

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

20 March 2020

The Secretary
NSW Department of Planning, Industry and Environment
Sydney Region West
GPO Box 39
Sydney NSW 2001

Attention: **Ms Catherine van Laeren**

Dear Catherine,

PLANNING PROPOSAL AT VIVIEN PLACE, CASTLE HILL – REQUEST FOR REZONING REVIEW

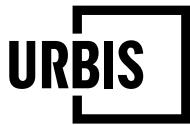
1. INTRODUCTION

On behalf of Caslte7 Pty Ltd (the **Applicant**), we hereby request a Rezoning Review of a planning proposal submitted to The Hills Shire Council (the **Council**) on 28 October 2019, pertaining to the site, which represents an amalgamation of 11 lots and the Vivien Place road reserve within Castle Hill.

This request for a Rezoning Review has been prepared in accordance with Section 6.2 of '*A Guide To Preparing Local Environmental Plans*'. The Rezoning Review has been initiated by the Applicant as Council has failed to indicate its support 90 days after the planning proposal request has been submitted, which was accompanied by the required information.

The Applicant has engaged with Council on the Vivien Place planning proposal since 2016. Mutual agreement between the proponent and Council was reached to enable a planning proposal to be lodged whilst Council was preparing its own Castle Hill North Planning Proposal. The previous planning proposal was support through the various stages of the process by the elected Councillors and officers. At the final stage, the final officer report recommended to Council to support the making of the LEP amendments. Despite this, for what appears local political (not strategic planning merit) reasons the Council decided not to make the LEP amendment and given the Department had delegated plan making powers to Council, the planning proposal ended.

This planning proposal is consistent with the original planning proposal as previously agreed with Council insofar as the built form LEP amendments sought to change. What this new planning proposal incorporates is further economic market and feasibility evidence to support the density proposed, which is critical to inform the Planning Panel's understanding on the tipping point feasibility of new built form controls to achieve the objectives to facilitate coherent increased housing density in the centre. Updated technical studies have also been incorporated as is an independent urban design peer review of the master plan.



In summary the planning proposal now seeks to amend the following controls contained to THLEP 2019 as they apply to the site:

- Amend the land-use zone from R2 Low Density Residential to R4 High Density Residential.
- Increase the minimum lot size from 700sqm to 1,800sqm.
- Increase the maximum height of building control from 9 metres to 62 metres.
- Establish a floor space ratio control of 2.28:1 (no floor space ratio control currently applies).

This Rezoning Review is supported by the following documents that were originally lodged to Council on 28 October 2019. These comprise:

Report	Company
Planning Proposal Report	Urbis
Survey Plans	Dunlop Thorpe & Co. Pty Ltd
Design Concept Report	UP Architects
Urban Design Strategy	AE Design Partnership
Voluntary Planning Agreement Letter of Offer	Urbis
Landscape Architectural Concept Report	Urbis
Economic Tipping Point Analysis	Charter Keck Cramer
FSR Viability Analysis	Hill PDA Consulting
Traffic Impact Assessment	Mott Macdonald
Arboricultural Impact Assessment	Arterra Consulting Arboriculture

In addition, accompanying this rezoning review are the following reports:

- The Hills Shire Council Planning Proposal Assessment Report (27 November 2018 – Council Ordinary Meeting) prepared by The Hills Shire Council for the original planning proposal which recommended Council to support the planning proposal and make the LEP amendments.
- Gateway Determination Report (13 September 2017) prepared by NSW Department of Planning, Industry and Environment.

1.1. SUMMARY OF MERIT

The planning proposal has clear strategic and site-specific merit to warrant a Planning Panel resolution to support a Gateway Determination, as is discussed in full later in this letter.

In summary the key strategic planning merit aspects of the proposal are as follows:

- The original proposal in its entirety (including its VPA) was supported by Council staff and the Department as having strategic and site-specific merit. This new planning proposal remains unchanged and hence are its merits.
- The planning proposal was previously considered and still remains, the best means of achieving the intended outcomes for the site in response to plan for increased density in close proximity to the new metro rail service in the centre.
- The original reasons underpinning Council agreeing to assess this landholding concurrently with the Castle Hill North PP remain unchanged, as the proposal incorporated an holistic site masterplan not envisaged or assumed by Council's planning proposal.
- The density of the proposal of 2.28:1 is comparatively lower than the potential 3:1 Identified in the *North West Rail Link Corridor Strategy* and lower than adjoining land in the centre at 5.5:1. In its immediate context the urban design analysis demonstrates the site can 'comfortably' accommodate the density proposed and by doing so, exceed many of the minimum ADG design objectives and criteria.
- The need to amend the planning controls on the site is now more critical than ever. High scale tower forms now abut single residential houses, creating significant discordant building scale interfaces, with resultant amenity and privacy issues. The proposed building height provides a critically needed transition in building height, bulk and scale from the taller adjacent Toplace Group development to the south and the lower density residential areas to the north. The proposed tower heights have thus been carefully designed to sit comfortably within the existing and emerging built form context of the immediate locality to moderate the impact of the taller towers to the south.
- The anticipated environmental and amenity impacts arising from the planning proposal have been considered and the specialist reports submitted with the planning proposal conclude that the proposal will facilitate a development that will not result in any unreasonable impacts on the surrounding locality that would ordinarily be expected for a site earmarked for high density housing.
- The proposal will deliver a range of tangible public benefits in the form of the creation of new vehicular access and public through-site links which will importantly provide desirable and legible connections to the Caste Towers Shopping Centre and the metro station to the south. This will benefit future residents on-site as well as the existing and future surrounding community.
- Finally, the planning proposal satisfies both strategic and site-specific merit test of the *A Guide To Preparing Local Environmental Plans*. This is outlined in detail within **Section 5.1** and **Section 5.2** of this Rezoning Review letter.

