



3 July 2018

Executive Director, Housing and Urban Renewal
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Our Ref: FP50

Dear Sir/Madam

EXHIBITION OF CHANGES TO STATE SIGNIFICANT DEVELOPMENT IN THE SYDNEY METRO NORTHWEST CORRIDOR (FP50)

Thank you for the opportunity to provide feedback on the proposed amendments to State Environmental Planning Policy (State and Regional Development) 2011 relating to state significant development in the Sydney Metro Northwest corridor.

On 26 June 2018, Council considered a report on the matter and resolved as follows:

A submission be forwarded to the Department of Planning and Environment on the draft changes to the State and Regional Development SEPP outlining the following key concerns:

Application of the SEPP to private land and land in Castle Hill Showground

- The exhibited maps include certain land that is privately owned and land that forms part of Castle Hill Showground site.*
- It is recommended that the boundaries of land to be identified as 'state significant' be reviewed to ensure they properly align with State government ownership. Alternatively, it is requested that the Department clarify why this land has been included.*

New criteria for stage significant development in the Sydney Metro Northwest corridor

- It is unclear as to what constitutes development by or on behalf of Transport for NSW or Planning Ministerial Corporation. Concern is raised that if detailed development applications for individual sites are undertaken through the state significant development pathway, these applications will not be assessed under Council's development controls.*
- It is recommended that the SEPP be limited to a principal subdivision establishing major lots or public domain areas and the creation of new roadways and associated sites as is currently the case and excludes development of individual sites from following the state significant approval pathway.*
- If there are other types of state development envisaged for the precinct, it is recommended that these be specified, rather than captured by a capital investment value of \$30 million.*

Council's report and minute form part of the submission on the proposed changes and are provided as Attachment 1.

Should you have any queries in relation to Council's submission, please contact Alicia Iori, Senior Town Planner, on 9843 0396.

Yours faithfully

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

Stewart Seale
MANAGER - FORWARD PLANNING

Attachment 1: Council Report and Minute – 26 June 2018

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 26 June 2018

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR JETHI AND SECONDED BY COUNCILLOR COLLINS OAM THAT Items 5, 6, 12, 13, 14, 15, 16 17, 18, 19, 21 and 22 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED

312 RESOLUTION

Items 5, 6, 12, 13, 14, 15, 16 17, 18, 19, 21 and 22 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-5 EXHIBITION OF CHANGES TO STATE SIGNIFICANT DEVELOPMENT IN THE SYDNEY METRO NORTHWEST CORRIDOR (FP50)

313 RESOLUTION

A submission be forwarded to the Department of Planning and Environment on the draft changes to the State and Regional Development SEPP outlining the following key concerns:

Application of the SEPP to private land and land in Castle Hill Showground

- The exhibited maps include certain land that is privately owned and land that forms part of Castle Hill Showground site.
- It is recommended that the boundaries of land to be identified as 'state significant' be reviewed to ensure they properly align with State government ownership. Alternatively, it is requested that the Department clarify why this land has been included.

New criteria for stage significant development in the Sydney Metro Northwest corridor

- It is unclear as to what constitutes development by or on behalf of Transport for NSW or Planning Ministerial Corporation. Concern is raised that if detailed development applications for individual sites are undertaken through the state significant development pathway, these applications will not be assessed under Council's development controls.
- It is recommended that the SEPP be limited to a principal subdivision establishing major lots or public domain areas and the creation of new roadways and associated sites as is currently the case and excludes development of individual sites from following the state significant approval pathway.
- If there are other types of state development envisaged for the precinct, it is recommended that these be specified, rather than captured by a capital investment value of \$30 million.

ITEM-5	EXHIBITION OF CHANGES TO STATE SIGNIFICANT DEVELOPMENT IN THE SYDNEY METRO NORTHWEST CORRIDOR (FP50)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	26 JUNE 2018 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER ALICIA IORI
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a submission be forwarded to the Department of Planning and Environment on proposed changes to State Environmental Planning Policy (State and Regional Development) 2011 (the SEPP) relating to 'state significant development' in the Sydney Metro Northwest corridor.

Concern is raised with respect to the application of the SEPP to land that is privately owned or forms part of the Castle Hill Showground. It is recommended that the identified boundaries within the maps for the Showground, Bella Vista and Kellyville Precincts be reviewed to ensure they properly align with State government ownership. Alternatively, the Department should clarify why this land has been included.

