

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2019 (Amendment No. 6) – to rezone the site from R3 Medium Density Residential to R4 High Density Residential and increase the minimum lot size, maximum building height and maximum floor space ratio to facilitate high density residential development incorporating up to 190 residential apartments at 6-10 & 16-20 Garthowen Crescent, Castle Hill.

ADDRESS OF LAND: The subject site is known as 6-12 & 16-20 Garthowen Crescent, Castle Hill. A list of the individual lots is provided below.

Address	Lot and DP
6 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 23 DP222257
8 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 24 DP222257
10 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 25 DP222257
12 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 1 SP40627
12A Garthowen Crescent	CASTLE HILL NSW 2154 Lot 2 SP40627
16 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 28 DP222257
18 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 29 DP222257
20 Garthowen Crescent	CASTLE HILL NSW 2154 Lot 30 DP222257

SUMMARY OF HOUSING YIELD:

	EXISTING	PROPOSED	NET CHANGE
Dwellings	8	185	+177

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions
Attachment C	Council Report and Minute, 8 August 2017
Attachment D	Council Report and Minute, 28 November 2017
Attachment E	Council Report and Minute, 10 July 2018
Attachment F	Council Report and Minute, 28 May 2019
Attachment G	Council Report and Minute, 22 October 2019
Attachment H	Council Report and Minute, 10 December 2019
Attachment I	Gateway Determination and Alterations
Attachment J	Draft The Hills Development Control Plan 2012 Part D Section 24 – 6-12, 12A & 16-20 Garthowen Crescent Castle Hill
Attachment K	Voluntary Planning Agreement, 16 December 2019
Attachment L	Draft Key Site Provision (Clause 4.4A)
Attachment M	Development Concept and Supporting Assessments July 2017 <ul style="list-style-type: none"> • Urban Design Report (September 2018) • Planning Report (June 2016) • Amended Transport and Access Report (December 2017) • Amended Heritage Impact Statement (November 2017) • Arboricultural Impact Assessment (June 2016)

THE SITE:

The site, known as 6-12 & 16-20 Garthowen Crescent, Castle Hill, comprises eight (8) residential allotments, being Lots 23, 24, 25, 28, 29 and 30 in DP222257 and Lots 1 and 2 in SP40627. The site is located in the north eastern portion of the Castle Hill North Precinct and is approximately

420 metres walking distance from Castle Towers Shopping Centre and Railway Station. The site has a total area of 6,010m² and is zoned R3 Medium Density Residential.

The site is irregular in shape and has two (2) frontages to Garthowen Crescent (northern frontage and southern frontage). The surrounding area is currently characterised by low and medium density residential developments. The site adjoins a locally listed heritage item, known as 'Garthowen House', which is currently operating as a child care centre. An aerial view of the site and surrounding locality is provided in Figure 1 below.

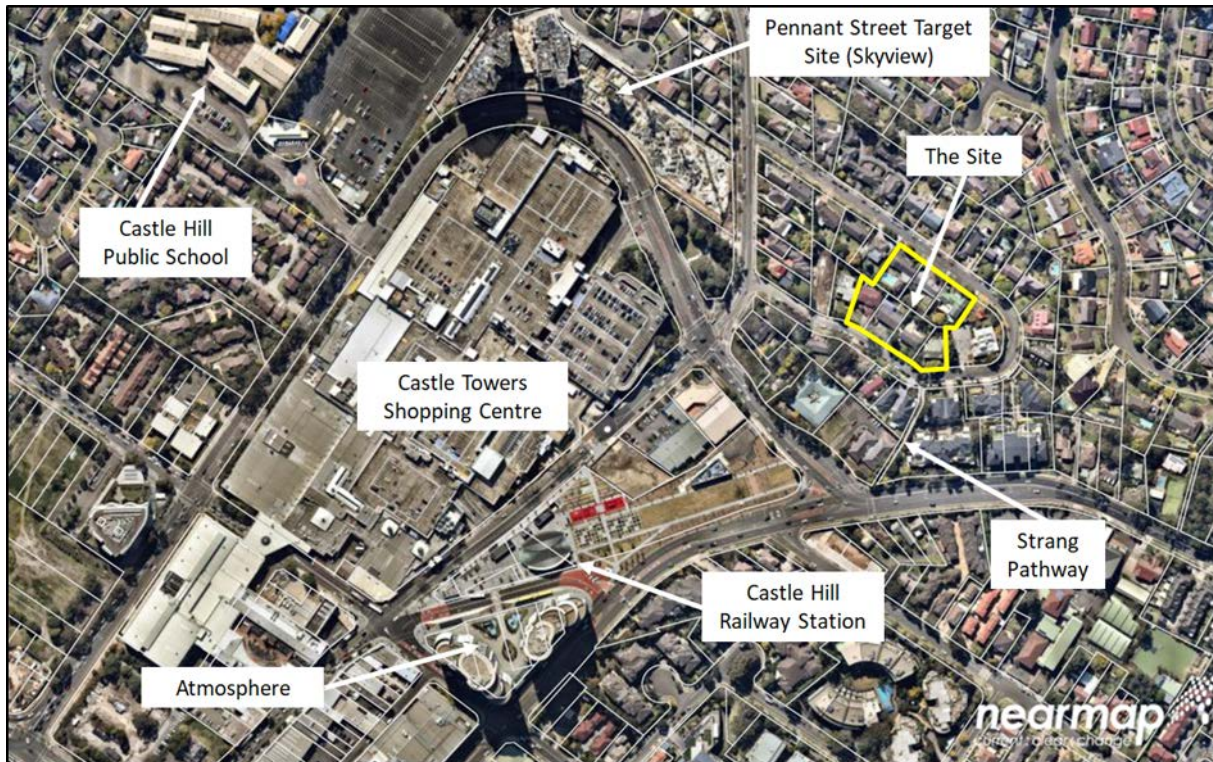


Figure 1

Aerial view of the site and surrounding locality

BACKGROUND:

- **Castle Hill North Planning Proposal (16/2016/PLP)**

The Castle Hill North Planning Proposal was forwarded to the Department of Planning, Industry and Environment for finalisation on 12 December 2018. With respect to the subject site, the Castle Hill North Precinct planning proposal will rezone the land from R3 Medium Density Residential to R4 High Density Residential and enable a maximum floor space ratio of 1.85:1, subject to compliance with Council's housing mix and diversity provision (Clause 7.11) and the delivery of key site and public domain outcomes.

