

DETAILED RESPONSE TO REZONING REVIEW ASSESSMENT CRITERIA

Showground Precinct Sites, Castle Hill (3/2017/PLP)

1. THE SITE

The planning proposal relates to land within the Showground Station Precinct in Castle Hill, identified as Key Site 1 and Key Site 2 in Figure 1 below. The sites are irregular in shape and consist of 78 lots with a combined total area of 90,700m² (9.07ha) (including land identified for open space):

- Key Site 1 – approximately 32,238m² (17 separate lots)
- Key Site 2 – approximately 58,462m² (61 separate lots)

The sites are located on the southern side of Carrington Road and are opposite the site of the future Showground Station. Cattai Creek is located within the rear of some properties on Ashford Avenue. The sites have frontage to a number of roads, including Carrington Road, Middleton Avenue, Fishburn Crescent, Dawes Avenue, Hughes Avenue, Cadman Crescent, Partridge Avenue and Ashford Avenue.

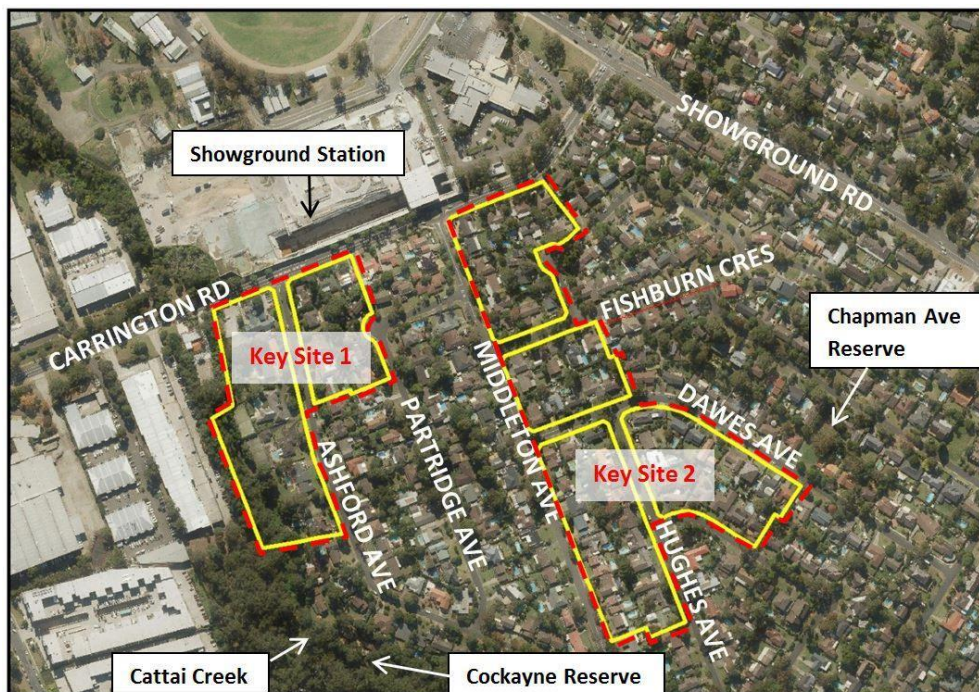


Figure 1
Consolidated development sites

The sites are currently zoned R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure (Local Road Widening) under LEP 2012.

The current controls that apply would permit the following:

	Site 1	Site 2	Total
Height	8-12 storeys	6-12 storeys	6-12 storeys
Maximum FSR	2.7:1 - 3.1:1	2.3:1 – 3.1:1	2.3:1 – 3.1:1
GFA	74,208m ²	146,111m ²	220,319m ²
Yield	742	1,461	2,203
Density	290d/ha	252d/ha	264d/ha

Table 1
Existing Development Standards

2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal involves the introduction of a new key site provision and maps which would permit additional floor space and increased building heights across the sites, subject to the provision of the specified public benefits. The key site provision will achieve a total gross floor area of 304,000m² across the subject site.

Based on Council's housing diversity provision, this GFA would facilitate approximately 3,040 dwellings (Table 2) which is approximately 837 dwellings over and above what could be achieved under the current controls.

	Site 1	Site 2	Total
Height	9-18 storeys	8-18 storeys	8-18 storeys
Maximum FSR	2.09:1 – 4.55:1	2.61:1 – 4.8:1	2.09:1 – 4.8:1
GFA	114,000m ²	190,000m ²	304,000m ²
Yield	1,140	1,900	3,040
Density	445d/ha	328d/ha	364d/ha

Table 2
Current Planning Proposal

The distribution of height and gross floor area would be identified on two new LEP maps, a 'key site floor space ratio map' and a 'key site height of buildings map'. The proponent has submitted plans that show building heights ranging from 18 storeys opposite the future rail station, stepping down to 8 storeys on the periphery of the site. Achievement of the proponent's development concept will result in floor space ratios ranging from 4.8:1 (opposite the future rail station) to 2.09:1 (adjacent to Cattai Creek) (see Figure 3).

The proposal considered by Council is primarily based on information submitted by the proponent in November 2017 and early April 2018, and a proposed dwelling yield of 3,040 units. The applicant submitted a revised planning proposal report and other amended documentation the day prior to the Council meeting. Not all information could be included for Council's consideration given the agenda for the meeting was finalised the week before the meeting.

3. STRATEGIC MERIT ASSESSMENT

a) 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;

- Greater Sydney Region Plan***

Objective 2 of the Plan identifies the need for infrastructure to align with forecast growth. It is acknowledged that the planning proposal would provide additional passive open space in a rail station precinct that will accommodate future growth. However, the Direction notes that growth must be aligned with the delivery of infrastructure.

The planning proposal is inconsistent with this Objective as it will result in unplanned dwelling growth. The limitations imposed by infrastructure in the locality are illustrated by the Department of Planning and Environment's recent decision to impose a cap of 5,000 dwellings on the Precinct. This dwelling cap aligns with local and State infrastructure that has been planned for the Precinct. Should the planning proposal proceed, it has the

potential to disadvantage other landowners in the precinct who may wish to develop their properties in accordance with current LEP controls.