Concern is also raised regarding the new criteria that will allow additional development on Government land to be state significant development if it has a capital investment value of \$30 million and is undertaken by or on behalf of Transport for NSW or the Planning Ministerial Corporation. It is considered appropriate that a master plan approval for subdivision, public domain works and roads be undertaken by Landcom as state significant development. However, if detailed development applications on individual sites are undertaken through the state significant development pathway, these applications will not be assessed in accordance with Council's controls that seek to ensure high quality development outcomes.

It is recommended that the SEPP be limited to a principal subdivision establishing major lots or public domain areas and the creation of new roadways and associated sites as is currently the case and excludes development of individual sites from following the state significant approval pathway. If there are other types of state development envisaged for the precinct, it is recommended that these be specified, rather than captured by a capital investment value of \$30 million.

BACKGROUND

The Minister for Planning rezoned the Showground, Bella Vista and Kellyville Priority Precincts in December 2017 by way of amendments to LEP 2012 and State Environmental Planning Policy (State and Regional Development) 2011 (the SEPP).

Under State Environmental Planning Policy (State and Regional Development) 2011, state significant development is listed within Schedules 1 and 2 of the SEPP. This development is considered to be significant due to the size, economic value or potential impacts. Applications for state significant development are lodged with the Department of Planning and Environment with the Minister for Planning being the consent authority.

The Department considers the following when assessing a State significant development application:

- Existing strategic plans and policies (including State, regional and local);
- Feedback and comments from the relevant local council(s);
- Specialised and technical input and advice received from Federal and State Government agencies;
- Public submissions received during the exhibition; and
- The public interest.

These applications differ from other development applications in a number of ways. Importantly, development control plans do not apply to state significant development, but may be considered on a site-by-site basis.

Amendments made to the SEPP in December 2017 in relation to the Showground, Bella Vista and Kellyville Priority Precincts included:

- addition of new maps to identify State Government owned land within the precincts; and
- inclusion of provisions to allow certain works to be carried out as state significant development on the State Government owned land including subdivision to establish major lots, public domain works and to creation of new roadways.

REPORT

The purpose of this report is to review the Department of Planning and Environment's proposed changes to the State and Regional Development SEPP, consider the implications and provide recommendations for a submission.

1. PROPOSED CHANGES TO THE STATE AND REGIONAL DEVELOPMENT SEPP

The Department of Planning and Environment placed the proposed amendments on exhibition on 8 June 2018. The exhibition material does not provide a high level of detail with respect to the proposed changes. However, the intent of the changes as stated in the material is to ensure a State-led, consistent and transparent planning pathway for development of all NSW Government owned land within the Sydney Metro Northwest corridor. A copy of the exhibited Consultation Paper is provided as Attachment 1.

The proposed changes are on exhibition until 6 July 2018. A summary of the proposed changes is provided below.

(a) Changes to criteria for development to be considered state significant development

The proposal includes amendments to Schedule 2 of the SEPP to remove the clauses that apply specifically to the Showground, Bella Vista and Kellyville Precincts (refer below).

Existing clauses applicable to Government land within the Showground, Bella Vista and Kellyville Precincts

13 Development at Bella Vista Station Precinct and Kellyville Station Precinct Sites

Development on land identified as being within the Bella Vista Station Precinct Site or the Kellyville Station Precinct Site on the State Significant Development Sites Map if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or*
- (b) the creation of new roadways and associated works.*

14 Development at Showground Station Precinct Site

Development on land identified as being within the Showground Station Precinct Site on the State Significant Development Sites Map if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or*
- (b) the creation of new roadways and associated works.*

An amended clause will be included that will apply to all NSW Government owned land across the Sydney Metro Northwest corridor. The new clause will include an additional criterion to allow additional development on Government land to be state significant development if it has a capital investment value of \$30 million. It is noted in the exhibited material that it is proposed to limit the uptake of the clause to development carried out by or on behalf of Transport for NSW or the Planning Ministerial Corporation established under the Environmental Planning and Assessment Act 1979.

(b) Changes to the existing boundaries of Government owned land in Showground, Kellyville and Bella Vista

A number of changes are proposed to the existing map boundaries for the Showground, Bella Vista and Kellyville Precincts. The intent of these changes, as stated in the exhibition material, is to incorporate some adjoining land owned by Roads and Maritime Services and Sydney Water. The existing and proposed boundaries for each precinct are provided in Attachment 2.