The Castle Hill North planning proposal would facilitate approximately 96 dwellings in a built form ranging from 4-10 storeys in height (with the lower-scale 4 storey elements adjoining the 'Garthowen House' heritage item). This is substantially more than what could be achieved under the current controls applying to the land, which would be around 18 townhouses. The draft Castle Hill North Structure Plan is provided below, with the subject site highlighted in red.

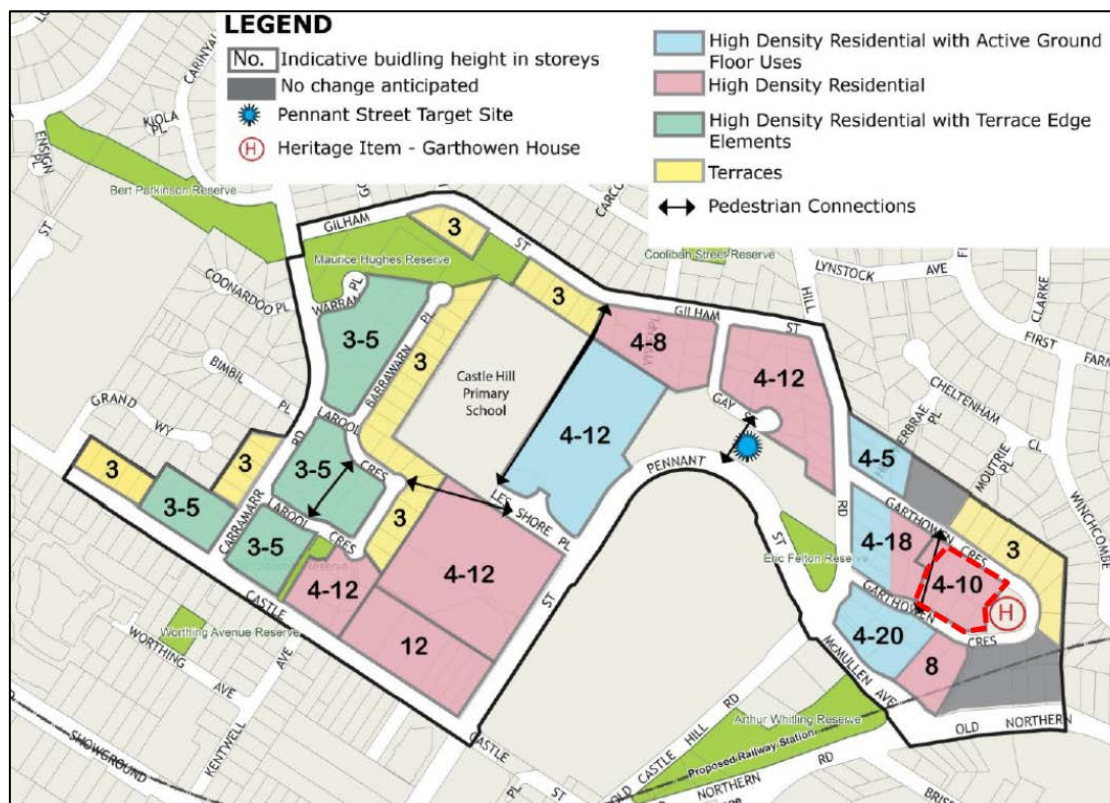


Figure 2
Draft Castle Hill North Structure Plan

- Proponent's Original Concept (24/2016/PLP)**

The subject planning proposal, as originally submitted in May 2016, sought to facilitate a high density residential development incorporating two (2) residential towers with building heights ranging from 16 storeys to 20 storeys and raised communal open space in between the tower elements (as detailed below).



Figure 3
Original Development Concept (Site Plan)

To achieve this, the original proposal sought to amend Council's LEP to allow for a maximum 'incentivised' FSR of 4.5:1 and a maximum height of buildings of 68 metres. The original proposal sought to accommodate approximately 240 apartments on the site.

- **Proponent's Revised Concept**

As a result of feedback to the proponent with respect to a range of issues including height, density, heritage, traffic, infrastructure capacity and orderly development, a revised concept and proposal has been submitted.

The revised development concept, as submitted by the proponent, contained two (2) residential flat buildings with maximum heights of 16 and 26 storeys on a larger consolidated site of 6,010m². As demonstrated within the revised development concept (Figure 4 below), the proposal would facilitate a residential yield of approximately 222 apartments an FSR of 3.7:1, with 1,900m² of communal open space and deep soil zone at the northern interface with 'Garthowen House' heritage item.