Objective 10 of the Plan aims to provide an ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Sydney's growing population. It is acknowledged that the planning proposal seeks to facilitate the delivery of housing close to the Showground Railway Station. However, the planning proposal would enable higher density development on the site than has been considered appropriate for the site.

Objective 12 of the Plan seeks to create great places that bring people together. It states that the mechanisms for delivering public benefits should be agreed early in the planning process so that places provide good design and built form, with the right mix of fine grain urban form and land use mix to facilitate a sense of belonging and social opportunities. The proponents' offer to dedicate land for a 5,000m² public park and to widen Middleton Avenue would make a positive contribution to the Precinct. However, the built form proposed has not been demonstrated to deliver a fine grain urban form and high amenity. It is important for Council and developers to think innovatively about what goes into urban renewal beyond housing supply, and to consider the living conditions of future residents.

Objective 31 of the Plan seeks to achieve public open space that is accessible, protected and enhanced and notes that access to high quality public open space is becoming increasingly important. Although the planning proposal is accompanied by a draft Voluntary Planning Agreement that offers additional passive open space in the precinct, issues associated with the shortage of active open space for dwellings already planned in the Showground Precinct will only be exacerbated. Accordingly, it is considered that the planning proposal is inconsistent with this Objective.

- ***Central City District Plan***

An assessment of the planning proposal against the following relevant Planning Priorities as listed in the revised Plan is included below:

- *Planning for a City Supported by Infrastructure (Priority C1)*

Objective 2 of the Plan reinforces the importance of infrastructure aligning with forecast growth. An extensive planning process has already been undertaken for the Showground Precinct, which resulted in a cap of 5,000 dwellings being imposed in order to align with local and state infrastructure that has been planned for the Precinct. The planning proposal is not consistent with this priority as it will result in additional (unplanned) dwellings within the precinct.

- *Providing services and social infrastructure to meet people's changing needs (Priority C3)*

The Plan states that planning must recognise the changing composition in population groups in local places and provide social infrastructure and services accordingly. The proponent intends to comply with Council's housing diversity provisions and proposes to provide public benefits to cater to future resident's needs. However, it has not been sufficiently demonstrated that adequate services and infrastructure will be provided to meet the unplanned dwellings.

- *Providing housing supply, choice and affordability with access to jobs, services and public transport (Priority C5)*

The Plan sets out five-year housing targets of 8,550 additional dwellings for the Hills Shire. While the planning proposal does contribute to housing supply and choice, it is not needed as the Hills is well on track to exceed these targets.

- *Creating and renewing great places and local centres, and respecting the District's heritage (Priority C6)*

The Plan aims to provide active streetscapes that enhance viability and access to high quality, community specific public spaces. Council exhibited a draft Public Domain Plan in January 2018 which seeks to enhance the image and amenity of the precinct through street trees, footpath paving and landscaping to give the precinct a unique urban identity, and to provide the overall direction for creating coordinated public domain spaces that are attractive, safe and vibrant within the centre. Required public domain works in the Precinct will be funded through the Contributions Plan. The proposed land to be dedicated and embellishments to the public domain offered by the proponent would assist with revitalising the area. However, the planning proposal would increase the height and building mass on the site, which have not been demonstrated to be appropriate for the locality. The planning proposal is not consistent with this Planning Priority.

- *Protecting and improving the health and enjoyment of the Districts waterways (Priority C13)*

The Plan aims to protect and improve the environmental health of waterways. It advocates for an integrated approach to the protection and management of waterways and recognises that waterways need to be recognised for the environmental, social and economic benefits to communities.

The planning proposal sites adjoin the Cattai Creek corridor, which has been rezoned RE1 Public Recreation under the Showground Precinct Plan. The development outcomes in the concept provided indicate that the building footprints will encroach into the riparian corridor and will not allow for the appropriate management and protection of the Cattai Creek Corridor.

- *Increasing urban tree canopy cover and delivering Green Grid connections (Priority C16)*

The Plan aims to increase the urban tree canopy cover in the public realm and to promote a healthier urban environment, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve resilience.

The planning proposal is accompanied by a draft Voluntary Planning Agreement offer that includes a new 5,000m² public park which would assist with promoting a healthier urban environment and provide places for recreation and exercise. The proposal also includes through site links and landscaped area within the development concept. The draft DCP for the Showground Precinct identifies areas where through site links are sought and these will be delivered as part of future development applications under the new Precinct plan. The planning proposal is not needed to achieve the through site link and landscaping outcomes. Also, the concept plans indicate unacceptable encroachment of building footprints into the Cattai Creek riparian corridor, which has the potential to impact on the natural landscape.

Further, there is already a mechanism in place to improve the urban tree canopy and deliver green grid connections in the Showground Precinct. Council exhibited a draft Public Domain Plan for the Showground Precinct in January 2018 which identifies street tree and understorey planting to improve the local amenity and visual appearance of the Precinct and to reinforce the urban tree canopy. The future public domain works will be funded through the Contributions Plan and will be delivered by Council or developers through a works in kind

agreement. Accordingly, the planning proposal is not required in order for the Precinct to achieve the State Government's Planning Priority C16.

- *Delivering high quality open space (Priority C17)*

The Plan notes that the key considerations for planning open space are quality, quantity and distribution. It is acknowledged that the draft Voluntary Planning Agreement offer associated with the planning proposal will provide a new centrally located 5,000m² local park on Middleton Avenue that will provide recreation opportunities close to future dwellings.

However, whilst the planned growth can be serviced, the proposed additional growth resulting from the planning proposal results in the overall demand within the precinct increasing to 6 playing fields, resulting in a shortfall of 1 whole playing field. Without the identification of new options for playing fields, there is a possibility that the Precinct will have a lower level of service. Should the proposal be supported, further work will be needed to address the identified shortfall, over and above what has already been identified for the Precinct. The proposal is inconsistent with this Planning Priority.

