

23 February 2016

Our ref: 216.062

Director Urban Renewal  
NSW Planning and Environment  
GPO Box 39  
SYDNEY NSW 2000

## **PLANNING SUBMISSION FOR LAND AT 38 CARRINGTON ROAD CASTLE HILL IN RESPONSE TO THE SHOWGROUND STATION PRECINCT PROPOSAL**

Dear Sir/ Madam,

TPG Town Planning and Urban Design (TPG) has prepared the following submission to the Department of Planning and Environment (DP&E) with respect to the Showground Station Precinct Proposal (the Proposal) and identified impacts on the landowners and current business operations at 38 Carrington Road, Castle Hill (subject site).

Although the proposal has a number of significant consequences for the subject site and existing business operation, this submission is not intended as an objection to the Proposal. However, based on a comprehensive review of the exhibited document, the client seeks certain clarifications and minor modifications to the Proposal. They also seek to register their position with respect to a number of matters relating to the implementation of the plan, which will impact the subject site, its current land use and existing business operation.

### **1. Background**

The subject site has a total site area of 3,716m<sup>2</sup> and is currently zoned E4 Environmental living under The Hills Local Environmental Plan 2012 (THLEP 2012).

The subject site currently accommodates a community facility known as Chinmaya Mission Australia. The following extract from Chinmaya's website provides some background about Chinmaya Mission:

*Chinmaya Mission is a global spiritual organisation that was founded in 1953 by devotees of Swami Chinmayananda in India. They formed the nucleus of a movement of spiritual renaissance that now encompasses a wide range of spiritual, educational and charitable activities, ennobling the lives of thousands in India and outside its shores. The Mission is administered by Central Chinmaya Mission Trust, Mumbai, headed by Swami Tejomayananda.*

*Following the teacher-taught tradition (guru-sisya parampara) since time immemorial, Chinmaya Mission makes available the ageless wisdom of Vedanta, the knowledge of the One Reality, and provides the tools to realize that wisdom in one's own life. To give maximum happiness to the maximum number for the maximum time is the tenet that drives members to uplift humanity beyond selfish and sectarian attitudes and activities. Each person's gain is manifold: personal growth, heightened efficiency, contentment, and living in peace and harmony.*

The subject site currently provides a peaceful and tranquil location through which Chinmaya's spiritual endeavours can be shared with the community.

The eastern boundary of the site is adjacent to Cattai Creek and the creek runs through the site. Fencing currently prevents access to the creek. The site has been largely cleared and is currently occupied by a two-storey building with vehicle access from Carrington Road.

The Proposal identifies the subject site as part of an open space link that runs along the Cattai Creek corridor and seeks to establish an enhanced open space connection between Showground Road, via the subject site and Cockayne Reserve, to Middleton Avenue. The Proposal outlines its strategic intent to enhance the Cattai Creek corridor as a high quality pedestrian and cycling link.

The subject site is identified to be rezoned from its current E4 Environmental living zone to a RE1 Public recreation zone, commensurate with its intended future use for public purposes as an open space link.

## **2. Submission**

The RE1 zone and intended future use of the site and surrounding land for public recreation will adversely impact the ongoing feasibility of the current development and business operation requiring the operators to seek alternative suitable premises and will result in a significant devaluation in land for the current land owners.

Section 4.6 of the Proposal indicates the intent to rezone the subject site from its current E4 zoning to RE1 Public Recreation. The proposed permissible uses under the RE1 zone may allow for the continuance of the existing use of the site, as a community facility is specifically permissible with consent in the RE1 zone. This assumes that the definition of community facility remains the same as follows:

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

A notable difference between the existing and proposed zones is that the residential uses permissible under the current zoning would not be permissible under an RE1 zone; however a range of non-residential uses would become permissible including recreation, restaurants or cafes, take away food and kiosks. Based on a comprehensive review of the plan, the intent of the zoning is not specifically to enable such uses to occur, rather to align the RE1 zoning with the intended future use of the subject site and surrounds as a publically accessible open space link.

In order to accommodate the Cattai Creek corridor enhancements and pedestrian and cycling infrastructure, concept plans indicate that existing development and operation on the subject site would be ceased at some stage in the future in favour of an open space pedestrian and cycling link. This would necessitate relocation of existing business activities on the site at considerable cost and inconvenience and also has a significant impact on the value of the existing property.