2. THE SITE

The site is an amalgamation of 11 lots and the Vivien Place road reserve. The street address and legal description of each of these 11 lots is outlined within **Table 1**.

Table 1 – Site Details

Address	Lot/Deposited Plan
1 Vivien Place	Lot 10 DP 227212
2 Vivien Place	Lot 5 DP 227212
3 Vivien Place	Lot 9 DP 227212
4 Vivien Place	Lot 6 DP 227212
5 Vivien Place	Lot 8 DP 227212
6 Vivien Place	Lot 7 DP 227212
12 Gilham Street	Lot 11 DP 227212
1 Gay Street	Lot 4 DP 227212
3 Gay Street	Lot 30 DP 259208
5 Gay Street	Lot 31 DP 259208
7 Gay Street	Lot 32 DP 259208
Vivien Place Road Reserve (including footpaths)	N/A

The amalgamated site is irregular in shape and has a total site area of approximately 9,570sqm, inclusive of the Vivien Place road reserve (8,602sqm (residential lot parcels) plus 968sqm (Vivien Place road reserve). The site contains a direct frontage onto Gilham Street to the north and Gay Street to the east. Images of the site are provided within **Figure 1** below.

Figure 1 - Site Photos (Taken in October 2019)



Picture 1 - Looking South Towards Vivien Place from Gilham Street



Picture 2 - Looking South Along Vivien Place



Picture 3 - Looking South from 7 Gray Street on-site



Picture 4 - Looking South from end of Vivien Place



Picture 5 - Looking South from end of Vivien Place

3. SUMMARY OF PLANNING PROPOSAL

3.1. INTENDED OUTCOME

The planning proposal has been prepared to amend various land-use controls that apply to the site under THLEP 2019, as described in **Table 2**.

Table 2 – Existing and Proposed THLEP 2019 Controls

Provision	Existing Control	Proposed Control
Land Use Zoning	R2 Low Density Residential	R4 High Density Residential
Minimum Lot Size	700sqm	1,800sqm
Height of Buildings	9m	62m
Floor Space Ratio	N/A – No Floor Space Ratio applies to the site.	2.28:1

The proposed planning controls would enable a high-quality residential apartment development that successfully integrates with the emerging context of Castle Hill and demonstrates both strategic and site-specific merit.