- **Section 9.1 Ministerial Directions**

The proposal is inconsistent with the following Ministerial 9.1 Directions:

Direction 3.1 Residential Zones

The planning proposal is potentially inconsistent with this Direction given the scale of the development and the increase in yield that is unable to be serviced by infrastructure. In addition the direction requires development to be of good design. The proposal does not demonstrate that the future development would be of good design, as would result in excessive bulk and scale of built form and fails to meet a number of key requirements related to solar access and amenity.

Direction 4.3 Flood Prone Land

This Direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*.

Properties on Ashford Avenue are identified as flood control lots in The Hills DCP Part C Section 6 Flood Controlled Land. There are also overland flow paths on the subject sites. The subject planning proposal does not seek to rezone land, but does partly apply to land zoned RE1 Public Recreation (which contains Cattai Creek).

In accordance with The Hills DCP Part C Section 6 Flood Controlled Land, no future development will be permitted to occur in or over a floodway area, a flowpath or a high hazard area (as defined in the Floodplain Development Manual) generated by flooding up to FPL4. Should the planning proposal be supported the applicant must demonstrate the proposal's consistency with Ministerial Direction 4.3 by further investigating the capacity of stormwater infrastructure and demonstrating that local overland flow constraints have been addressed in the design concept.

Direction 5.9 North West Rail Link Corridor Strategy

This Direction requires that a planning proposal must be consistent with the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts.

The Strategy identifies the subject land as short term opportunity sites that may accommodate 3 – 6 storey apartment buildings. The planning proposal is inconsistent with this Direction, as it proposes building of 8 – 18 storeys.

Direction 6.3 Site Specific Provisions

This Direction seeks to discourage unnecessarily restrictive site specific planning controls. The planning proposal is inconsistent with this Direction as it proposes the introduction of a new key sites provision in LEP 2012.

- ***North West Rail Link Corridor Strategy:***

The Strategy identified the subject sites as short term opportunity sites that may accommodate 3-6 storey apartment buildings, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes.

While there has been a body of work undertaken to provide more detailed planning for the Precinct, there is still a Ministerial S117 Direction (now Section 9.1) that requires any changes to planning controls to be consistent with the North West Rail Link Corridor Strategy. The Strategy forecasts a floor space ratio of 1:1 – 2:1 which would facilitate a yield between 835 to 1,670 dwellings (100 – 199 dwellings/ha).

The Planning Proposal seeks heights of up to 18 storeys, and yield of 3,040 dwellings (364 dwellings/ha), which is beyond the floor space ratios and building heights that were identified in the North West Rail Link Corridor Strategy and what can be achieved under the current controls developed through the detailed Precinct Planning.

- ***Showground Station Precinct Plan***

The NSW Government rezoned the Showground Precinct for high and medium density development on 15 December 2017. This rezoning was the outcome of an extensive planning process led by the Department of Planning and Environment which commenced in August 2014. The Showground Precinct was one of four Precincts identified by the NSW Government to be planned as part of its 'Planned Precinct Program' along the Sydney Metro Northwest.

Based on the development standards which apply to the Precinct, the overall yield is likely to be slightly over 9,000 dwellings (with a 5,000 dwelling cap which will be reviewed once outstanding infrastructure issues are addressed). A draft development control plan, contribution plan (infrastructure plan) and public domain plan have been prepared by Council to support the rezoning of the Precinct and have been exhibited for public comment. These documents were prepared to achieve high quality built form outcomes that reflect the intended character of the precinct as a highly liveable transit centre.

The proposal is inconsistent with this Plan, as it seeks substantially higher yields and building heights for the subject sites, will increase the demand for infrastructure beyond what is able to be serviced and will disrupt the building height transition deliberately planned for the precinct.

Comparison of Station Strategies and Precinct Plans

The following table includes a comparison of the planning proposal against the growth identified within the North West Rail Link Corridor Strategy and the Showground Priority Precinct Plan.

	NWRL Corridor Strategy	Showground Station Precinct (Current Controls)	Planning Proposal
Height of Buildings	3-6 storeys	6 - 12 storeys	8 - 18 storeys
Floor Space Ratio	1:1 – 2:1	Base FSR: 2.1, 1.9 and 1.6 Incentive FSR: 3.1, 2.7 and 2.3	Key Site FSR: 2.09:1 – 4.80:1
Density (dwellings/ha)	100–199	264	364
Yield (Units)	835 – 1,670	2203	3,040

Table 3
Comparison of Controls and Expected Yields

b) Consistent with a relevant local strategy, endorsed by the Department;

- ***The Hills Local Strategy***

The Local Strategy is Council's principal document for communicating the future planning of the Shire and responds to, and plans for, local needs such as employment, housing and transport. In relation to residential development and land around centres, the Strategy seeks to plan for a mix of housing near jobs, transport and services where supported by appropriate infrastructure. The Strategy identified the need for masterplanning land in the railway station precincts and focuses on accommodating population growth, responding to changing housing needs, providing a sustainable living environment, and facilitating quality housing outcomes. More detailed strategic planning in the form of the Hills Corridor Strategy has since been completed.

The rezoning of the Showground Precinct in December 2017 broadly reflects the Local Strategy's principles of providing for a diversity and range of housing, managing potential land use conflicts and contributing to community connection. The planning proposal is inconsistent with this Strategy as the proposed unplanned dwellings would negatively impact on the sustainable management of development and growth in the Shire.

- ***The Hills Corridor Strategy***

The Hills Corridor Strategy sets a vision for land within the Showground Precinct. The Strategy envisages that the highest density development will be adjacent to the rail station with a maximum residential density of 300 dwellings per hectare. The land opposite the future Showground Rail Station (fronting Carrington Road) was identified as being appropriate for high density residential, with densities of 144 dwellings per hectare. As walking distance from the station increases, lower scale apartments were envisaged with densities of around 96 dwellings per hectare.

