

REZONING REVIEW – Briefing Report

Date of Referral:	20 June 2018	
Department Ref. No:	RR_2018_THILL_003_00	
LGA:	The Hills Shire	
LEP to be Amended	The Hills Local Environmental Plan 2012	
Address:	Showground Precinct numerous sites (allotment references attached)	
Reason for review:	<input checked="" type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input type="checkbox"/> Council failed to indicate support for proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: The application form states that there are no reportable political or gifts to disclose.	

SUMMARY OF THE PROPOSAL

Background and site description

The planning proposal (**Attachments C1-C10**) seeks to amend The Hills Local Environmental Plan 2012 (LEP) for multiple sites in the Showground Station Precinct, Castle Hill. The proponent has aggregated 78 lots in Ashford Avenue and along Middleton and Dawes Avenue totalling 9.07 hectares. The proposal seeks to amend The Hills LEP 2012 by:

- adding a new key sites clause and amending the associated LEP maps to identify the subject land, as described below;
- include a bonus incentive floor space ratio (FSR) and bonus incentive building height clause for these key sites; and
- include a requirement for the provision of community infrastructure and affordable housing on the land if the bonus incentive FSR and height is utilised.

The planning proposal identifies two proposed key sites (**Figure 1**):

- Key Site 1 – approximately 32,238sqm (17 separate lots comprising residential properties along Ashford Avenue and south of Carrington Road)
- Key Site 2 – approximately 58,462sqm (61 separate lots comprising residential properties east of Middleton Avenue between Carrington Road and Ashford Avenue).

The proposed key sites are primarily zoned R4 High Density Residential, with part of Key Site 1 zoned RE1 Public Recreation to accommodate the future Cattai Creek Park.

The proposal will enable higher-density residential development and deliver 3,040 dwellings on the subject site, which is approximately 837 more dwellings than the current zoning allows.

The request has been submitted as The Hills Shire Council indicated it does not support the proposal (**Attachment D**).



Figure 1: Site (outlined in yellow) and surrounds.

Locality and context

The subject land is located on the southern side of Carrington Road opposite the future Showground Station and within land known as the Showground Station Precinct (**Figure 2**). Cattai Creek is located to the west and south of the subject land on Ashford Avenue. The subject land has frontage to a number of roads, including Carrington Road, Middleton Avenue, Fishburn Crescent, Dawes Avenue, Hughes Avenue, Cadman Crescent, Partridge Avenue and Ashford Avenue.

To the north of the subject site, a local centre is proposed around the new Showground Station, with a maximum building height of 68 metres. West of the Cattai Creek corridor, land is zoned to enable a mix of business and light industrial land uses up to 20 metres in height. Land to south-east of the subject land has been zoned for medium density residential housing, with a maximum building height of 10 metres (**Figure 3**). It is noted that there is a maximum dwelling cap in the Showground Station precinct of 5,000 dwellings.

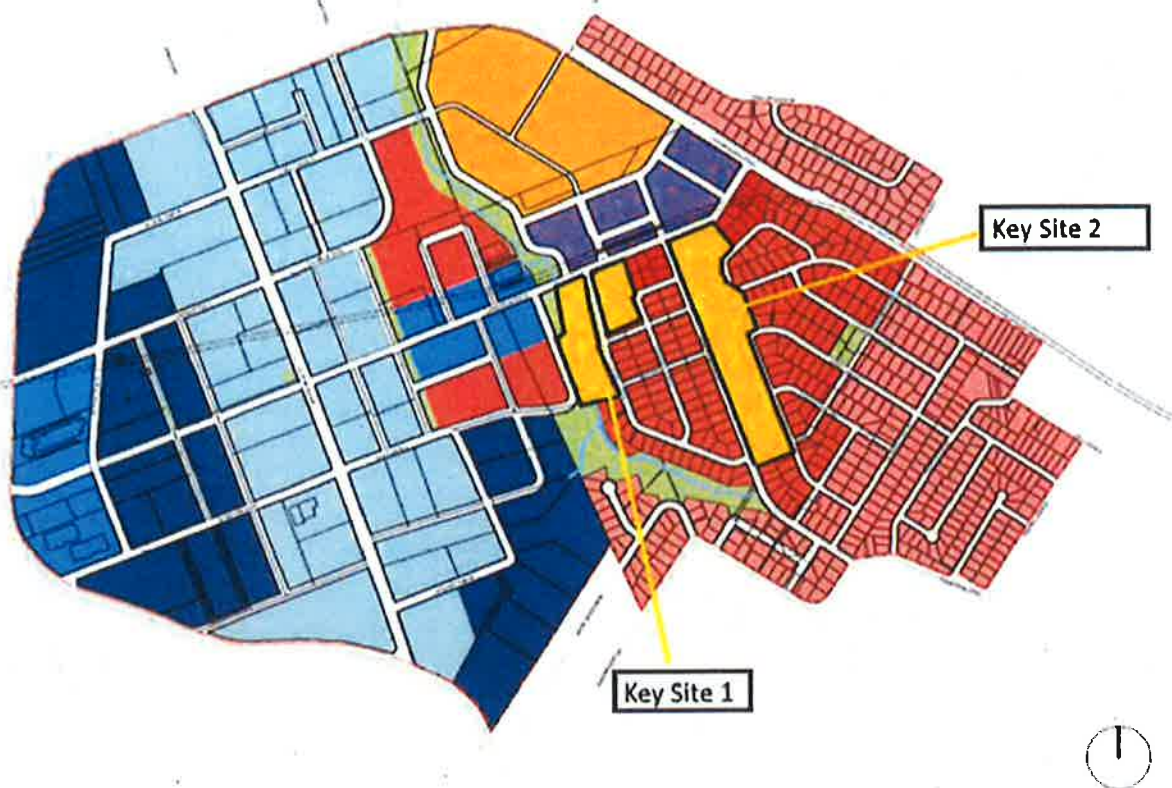


Figure 2: Site (outlined in yellow) location in Showground Precinct Plan.