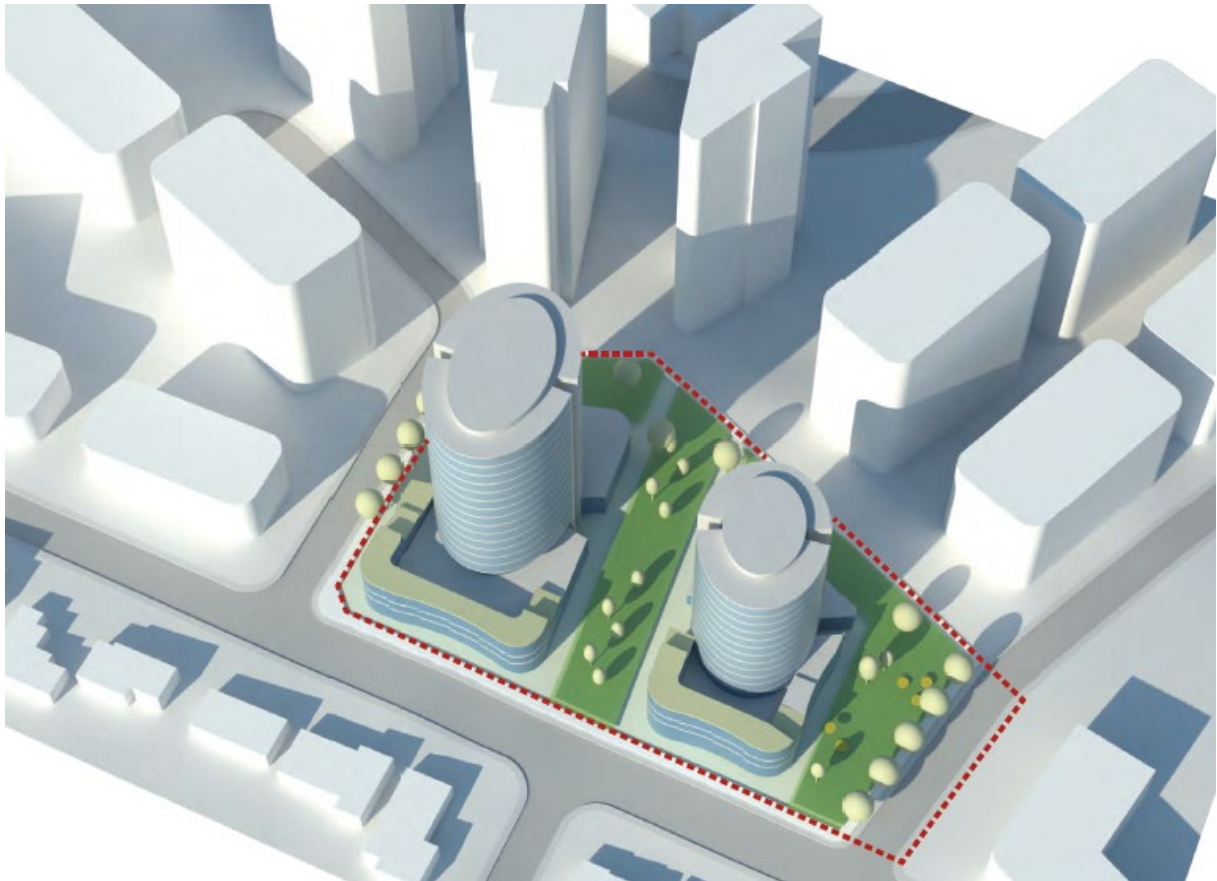
3.2. CONCEPT PROPOSAL

3.2.1. Intended Future Development

The intended future development for the site, of which would be facilitated by the planning proposal, comprises the following:

- Amalgamation of the existing 11 lots and the Vivien Place cul-de-sac at the site;
- Demolition of existing structures at the site;
- Construction of a new on-site road along the site's western boundary linking Gilham Street and Les Shore Place;
- Construction of two residential flat buildings (Building 1 and Building 2) containing a total of 220 dwellings and 21,820sqm GFA (FSR of 2.28:1) as follows:
 - **Building 1 (Eastern Building):** A 17 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street and Gay Street; and
 - Ellipse shaped tower.
 - **Building 2 (Western Building):** A 13 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street; and
 - Ellipse shaped tower.
- Construction of 265 car parking spaces within shared basement levels; and
- Construction of associated site landscaping and public domain improvement works, comprising a central landscaped through-site link and surrounding footpaths.

Figure 2 – Intended Future Development



Source: UP Architects

The intended future development for the site has been specifically designed to comply with *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65)* and relevant design criteria under the Apartment Design Guidelines (**ADG**). The intended future development concept has also been designed with a specific building mass and orientation to facilitate future BASIX compliance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)*.

3.2.2. Alternative Schemes

In addition to the abovementioned intended future development scheme, two alternative schemes have also been developed to demonstrate alternative ways the site can be master planned through utilisation of the proposed land-use controls for the site. These alternative schemes that can be facilitated at the site under the proposed changes to THLEP 2019 are outlined in **Table 3**.

Table 3 – Alternative Schemes

No.	Alternative Scheme	Indicative Image
1	Site masterplan that includes the existing Vivien Place road reserve. This alternative scheme has been developed to demonstrate that the proposed density sought in this planning proposal could still be accommodated on the site in the event that Council does not dedicate the road reserve.	
2	Site masterplan that includes a differing massing configuration. This alternative scheme has been developed to demonstrate that the proposed land-use controls enable the site to be master planned in several ways. This concept creates a lower form attached townhouse style development to the street and taller building forms physically separated to the rear.	

The identification of alternative means to masterplan the site demonstrates the following:

- Firstly, the site is of a size that can comfortably accommodate a range of built form configurations at the proposed density; and
- Secondly, that the height and FSR controls do not represent the maximum that could potentially be achieved on the site and still meet ADG criteria if the direction was to 'maximise' the development potential of the site. Thus, the proposed built form controls represent a measured and appropriate scale for the site and its context.

3.3. PUBLIC BENEFITS

The intended future development, which would be facilitated through the planning proposal, would provide a range of on-going public benefits. A Preliminary Voluntary Planning Agreement Letter of Offer (**Preliminary VPA**) was submitted with the planning proposal to Council on 28 October 2019. The Preliminary VPA included the following public benefits:

- **Pedestrian through-site link dedication:** The provision of a series of interconnected and publicly accessible through-site links at the site.
- **On-site road:** The embellishment and dedication of an on-site road at the site's western boundary linking Gilham Street and Les Shore Place (this will be undertaken once the existing Vivien Place Road Reserve, owned by the Council, which is used only by the residents of Vivien Place, is closed and transferred to the Applicant).
- **The construction of new footpaths:** The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street, for the extent only where the land interfaces with both public streets.

In addition to the range of public benefits that will be provided through the planning proposal VPA offer, the planning proposal will be beneficial; in the following ways:

- The facilitation of up to 220 new dwellings, which will:
 - Increase housing supply and mix of apartment types to cater for a wide demographic profile
 - Provide additional dwellings in a locality that is well serviced by public transport, road infrastructure, social infrastructure, educational establishments, community facilities and open spaces.
 - Provide additional dwellings close to employment centres to facilitate employment containment
- A future development that provides an orderly transition from the adjoining high-density development directly to the south and the surrounding low-density dwellings to the north.
- A future development that provides a range of new tree plantings and landscaped open space. This will increasingly beautify Castle Hill, assist with reducing the urban heat island effect and increase the availability of permeable surfaces.