The Strategy identifies a yield of approximately 961 dwellings (density of 115 dwellings/ha). The density sought through the proposal, being 364 dwellings/ ha, is well in excess of the density in the Hills Corridor Strategy.

c) 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 Showground Station Precinct Plan was only finalised in December 2017, which saw land in the precinct experience a significant uplift in zoning. 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.

There has been no change in circumstances since the Precinct was rezoned six months ago and the current controls for the Showground Precinct came into force. The proposal seeks approximately 38% more yield than the gazetted plan.

4. SITE-SPECIFIC MERIT ASSESSMENT

a) the natural environment (including known significant environmental values, resources or hazards)

The planning proposal has not satisfactorily addressed stormwater infrastructure and local overland flow constraints.

Flood Controlled Land:

The subject land is affected by overland flow from the local catchments within the Showground Precinct. Council has identified Flood Controlled Land between Middleton Avenue and Cattai Creek associated with an overland flowpath and Council's stormwater infrastructure (see figure 2). The overland flowpath associated with the flood controlled land has been further defined in Council's *draft Urban Overland Flow Study*. Council is also aware of some historic property flooding during the late 1980's and 1990's along the overland flowpath between Middleton and Ashford Avenues.

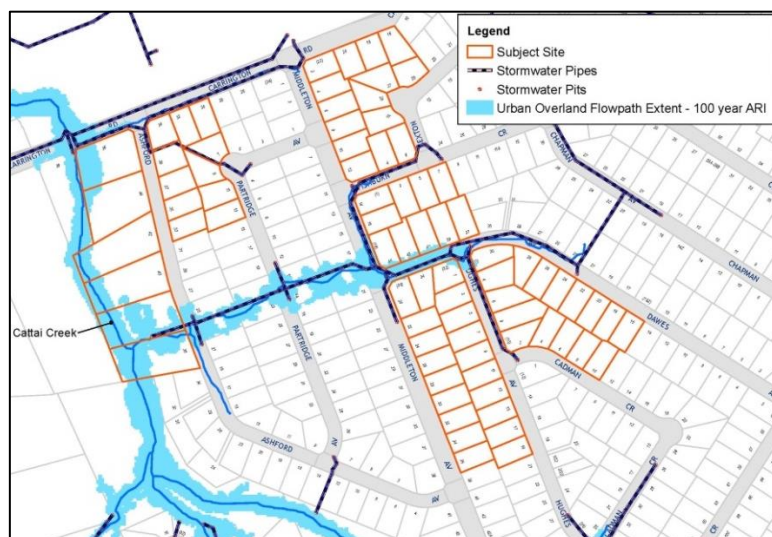


Figure 2
Location of Overland Flow Paths

Stormwater Infrastructure:

Stormwater infrastructure also traverses the subject sites which run parallel to Cattai Creek, with the stormwater network also influencing part of the subject sites higher in the catchment. Council has undertaken an analysis of the stormwater pipe's hydrologic level of service within and adjacent to the planning proposal areas which demonstrates that the pipe network is overwhelmed in places by storm events more frequent than a 5 year Average Recurrence Interval (ARI). Conversely, there are reaches of the pipe network that are demonstrated to meet Council's current design standards.

The planning proposal has not addressed the constraints posed to these sites with regards to the existing stormwater network and any upgrades that may be necessary to meet the

current design standards for the future development. Further investigation is required into the capacity of stormwater infrastructure and identify where augmentation is required, and the proponent must demonstrate that local overland flow constraints have been addressed in the design concept.

Stormwater System Capacity:

Section 9.5.2 'Stormwater Services' (p.125) of the proponent's November 2017 Planning Proposal report states:

"The existing public stormwater system was identified as having high capacity to accommodate future high density developments, including stormwater infrastructure established within the creek corridor under Carrington Road and within the Cockayne Reserve."

However, owing to the stormwater infrastructure age and Council's information regarding the hydrologic level of service of the current stormwater pipes within this area it is considered unlikely that the public stormwater system will have a *"high capacity to accommodate future high density developments"*. The upgrade of the stormwater network to meet Council's current design standards should be considered systematically across the Precinct with the progression of higher density development. Otherwise, this statement should to be justified with appropriate flood/drainage investigation to ensure that these constraints are adequately considered so that the future planned development will have minimal impact or be upgraded or augmented to meet any future development capacity within the area.

Further, the proponent's above statement regarding stormwater services is in contradiction to their initial November 2016 Showground Station Precinct Planning Proposal - Ashford Avenue Key Site Report. That document referred to a July 2014 AECOM report which identified the stormwater capacity in the Precinct as potentially requiring augmentation and improvement.

Riparian Corridor:

The sites on Ashford Avenue adjoin Cattai Creek and the Urban Design Report shows that most of the building footprints extend into the riparian zone. The plans also show that the riparian corridor has been included in the soft landscaping and communal open space area calculations. The riparian corridor is required in accordance with the NSW Water Management Act, and it is appropriate that these areas be located elsewhere on the site (outside of the riparian corridor).

Part of the riparian corridor is proposed to be rezoned to RE1 Public Recreation, and encroachment of building footprints, common open space etc into this zoning is not appropriate. The submitted concept plans are inconsistent with respect to the extent of the riparian corridor, the extent of the RE1 zone and the impacts of the proposed development on the corridor and RE1 zone.

Further, the planning proposal has not sufficiently demonstrated that overshadowing impacts on the riparian corridor between the hours of 9am – 3pm are acceptable. Further urban design analysis is also required to demonstrate that building setbacks (including upper level setbacks) and built form interface meet the DCP requirements. It is considered that the development proposed for land adjoining the riparian corridor has not been appropriately designed to protect the integrity and environmental functionality of the riparian corridor.

b) the existing uses, approved uses and likely future uses of land in the vicinity of the proposal

The strategic planning work recently undertaken by the State Government involved an extensive review of opportunities and constraints and identified appropriate densities and built form outcomes on a precinct-wide basis. That planning process culminated in the Precinct's rezoning six months ago and the implementation of controls that will provide for more homes and housing choice close to the rail station. It is in the public interest that the recent Precinct Plan is supported and existing LEP controls be retained.