Current planning provisions

The current planning controls applying to the site under The Hills Local Environmental Plan (LEP) 2012, adopted as per the State Environmental Planning Policy Amendment (Showground Station Precinct) 2017, which came into force on 15 December 2017, are:

- Primarily zoned R4 High Density Residential, with part of Key Site 1 zoned RE1 Public Recreation (**Figure 3**);
- maximum building heights range from 21m to 40m (**Figure 4**);
- base floor space ratio provision range from 1.6:1 to 2.1:1 (**Figure 5**);
- bonus incentive floor space ratio provision range from 2.3:1 to 3.1:1 (as per clause 9.7(2) **Figure 6**);
- minimum lot size of 1,800m² (or 3,600m² if a residential flat building is proposed with a height over 11m or shop top housing is proposed as per Clause 9.1 – see **Figure 7**); and
- Clause 9.8 maximum number of dwellings – the consent authority must not grant development consent to development that results in more than 5,000 dwellings on land within the Showground Station Precinct.

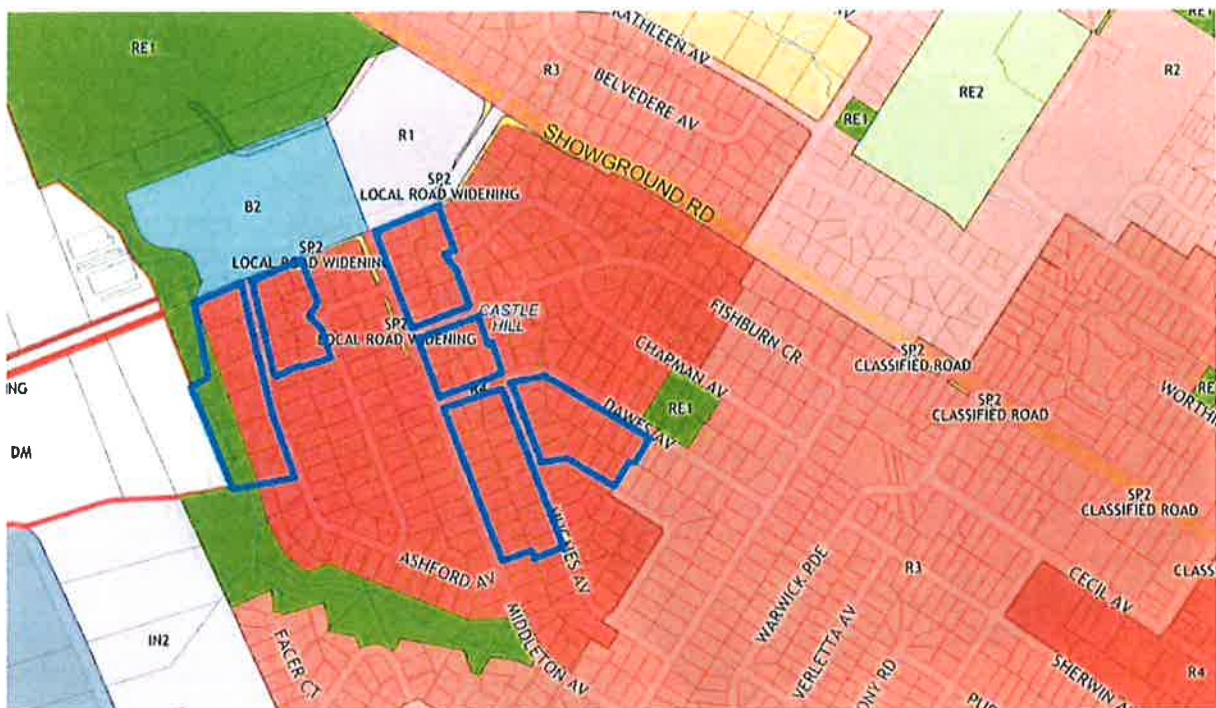


Figure 3: Site zoning (outlined in blue) and surrounds.