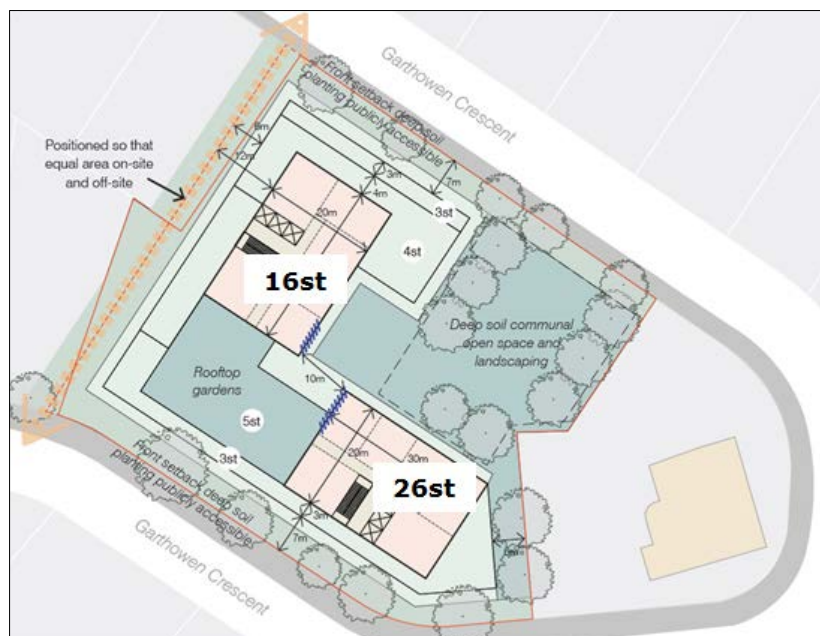


Figure 4
Revised Development Concept

- **Council Recommendations**

Council's considered the proposal at its meeting at 8 August 2017 (attachment C), and concluded that the proponent's revised concept had not adequately addressed the visual dominance associated with excessive building heights and dwelling yield. However, based on its strategic merit, Council resolved that planning proposal proceed to Gateway Determination including an amended version of the proponent's proposal as provided in Attachment C. Council's recommended outcomes and the outcome sought through this Planning Proposal is demonstrated in Figure 5 below.

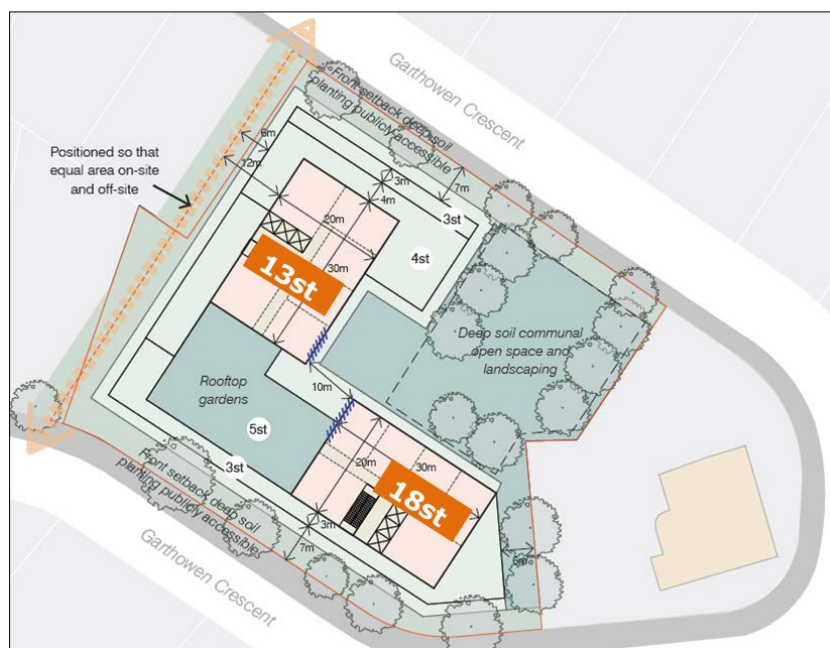


Figure 5

Revised development concept (Council revision)

- **Gateway Determination**

On 13 October 2017 a Gateway Determination was issued by the Department of Planning and Environment. The Gateway Determination states that the planning proposal should proceed to public exhibition, subject to the following conditions:

1. *Prior to undertaking community consultation, Council is required to:*
 - a) *remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;*
 - b) *amend the planning proposal to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential in accordance with Part 2 of The Hills Local Environmental Plan 2012;*
 - c) *amend the planning proposal to seek to increase the minimum lot size from 700m² to 1,800m²;*
 - d) *amend the planning proposal to seek to increase the maximum floor space ratio control from nil to 3:1 in accordance with clause 4.4 of The Hills Local Environmental Plan 2012;*
 - e) *amend the planning proposal to seek to increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres in accordance with clause 4.3 of The Hills Local Environmental Plan 2012;*
 - f) *update the Urban Design Concept Plan, Urban Design Report, Transport and Access Report, and Heritage Impact Assessment Report; and*
 - g) *re-submit the planning proposal to the Department of Planning and Environment for endorsement.*
2. *Community consultation for a minimum period of 28 days;*
3. *Consultation with Sydney Water, Department of Education, Office of Environment and Heritage, Transport for NSW and Roads and Maritime Services;*

A copy of the Gateway Determination is provided within Attachment I.

Council considered a report on the Gateway Determination at its Ordinary Meeting on 28 November 2017 and resolved in part to write to the Department and request that the Gateway Determination be revised (in particular Condition 1(d)) to instead require the planning proposal to:

- a) Apply a 'base' floor space ratio of 1:1;
- b) Apply an 'incentivised' floor space ratio of 2.5:1; and
- c) Include a local provision, similar to that proposed for the Castle Hill North Precinct, which provides a floor space ratio 'bonus' of 20% where key site outcomes are delivered (site amalgamation, 7.5 metre setback to Garthowen Crescent, through-site pedestrian link, sensitive response to the adjoining heritage item and through-site vehicular link for residents at basement level).

A copy of the Council report and minute is provided as Attachment D.