The proposal has not adequately dealt with the following key issues, which could negatively impact on existing and likely future land uses in the Showground Precinct:

- *Residential Density;*
- *Building Heights and Massing;*
- *Amenity Impacts on Adjoining Developments; and*
- *Housing Diversity.*

Each of these key issues is discussed further below.

Residential Density

Buildings approaching a floor space ratio of 3:1 and above are difficult to design to meet relevant criteria, such as building separation, amenity and solar access requirements and potentially present compromised amenity for future residents.

Achievement of the proponent's development concept will result in floor space ratios ranging from 4.8:1 (opposite the future rail station) to 2.09:1 (adjacent to Cattai Creek), which is considered excessive (see Figure 3).

The floor space ratios identified on proponent's Key Sites Floor Space Ratio map (Figure 4) appear to include land zoned RE1 Public Recreation and as such, are not considered to be an accurate representation of the FSRs that the proponent is seeking to achieve on the sites.



Figure 3
Key Sites FSR Map (with RE1 Public Recreation zoned land excluded)
(source: Council Report - Figure 4, 24 April 2018)

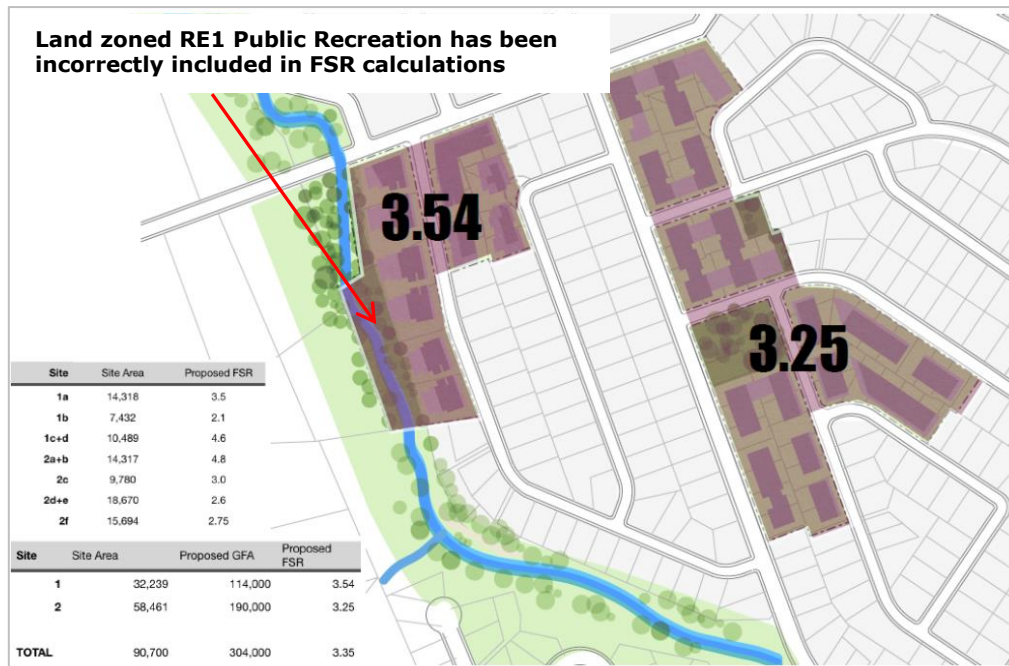


Figure 4
Proponent's Key Sites FSR Map
(source: APP Rezoning Review Request letter, 30 May 2018)

Building Heights and Massing:

The proposed distribution of height and yield is as follows:

Site 1: Residential flat buildings ranging in height from 18 Storeys adjoining Carrington Road to 9 storeys to the south; and

Site 2: Residential flat buildings ranging in height from 18 Storeys adjoining Carrington Road to 8 storeys to the south.

Draft The Hills DCP 2012 Part D Section 19 Showground Station Precinct was exhibited in January 2018 and seeks to regulate the future built form and character of new development to achieve high quality built form outcomes. The draft DCP envisages building heights of between 6 and 12 storeys across the subject sites (see Figure 5). The planning proposal represents a substantial variation from the density and heights that were considered appropriate for the locality as part of the master planning process (see Figures 6 and 7).