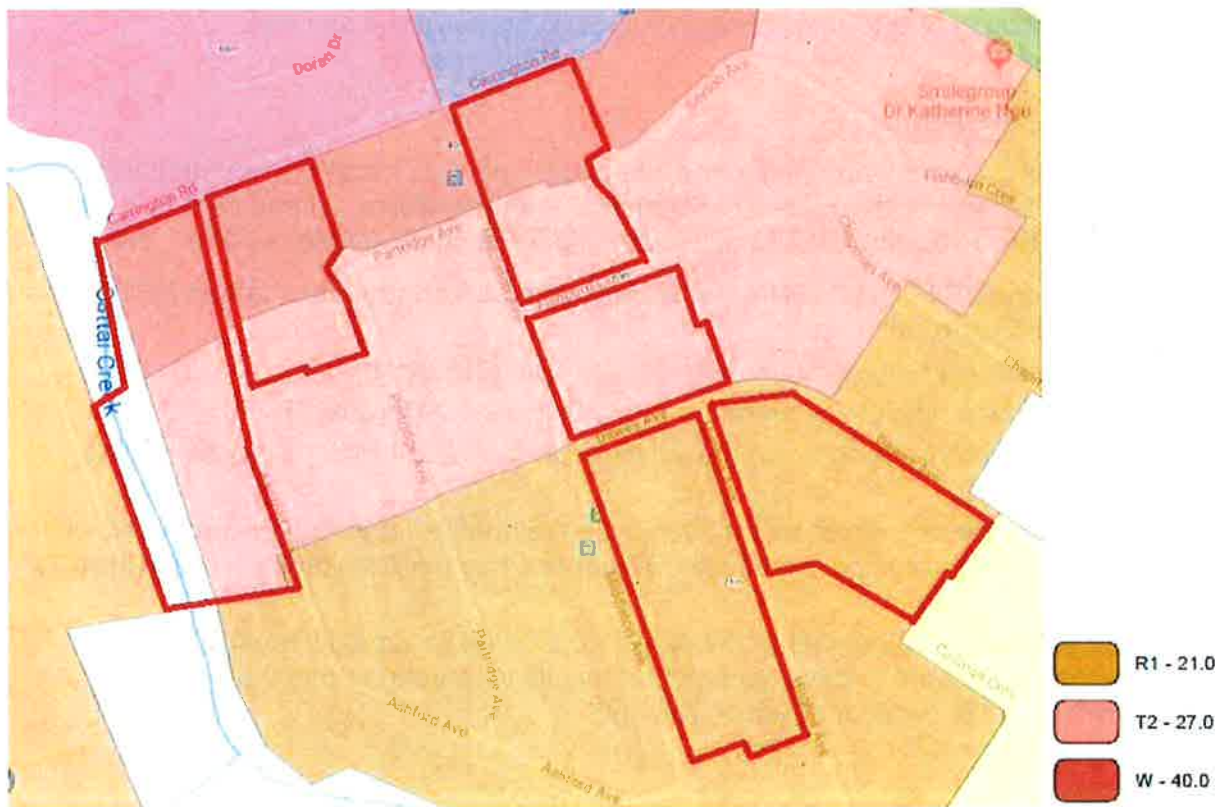


Figure 4: Existing building heights (site outlined in red).

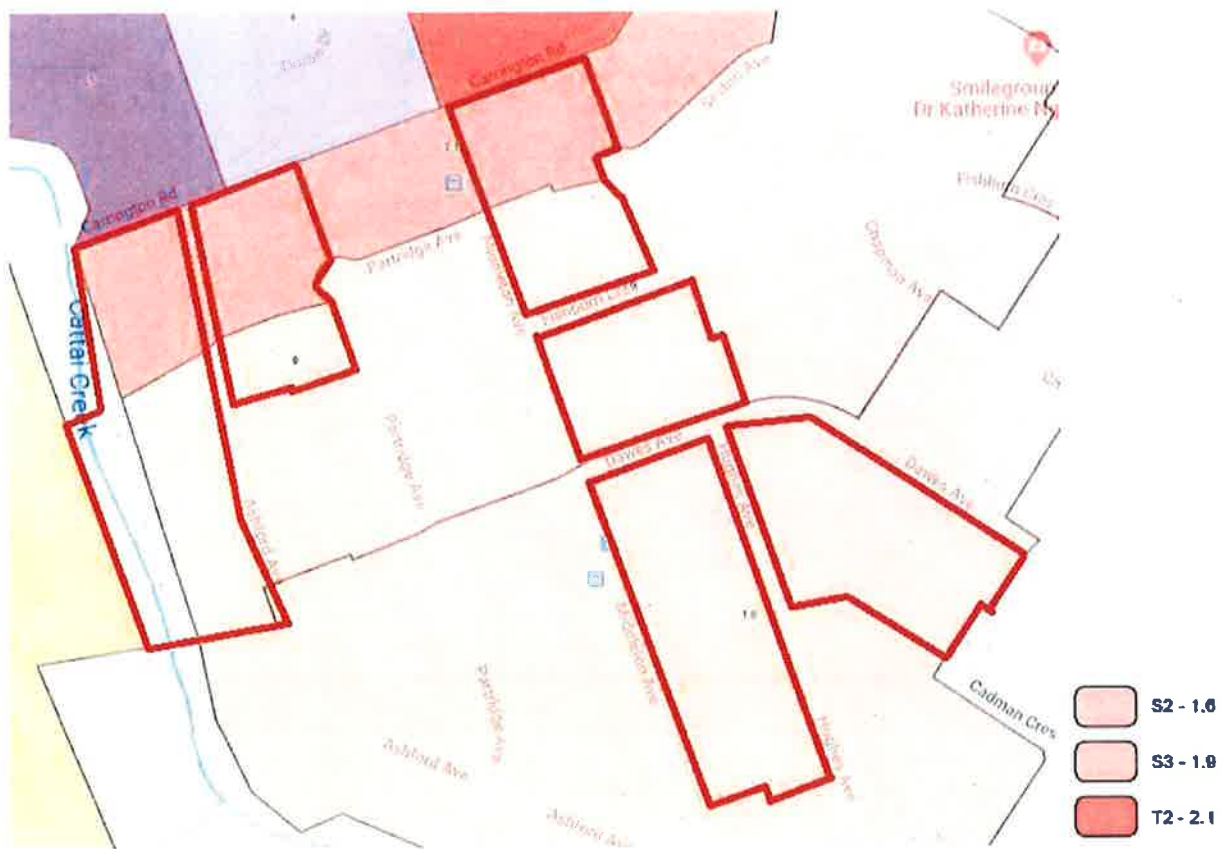


Figure 5: Existing base floor space ratios (site outlined in red).