4. BACKGROUND TO PLANNING PROPOSAL

4.1.1. Overview

The Applicant has worked extensively since 2016 to provide a high-quality scheme that satisfies the concerns of the community and Council. This is evidenced by the relatively small number of submissions received following exhibition of the original planning proposal.

The Hills Shire Council Planning Proposal Assessment Report dated 27 November 2018, **recommended the planning proposal for approval** and subsequent gazettal. The assessment report contained the following supportive extracts:

- *“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.”*
- *“By having terraces along the frontage, with the tower elements setback, the predominant streetscape when viewed from the street will be a terrace edge. 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.”*

These positive outcomes as highlighted by Council were brought about by extensive on-going consultation and cross-collaboration. Notwithstanding this, and despite the recommendation for approval within the assessment report, at the 27 November 2018 Council meeting, Council resolved not to support the planning proposal.

Given that Council previously supported the proposal after years of on-going consultation and productive collaboration, this planning proposal for the site was lodged on 28 October 2019. A Rezoning Review is now sought, as Council has failed to indicate its support 90 days after the Applicant submitted the planning proposal request, which was accompanied by all of the required information.

4.1.2. Detailed Timeline of Proposal

To understand the lengthy process and timeframe of the planning proposal to date, a detailed timeline of the planning proposal is outlined within **Table 4**.

Table 4 – Planning Proposal Background

No.	Date	Event
1.	Early 2016	Discussions with Council: In 2016, the Applicant met with Council staff. Following discussions, it was agreed that the site could be considered an ‘opportunity site’, separate from the wider Castle Hill North Planning Proposal (CHN PP) which includes the site. This is because Council had not previously contemplated the opportunity for the 11 properties to be amalgamated into one site.

No.	Date	Event
		The Applicant was encouraged to lodge a separate site-specific planning proposal seeking additional density beyond that planned within the CHN PP, as it was agreed that the site was suited to accommodate higher density given the future evolving immediate context which in turn created the ability to deliver more significant public and community benefits. The proposed controls for the site contained within the CHN PP would set lower density controls in the event the site was not developed as one.
2.	September 2016	Planning Proposal Lodged: The site-specific planning proposal was originally lodged in September 2016. This planning proposal included a preferred development concept, which comprised the following conceptual development metrics: ▪ <i>“Ability to deliver approximately 270 to 300 residential units.</i> ▪ <i>Three (3) separate buildings (i.e. east to west, ‘Bar A’, ‘Bar B’ and ‘Bar C’, ranging in height from 8 to 18 storeys.</i> ▪ <i>A total approximate GFA of 28,200sqm, which equates to a FSR of 2.95:1 across the site.</i> ▪ <i>Parking to provide on-site in accordance with the relevant car parking provisions. Parking is to be located within designated basement to be accessed via Gilham Street along the sites western boundary.</i> ▪ <i>Through-site links, both north-south and east-west, are proposed to integrate the future redevelopment (or provide the potential opportunity for connection) with the greater Castle Hill North Precinct.”</i> Following Council feedback to the original preferred development concept, the planning proposal was substantially amended.
3.	25 July 2017	Council Resolution of Support: Following a substantial amendment to the original preferred development concept at the direction of Council (who outlined favoured height, density, form and setbacks), a revised planning proposal was reported to Council at a 25 July 2017 Council meeting. Council resolved to forward this revised planning proposal to the DPIE for a Gateway determination with a significant majority vote. The revised planning proposal had a planning proposal number of PP_2017_THILL_009_00. The revised planning proposal also included a preferred development concept, which comprised the following conceptual development metrics: ▪ <i>“Consolidation of the built form into two (2) tower elements (13 and 17 storeys in height), with each tower on a 3 story podium providing terrace style housing fronting onto Gilham Street, Gay Street and the central landscape spine.</i> ▪ <i>The provision of a new roadway along the western boundary of the site.</i>

No.	Date	Event
		▪ <i>Amalgamation of Vivien Place roadway and associated pathways and verge to allow for a consolidated development site.</i> ▪ <i>A total overall yield of 220 dwellings, of which approximately 30 dwellings will be terrace style housing located at ground level.</i> ▪ <i>A total permissible GFA of 21,820sqm, which translates to an FSR of 2.28:1 based on an effective site area (including the amalgamated Vivien Place) of 9,570sqm.</i> ▪ <i>Basement car parking for approximately 265 car parking spaces for both residents and visitors in alignment with council's incentivised car parking targets."</i>
4.	13 September 2017	Gateway Determination Issued: DPIE issued a Gateway determination for the revised planning proposal on 13 September 2017. Delegation was granted to Council to exercise the functions of the Greater Sydney Commission under the then section 59 (now section 3.36) of the <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>.
5.	26 June 2018	Council Considered Draft VPA: At an Ordinary Council Meeting on 26 June 2018, Council considered a report on the draft VPA relating to the revised planning proposal. At this ordinary meeting, it was resolved that the VPA be the subject of a legal review and updated, prior to public exhibition. Council vote was overwhelmingly in favour of the planning proposal.
6.	11 September 2018	Public Exhibition: The revised planning proposal, draft The Hills Development Control Plan 2012 amendment and draft VPA were exhibited from 11 September 2018 until 12 October 2018. Council received 10 submissions (comprising 3 from public authorities and 7 public submissions). The nature of the issues in the submissions were minor and consequently, in the officers assessment report it was concluded that no further changes were warranted for the revised planning proposal and its accompanying draft plans.
7.	27 November 2018	Council Meeting Resolved <u>Not to Finalise</u> LEP Amendments: An assessment report for the planning proposal was prepared and included within the 27 November 2018 Council Ordinary Meeting agenda. The assessment report provided the following recommendations for the revised planning proposal: 1. <i>Planning Proposal (2/2017/PLP), which seeks to amended 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.</i>