If the existing development and business operation were able to remain in situ, the effects of the proposed modifications to road networks (i.e. Hoyle Avenue extension), Cattai Creek corridor link and increased development in the locality is likely to affect the existing tranquillity enjoyed at the subject site. The current site attributes are a primary factor associated with the current use of the subject site as a centre for community wellbeing. Thus, even if the business was to stay, the proposed local changes will have a significant economic impact.

Irrespective of any future intent by State or local government to acquire the subject site, land owners would have no choice but to relocate to establish more suitable premises conducive to the current activity undertaken on the site. Note that given the proposed RE1 zoning, there is some intention to compensate landowners or some type of land acquisition proposed.

Given the above, the intent of the RE1 zone is not to facilitate the continuation of the existing use of the site; rather to allow for the intended future public use of the site. Furthermore the intended public use of the site is in conflict with the site's existing development and operation. In this regard, the proposed RE1 zoning will adversely impact on the feasible and sustainable future use of the subject site in light of future economic circumstances, location and accessibility.

The Proposal should acknowledge that compensation for landowners whose private land has been identified for public purposes would be a considered during implementation processes.

The implementation processes identified within the Proposal are 'high level' and make no specific mention of actions required to deliver the necessary land tenure and public infrastructure associated with the Cattai Creek corridor.

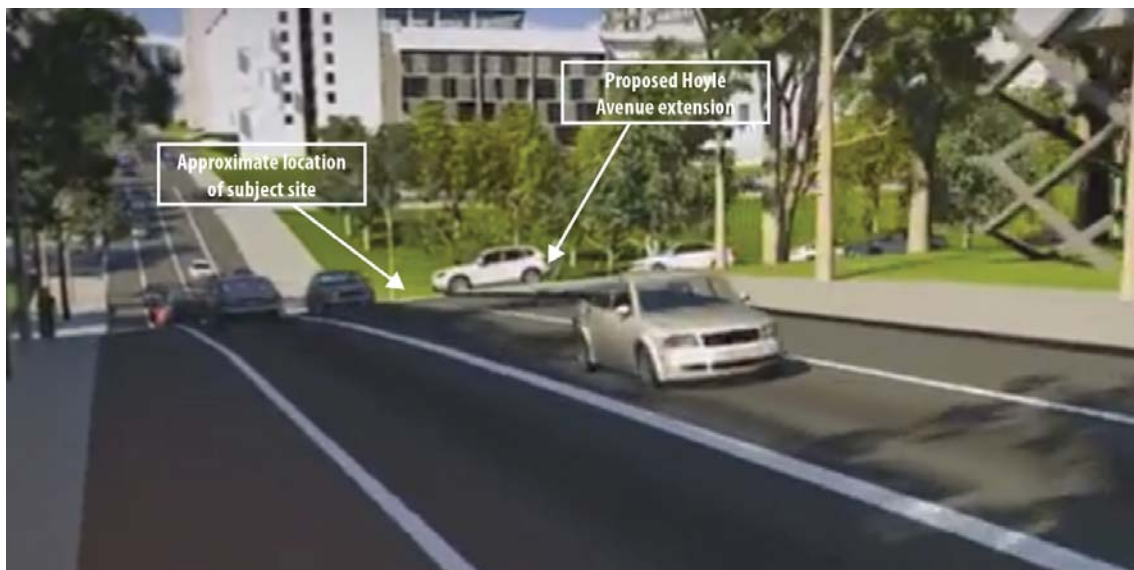
It is recognised that enhancing the Cattai Creek corridor will provide for a range of community benefits on a precinct level; however the Proposal provides limited information on how this would be implemented and how land tenure, particularly privately owned land parcels, would be purchased for this purpose in order to establish a continuous public link.

The Proposal acknowledges that some parts of the corridor are currently in private ownership, which is the case for the subject site. Figure 34 under Section 4.5 of the Proposal indicates that no built form is proposed on the subject site and that it would form part of a continuous open space link. This is illustrated as **Figure 1**.



**Figure 1: Extract from Figure 34 of the Proposal – Built form (source DP&E)**

The above is further confirmed by **Figure 2**, which has been extracted from the fly-through video provided on the DP&E website, which illustrates that the subject site would not contain built form.