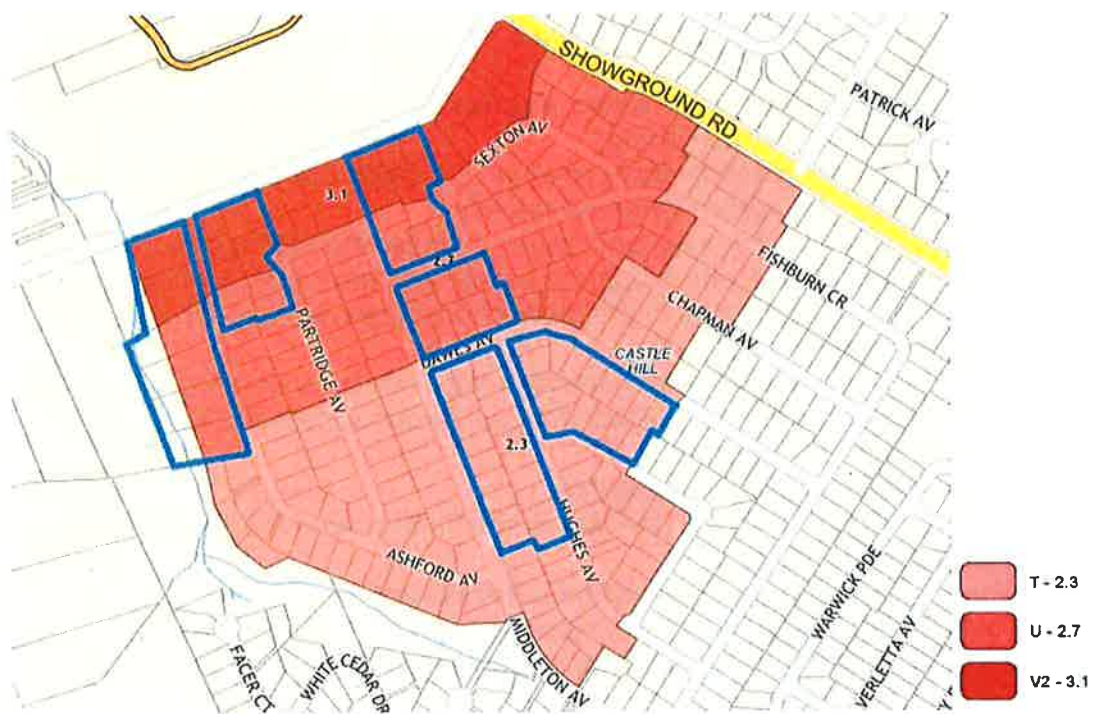


Figure 6: Existing bonus incentive floor space ratios (site outlined in blue).

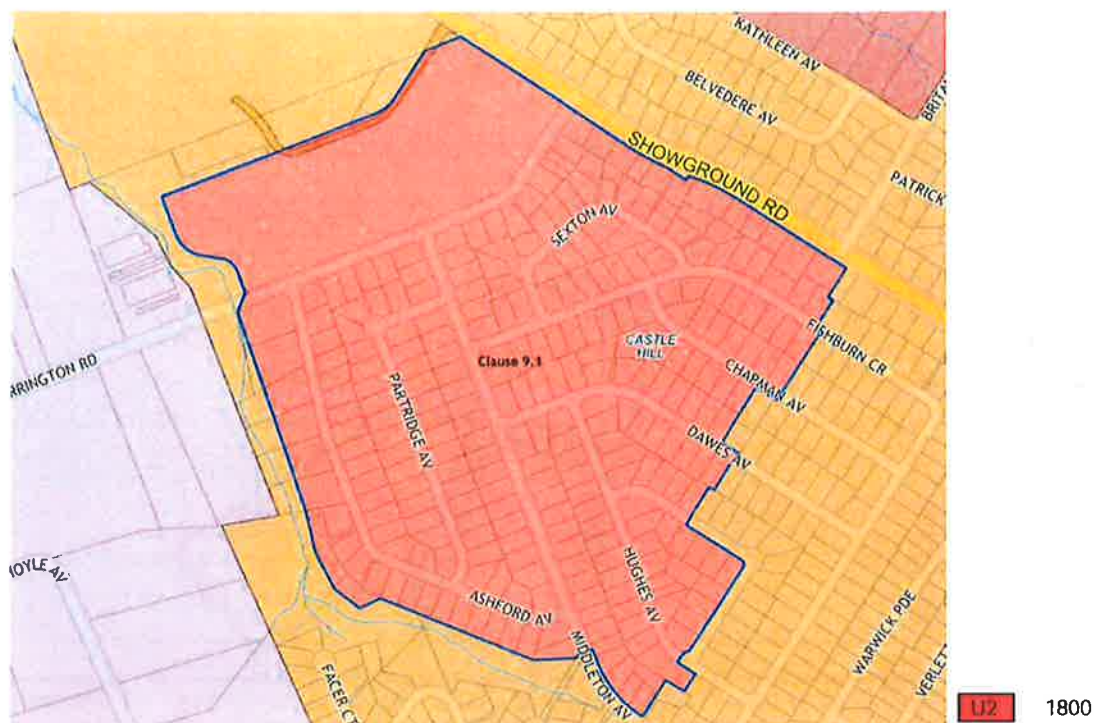


Figure 7: Minimum lot size.

Proposed planning provisions

The planning proposal seeks to introduce a new Key Sites Clause as follows:

9.9 Key Sites in the Showground Precinct

1) Objectives

- a) To support design-led, master planned outcomes on consolidated key sites in the Showground Precinct;
- b) To deliver improvements to community infrastructure, the public domain and ensure high quality residential amenity.
- c) To promote built forms, landscaped settings and high quality public domain that responds to, and is commensurate with the capacity of existing and planned infrastructure in the precinct and aligns with the intrinsic character of the garden shire.
- d) To permit incentive height and floor space ratio controls where buildings exhibit high standards of architectural design excellence and provide affordable housing.

2) Land to which this clause applies

This clause applies to the key sites in the Showground Precinct identified on Key Sites Map 16.

3) Affordable housing and community infrastructure

Consent to development may be granted under (4) and (5) where the development application provides community infrastructure and affordable housing.