No.	Date	Event
		2. <i>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).</i> 3. <i>Draft The Hills Development Control Plan 2012 (Part D Section 18 – Castle Hill North) (Attachment 1) be adopted.</i> 4. <i>Council enter into the Voluntary Planning Agreement (Attachment 2) and authorise Council's common seal to be affixed to the Voluntary Planning Agreement.</i> Despite the recommendation for approval within the assessment report, at the 27 November 2018 Council meeting, Council resolved not to support the revised planning proposal.
8.	14 December 2018	DPIE Letter on Plan Making Power: After writing to the then NSW Department of Planning and Environment regarding our concerns of the outcome of the Council decision, a letter was received confirming that as Council was given authorisation to exercise delegation to make the plan when the Gateway determination was issued. When the EP&A Act changed on 1 March 2018, Council became the local plan-making authority under section 3.31 of the EP&A Act, and as such, the DPIE can take no further action.
9.	28 October 2019	Second Planning Proposal Lodged: Following extensive reflection, research and report preparation, the subject planning proposal was lodged to Council on 28 October 2019, given that it was previously supported. The Applicant remains highly committed to the realisation of the planning proposal, to ensure the most appropriate developmental outcome for the site can be realised.
10.	12 December 2019	Meeting with Council: The Applicant met with Council to discuss the planning proposal lodged on 12 December 2019, with strategic planning officers. The proponent provided a briefing to Council staff on the project history (as they weren't previously involved), the nature of the proposal and its strategic merits. Council advised that the state government has agreed to fund the wider centre transport modelling. No timing was given as to the likely completion of this work and as such, when the Castle Hill North Planning Proposal will continue to proceed its processing.

No.	Date	Event
11.	19 February 2020	Meeting with DPIE: The Applicant met with DPIE to discuss the planning proposal lodged on 19 February 2019. The meeting was a briefing by the proponent to DPIE give the site has a long history. The merits of the proposal were discussed along with the evolving urban context. DPIE provided an update on the funding to support transport modelling in the centre.

5. JUSTIFICATION FOR THE REZONING REVIEW

Section 5.1 of 'A Guide To Preparing Local Environmental Plans' outlines the test in determining whether the planning proposal has merit and should be submitted for a determination under Section 3.34 of the EP&A Act. The planning proposal must demonstrate both strategic merit and site-specific merit. This has been assessed in detail within the following subsections.

5.1. STRATEGIC MERIT

The planning proposal highly aligns with the strategic planning intent for Castle Hill. The planning proposal demonstrates strategic merit as:

- The planning proposal is consistent with policy priorities and directions for housing growth in a Strategic Centre with new metro rail transport in a range of strategic documents and policies that apply to the site. These comprise the following:
 - NSW State Priorities;
 - The Greater Sydney Region Plan - A Metropolis of Three Cities;
 - Central City District Plan;
 - Draft Hills Future 2036 Local Strategic Planning Statement;
 - The Hills Shire Draft Housing Strategy (2019);
 - North West Rail Link Corridor Strategy;
 - The Hills Corridor Strategy; and
 - Castle Hill North Precinct Plan.
- The planning proposal will enable the development of up to 220 dwellings at the site, which will be high amenity and designed to respond to the changing demographics of the Castle Hill locality.
- The planning proposal will enable the development of a high-quality residential apartment development that successfully integrates with the emerging urban context of Castle Hill. This emerging context comprises consolidating high-density development in close proximity to Castle Hill Metro Station and Castle Towers Shopping Centre.

- The planning proposal will better support the objectives of Council's CHN PP as it applies to the site, by providing more appropriate land-use controls. As outlined in the two independent economic feasibility assessments that accompany the planning proposal, they prove that the modest proposed FSR changes in the CHN PP will not result in a financially viable incentive to amalgamate the site and thus likely remain in a low density outcome of the site which in turn would fail to resolve the amenity impacts of the tower forms that adjoin the site to the south.

In addition to the above, the DPIE has established a Strategic Merit Test to determine whether a planning proposal possesses strategic merit to proceed to Gateway. **Table 5** articulates the strategic merit associated with the site against each of the Strategic Merit Test criteria established by the DPIE.