- **Revised Gateway Determination**

On 7 February 2017, the Department of Planning and Environment issued a revised Gateway Determination which deleted Condition 1(d) of the original Gateway Determination and substituted the following requirement:

Amend the planning proposal to clarify that the maximum floor space ratio of 3:1 for the site is achieved by the following mechanisms:

- (i) the floor space ratio map is to apply a base floor space ratio of 1:1 to the site and identify it as Area A;*
- (ii) the floor space ratio incentive map is to apply an incentivised floor space ratio of 2.5:1 to the site; and*
- (iii) include a local provision to specify key site outcomes that enable the site to achieve a 20% bonus floor space incentive (0.5:1)*

A copy of the revised Gateway Determination is provided within Attachment I.

The planning proposal was updated in accordance with the conditions 1(a) to (e) of the Gateway Determination. An amended Urban Design Report, Transport and Access Report and Heritage Impact Assessment Report were prepared and are provided as Attachment M, satisfying condition 1(f) of the Gateway Determination.

In accordance with Condition 1(g), the revised planning proposal was submitted to the Department of Planning and Environment for endorsement in April 2018. The Department provided a response on 21 December 2018 advising that the proposal is sufficient and can proceed to exhibition (refer Attachment I).

- **Original Voluntary Planning Agreement**

On 10 July 2018 Council considered a draft Voluntary Planning Agreement (VPA) which was submitted by the Proponent in support of the proposal. The draft VPA was essentially a 'top-up' mechanism, whereby the yield planned for as part of Castle Hill North planning proposal (96 dwellings) would continue to be levied under the Castle Hill North Contributions Plan and any additional yield facilitated through the planning proposal (approximately 89 dwellings) would be levied a separate monetary contribution specified through the VPA. Council considered the draft VPA and resolved the following:

- 1. The draft Voluntary Planning Agreement be subject to a legal review at the cost of the proponent, prior to public exhibition.*
- 2. The draft Voluntary Planning Agreement be updated, as required, prior to exhibition to incorporate the recommendations of the legal review.*
- 3. The draft Voluntary Planning Agreement be publicly exhibited concurrently with the associated planning proposal (24/2016/PLP) for a period of at least 28 days in accordance with the Environmental Planning and Assessment Act 1979.*

The proposal, and supporting material, was exhibited from 22 January 2019 – 22 February 2019. Details of the submissions received and the key issues raised can be found in part 5 of the Planning Proposal.

Council considered a post exhibition report on the matter at its meeting of 22 October 2019 (Attachment F) and resolved the following:

- 1. The planning proposal for land at 6-12 & 16-20 Garthowen Crescent (24/2016/PLP) be forwarded to the Department of Planning and Environment for finalisation, following the adoption and finalisation of Draft Contributions Plan No. 17 – Castle Hill North Precinct.*
- 2. Draft amendments to DCP 2012 (Part D Section 18 – Castle Hill North) (Attachment 1) be adopted and come into force following the amendment to LEP 2012 relating to Planning Proposal (24/2016/PLP) being published on the NSW Legislation website.*
- 3. Council authorise Council's common Seal to be affixed to the Voluntary Planning Agreement for land at 6-12 and 16-20 Garthowen Crescent (Attachment 2). Council enter into the Voluntary Planning Agreement following the adoption and finalisation of Draft Contributions Plan No. 17 – Castle Hill North Precinct.*
- 4. If the finalised version of Contributions Plan No. 17 – Castle Hill North Precinct establishes a higher contribution rate than the draft Plan endorsed by Council on 26 March 2019, Council retain its right and full discretion to reconsider the adequacy of the contributions offered under the Voluntary Planning Agreement for land at 6-12 and 16-20 Garthowen Crescent.*

- **Revised Voluntary Planning Agreement**

In September 2019, the Proponent submitted draft amendments to the VPA to align the contribution rate with the current draft Contributions Plan No.17 – Castle Hill North Precinct and specify that this rate would apply to all units within the proposed development, rather than just those in excess of the first 96 units.

At its meeting of 22 October 2019 Council considered the revised VPA offer and resolved that the draft VPA be publicly exhibited (Attachment G).

The draft VPA was further exhibited from Tuesday 29 October to Friday 29 November 2019.

Council considered a post exhibition on the draft at its meeting of 10 December 2019 (Attachment H) and resolved as follows:

- 1. Council enter into the draft Voluntary Planning Agreement for land at 6-12 and 16-20 Garthowen Crescent, Castle Hill (Attachment 4) and authorise Council's common Seal to be affixed to the Voluntary Planning Agreement.*
- 2. The planning proposal for land at 6-12 & 16-20 Garthowen Crescent, Castle Hill (24/2016/PLP), which Council resolved to finalise on 28 May 2019, be progressed to finalisation following execution of the draft Voluntary Planning Agreement.*
- 3. Draft The Hills Development Control Plan 2012 Part D Section 24 Garthowen Crescent (Attachment 5) be adopted and come into force at the time the associated planning proposal (24/2016/PLP) is finalised and published on the NSW Legislation website.*

The VPA was subsequently executed on 19 December 2019.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal seeks to enable a high density residential flat building development accommodating approximately 185 units in two (2) towers, with maximum heights of 13 and 18 storeys for land at 6-12 and 16-20 Garthowen Crescent, Castle Hill.

PART 2 EXPLANATION OF THE PROVISIONS

To facilitate the proposed outcome, the planning proposal seeks to amend LEP 2019 (formerly LEP 2012) to:

1. Rezone land at 6-12 & 16-20 Garthowen Crescent, Castle Hill from R3 Medium Density Residential to R4 High Density Residential;
2. Increase the minimum lot size from 700m² to 1,800m² for land at 6-12 & 16-20 Garthowen Crescent, Castle Hill;
3. Increase the maximum building height from 9 metres to 57 metres for land at 6-12 & 16-20 Garthowen Crescent, Castle Hill;
4. Apply a maximum floor space ratio of 1:1 to land at 6-12 & 16-20 Garthowen Crescent, Castle Hill and identify the site as "Area A", subject to the provisions of Clause 7.11 of LEP 2019;
5. Apply a maximum incentivised floor space ratio of 2.5:1 to land at 6-12 & 16-20 Garthowen Crescent, Castle Hill, which would be achievable subject to compliance with Clause 7.11 of LEP 2019;
6. Identify the site as Area L on the Key Sites Map;
7. Include an additional local provision (Clause 4.4A) to permit up to 20% additional floor space subject to providing certain public benefits including the provision of quality public domain, improved pedestrian connections and lot amalgamation (refer draft Clause provided as Attachment L).