Note: For the purposes of this clause 'community infrastructure' means development the likes of recreational areas, community / educational facilities, improvement works to the public domain and road widening. Additionally, 'affordable housing' means housing leased or sold to first home buyers, people with a disability and local key workers.

4) Gross Floor Area

- a) The consent authority may consent to development for a residential flat building or shop top housing on Key Site 1 with a total gross floor area of not more than 114,000m² where considered as part of a single concept development application.
- b) The consent authority may consent to development for a residential flat building or shop top housing on Key Site 2 with a total gross floor area of not more than 190,000m² where considered as part of a single concept development application.

5) Incentives Heights and Floor Space Ratios

The consent authority may grant consent to development carried out in accordance with (3) and (4) above where the development complies with the incentives building height and floor space ratios shown on the Key Sites Incentives FSR Map 16 and Key Sites Incentives Building Height Map 16.

The proposed Key Sites Incentives FSR & Building Height Maps referred to in the draft clause are shown in the following **Figures 8 and 9** (also provided at **Attachment C10**).

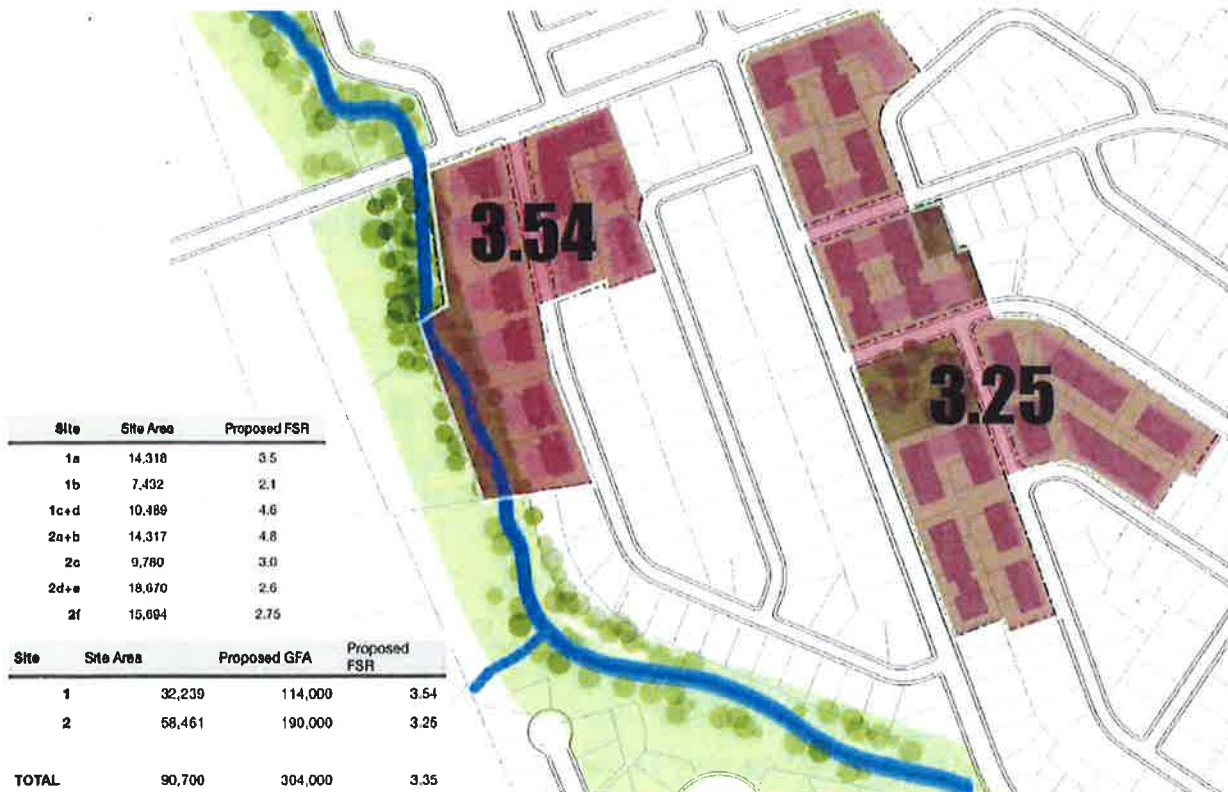


Figure 8: Proposed Key Site FSR Incentive Map.



Figure 9: Proposed Key Site Building Height Incentive Map.

In summary the proposal will result in approximately 3,040 dwelling across the site (which is approximately 840 dwellings more than what can be delivered under current controls), as summarised in **Table 1** below:

	Existing Controls	Site 1	Site 2	Total
Height	6-12 storeys	4-18 Storeys	4-18 Storeys	4-18 Storeys
FSR	Base FSR: 2.1:1, 1.9:1 & 1.6:1 Incentive FSR: 3.1:1, 2.3:1 & 2.7:1	Incentive FSR: 2.09:1 – 4.55:1	Incentive FSR: 2.61:1 – 4.8:1	Incentive FSR 2.09:1 – 4.8:1
GFA	NA	114,000sqm	190,000sqm	304,000sqm
Yield	2,200	1,140	1,900	3,040
Density	264 d/ha	445d/ha	328d/ha	364d/ha

Table 1: Proposal summary

A copy of the rezoning review request package, which includes the proponent's planning proposal request and amended LEP maps, is provided at **Attachments C1-C10**.

INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

Yes. The subject land's planning controls changed as part of State Environmental Planning Policy Amendment (Showground Station Precinct) 2017 (and subsequently adopted under The Hills LEP 2012), which came into force on 15 December 2017. The amendment enabled increased density on the site and resulted in changes to zoning and intensity of permissible development.