Table 5 – Strategic Merit

Criteria – Does the proposal have strategic merit? Is it;	Planning Proposal Response
1. <i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant District Plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	Yes. The proposed amendments to the THLEP 2019 deliver on a range of key desired outcomes contained to <i>The Greater Sydney Region Plan – A Metropolis of Three Cities (Regional Plan)</i> and the <i>Central City District Plan (District Plan)</i>. This is outlined in detail below. <u>The Greater Sydney Region Plan – A Metropolis of Three Cities:</u> The specific objectives of the Regional Plan that the planning proposal meets and will deliver on are: ▪ Objective 6 – Services and infrastructure meet communities changing needs. ▪ Objective 7 – Communities are healthy, resilient and socially connected. ▪ Objective 8 – Greater Sydney's communities are culturally rich with diverse neighbourhoods. ▪ Objective 10 – Greater housing supply. ▪ Objective 11 – Housing is more diverse and affordable. ▪ Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change. ▪ Objective 34 – Energy and water flows are captured, used and re-used. ▪ Objective 35 – More water is re-used and recycled to support the development of a circular economy. <u>Central City District Plan:</u> The specific planning priorities contained to the District Plan that the planning proposal meets and will deliver on are:

Criteria – Does the proposal have strategic merit? Is it;	Planning Proposal Response
	- Planning Priority N3 – Providing services and social infrastructure to meet peoples changing needs. - Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities. - Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport. - Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District’s heritage. - Planning Priority N9 – Delivering integrated land use and transport planning and a 30-minute city. - Planning Priority N19 – Reducing carbon emissions and managing energy, water and waste efficiently.
2. <i>Consistent with a relevant local Council strategy that has been endorsed by the Department; or</i>	There are a range of local Council strategies that apply to the site and that are of relevance to the planning proposal. The proposed amendments to the THLEP 2019 deliver on a range of key desired outcomes contained to: - The Hills Corridor Strategy. - Castle Hill North Precinct Plan. - The Hills Shire Council Draft Housing Strategy (2019). <u>The Hills Corridor Strategy:</u> <i>The Hills Corridor Strategy (HCS)</i> sets out to promote more intense urban development in an appropriate manner within major centres such as Castle Hill, to support the on-going operation of Sydney Metro. The Castle Hill Precinct is one of the seven identified Precincts in the HCS. The HCS acknowledges that there is an opportunity to deliver greater housing opportunities within close proximity to the Castle Hill Metro Station by redeveloping existing older housing stock for increased densities. The planning proposal therefore directly responds to the HCS by seeking to enable an increased residential density potential at the site, which will consequently provide additional housing stock approximately 435m from Castle Hill Metro Station. <u>Castle Hill North Precinct Plan:</u> The <i>Castle Hill North Precinct Plan (Precinct Plan)</i> identifies that there is capacity within the Precinct (which the site is contained to) for higher residential development opportunities. It is considered that greater dwelling densities beyond the 192 dwellings/per ha as marked for the site

Criteria – Does the proposal have strategic merit? Is it;	Planning Proposal Response
	under the Precinct Plan can be achieved, without compromising the objectives and intent of the Precinct Plan. This is because both of the immediate sites to the east and south of the site are marked under the Precinct Plan for dwelling densities of 240 dwellings per ha, despite both of these sites containing the same built form interface as the site. In addition, the planning proposal will support the following Precinct Plan objectives: ▪ To allow high and medium density development within the walkable catchment of the future Castle Hill train station. ▪ To encourage future medium and high-density development to meet the needs of the future Hills Shire residents. ▪ To achieve a high standard of quality for buildings. ▪ To create a pedestrian friendly public domain, including high quality footpath paving, street trees, street furniture and lighting. ▪ To encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre. <u>The Hills Shire Draft Housing Strategy (2019):</u> <i>The Hills Shire Draft Housing Strategy (2019) (Housing Strategy)</i> identifies that an additional 38,000 dwellings with an average occupancy rate of 3.3 persons per dwelling would need to be built within The Hills Shire LGA to support a projected population increase of 128,000 persons by 2036. Of these 38,000 required dwellings, 6,500 dwellings are required to be constructed within Castle Hill to support projected population growth. The planning proposal would positively assist Council in meeting this target by providing additional dwellings to Castle Hill. In addition, the planning proposal will support the following Housing Strategy priorities: ▪ Plan for housing supply to support Sydney's growing population. ▪ Facilitate housing in the right location. ▪ Deliver a diversity of housing. ▪ Renew and create great places. ▪ Provide services and social infrastructure to meet residents' needs.
3. <i>Responding to a change in circumstances, such as the investment in new</i>	Yes.

Criteria – Does the proposal have strategic merit? Is it;	Planning Proposal Response
<i>infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	The planning proposal responds to Australia's largest rail infrastructure investment (Sydney Metro), which includes the recently opened Castle Hill Metro Station that is approximately 435m from the site. The planning proposal responds to this investment, as follows: ▪ The planning controls that currently apply to the site came into force on 5 October 2012, at the commencement of THLEP 2012. These controls were realised prior to the construction of Sydney Metro, as well as the release of the <i>North West Rail Link Corridor Strategy</i> in September 2013, which recommended changes the land surrounding each Sydney Metro station (including Castle Hill Station). Accordingly, the current controls are majorly outdated and do not allow for appropriate high-density transport-oriented development (TOD). The planning proposal seeks to enable a suitable TOD that appropriately capitalises on the sites close proximity to Sydney Metro. This will (amongst other things): – Promote in a range of sustainable outcomes, including the 30-minute city concept. – Improve access to housing, jobs and services by walking, cycling and catching public transport. – Assist with reducing reliance on private motor vehicle use, which will consequentially reduce congestion on surrounding roads for those who are required to use them, and reduce associated vehicular noise/air pollution. – Deliver greater residential density within proximity and ease of access to services. ▪ The adjacent site to the south has already capitalised on Sydney Metro and is therefore under construction to facilitate five separate residential flat buildings which have building heights up to 76.8m. This currently has and will continue to create a highly negative built form relationship to the site and surrounding detached residential dwellings if development controls don't change to facilitate redevelopment. The planning proposal seeks to resolve this built form outcome by proposing planning controls that will create a feasible set of planning controls to facilitate future development at the site and that provides an orderly transition between: – The adjoining higher density residential dwellings currently under construction to the south. – The subject site. – Surrounding low density detached residential dwellings.

