



**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**

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29 June 2018

Adrian Hohenzollern  
Team Leader, Sydney Region West  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: 3/2017/PLP  
Your Ref: RR\_2018\_THILL\_003\_00

Dear Mr Hohenzollern

**Request for Rezoning Review – Showground Precinct Sites, Castle Hill (Planning Proposal 3/2017/PLP)**

I refer to a letter from the Department of Planning and Environment dated 8 June 2018 regarding the lodgment of a Rezoning Review request for a planning proposal for various sites within the Showground Precinct, Castle Hill. Thank you for giving Council the opportunity to provide its views on the proposal and to outline the reasons why the proposal was not progressed. Noting that the subject planning proposal is seeking a further increase in yield over and above what was gazetted for the Showground Precinct just six months ago, the planning proposal is not supported.

Council has reviewed 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 '3<sup>rd</sup> Revision: April 2018') and some urban design report addendums just one day prior to the Council meeting and as such it could not be assessed or considered by Council due to reporting timeframes. The Planning Proposal Report dated November 2017 should be relied upon by the Rezoning Review Panel, as there are a number of differences in the content of the documents.

I note the following key 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 3,000 dwellings;
- The Revised Planning Proposal (April 2018) refers to a proposed 1,500m<sup>2</sup> supermarket and 835m<sup>2</sup> 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 Voluntary Planning Agreement 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;
  - 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;

Notwithstanding the above differences, the planning outcomes sought are broadly the same as what was considered by Council.

Following consideration of the planning proposal at the Ordinary meeting of 24 April 2018, Council resolved as follows:

*“Council resolves not to proceed with the Planning Proposal on the grounds that the Precinct has only recently been rezoned by the State Government, the lack of change in the circumstances to warrant any amendments at this time and that the densities and floor space ratios being pursued would result in a built form that is significantly different to those controls without strategic justification.”*

A copy of the Council report and resolution are attached for your information. The report did canvas a number of options in relation to the planning proposal, however Council was not supportive of proceeding with the proposal in any form. Council's key reasons for refusal relate to both strategic and site-specific matters:

1. *The Precinct Plan must be supported:* The Showground Precinct has only recently been rezoned, and the planning proposal has the potential to weaken the new controls. The Precinct's new planning controls were based on the Government's careful examination of local land and infrastructure capabilities. It is in the public interest that controls in the Precinct Plan are supported and maintained, to give certainty to landowners and developers about appropriate built form outcomes for the area. Reinforcing the urban design principles that have been recently been developed for the Precinct will ensure an appropriate transition in building heights and densities throughout the Precinct and achieve a high standard of architectural design and amenity for future residents.

There is already sufficient capacity in the Shire to meet the housing targets articulated in the Central City District Plan and the Hills Shire is well on track to exceed those targets. The additional yield associated with this planning proposal is not required to meet the Plan's housing targets. Further, an appropriate yield has already been determined for the area via the recent precinct planning process. The Government's decision to impose a 5,000 dwelling cap in the Precinct reflects the infrastructure constraints that exist in the locality.

2. *Built form quality and inconsistencies with the Precinct Plan:* Inadequate justification has been provided to demonstrate that the resulting development would exhibit an appropriate built form outcome.

- The proposal represents a poor transition in heights from the station and also to adjoining properties on the periphery of the precinct, and is inconsistent with the Showground Precinct Plan. The proponent is seeking building heights of up to 18m along Carrington Road which will reduce the prominence of buildings around the station. Existing controls allow for development to transition in height away from the rail station and this hierarchy should be retained. Also, the heights proposed at the southern end of both key sites are

unlikely to provide sufficient transition to the heights allowable on adjoining land under the gazetted precinct controls.