In summary, the SEPP Amendment (Showground Station Precinct) 2017 changed the controls for the subject land as follows:

- rezoned land from part R2 Low Density Residential and part E4 Environmental Living to part R4 High Density Residential and part RE1 Public Recreation respectively;
- increased the maximum height of buildings control from 9 metres to a range of 21-68 metres;
- introduced a base FSR ranging from 1.6:1 to 2.1:1 and a bonus incentive FSR ranging from 2.3:1 to 3.1:1; and
- amended the minimum lot size provision from part 2000sqm and part 700sqm to 1,800sqm.

The SEPP Showground Station Precinct SEPP Amendment delivers the government's strategic vision for the Showground Priority Precinct under the North West Rail Link Corridor Strategy (now referred to as Sydney Metro Northwest).

The planning proposal (**Attachment C2**) notes that the proposal delivers significant social and economic benefits (as detailed in the planning agreement offer discussed in the planning proposal document at (**Attachment C2**) over and above what the site can deliver under current provisions.

Council considers there are no circumstances since the gazettal of the State Environmental Planning Policy Amendment (Showground Station Precinct) 2017 that would warrant further amendment to its LEP for the subject land.

STRATEGIC MERIT TEST

Consistency 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.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.

Central City District Plan

The Central City District Plan was released on 18 March 2018. The planning proposal and Council's comments both provide an assessment against the Central District Plan, as detailed below.

The relevant planning priorities of the Central City District Plan have been identified below to assist in any strategic merit assessment by the Panel.

- *C1 Planning for a city supported by infrastructure* – The District Plan requires the alignment of land use and infrastructure planning. The planning proposal contains a master plan to deliver dwellings and associated infrastructure within the Showground Station Precinct.
- *C3 Providing services and social infrastructure to meet people's changing needs* – The District Plan requires consideration of integrated planning and collaboration of both provision of services, and the overall health and well-being outcomes for the community. The planning proposal includes a planning agreement offer which includes the provision of social infrastructure (**Attachment C2**).

- *C5 Providing housing supply, choice and affordability with access to jobs, services and public transport* – the District Plan requires delivery of housing diversity and choice in locations close to employment, services and public transport. The planning proposal proposes a variety of housing densities in close proximity to the future Showground Station and local centre and affordable housing;
- *C6 Creating and renewing great places and local centres, and respecting the District's heritage* - The District Plan requires consideration of the provision of active streetscapes and enhancing access to public places. The planning proposal contains a master plan to deliver dwellings and associated infrastructure within the Showground Station Precinct and includes an offer to enter into a voluntary planning agreement (VPA) to deliver the proposed infrastructure (**Attachment C2**).
- *C9 Delivering integrated land use and transport planning and a 30-minute city*. The District Plan discusses the importance of integrating land use and transport planning to create access to housing, services, employment and community facilities. The subject site is within the Sydney Metro Northwest – Showground Station Precinct, which envisions integrated land use and transport planning.
- *C13 Protecting and improving the health and enjoyment of the Districts waterways*. The District Plan aims to enhance the sustainability and protection environmentally sensitive waterways. The proposal seeks to preserve the Cattai Creek Corridor and park as RE1 Public Recreation zoned land (**Attachment C5**).
- *C15 Protecting and enhancing bushland and biodiversity*. The District Plan aims to protect and enhance biodiversity by managing urban bushland and remnant vegetation. The proposal seeks to provide RE1 zoned land to Council;
- *C16 Increasing urban tree canopy and delivering Green Grid connections*. The District Plan aims to refine the detailed design and delivery of green grid priority opportunities. The proposal's planning agreement offer includes landscape embellishment and design (**Attachment C2**).
- *C17 Delivering high quality open space* - The plan prioritises planning for the delivery of quality public open space. The proposal's planning agreement offer includes the provision of open space (**Attachment C3**).

The proponent's strategic and site-specific merit assessment (**Attachment C1**) also addresses the following priorities from the Central City District Plan:

- *Planning Priority C2 Working together through collaboration;*
- *Planning Priority C4 Fostering healthy, creative, culturally rich and socially connected communities;*
- *Planning Priority C7 Growing a stronger and more competitive Greater Parramatta;*
- *Planning Priority C8 Delivering a more connected and competitive GPOP Economic Corridor;*
- *Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres;*
- *Planning Priority C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land;*
- *Planning Priority C12 Supporting growth of targeted industry sectors;*

- *Planning Priority C19 Reducing carbon emissions and managing energy, water and waste efficiently; and*
- *Planning Priority C20 Adapting to the impacts of urban and natural hazards and climate change.*

North West Rail Link Corridor Strategy

The Department of Planning and Environment and Transport for NSW's Corridor Strategy for Sydney Metro Northwest (2013) and associated Showground Station Structure Plan identify the potential to increase residential densities close to rail and employment.

The proponent's strategic and site-specific merit assessment states that the proposal has strategic merit because it is consistent with this strategy. The strategy identifies the site as **(Figure 10)**:

- suitable for medium-density apartment living;
- suitable for short-term redevelopment;
- suitable for the provision of open space (along Cattai Creek Corridor); and
- suitable for the provision of a cycle/pedestrian link along Ashford Avenue and Middleton Avenue.



Figure 10: NWRL Corridor Strategy Showground Station Structure Plan.

The Planning Proposal proposes heights of up to 18 storeys, and yield of 3,040 dwellings (364 dwellings/ha), which is beyond the building heights that were identified in the Corridor Strategy and what can be achieved under the adopted planning controls.

Relevant local strategy

There is no relevant local strategy that has been endorsed by the Department that can be relied on to establish strategic merit.

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The proponent notes in the strategic and site-specific merit assessment that the proposal delivers significant social and economic benefits (as detailed in the planning agreement offer at **Attachment C2**) over and above what the site can deliver under current provisions.