(c) Inclusion of new maps to identify other Government owned land in the Sydney Metro Northwest Corridor

It is proposed to include new maps to identify additional Government owned land in the Sydney Metro Northwest corridor which is not currently included within the SEPP. This includes land in Epping, Cherrybrook, Castle Hill, Norwest and Cudgegong Precincts. The proposed new maps that include land within The Hills Shire (Castle Hill and Norwest) are provided as Attachment 3.

2. PROCESS FOR DEVELOPMENT OF GOVERNMENT LAND IN THE CORRIDOR

Landcom and Sydney Metro are working in partnership on the long term master planning and development of land surrounding the new Sydney Metro Northwest stations. It is understood from the relevant legislation and information released by Landcom to date that the process for development of Government land would generally be carried out via the following process.

1) Expressions of Interest

Landcom, on behalf of Transport for NSW, calls for expressions of interest from developers to acquire development sites. Once the expression of interest period closes, Landcom and Transport for NSW assess the applications.

2) Invitation to Tender

Tender process is commenced with shortlisted applicants from the expressions of interest process. Preferred purchaser is chosen by Landcom and Transport for NSW.

3) State Significant Development Application

Master plan development application is lodged by Landcom with the Department of Planning and Environment for the creation of super lots, roads and public domain. Applicants for state significant development must obtain landowner consent and submit required information including an Environmental Impact Statement (EIS). Prior to preparing the EIS, applicants must apply to the Secretary of the Department of Planning and Environment for environmental assessment requirements (SEARS). The Department consults with relevant authorities, including councils, to provide input into the preparation of SEARS.

4) Construction of Initial Works

Once the state significant development application is approved and any other necessary approvals have been obtained, construction commences on initial subdivision and public domain works by Landcom.

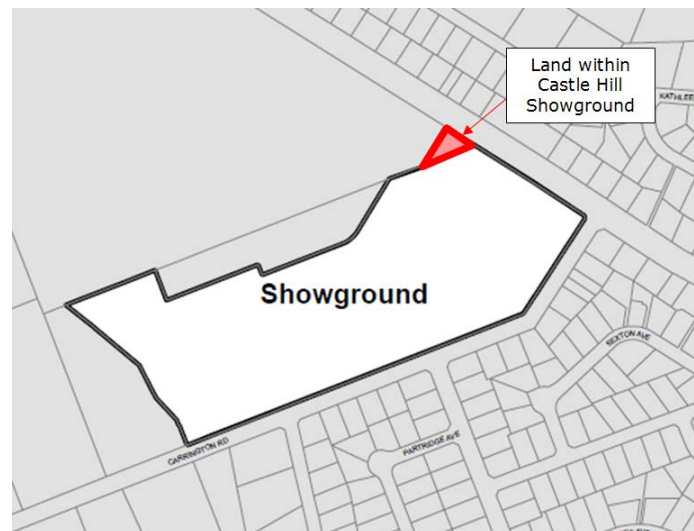
5) Site Settlement and Handover

Once the initial works are completed, sale of individual sites is finalised and sites are handed over to purchasers to develop. It is Council's understanding that the purchasers will submit a detailed development application to Council for development on individual sites in accordance with the master plan approval.