- Solar access to a number of buildings, especially along Ashford Avenue, which is unlikely to meet the minimum solar access requirements within the Apartment Design Guide. For a number of buildings, multiple sides are in shadow for a majority of the day. There is also a concern regarding the potential overshadowing of the creek corridor and other open space.
- Inadequate justification has been provided to demonstrate that the resulting development would exhibit appropriate design outcomes in terms of building bulk or the ability for future development to comply with Council's overshadowing controls, landscaped open space requirements, as well as adequate building separation, and provision of appropriate setbacks to sensitive interfaces (including the riparian corridor).
- The proponent has indicated an intention to comply with Council's housing diversity provision however the proposed clause does not provide sufficient certainty that this will be delivered should development sites be less than 10,000m<sup>2</sup>.

Also, Council has recently held several pre-lodgement meetings for land in the Showground Precinct, some of which related to land that is included in the subject planning proposal. This casts doubt over the developer's ability to deliver a masterplanned outcome and public benefits.

**3. Infrastructure Constraints:** It has not been adequately demonstrated that the unplanned growth associated with the planning proposal can be serviced with sufficient infrastructure. In recognition of the infrastructure constraints in the Precinct, the State Government imposed a cap of 5,000 dwellings for the Precinct, which is consistent with local and State infrastructure planning undertaken to support growth in the precinct. The proponent has not sufficiently demonstrated that the unplanned growth can be adequately serviced.

A development of the scale proposed will place pressure on the surrounding road network, schools, community facilities and playing fields. The planning proposal fails to consider the cumulative impact of the planning proposal on the broader Showground Precinct. Additional density and floor space ratio beyond that proposed in the structure plan should not be granted unless there is certainty that the precinct can support additional yield with respect to the provision of infrastructure, community facilities and services.

Any decision to allow the subject planning proposal (and therefore an additional 837 dwellings beyond what was planned for the land) would be inequitable for other landowners in the precinct. It is unreasonable, and also a poor planning outcome, if a single developer is permitted to take up a disproportionate share of the overall dwelling yield allowed in the precinct.

Further detailed information regarding the key issues associated with the planning proposal and assessment against the Department of Planning and Environment's Strategic Merit Test and Site-Specific Merit Test for rezoning reviews is provided in Attachment 2. A review of the proponent's Voluntary Planning Agreement offer is in Attachment 3.

## **Conclusion**

In recognition of the arrival of the rail line next year, land in the Showground Precinct recently received a substantial zoning uplift. As articulated in the *Showground Station Precinct Finalisation Report* (December 2017) that uplift was the culmination of years of comprehensive strategic planning work by Council, the Department of Planning and Environment and other State agencies. The existing LEP provisions were formulated after extensive investigation of the opportunities and

constraints of the land, including infrastructure availability, and the appropriate built form and density needed to support the future Sydney Metro Northwest. Residents were consulted as part of that comprehensive process and are justified in expecting stability and enforcement of the new controls.

A sensible, sustainable and balanced package of controls was introduced by the State Government for the Showground Precinct in December 2017. The existing controls, in conjunction with the exhibited Development Control Plan, Public Domain Plan and Contributions Plan for the Showground Precinct, will facilitate the area's redevelopment into a vibrant and attractive urban centre that is accompanied by high-quality housing that reflects the Shire's garden character and lifestyle. The subject planning proposal is not needed in order to achieve these outcomes for the Precinct. Conversely, it has the potential to compromise the ability to deliver coordinated planning and infrastructure outcomes in the local area. There is no strategic merit for the planning proposal to proceed and no compelling case for the significant (unplanned) uplift that has been requested.

Thank you for providing Council with the opportunity to comment on the planning proposal. If you have any questions in relation to these comments, please contact Bronwyn Inglis, Senior Town Planner, on 9843 0531.

Yours faithfully

A handwritten signature in cursive script, reading "Stewart Seale".

**Stewart Seale**  
**MANAGER - FORWARD PLANNING**

Attachments:

1. Council Report and Minute, 24 April 2018
2. Detailed Response to Rezoning Review Assessment Criteria
3. Review of Proponent's VPA Offer