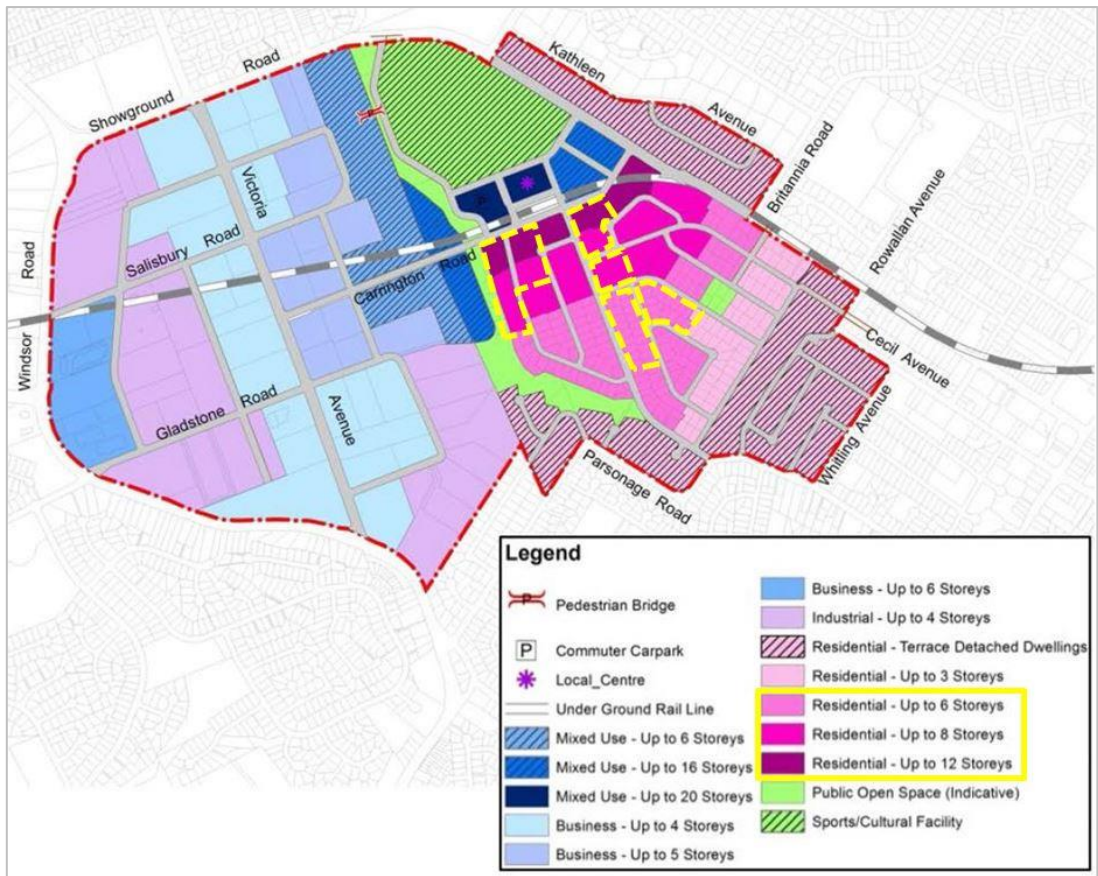


Figure 5
Draft Showground Precinct DCP Structure Map
(source: Council Report - Figure 7, 24 April 2018).



Figure 6
Proposed Building Heights
(source: Council Report - Figure 12, 24 April 2018)

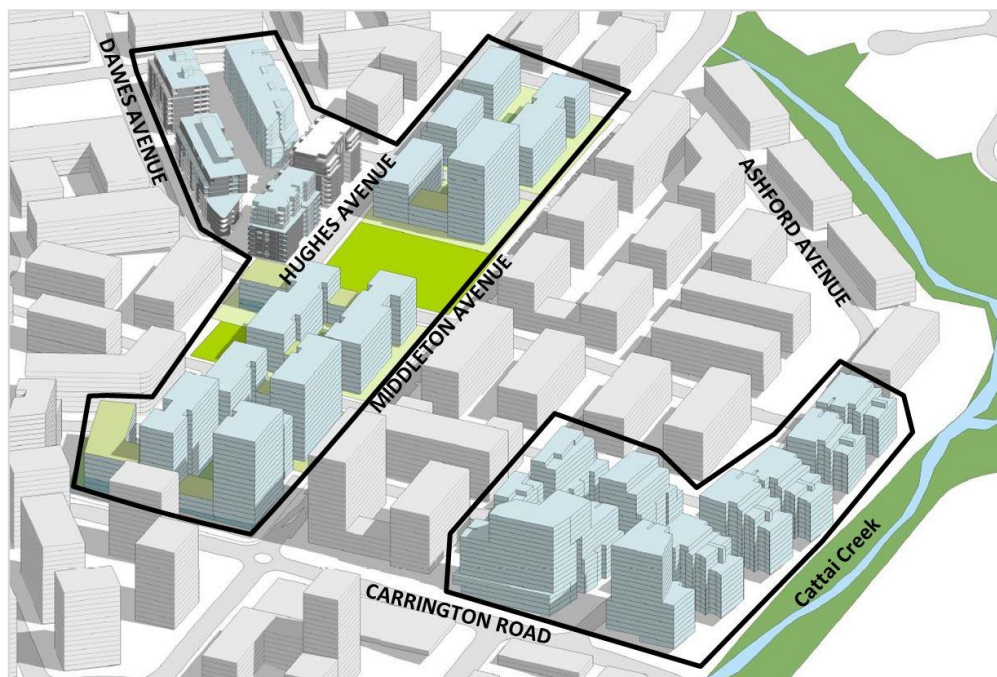


Figure 7
Proposed Built Form Massing
(source: Council Report - Figure 5, 24 April 2018.

The planning proposal would increase the height and building mass on the site, which have not been demonstrated to be appropriate for the locality. The proposed building heights for land fronting Carrington Road are 6 storeys higher than the other planned buildings along this frontage. The 18 storey elements will be more in keeping with development on the station site itself, rather than the residential components of the precinct across Carrington Road. The built form for the precinct has been designed to demarcate the station site and create it as an identifiable feature in the Precinct that signifies the station location and retail area.

The local centre above the station was earmarked for higher buildings as this will allow greater separation distances between buildings, maximise solar access and allow for significant area of public realm at ground level. The Precinct Plan sought to limit the building heights along Carrington Road to a maximum of 12 storeys, based on extensive urban design testing. Building elements approaching 16 to 18 storeys in the residential part of the precinct would weaken the transit oriented development principles the precinct was designed to embody.

Amenity Impacts on Adjoining Developments

The built form outcome sought via the planning proposal could negatively impact on the amenity of adjoining land. Key concerns include:

- The heights proposed at the southern end of both key sites (refer Figure 6) are unlikely to provide sufficient transition to the heights allowable on adjoining land under the gazetted precinct controls.
- Insufficient detail has been provided to demonstrate compliance with relevant solar access controls which are in place to ensure appropriate solar access to common open space, public open space, public streets and adjoining sites.

- Based on the shadow diagrams provided, it is apparent that there will be extensive overshadowing over the Cattai Creek riparian corridor, public streets (including Middleton Avenue), the new proposed local park, and common open space within the development and on adjacent sites. These shadow impacts will create an undesirable living environment for future residents as well as compromise the development potential of adjacent sites.

There is also concern regarding the likely 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 uncertainty that the proposed development will be capable of delivering an appropriate built form that meets minimum solar access requirements.