Other considerations within 'A Guide To Preparing Local Environmental Plans' includes:

- *There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merits Test.*
- *A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merits Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.*

With regard to these two considerations, we note the following:

- The THLEP 2019 came into force on 6 December 2019. However, this legislative update was administrative only to reflect the change in local government boundaries between The Hills Shire Council and City of Parramatta Council. Accordingly, the controls that apply to the site still mirror those that were contained to THLEP 2012, which came into force on 5 October 2012. The planning controls that apply to the site were therefore first applied well-over 5 years ago. This was prior to the construction of Sydney Metro, as well as the release of the *North West Rail Link Corridor Strategy* in September 2013, which identified the site as having the potential to accommodate the following developmental uplift because of Sydney Metro:
 - 7-20 storey apartment buildings; and
 - An FSR range of 3:1 – 4:1.

Considering this, there should not be a presumption against a Rezoning Review, given the aged and outdated nature of the planning controls that apply to the site.

We consider that the planning proposal meets the Strategic Merits Test established by the DPIE, as outlined in **Table 5** and within the planning proposal submitted to Council on 28 October 2019.

- The planning proposal achieves a number of strategies and actions that underpin the vision for Sydney as outlined in the Region Plan.
- The planning proposal assists Council in delivering on the actions and priorities contained to the District Plan, particularly in the relation to achieving baseline housing targets and the delivery of a 30-minute city.

5.2. SITE-SPECIFIC MERIT

In addition to demonstrating strategic merit, the planning proposal also demonstrates high site-specific merit. This is because:

- The scale of the proposal in terms of built form heights and FSR, will enable a future development to 'moderate' the impacts of the taller more dense adjoining development to become a 'transitional' building form that steps down heights and scale towards the lower density residential area to the north. The current CHN PP will not appropriately resolve this highly negative built form outcome which currently exists.
- The planning proposal will allow appropriate and economically viable residential density development to be constructed at the site. The land-use controls that currently apply to the site, as

well as those proposed for the site under the CHN PP, are proved by the accompanying economic analysis to be a long way from a financially feasible development and thus would not encourage any redevelopment to occur.

- The planning proposal will allow for a future development at the site that exhibits urban design excellence through its range of through-site links and public domain improvements.
- The planning proposal will allow for a future development, that will in many facets, exceed the minimum design objectives of the relevant design criteria under the ADG and SEPP 65.
- The *North West Rail Link Corridor Strategy* determined that the site has the potential to accommodate a development with an FSR of at least 3:1. Notwithstanding this, the planning proposal proposes the same lower density scheme for the site (with an FSR of 2.28:1) that was previously developed in accordance with Council's strategic planning team.
- The planning proposal allows for a range of environmental, social and economic benefits to be realised at the site, which would otherwise not occur.

In addition to the above, the proposal has been assessed in accordance with the Site-Specific Merit Test to determine whether a planning proposal possesses site-specific merit to proceed to Gateway. **Table 6** summaries the site-specific merit associated with the site and planning proposal against each of the Site-Specific Merit Test criteria established by the DPIE.

Table 6 – Site-Specific Merit

Criteria – Does the proposal have site-specific merit, having regard to the following:	Planning Proposal Response
1. <i>The natural environment (including known significant environmental values, resources or hazards), and</i>	Yes. The site is located within Castle Hill on the edge of the Castle Hill core, which is highly urbanised and currently under extensive transformation. The site contains no known critical habitats, threatened species or ecological communities that would inhibit or restrict its redevelopment in accordance with the intended future development. As stated in the Arboricultural Impact Assessment that was submitted with the planning proposal: ▪ All of the existing trees within the site are believed to be relatively recent plantings. ▪ No trees are considered to contain a 'high' retention value. Most of the trees are considered to have only 'low' or at best, 'moderate' retention values. ▪ There are no trees at the site which are worthy of working the proposed development around. None of the trees should be seen as a limit or constraint to any future development at the site. Notwithstanding these findings, a number of existing trees along the southern and eastern site boundaries of the site are considered to be of