3. KEY ISSUES

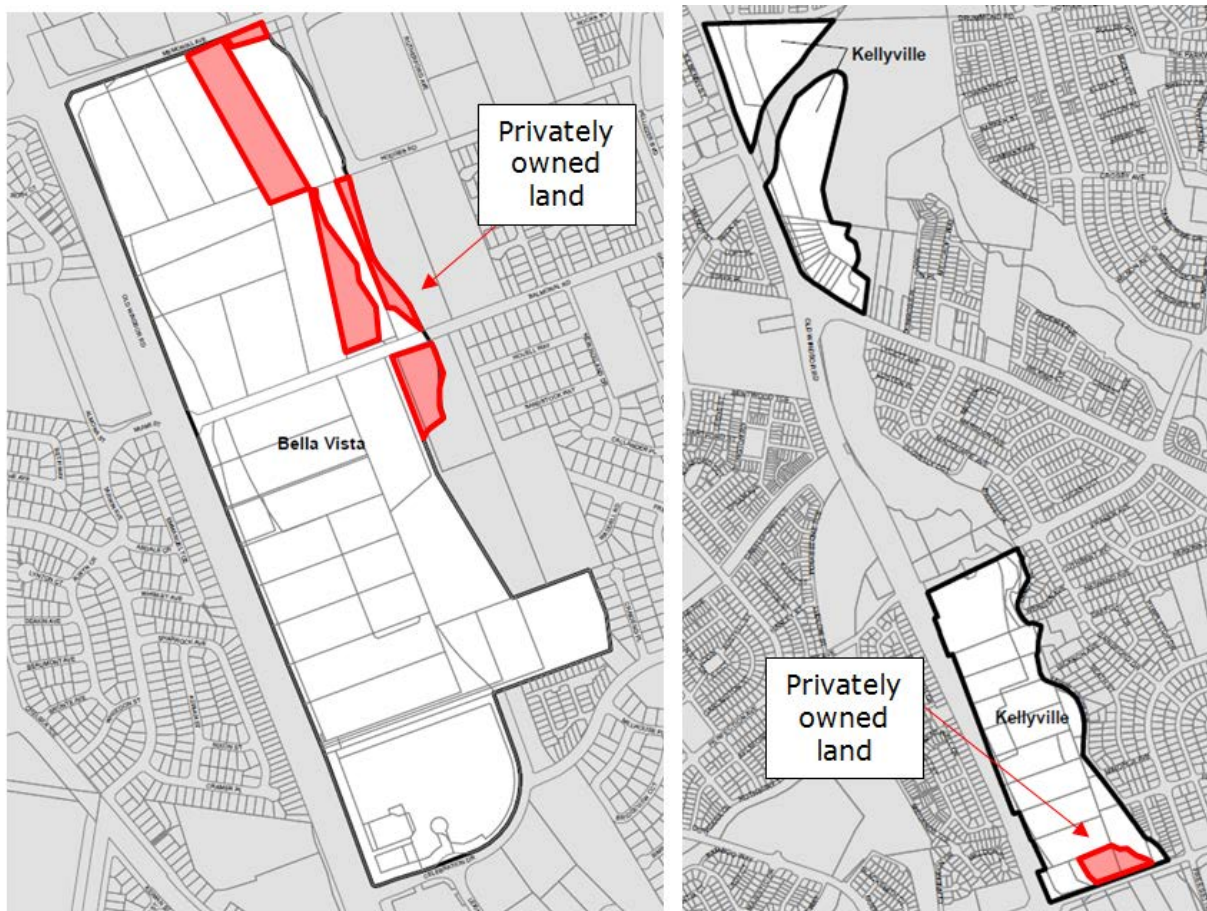
(a) **Application to Council owned land and privately owned land in Showground, Bella Vista and Kellyville Precincts**

The exhibited map for the Showground Precinct includes a portion of Castle Hill Showground (refer figure below).

**Figure 1**

Castle Hill Showground land included in proposed SEPP map – Showground Precinct

Additionally, the exhibited maps for Bella Vista and Kellyville Precincts include a number of parcels (or parts of parcels) which are privately owned land (refer figure below).

**Figure 2**

Privately owned land included in proposed SEPP maps – Bella Vista and Kellyville Precincts

It is recommended that the boundaries of land to be identified as 'state significant' be reviewed to ensure they properly align with State government ownership. Alternatively,

it is requested that the Department clarify why this land has been included in the land to which the SEPP applies.

(b) New criteria for state significant development on the subject land

The proposed amendments will allow development on the subject land to be considered state significant development if it has a capital investment value of \$30 million and is undertaken by or on behalf of Transport for NSW or the Planning Ministerial Corporation.

It is unclear as to what constitutes development by or on behalf of Transport for NSW or the Planning Ministerial Corporation. Without details of the clause to be included in the SEPP, question is raised as to whether purchasers of individual sites, with owners consent from State Government, will be able to follow the state significant development pathway. Concern is raised that if this is the case, detailed development applications for individual sites will not be assessed under Council's development controls. Furthermore noting that LEP controls will continue to apply, any development application is likely to require consideration by both the State Design Review Panel and Council's Design Review Panel or architectural design competition (depending on scale of the development).

If the intention is to create a consistent and transparent planning pathway for government owned land, it is important that there is no ambiguity as to which pathway is required for the resultant development lots after subdivision and public domain works by Landcom.