The above amendments to LEP 2019 would facilitate a residential outcome of approximately 185 dwellings on the site, subject to detailed design and approval through the development assessment process.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

No, the planning proposal has been initiated by a private landowner. However, the site forms part of the Sydney Metro Northwest Corridor and Council has recently undertaken detailed precinct planning for the Castle Hill North Precinct, within which the site is located.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site. The proposed amendments will facilitate an increased density of residential development on the site, providing additional housing diversity in a strategic location close to the Castle Hill rail station.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

Yes, a discussion of consistency is provided below.

- **Greater Sydney Region Plan**

The Greater Sydney Region Plan is a 40-year vision that seeks to accommodate a growing and changing population within three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The Plan will inform district and local plans as well as the assessment of planning proposals. It will also facilitate the alignment of infrastructure planning to support anticipated growth. The delivery and implementation of the Plan is supported by 10 directions, which will facilitate an integrated approach to realising outcomes.

The planning proposal is consistent with the Greater Sydney Region Plan as it contributes towards generating an adequate supply of housing stock in close proximity to public transit corridor, services and amenities. The development outcome will ensure a balanced urban growth will be accommodated within a highly accessible site and will be in accordance with the transit oriented development objective guiding the future of the Castle Hill Station Precinct.

The planning proposal is consistent with the following relevant objectives of the Plan:

- Objective 6: Services and infrastructure meets communities' changing needs;
- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable; and
- Objective 13: Environmental heritage is identified, conserved and enhanced.

- **Central City District Plan**

The Central City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan also assists Councils to plan for and deliver growth and change, and align their local planning strategies to place-based outcomes. It informs infrastructure agencies, the private sector and the wider community of expectations for growth and change.

In achieving the vision for the Central City, the District Plan includes the following key priorities which are of direct relevance to the current proposal:

- Planning Priority C5: Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- Planning Priority C6: Creating and renewing great places and local centres and respective the District's heritage;

The delivery of a high density residential development within the walkable catchment of the future Castle Hill Railway Station will facilitate an increase in the supply of housing to meet the housing demand of the future population. Further, the proposal will ensure that an appropriate diversity of apartment types and sizes will provide housing choice in the market and will ensure that the housing stock appropriately aligns with the needs and expectations of the future Hills Shire demography.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The proposal is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will create a desirable place to live and provides built forms that respond appropriately to the surrounding area.

- **Hills Future 2036 Local Strategic Planning Statement**

The Hills Shire Council's Local Strategic Plan (LSPS) replaces Council's previous Local Strategy and Planning Directions as the framework for the direction of The Hills for the next five years. The draft LSPS was endorsed by Council on 22 October 2019 and is currently awaiting assurance from the Greater Sydney Commission. Any direction taken in the LSPS must align with the planning priorities set out in the Greater Sydney Commission's Greater Sydney Region Plan and Central City District Plan. As such, any development that is aligned with the LSPS will also be aligned with the objectives of the Greater Sydney Commission.

The LSPS identifies a significant need to provide diverse housing supply. The strategy is trying to deliver the right type of additional housing stock in appropriate areas so that places areas serviced with the right level of infrastructure, ultimately creating liveable, walkable and cyclable neighbourhoods.

A structure plan (see figure below) has been included for the Castle Hill Strategic Centre which identifies the planned distribution of a mix of land uses within the centre. The subject site is identified for medium / high density residential housing to provide higher density housing in areas with the greatest potential for walking distance to retail and transport nodes. Proximity to the Castle Hill Metro node is a trigger to improve housing and increased access to local jobs.

