consultation with the following agencies is recommended:

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

TIMEFRAME

Council have proposed to complete the LEP in 9 months, by June 2018. This time frame is considered satisfactory.

DELEGATION

Council have request plan making delegations in relation to this proposal. Given the minor

nature of the proposal, it is considered appropriate for authorisation to be issued in this instance.

CONCLUSION

The planning proposal has merit and is supported to proceed with conditions. The proposal is consistent with state, regional and local strategic planning visions and seeks to deliver a variety of housing types, pedestrian connectivity and public benefits, within convenient access to amenities such as shops, services and public transport within the Castle Hill centre.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree there are no inconsistencies with Section 117 Directions.

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 community consultation, Council is required to amend the planning proposal to:
 - (a) to investigate opportunities to retain any mature trees on the site, which can be incorporated into the concept layout plans; and
 - (b) include an amended traffic assessment, as noted in the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of 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 and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Sydney Water;
 - Endeavour Energy;
 - Roads and Maritime Services;
 - Transport for NSW; and
 - Department of Education.

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 **9 months** following the date of the Gateway determination.



13/9/17

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13/09/17

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