Considerable work has been undertaken on drafting of development controls, particularly for Showground Precinct that seeks regulate future built form and ensure high quality development outcomes that reflect the intended character for the Precinct as a highly liveable transit centre. The controls also seek to achieve a well-connected pedestrian network, active street frontages, high quality architectural style and character, attractive streetscapes, public realm, common open space and car parking.

It is recommended that the SEPP be limited to a principal subdivision establishing major lots or public domain areas and the creation of new roadways and associated sites as is currently the case. The clause needs to be clear that the development of individual sites is excluded from following the state significant approval pathway. Alternatively if there are other types of state development envisaged for the precinct, it is recommended that these be specified rather than captured by a \$30 million capital investment value.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Strategic Plan - Hills Future

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. This submission will ensure that Council's views are effectively represented and that there is input into legislation that affects local issues.

RECOMMENDATION

A submission be forwarded to the Department of Planning and Environment on the draft changes to the State and Regional Development SEPP outlining the following key concerns:

Application of the SEPP to private land and land in Castle Hill Showground

- The exhibited maps include certain land that is privately owned and land that forms part of Castle Hill Showground site.
- It is recommended that the boundaries of land to be identified as 'state significant' be reviewed to ensure they properly align with State government ownership. Alternatively, it is requested that the Department clarify why this land has been included.

New criteria for stage significant development in the Sydney Metro Northwest corridor

- It is unclear as to what constitutes development by or on behalf of Transport for NSW or Planning Ministerial Corporation. Concern is raised that if detailed development applications for individual sites are undertaken through the state significant development pathway, these applications will not be assessed under Council's development controls.
- It is recommended that the SEPP be limited to a principal subdivision establishing major lots or public domain areas and the creation of new roadways and associated sites as is currently the case and excludes development of individual sites from following the state significant approval pathway.
- If there are other types of state development envisaged for the precinct, it is recommended that these be specified, rather than captured by a capital investment value of \$30 million.

ATTACHMENTS

1. Exhibited Consultation Paper (7 pages)
2. Existing and Proposed SEPP Maps – Showground, Bella Vista and Kellyville Precincts (3 pages)
3. Proposed SEPP Maps – Castle Hill and Norwest Precincts (1 page)



ATTACHMENT 1

Consultation Paper

*State Environmental
Planning Policy (State and
Regional Development)
Amendment 2018*

June 2018

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Contents

Introduction	4
Objectives or intended outcomes	5
Explanation of provisions – State and Regional Development SEPP	6
Attachments	7
Attachment A – Draft Maps	7

Introduction

State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP) identifies State significant development where the Minister for Planning is the consent authority under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act). State significant development is either categorised in Schedule 1 or listed as "identified sites" in Schedule 2. It is proposed to amend Schedule 2 of the State and Regional Development SEPP to list specified areas adjacent to the Sydney Metro Northwest and within Government ownership as identified sites.

Objectives or intended outcomes

The \$8.3 billion Sydney Metro Northwest (SMNW) is Australia's largest public transport infrastructure project under construction. SMNW includes the construction of eight new stations and supporting precinct infrastructure between Epping and Cudgegong Road, Rouse Hill.

In September 2013, the Department of Planning and Environment and Transport for NSW (TfNSW) in collaboration with relevant Councils and State agencies, finalised the Northwest Rail Link Corridor Strategy for lands surrounding each proposed station on the rail link. The strategy aims to create new vibrant, mixed use centres within walking distance of the metro stations.

At present, the development approvals framework on NSW Government owned land is inconsistent across the SMNW corridor.

The intent of the proposed amendment to the State and Regional Development SEPP is to ensure a State-led, consistent and transparent planning pathway for the development of Government owned land adjoining the SMNW corridor.

The proposed SEPP will not depart from any current Government policy and will aid in the delivery of infrastructure, housing and jobs targets set out in the draft Greater Sydney Region Plan and draft District Plans.

The Act requires that the SEPP be made by the Governor. Section 37(2) of the Act provides that the Governor may make a SEPP in respect of any matter, which in the opinion of the Minister, is of State or regional environmental planning significance.

Explanation of provisions – State and Regional Development SEPP

Schedule 2 – State Significant Development lists sites identified as State Significant Development, subject to meeting the criteria of each clause in the schedule. The Minister for Planning is the consent authority for State Significant Development.