**Figure 2: Extract from fly through as viewed eastwards along Carrington Road (source DP&E)**

Establishing future pedestrian and cycling links over private land would not be appropriate for public open space and public infrastructure. Therefore, it is assumed that acquisition of private land parcels will be necessary for this to occur.

The Proposal does not include a clear or stated direction as to whether any acquisitions are intended by State or local government in order to deliver the Cattai Creek corridor enhancements. This is likely to result in significant uncertainty as to the future of the subject site and its current operation and will adversely impact on:

- the future development potential of the site as any built form is likely to be considered as inconsistent with the Proposal, which assumes no built form on the site;
- investment confidence and the ability to adapt to emerging circumstances with respect to the existing built form, land use and business operations;
- ability to undertake appropriate forward planning with respect to the use and operation of the subject site;
- the feasibility of the current land use in that location; and
- land values.

The infrastructure schedule in Section 5.1 provides limited detail on the timeline for the Cattai Creek corridor enhancements and Hoyle Avenue extension. The Proposal largely defers necessary detail to later stages of the project *'as the precinct develops'*.

Clarity is sought on the intended implementation process to confirm key actions likely to be considered relating to land tenure rationalisation including land acquisitions and land swap arrangements. In either case, the Proposal should highlight that due compensation would be considered for affected landowners and business operators with respect to matters including, but not limited to, costs associated with sale and transfer of land; relocation of existing operations; property and business capital; and identification and acquisition of an alternative premises.

Providing clarification within the Proposal of critical actions, responsibilities and the delivery timeframe is essential to ensure landowners and business operators can undertake appropriate forward planning to consider and act on emerging circumstances associated with key elements of the Proposal.

The infrastructure schedule provided within the Proposal does not include sufficient detail with respect to intended implementation processes. As a matter of importance and urgency, this should be expanded upon to provide more certainty with respect to intended actions, timeframes and responsibilities regarding land rationalisation and timeframe for the Cattai Creek corridor and Hoyle Avenue extension as well as listing responsible agencies for delivery.

### **3. Conclusion**

Based on the above, the Proposal will have significant impacts on the ongoing feasibility and sustainability of the existing development and current operation undertaken within the subject site as well as the site's potential land value.

Whilst the proposed RE1 zone may allow for the continuation of the existing use of the subject site, the plan is clear that the objective of this zone is primarily to establish the appropriate zoning for the intended use of the Cattai Creek Corridor as a key public link. The proposal clearly illustrates the intended future relocation of all development and activity on the subject site. Relocation of the existing facilities and operations will therefore be necessary to ensure ongoing and feasible continuance of existing business activities. Clarity is sought on how the business operators and landowners will be compensated.

The landowners therefore seek the following matters to be addressed by the DP&E as the Proposal progresses towards its finalisation and adoption:

- Provide greater clarity within the Proposal with respect to the intended actions associated with the delivery of the Cattai Creek corridor enhancements.
- The Proposal should make specific mention where land acquisitions, land swap and compensation may be considered, particularly with regard to those private land parcels that are identified for public purposes.
- Expand upon the infrastructure schedule in Section 5.1 to include:
  - timeframe for delivering the Cattai Creek corridor;
  - detail actions and timeframes associated with land rationalisation associated with implementing the Cattai Creek corridor, including potential for land swap and land acquisition;
  - details of business compensation;
  - timeframe for delivering new road links including the Hoyle Avenue extension; and
  - responsible agencies for delivering the above elements of the plan.

The above matters are critical to ensuring a transparent approach to implementation measures required to deliver key aspects of the Proposal. This will assist landowners and business operators in undertaking appropriate forward planning to consider and act on emerging circumstances that will occur as a result of implementation processes.

Given the severity of the impact, especially negative economic impact, the land owners and business operators request a specific response to the issues raised by this submission.

We trust that the matters outlined above will assist the DP&E in its further consideration of the Showground Station Precinct Proposal. Please feel free to contact the undersigned on 9925 0444 should you seek any further clarification regarding matters raised in this submission.

Yours sincerely,

**TPG Town Planning and Urban Design**

A handwritten signature in black ink, reading "H. Deegan." with a period at the end. The signature is written in a cursive, flowing style.

**Helen Deegan**  
Director of Planning