Housing Diversity

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 10,000m². By not locking the housing diversity provisions in, the development yield could potentially be increased as a higher number of apartments would be able to be achieved in the same amount of gross floor area.

c) 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.

In recognition of the local area's opportunities and constraints and government infrastructure planning for the precinct, the State Government imposed a cap of 5,000 dwellings for the Precinct in December 2017. This cap will ensure that future growth in the Precinct matches the level of local and regional infrastructure that has been planned for the local area. It is expected that this dwelling cap will remain in place until the outstanding infrastructure issues have been resolved. To ensure equity for all landowners in the Precinct and to maintain their ability to develop their land in accordance with current controls, it is important that the Precinct Plan be supported.

A contribution towards local infrastructure will be required based on rates in the exhibited draft Contribution Plan. This contribution would be applied to future development as it relates to the 2,203 planned dwellings. Existing controls anticipate a yield of approximately 2,203 for the subject sites where the bonus floor space incentive provisions are taken up (based on unit size and mix, and car parking requirements being met).

The proponent has offered to enter into a Voluntary Planning Agreement provide a number of items. As identified in Figure 8, the two key public benefits which warrant consideration include:

- A new centrally located 5,000m² park on Middleton Avenue which would improve the distribution of passive open space within the Precinct
- The dedication of land to widen Middleton Avenue by 5m (plus a \$5m contribution towards construction) to improve accessibility and provide greater opportunities for landscaping and street tree planting

An analysis of the proponent's Voluntary Planning Agreement offer is provided in Attachment 3.



Figure 8
Map of Items that Demonstrate Public Benefit

It is noted that (a) embellishment of the park is not included in the proponent's offer, and (b) the widening of Middleton Avenue would require Council to carry the risk of unknown costs to deliver the reconstruction of Middleton Avenue, including design, any service relocations, management and construction.

The proponent has not sufficiently demonstrated that the unplanned growth can be adequately serviced or whether the resulting built form is appropriate for the location. The proponent's Voluntary Planning Agreement offer will not offset the pressure on infrastructure (particularly on active open space and road network capacity) that will be created by the additional unplanned dwellings. Key infrastructure limitations in the Precinct include:

- Playing Fields: As outlined in the Council Report, there is already expected to be an undersupply of approximately 0.5 playing fields based on planned growth. The additional growth associated with the planning proposal results in a shortfall of 1 whole playing field. Without the identification of new options for playing fields, the Precinct could have a lower level of service as a consequence of the subject planning proposal.
- Traffic: The proponent's traffic assessment only identified capped growth of 5,000 dwellings as the base case for future growth within the precinct, whereas the development standards that have been adopted for the precinct could facilitate yield of around 9,000 dwellings. Furthermore, the assessment only assessed the performance of the key intersections during the weekday evening and Saturday morning peaks. It did not assess the impact of future development on the key intersections during the morning peaks.
- Stormwater: See Section 4(a) above.

Should the planning proposal be supported, further analysis is required to ensure that the uplift resulting from the proposal can be supported, having regard to the upgrades already proposed, and the overall growth likely to be achieved within the Precinct (which will exceed the 5,000 dwelling cap).

Conclusion

The planning proposal would enable a development outcome on the sites which is inappropriate in terms of scale and density and unable to be serviced by local infrastructure. A decision to amend the newly-minted planning controls could also create an undesirable precedent for other sites in the Precinct. Ultimately, the proposal fails to demonstrate adequate strategic justification or site specific merit to warrant progression to Gateway Determination.

**REVIEW OF PROPONENT'S VOLUNTARY PLANNING AGREEMENT OFFER
(MAY 2018)**

PROPONENTS OFFER	PROPONENT'S VALUE OF OFFER	COUNCIL COMMENT
Open Space		
<ul style="list-style-type: none"> 5,000m² central park. 3,815m² creation of 'Middleton Walk' park & public thoroughfare. 6,566m² of RE1 zoned land to Council at no cost, for creation of Cattai Creek Park. 	<ul style="list-style-type: none"> \$28.75 mil. \$22 mil. \$14.8 mil. 	<ul style="list-style-type: none"> The public benefits of a 5,000m² park are acknowledged. Considered a VPA item. The Draft Showground Station Precinct DCP identifies a through site pedestrian link in this location to improve accessibility and connectivity. This offer has changed during the course of the planning proposal. Already included in the Contributions Plan. Not considered a VPA item.
Through-Site Links		
<ul style="list-style-type: none"> Additional publicly-accessible through-site links (4,719m²), above those envisaged in DCP. 	<ul style="list-style-type: none"> \$27 mil + 	<ul style="list-style-type: none"> The provision of through-site links is a requirement under the DCP. Not considered a VPA item.
Road Widening		
<ul style="list-style-type: none"> Widening of Middleton Ave by 5m (4,766m²) to create a grand central boulevard 2m local road widening 	<ul style="list-style-type: none"> \$27 mil. - 	<p>The public benefits of this widening are acknowledged. Considered a VPA item.</p> <p>The Draft Showground Station Precinct DCP requires land identified on its 'Local Street – Land Dedication Plan' to be dedicated to Council at no cost. As this is required under the DCP and the floor space is able to be incorporated into the final development site, it does not constitute an additional public benefit. Not considered a VPA item.</p>
<ul style="list-style-type: none"> Associated civil improvement works that are not envisaged under the current plan. 	<ul style="list-style-type: none"> \$5 mil. 	<p>This is a new offer by the proponent as part of the Rezoning Review request, and has not been considered by Council. The draft VPA offer considered by Council included \$10mil in contributions toward capital works for Middleton Avenue.</p>
Affordable Housing		
<ul style="list-style-type: none"> 15% of all apartments to be provided as affordable housing. 	<ul style="list-style-type: none"> - 	<p>Through the housing diversity provisions and policies that promote housing supply, Council is shaping future developments to deliver a</p>