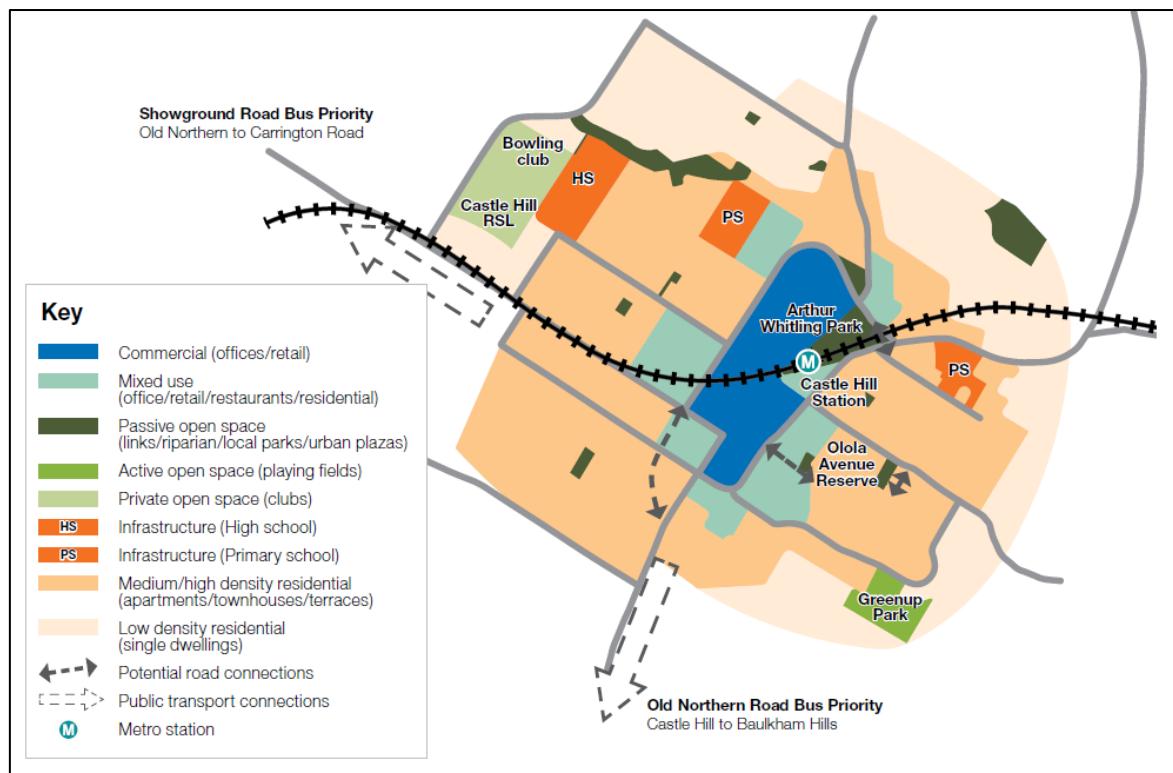


Figure 6
Castle Hill Structure Plan - LSPS

The LSPS contains six strategies to achieve its objectives. Strategies of relevance are:

- Housing Strategy
- Integrated Transport and Land Use Strategy

Housing Strategy

Relevant objectives of the Housing Strategy include the following:

- *Plan for new housing to support Greater Sydney's growing population*
- *Plan for new housing in the right locations*
- *Plan for a diversity of housing*

The above planning priorities are a response to the anticipated population growth expected within The Hills Shire between 2016-2036 and the need to not only provide additional housing for the projected 128,000 new residents but also provide the right dwelling mix. The strategy identifies areas surrounding metro stations as opportunities to improve vibrancy through investment in appropriate infrastructure which will facilitate liveable, and vibrant neighbourhoods.

The planning proposal is aligned with the strategic objectives of the LSPS housing strategy as it is providing additional housing to meet the required 38,000 dwellings in the whole shire. It also provides housing in a strategic centre which is serviced by public transport and close to mix use developments to create revitalise the commercial centre and activate the precinct throughout the day.

Integrated Transport and Land Use Strategy

Relevant objectives of the Integrated Transport Strategy include the following:

- *Build strategic centres to realise their potential and renew and create great places*
- *Influence travel behaviour to promote sustainable choices*

Transit oriented development is a high priority in the LSPS, especially around new metro stations which facilitate uplift and increased accessibility. Transport is central to urban renewal and is targeted for residential and commercial uplift. Centres directly adjacent to the metro station are encouraged to be a mixed use of retail and commercial with the broader Norwest Strategic Centre comprising of high density residential housing. The cumulative effect is to create walkable neighbourhoods and vibrant communities.

The planning proposal will support the delivery of transit oriented development outcomes by increasing residential densities in a highly accessible location in close proximity to the Castle Hill metro station.

• **The Hills Corridor Strategy**

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government North West Rail Link Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles such as a hierarchy of zones that see the greatest densities closer to transport or centres, while maintaining lower density housing options in more peripheral locations, providing a diversity of housing choice with a focus on family living and providing job opportunities suited to Hills residents. These principles reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and LEP 2019.

The proposal is generally consistent with these principles as it will facilitate a high density residential development within a convenient walking distance to the public corridor, whilst providing a quality living environment for the future residents and improving connectivity for the surrounding area.

6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with all applicable State Environmental Planning Policies. An assessment of the proposal against applicable State Environmental Planning Policies is provided in Attachment A.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

The consistency of the planning proposal with the s.9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 2.3 Heritage Conservation**

Direction 2.3 – Heritage Conservation requires that a planning proposal contain provisions that facilitate the conservation of a heritage building in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. In order to achieve consistency with this Direction it is necessary to implement design strategies such as sufficient setbacks from an item, gradual height transition between development and a heritage item and minimising building heights and site coverage.

The Castle Hill North Planning Proposal recognised the need to implement design strategies to protect the heritage significance of 'Garthowen House', which directly adjoins the site to the east. Under the Castle Hill North Planning Proposal, the subject site is identified as a key site, with a requirement that any high density development on the site must demonstrate a visually sympathetic treatment to 'Garthowen House'. The Castle Hill North Planning Proposal would require that the future development on the key site concentrate heights towards the west of the site, as far away from the heritage item as possible.

The proposal ensures the following design strategies will be implemented as part of any future development:

1. Minimisation of site coverage;
2. Siting of buildings to provide physical separation to the heritage item;
3. Location of 1,900m² of communal open space adjoining the heritage item; and
4. Stepping of buildings and increased upper level setbacks to reduce visual bulk.

The proposal to limit heights to 18 storeys is considered to result in a suitable and balanced outcome which will accommodate a reasonable level of increased density for the future development on site, whilst ensuring the achievement of an appropriate relationship and interface with the heritage item. The relationship between the development and adjoining heritage item would be further assessed during the preparation of detailed design and through the development assessment process.

- **Direction 3.1 Residential Zones**

This Direction encourages a variety and choice of housing types to provide for existing and future housing needs. The Direction also requires that future residential development should ensure that new housing has appropriate access to infrastructure and services. As the site is located in an established residential area with sufficient access to public transport and the proposal seeks to provide a choice of housing product to the market, the planning proposal is considered to be consistent with this Direction.