SITE-SPECIFIC MERIT TEST

The natural environment (including known significant environmental values, resources or hazards).

The subject site is constrained by several environmental factors. The proponent notes in the planning proposal and the strategic and site-specific merit assessment that the proposal will not result in any additional environmental impacts than what was approved under the Showground Precinct Plan adopted under The Hills LEP 2012 on 15 December 2017

Vegetation

As identified in the Department's Showground Station Precinct Proposal Ecological Assessment and discussed in the planning proposal documentation (**Attachment C2**), land along the western side of Ashford Avenue contains Sydney Sandstone Gully Forest which serves as a habitat for the Eastern Bent-wing Bat (see **Figure 11**). The planning proposal states that it will not result in any additional impacts than what was approved under the Showground Precinct Plan adopted under The Hills LEP 2012 on 15 December 2017; and the planning agreement offer which includes the dedication of land along Cattai Creek Reserve to Council will ensure the preservation of the vegetation communities on site.

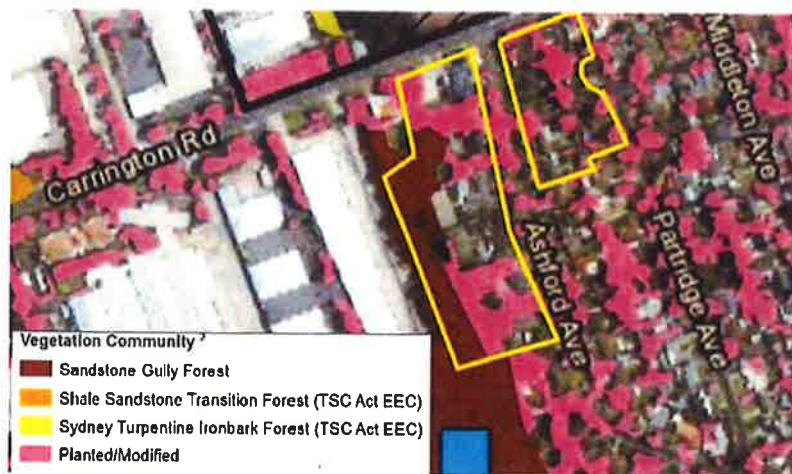


Figure 11: Extract from Showground Station Precinct Plan Ecological Study (part of subject land outlined in yellow)

Flooding and stormwater

Council has identified Flood Controlled Land between Middleton Avenue and Cattai Creek associated with an overland flowpath and Council's stormwater infrastructure (**Figure 12**). Council states the planning proposal has not adequately addressed the site's flooding constraints and any upgrades that would be required to the stormwater network to support proposed growth.

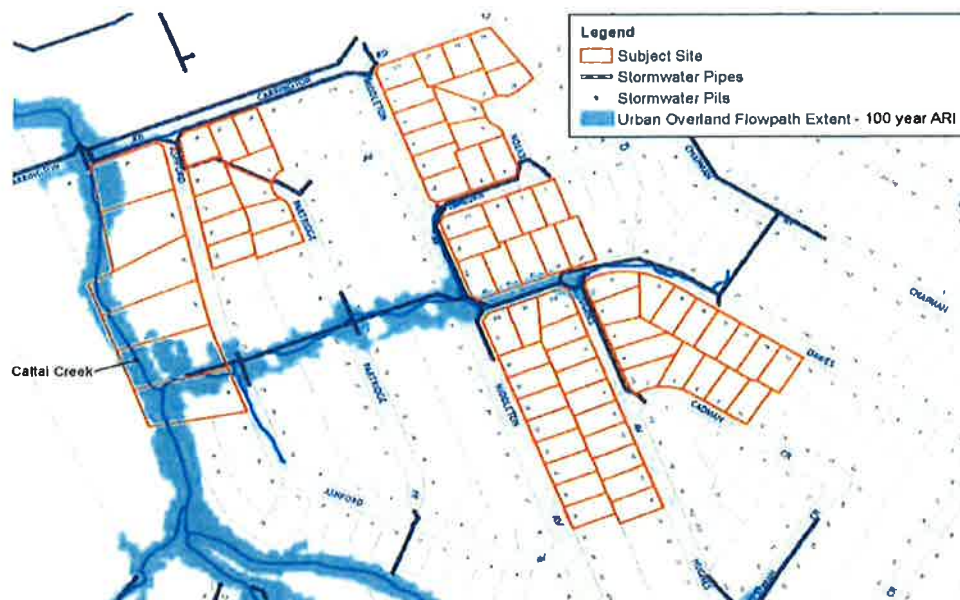


Figure 12: Location of overland flow paths (subject land outlined in orange)

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

As noted previously, the subject site was rezoned under State Environmental Planning Policy Amendment (Showground Station Precinct) 2017, which came into force on 15 December 2017. A comparison of densities and built form between the approved master plan and the current proposal is shown in the Table 1 and in Council's report (**Attachment D**).

In summary the proposal will result in approximately 3,040 dwelling across the site (which is approximately 840 dwellings more than what can be delivered under current controls).

Additional public open space, road widening, community facilities and affordable housing is proposed to be provided as part of the proposal through a VPA.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Services and amenities

The proposal (**Attachment C2**) notes that the site is serviced by or capable of connecting to wastewater, drainage, electricity, telephone and communications services.

Consultation with utility providers would be required as part of any Gateway determination to establish the existing and future capacity of the site for the proposed densities.

Traffic

The planning proposal is supported by a Traffic Assessment Report (**Attachment C6**) which concludes that the traffic associated with the additional dwellings would result in increased traffic delays at the Carrington Road intersections with Showground Road and Middleton Avenue, but that the intersections would continue to have satisfactory operation generally. The traffic report indicates that the proposed development uplift will result in an approximate maximum of 308 trips per peak hour and this is not expected to create any adverse traffic impacts above what is anticipated for the Showground Precinct. Council notes, however, the traffic assessment's parking estimate uses rates that are lower than the requirements of the

Draft Showground Station Precinct DCP and therefore does not provide an accurate estimation of parking need.

