

<b>DATE OF DECISION</b>	11 October 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Peter Brennan, Susan Budd, Chandi Saba and Mark Colburt
<b>APOLOGY</b>	Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	Nil

## REZONING REVIEW

2018SWC066 – The Hills Shire – RR\_2018\_THILL\_003\_00

The Planning Proposal 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 totaling 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
- Including a bonus incentive floor space ratio (FSR) and bonus incentive building height clause for these key sites; and
- Including a requirement for the provision of community infrastructure and affordable housing on the land if the bonus incentive FSR and height is utilized.

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

## PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

## REASONS FOR THE DECISION

The Panel considers this planning proposal to amend The Hills Local Environmental Plan 2012 (LEP) for multiple sites in the Showground Station Precinct, Castle Hill fails to demonstrate strategic merit for the following reasons;

1. The proposal seeks to amend controls that are less than 12 months old. (The current planning controls applying to the site under The Hills Local Environmental Plan 2012 (LEP), adopted as per State Environmental Planning Policy Amendment (Showground Station Precinct) 2017, came into force on 15 December 2017.

The controls were underpinned by comprehensive strategic planning studies undertaken by Council, the Department of Planning and Environment and other state agencies to determine the appropriate built form and density in the Showground Station Precinct needed to support the Sydney Metro Northwest project.

The panel noted that the proponent had aggregated 78 lots in Ashford Avenue and along Middleton and Dawes Avenues and proposed two key sites. Notwithstanding, the panel did not consider that there had been a change in circumstances to warrant such a change to the existing planning controls particularly having regard to the cap on the maximum number of dwellings (5000) permitted in the Showground Station Precinct and the alignment with local and State infrastructure provision.

2. The proposal may result in unplanned growth and has the potential to disadvantage other land owners in the precinct who may wish to develop their land in accordance with current development standards, as there is a 5000 dwelling cap for the precinct aligned with local and state infrastructure provision. The panel understands that the imposition of the dwelling cap by the NSW Government was in recognition of outstanding infrastructure issues, which have not been finalized, including the provision of schools and active open space.
3. The panel believes that maintenance of the recently introduced planning controls provides certainty and is in the public interest. In this regard the panel noted the recent development applications and requests for pre DA meetings received by Council for the Showground Station precinct, generally provided for development that met the current planning controls.
4. There is a shortage of active open space in the precinct and wider area, which will be exacerbated by the proposed increase in dwellings.
5. The proposal provides for floor space ratio and building heights that will result in densities and a built form not appropriate or envisaged for the location and may impact on solar access to adjoining sites, common open space and the public domain.

### **ADDITIONAL PANEL COMMENTS**


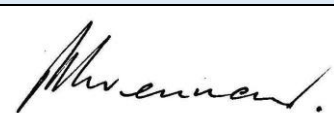

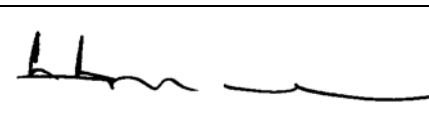
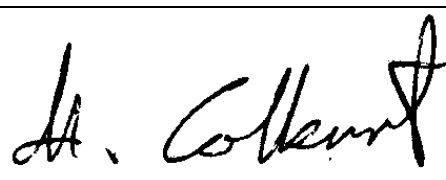
The Panel also noted that the report to Council (24 April 2018) on the planning proposal did canvas a number of options (3). One of these options, referred to as 'Option 3 – Progress an Alternate Concept'.

This option recognized that the public benefits being offered were significant but the extent of floor space being sought through the planning proposal is excessive and inadequate justification had been provided.

The recommendation was that Council seek the advice of the Department of Planning and Environment on the relative merits of a revised development concept and planning proposal for the subject sites that addresses the following requirements:

- a. The maximum number of dwellings is not to exceed 2,643;
- b. The maximum building height is not to exceed 18 storeys;
- c. Dedication of land for the widening of Middleton Avenue and construction of Middleton Avenue, in a staged and timely manner;
- d. Dedication and embellishment of 5,000m<sup>2</sup> of public open space at the corner of Dawes Avenue and Middleton Avenue;
- e. Demonstration that future development will comply with housing diversity requirements contained in Clause 9.1 of LEP 2012;
- f. Demonstration that the future development can meet standards for overshadowing, solar access, site cover and deep soil planting (as set out in section 4 of this report);
- g. Demonstration that adequate building separation, setbacks to sensitive interfaces, and building height transition can be achieved; and
- h. Demonstration that building footprints account for overland flow paths.

The panel sees merit in a revised development concept and planning proposal generally as outlined above and would recommend that the proponent pursue that option with Council.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Peter Brennan
 Susan Budd	 Chandi Saba
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REFERENCE	2018SWC066 – The Hills Shire – RR_2018_THILL_003_00

2	LEP TO BE AMENDED	The Hill Local Environmental Plan 2018
3	PROPOSED INSTRUMENT	<p>The Planning Proposal 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 totaling 9.07 hectares. The proposal seeks to amend The Hills LEP 2012 by:</p> <ul style="list-style-type: none"> <li>- Adding a new key sites clause and amending the associated LEP maps to identify the subject land</li> <li>- Include a bonus incentive floor space ratio (FSR) and bonus incentive building height clause for these key sites; and</li> <li>- Include a requirement for the provision of community infrastructure and affordable housing on the land if the bonus incentive FSR and height is utilized.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning and Environment</li> </ul>
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>○ <b>Site inspection:</b> 11 October 2018 (Panel members in attendance - Mary-Lynne Taylor (Acting Chair), Peter Brennan, Susan Budd, Chandi Saba and Mark Colburt</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: Ann-Maree Carruthers and Simon Turner</li> <li>• <b>Briefing meeting with Department of Planning Officers:</b> 11 October 2018, from 1.30pm to 2.30pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: Mary-Lynne Taylor, Peter Brennan, Susan Budd, Chandi Saba and Mark Colburt</li> <li>○ DPE staff in attendance: Ann-Maree Carruthers and Simon Turner</li> </ul> </li> <li>• <b>Briefing meeting with Proponent:</b> 11 October 2018, from 2.35pm to 3.50pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: Mary-Lynne Taylor, Peter Brennan, Susan Budd, Chandi Saba and Mark Colburt</li> <li>○ DPE staff in attendance: Ann-Maree Carruthers and Simon Turner</li> <li>○ Proponent representatives in attendance: Joseph Chiha, Sam Haddad, Chris Campbell, Allison Smith, Jim Koopman, Josh Owen, Bill Pickering, Bridie Gough, Frank Stanistic, Tony Owen, Aleks Jelacic, Paul Riddle and Ray Younan</li> </ul> </li> <li>• <b>Briefing meeting Council:</b> 11 October 2018, from 4.00pm to 4.48pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: Mary-Lynne Taylor, Peter Brennan, Susan Budd, Chandi Saba and Mark Colburt</li> <li>○ DPE staff in attendance: Ann-Maree Carruthers and Simon Turner</li> <li>○ Council representatives: Brent Woodhams, Bronwyn Inglis and Megan Munari.</li> </ul> </li> </ul>