- **Direction 3.4 Integrated Land Use and Transport**

The site is within reasonable distance (420 metres) to the future Castle Hill Station and is surrounded by well-maintained footpaths connecting the site to Castle Hill Town Centre. The site is

considered to be well connected to jobs, services and public transport. The proposal is considered to be consistent with Direction 3. Integrated Land Use and Transport as it improves access to housing, jobs and services in close proximity to walking, cycling and public transport.

- **Direction 5.9 North West Rail Link Corridor Strategy**

The objectives of this Direction are to promote transit-oriented development and manage growth around the eight train stations of the Sydney Metro Northwest and to ensure development within the rail corridor is consistent with the proposals set out in the Corridor Strategy and precinct Structure Plans.

The site is located within the Castle Hill Railway Station Precinct under the Government's 2013 North West Rail Link Corridor Strategy. The NSW Government Corridor Strategy provides a vision for how the areas surrounding the eight (8) new stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs.

The Structure Plan for Castle Hill indicated a total capacity for Castle Hill of an additional 7,900 dwellings and 18,500 jobs. However, the Structure Plan assumed an uptake rate of 56% for housing and 52% for employment which limited the yield envisaged by 2036 to 4,400 dwellings and 9,500 jobs.

The Strategy identifies the site within the high density apartment living character area (as illustrated in Figure 7 below). The character statement for this area anticipates 7-20 storeys, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. The Strategy emphasises that these sites are only appropriate for multi-dwelling housing where they are of an appropriate size to deliver a high level of amenity for the existing and future residents.

Under the Castle Hill Structure Plan, the high density apartment living character area has an indicative floor space ratio of between 3:1 and 4:1, which would result in between 180 and 240 dwellings. Given the context of the site, adjoining a heritage item and existing low density residential development (identified as potential medium density development) to the north, it is envisaged that the site would be suitable to accommodate a floor space ratio of 3:1, at the lower end of the range.



Figure 7

North West Rail Link Corridor Strategy – High Density Apartment Living Character Area

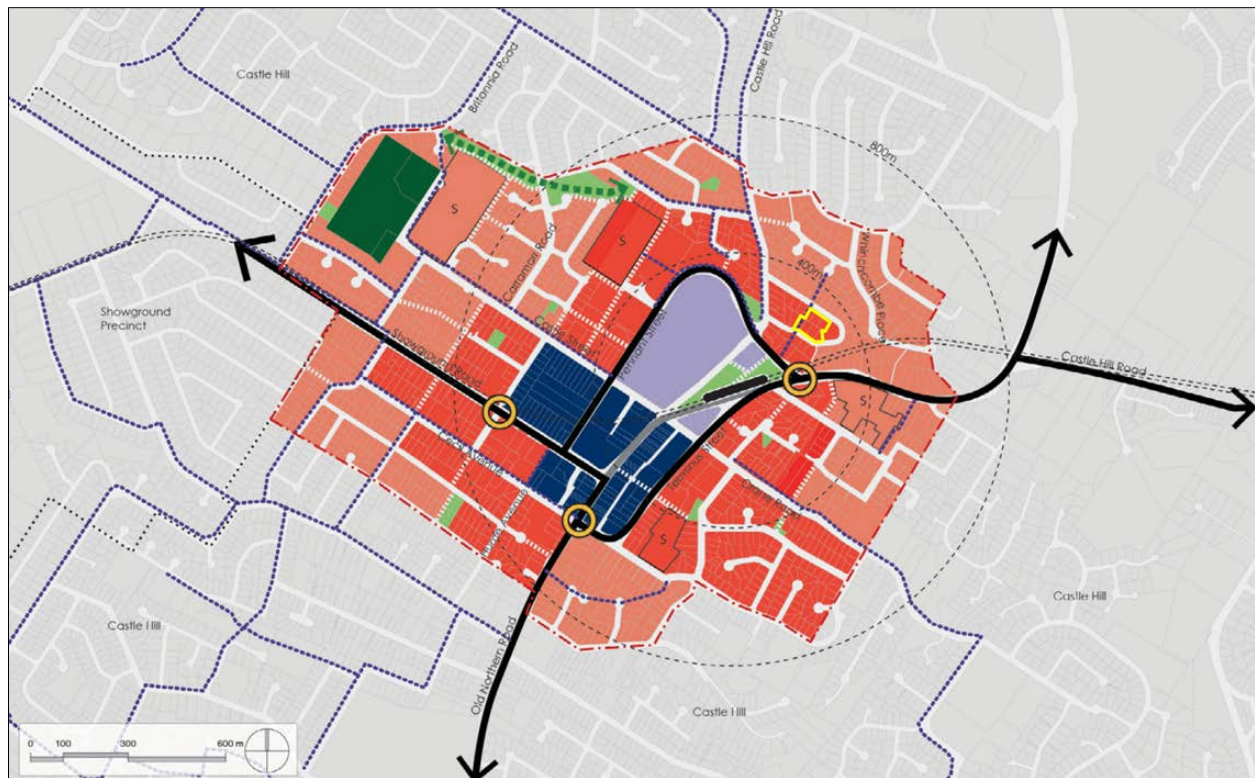


Figure 8
Castle Hill Precinct Structure Plan

As detailed above, the proposal to enable a maximum FSR of 3:1 and up to 190 dwellings in a built form of up to 18 storeys is consistent with the yield and character outcomes within the North West Rail Link Corridor Strategy and the Castle Hill Structure Plan. Accordingly, the proposal is consistent with this Direction.

- **Direction 6.1 Approval and Referral Requirements**

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is considered to be consistent with this Direction as it does not include any concurrence, consultation or referral provisions and does not identify any development as designated development.

- **Direction 6.3 Site Specific Provisions**

This Direction applies *“when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out”* and requires that a planning proposal must either:

- allow that land use to be carried out in the zone the land is situated on, or
- rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The Planning Proposal is consistent with this Direction as it would rezone the site to an existing zone already available under The Hills LEP 2019 (R4 High Density Residential).