		diversity of housing. Not considered a VPA item.
Education Contribution		
<ul style="list-style-type: none"> Cash contribution towards the creation of a new school for the Showground Precinct. 	<ul style="list-style-type: none"> \$5 mil. 	This is a matter for Department of Education and does not justify increased yield in the Precinct. This is a new offer by the proponent as part of the Rezoning Review request, and has not been considered by Council.
Child Care Centres		
<ul style="list-style-type: none"> 3 x new child care centres 	-	The child care centres are likely to be commercially run by a private operator for profit and they are not appropriate for inclusion within a VPA.
Other Infrastructure		
<ul style="list-style-type: none"> Digital library, dedicated to Council. 	-	While a free digital library might be useful to future residents, it has minimal public benefit which would warrant its inclusion in a VPA. Not considered a VPA item.
<ul style="list-style-type: none"> Free Public Wi-fi 		While free Wi-Fi might be useful to future residents, it has no public benefit which would warrant its inclusion in a VPA. Not considered a VPA item.

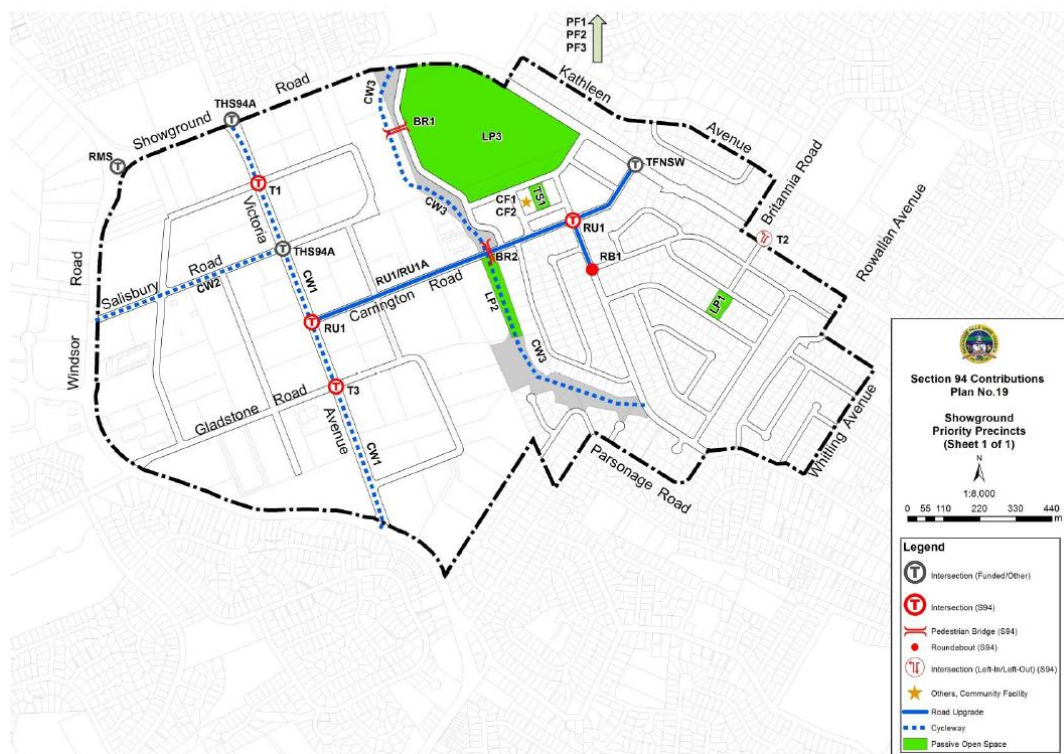


Figure 9

Location of Facilities included in Draft Contributions Plan No.19 Showground Station Precinct
(taken from Figure 2 of Draft Contributions Plan)

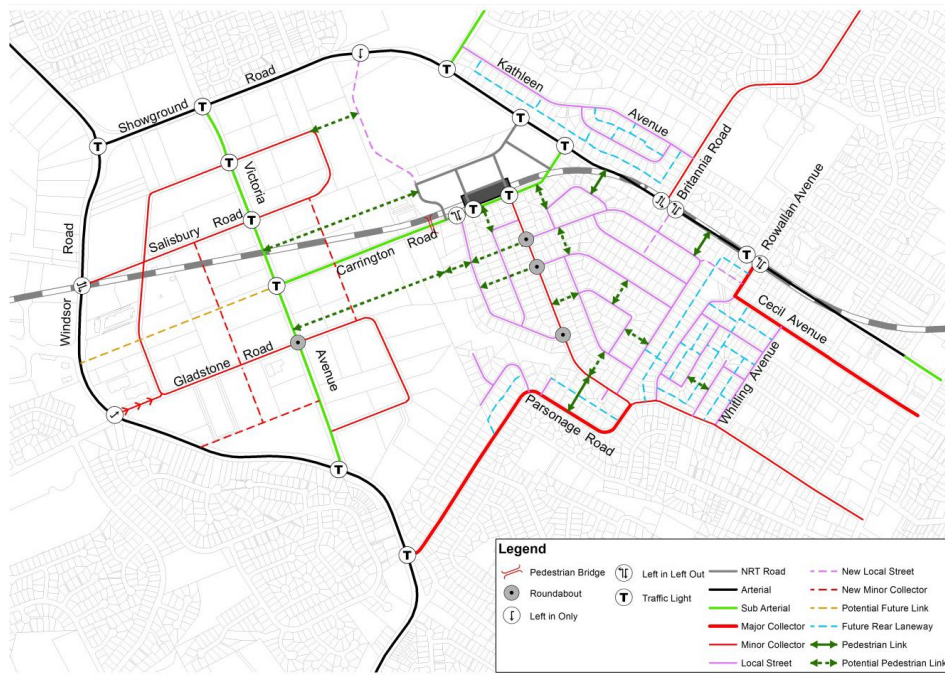


Figure 10
 Indicative Street Network & Hierarchy, Showground Station Precinct
 (Figure 8 of Draft Part D Section 19 Showground Station Precinct Development Control Plan)