Developer contributions

The proponent proposes to enter into a VPA (**Attachment C2**) with Council as a mechanism to deliver affordable housing and community infrastructure as proposed in the draft clause as outlined under the "Proposed planning provisions" section earlier in this report.

COUNCIL VIEWS

On 29 June 2018, Council confirmed in writing (**Attachment D**) that the documents submitted to the Department and the information is generally in accordance with the details provided to Council (with some exceptions).

The proposal considered by Council was primarily based on information submitted by the proponent in November 2017 and early April 2018, and a proposed dwelling yield of 3,040 units.

However, the proponent submitted their Revised Planning Proposal report (identified as '3rd Revision: April 2018') and some urban design report addendums one day prior to the Council meeting and as such it could not be assessed or considered by Council due to reporting timeframes.

Council considers that the Planning Proposal Report dated November 2017 which was considered by Council, should be relied upon by the Rezoning Review Panel. In summary, Council notes the following inconsistencies between the information submitted with the Rezoning Review request and the information that was considered by Council at its meeting of 24 April 2018:

- The proponent's rezoning review request refers to approximately 3,000 dwellings;
- The proponent's planning proposal provided with the rezoning review (April 2018) refers to a proposed 1,500sqm supermarket and 835sqm of specialty floor space (grocery retailing, food and beverage) to be accommodated around the plaza in the "Middleton Walk". It should be noted that these uses are not permissible in the R4 High Density Residential zone unless they are in the form of neighbourhood shops;
- The draft VPA offer that was considered in the Council Report has changed:
 - The proponent is now offering a \$5 million cash contribution towards funding of a new school; and
 - The proponent is now offering \$5 million cash contribution towards civil improvement works for the widening of Middleton Avenue. This is instead of the proponent's previous VPA offer of a \$10 million cash contribution towards reconstruction works associated with Middleton Avenue that was considered by Council.

However, Council notes notwithstanding these differences, the proposal's planning outcomes regarding floor space ratio and building height are the same as what was considered by Council on 24 April 2018.

It is considered any outstanding matters relating to dwelling numbers, the VPA and floor space distribution can be reviewed as part of the Gateway process if the proposal is to proceed. Regardless, Council have failed to indicate support of the April 2018 planning proposal in regard to the inconsistencies outlined above, and therefore the rezoning review request remains valid.

In summary, Council comments are:

- The proposal is inconsistent with the Greater Sydney Region Plan's:
 - Objective 2 to align infrastructure with forecast growth: as it will result in unplanned growth and has the potential to disadvantage other landowners in the precinct who may wish to develop their land in accordance with current development standards, as there is a 5,000-dwelling cap for the precinct aligned with local and State infrastructure provision;
 - Objective 10 to provide ongoing housing supply and a range of housing types: while the proposal seeks to facilitate housing close to the Showground Railway Station, the proposal will enable a higher density on the subject land that what has been considered as appropriate for the site as envisioned under the State Environmental Planning Policy Amendment (Showground Station Precinct) 2017;
 - Objective 12 to create great places: while the proposal includes a planning agreement offer which includes dedication of a 5,000sqm public park, the potential proposed built form will not enable fine grain permeability nor high amenity for residents; and
 - Objective 31 to provide accessible and enhance public open space: while the proposal includes a planning agreement offer for dedication of passive open space, there is a shortage of active open space in the precinct and wider area which will be exacerbated by the proposed increase in dwellings.
- As outlined above, the proposal is inconsistent with the following priorities of the Central City District Plan:
 - C1 Planning for a city supported by infrastructure;
 - C3 Providing services and social infrastructure to meet people's changing needs;
 - C5 Providing housing supply, choice and affordability with access to jobs, services and public transport;
 - C6 Creating and renewing great places and local centres, and respecting the District's heritage;
 - C13 Protecting and improving the health and enjoyment of the Districts waterways;
 - C16 Increasing urban tree canopy and delivering Green Grid connections; and
 - C17 Delivering high quality open space.
- The proposal is inconsistent with the following Section 9.1 Ministerial Directions:
 - Direction 3.1 Residential Zones: the proposed yield may not be supported by infrastructure and there is insufficient evidence that future development would result in good design and sufficient solar access;
 - Direction 4.3 Flood Prone Land: the planning proposal has insufficient information to demonstrate the capacity of stormwater infrastructure and that local overland flow constraints have been addressed in the design concept;
 - Direction 5.9 North West Rail Link Corridor Strategy: the proposal's height of 4-18 storeys is inconsistent with the Strategy's heights of 3-6 storeys; and

- Direction 6.3 Site Specific Provisions: the proposal is inconsistent with this direction as it proposes the introduction of a new key sites provision under The Hills LEP 2012.
- The proposal is inconsistent with the Corridor Strategy and Showground Station Precinct Plan as it will result in floor space ratio and building heights beyond that identified in the Strategy and beyond what can be achieved under current controls development through detailed precinct planning;
- The proposal is inconsistent with The Hills Local Strategy as it will result in unplanned dwellings that will adversely impact the sustainable management of development and growth in the Shire;
- The proposal is inconsistent with The Hills Corridor Strategy as it will result a significantly increased density;
- The proposal is not supported by a change in circumstances to warrant a change to existing planning controls (which came in to force in December 2017); and
- The proposal does not demonstrate sufficient site-specific merit regarding flood controlled land, stormwater infrastructure, the adjoining riparian corridor, residential density, building heights and massing, amenity impacts on adjoining developments, and housing diversity.

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