It is proposed to update Schedule 2 of the State and Regional Development SEPP to identify areas adjacent to the SMNW and within Government ownership as identified sites on the State Significant Development Sites Map.

To facilitate the delivery of infrastructure, new homes and jobs within each station precinct along the SMNW corridor, it is proposed that the following development be identified as State Significant Development under this listing:

- a principal subdivision establishing major lots or public domain areas, or
- the creation of new roadways and associated works, or
- has a capital investment value of more than \$30 million.

It is proposed to limit the uptake of this clause to development carried out by or on behalf of TfNSW or the Planning Ministerial Corporation established under the Act.

The proposal will also remove provisions introduced into the State and Regional Development SEPP in December 2017 for the Showground, Bella Vista and Kellyville Station Precincts and combine these areas under the new clause. Small changes to the map areas for the Bella Vista and Kellyville Station Precincts will also be made to incorporate some adjoining land owned by Roads and Maritime Services and Sydney Water.

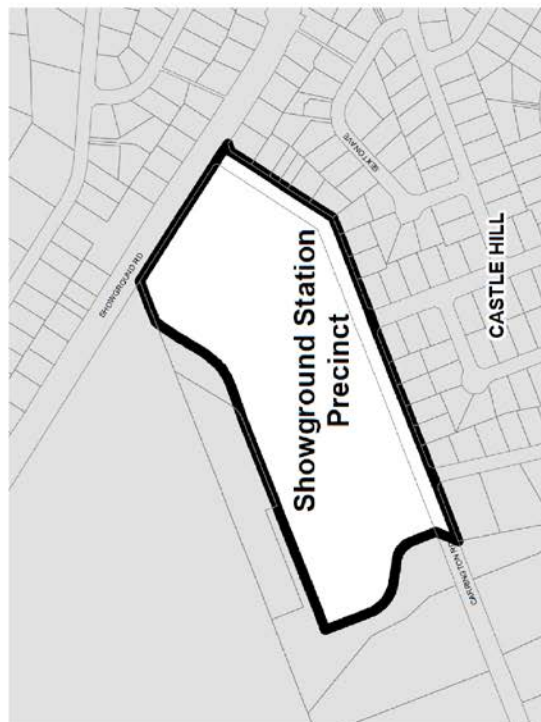
Attachments

Attachment A – Draft Maps

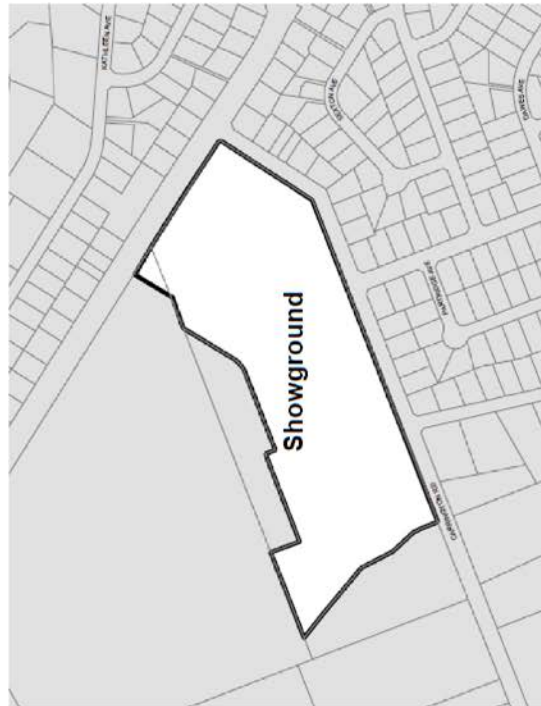
Draft maps have been prepared to support the proposed amendments to the State and Regional Development SEPP. These maps identify the areas adjacent to the SMNW within Government ownership that would be listed in Schedule 2 as identified site.