Criteria – Does the proposal have site-specific merit, having regard to the following:	Planning Proposal Response
	value to retain for amenity purposes if possible, given the close proximity of the neighbouring development to the immediate south, which has a maximum 76.8m storey tower (plus other towers as part of the development) close to the shared boundary. The intended future development scheme illustrates the potential to retain trees close to the boundary to mitigate future interface impacts from the towering development to the immediate south. Beyond the consideration of trees, there are no known other environmental constraints or hazards identified that would prevent the site from being redeveloped.
2. <i>The existing uses, approved uses, and likely future uses of the land in the vicinity of the proposal, and</i>	Yes. The planning proposal is consistent with the emerging trend of development, both in terms of scale and land-use mix within the Castle Hill core. This was described in the submitted planning proposal report and is physically demonstrated by the nature of development proposed and under construction on surrounding sites. This is also acknowledged by Council, who are seeking to encourage high-density residential development within the Castle Hill core through the CHN PP. The planning proposal also directly responds to the future use and built form of land directly adjacent to the south of the site, which is currently under construction to contain five individual residential flat buildings, with the highest building being approximately 76.8m. The planning proposal is seeking to appropriately respond to this by enabling future development at the site which will provide an appropriate contextual built form transition between the adjoining land, the subject site and the surrounding low-density residential dwellings. This outcome would also best respond to Council's CHN PP objective, which is <i>"to encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre"</i>.
3. <i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed</i>	Yes. The site is located within an established urban area and is fully serviced by existing and planned infrastructure which is capable of accommodating

Criteria – Does the proposal have site-specific merit, having regard to the following:	Planning Proposal Response
<i>financial arrangements for infrastructure provision.</i>	increased density. Surrounding infrastructure that will support the proposal comprises the following: <u>Transport Infrastructure:</u> The site is located approximately 435m from Castle Hill Metro Station. This station services stage 1 of the Sydney Metro project, which provides a metro train service between Chatswood and Tallawong. In 2024, stage 2 of the Sydney Metro project will open, which will provide direct metro train services between Chatswood, Sydney CBD and Bankstown. In addition to Sydney Metro, the site is also located near a number of bus stops which service a variety of routes. <u>Road Network:</u> The site contains a direct frontage onto Gilham Street to the north and Gay Street to the east. Both of these roads are local servicing roads. The site is also located near multiple main roads that provide direct access to locations throughout the North-West and Greater Sydney. These main roads comprise: ▪ Old Castle Hill Road ▪ Old Northern Road ▪ Pennant Street ▪ McMullen Avenue As stated in the Traffic Impact Assessment Report submitted with the planning proposal, future development as a result of the planning proposal is only anticipated to generate an additional 43 vehicles during the AM peak period and an additional 34 vehicles during the PM peak period on the surrounding road network. This additional increase is considered to be negligible when considering that the realisation of Council's CHN PP could generate an additional 895 vehicles during the AM peak period and an additional 708 vehicles during the PM peak period on the surrounding road network. <u>Utility Infrastructure:</u> Existing infrastructure at the site to support the proposal can be modified and extended to accommodate the needs of the future development.

Criteria – Does the proposal have site-specific merit, having regard to the following:	Planning Proposal Response
	<u>Services/Social Infrastructure/Open Space:</u> The site is conveniently located within 800m of a range of existing retail and commercial services, educational establishments, community facilities and open spaces. These comprise the following: ▪ <u>Retail and Commercial:</u> – Castle Towers Shopping Centre – Castle Mall Shopping Centre – Old Northern Road, McDougall Lane and Terminus Street Neighbourhood Shops ▪ <u>Education Establishments:</u> – Castle Hill Public School – Castle Hill High School – St Bernadette’s Primary School ▪ <u>Community Facilities:</u> – Castle Hill Library – Early Childhood Health Centre ▪ <u>Open Spaces:</u> – Arthur Whiting Park – Maurice Hughes Reserve – Pioneer Place Reserve – James Greenwood Reserve – Ulundri Drive Reserve – Spain Reserve

6. CONCLUSION

This planning proposal undeniably has clear strategic and site-specific planning merit.

This was the view held by Council planning staff in the previous planning proposal, and the current planning proposal seeks no material change. In fact it incorporates additional technical and empirical economic support. The density of the development (at 2.28:1) is considerably lower than the adjoining land to the south (at 5.5:1 FSR) that was rezoned by council as the landowner.

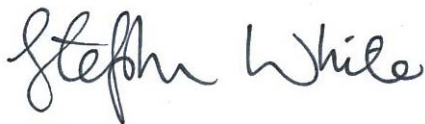
As demonstrated in the application the proposal comfortably satisfies the strategic and site-specific merit tests outlined in '*A Guide To Preparing Local Environmental Plans*' and thus warrants support to proceed to Gateway for public exhibition. The planning proposal will assist with facilitating a feasible intended future development at the site, that:

- Provides up to 220 high amenity dwellings within the Castle Hill strategic centre, in close walking distance to retail facilities and metro rail and regional bus services.
- The height and density proposed enable two well-spaced buildings to occupy the site enabling extensive public and provide open space to create an environment of buildings in a landscape setting. Furthermore, it provides a critically needed transition in building height, bulk and scale from the neighbouring development to the south and north.
- Proposal provides a range of tangible public benefits in the form of land dedication to council for a new vehicular access and public through-site links to connect the residentials to the north to Castle Hill Metro Station and Castle Towers Shopping Centre.

This Rezoning Review therefore requests a fresh and independent review of the planning proposal, on its strategic and site-specific planning merits, recognising the proposal's history and new evidence to support the need for the proposal to proceed independently.

Should you have any queries on this Rezoning Review, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Stephen White
Director
+61 419 797 555
swhite@urbis.com.au