ATTACHMENT 2

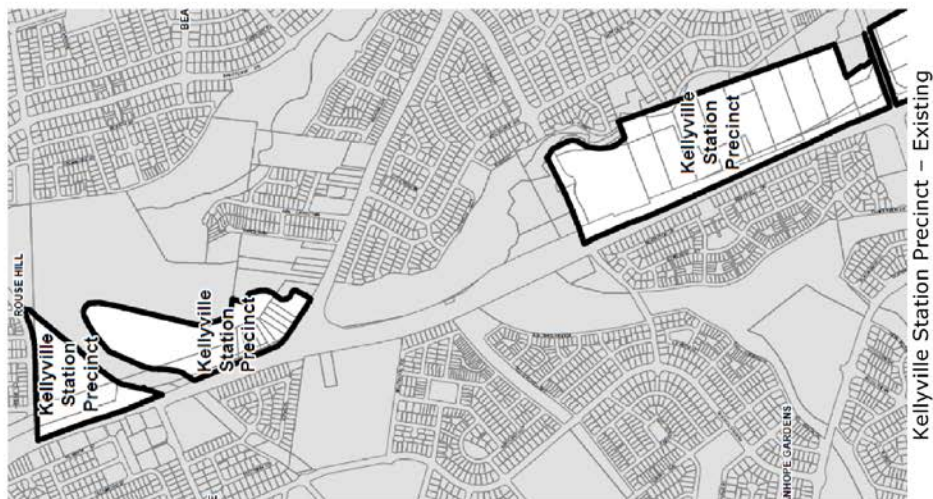
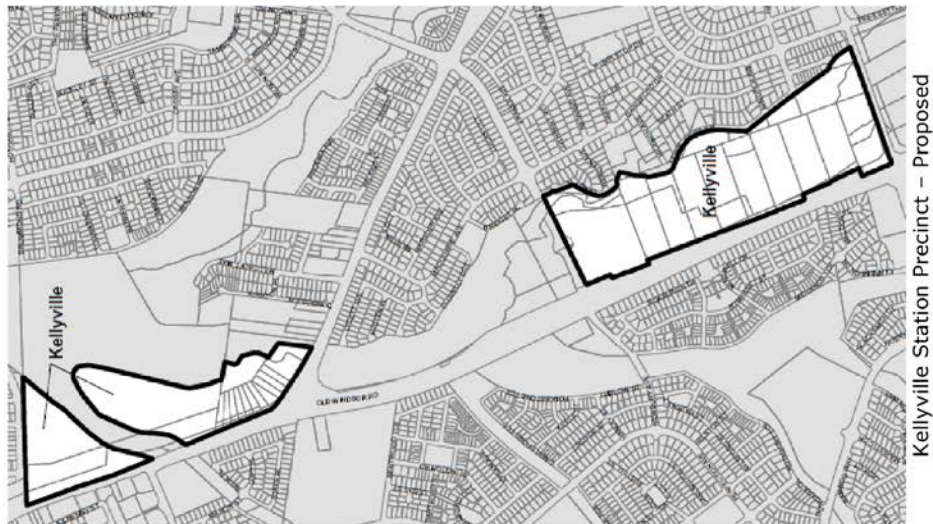
EXISTING AND PROPOSED MAPS
SHOWGROUND, BELLA VISTA AND KELLYVILLE STATION PRECINCTS



Showground Station Precinct – Existing

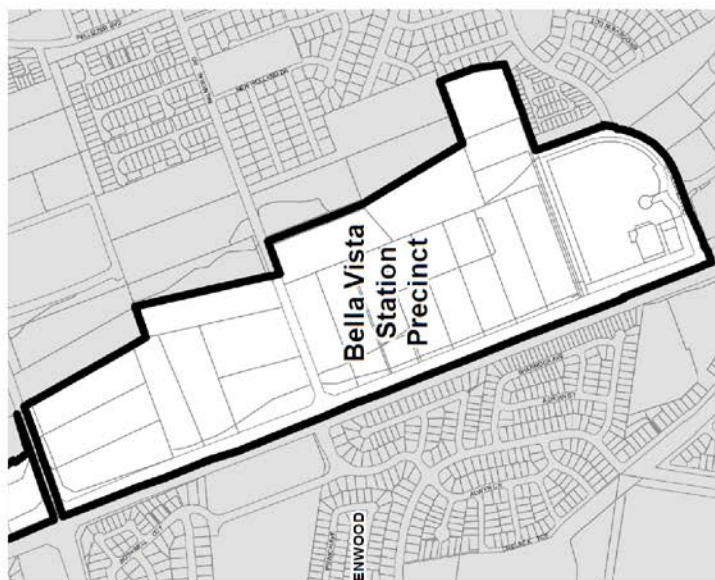


Showground Station Precinct – Proposed





Bella Vista Station Precinct – Proposed



Bella Vista Station Precinct – Existing

PROPOSED MAPS
CASTLE HILL AND NORWEST STATION PRECINCTS