The proposal includes a 'three-tier' incentives mechanism which enables the maximum development yield potential to be achieved subject to Council's housing mix and diversity requirements and delivery of key site development outcomes committed to by the proponent. This approach provides certainty that the key components of the concept and the master planned outcomes for the site will be achieved within the future development, rather than assigning an 'as-of-right' entitlement for any development on the site.

It will provide certainty that key elements of the proposal (amalgamation of the allotments, through-site pedestrian link, through-site vehicular link at basement level for residents and appropriate relationship with the adjoining heritage item) must be achieved in order for any developer of the land to obtain the uplift proposed. The uplift enabled by this proposal is predicated on these key outcomes being achieved and as such, it is considered reasonable and appropriate to link them to the permissibility of the use and achievement of uplift.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the land that is subject to the planning proposal is already developed and occupied by single dwellings, businesses and associated parking. The subject area does contain some vegetation in gardens, but it is not considered significant. Therefore the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

- *Building Dominance*

The proposed heights of up to 18 storeys is consistent with the built form outcome anticipated for the site under the NSW Government Corridor Strategy and the Castle Hill Structure Plan, despite being in excess of the outcome planned for under Council's The Hills Corridor Strategy and Castle Hill North Precinct Plan.

In the context of the Castle Hill Precinct, it is relevant to note that the ground level of the site is higher than that within the Castle Hill Town Centre to its south. Consequently, limiting the maximum building height to 18 storeys on this site will ensure a negligible visual appearance and a softened skyline when the Precinct is viewed holistically. It will also ensure the built form is appropriate for the site, having regard to its location in the centre and the need for transition in height towards lower scale development.

The Castle Hill North Precinct Plan and Planning Proposal identified the site as suitable for a lower scale of development with heights ranging from four (4) to 10 storeys. This reflected the specific constraints to development on this particular site as a result of the sensitivity of its surroundings, particularly the adjoining 'Garthowen House' heritage item.

Notwithstanding this, the proposal's strategic merit for an increased density is justified and the applicant has been able to demonstrate that a quality urban design outcome can be achieved as demonstrated in the figure below. The key design features sought to be implemented through this Proposal include:

1. Minimised bulk and site coverage;
2. Appropriate levels of height transition to adjoining properties;
3. Sufficient site setbacks for landscaping; and
4. A substantially sized deep soil open space.

In this regard, the proposal would provide a more suitable outcome in the immediate context of the site and, subject to further detailed design, would be capable of achieving the desired character outcomes for Garthowen Crescent and the locality. Ultimately, the proposal would avoid any unreasonable visual dominance, noting that it is within a Precinct which will undergo significant change over the next 10-20 years.



Figure 9
Revised development concept



Figure 10
Photomontage of revised development concept as viewed from north

- *Impacts on Heritage Item*

The site adjoins the 'Garthowen House' local heritage item, which is listed under Schedule 5 of LEP 2019 as an item of local heritage significance. It is anticipated that any future development on the site will have regard to the significance of the item and ensure an appropriate relationship between the development and the site is achieved.

The Castle Hill North Precinct Plan notes that any future developments along Garthowen Crescent should have '*a character that respects the heritage item Garthowen House*'. The subject site is part of the key site 'Area L' stipulated under the proposed LEP amendments for the Castle Hill North Precinct, which require future development to incorporate '*a sensitive response to the heritage item Garthowen House*' and to '*concentrate height to the western portion of the site.*'

The proposal seeks to implement a design that would 'soften' the visual impact of the development at the interface with 'Garthowen House' through minimising site coverage, increasing upper level setbacks, incorporating landscaping within setback areas and including a large common open space in the north eastern portion of the site adjoining the heritage item. The implementation of these features will ensure the provision of a physical separation distance of approximately 50 metres between the heritage item and the proposed 13 storey building in this portion of the site. Having regard to the location of the site within the broader Castle Hill North Precinct and in relation to the adjoining heritage item, it is considered that a maximum height of 18 storeys would be appropriate and subject to detailed design, can be sympathetically located adjoining the heritage item.

Subject to the preparation of detailed plans, heritage impact analysis and further consideration as part of the development application process, it is considered that a maximum height limit of 18 storeys represents an appropriate balance between allowing for increased residential densities in strategically located areas and the protecting the setting and significance of the adjoining 'Garthowen House' heritage item.

- *Impacts on Adjoining Development*

The site is located within the Castle Hill Station Precinct, in an area which will undergo significant change and transformation over the next 10 to 20 years. The proposed built form outcome is compatible with the desired future character of the Precinct and locality. Further the draft DCP being progressed with the proposal will provide adequate guidance with respect to appropriate future built form on the site.

Future development on the site will be subject to the following solar access and overshadowing requirement:

- The principal useable part of the common open space shall receive a minimum of 2 hours of sunlight between 9am and 3pm on 21st of June.
- Buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.



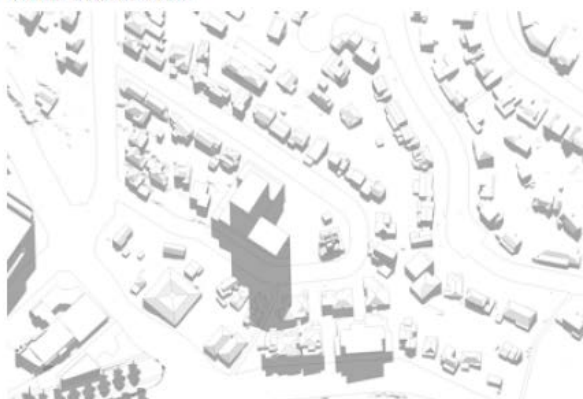
Winter Solstice 9am



Winter Solstice 10am



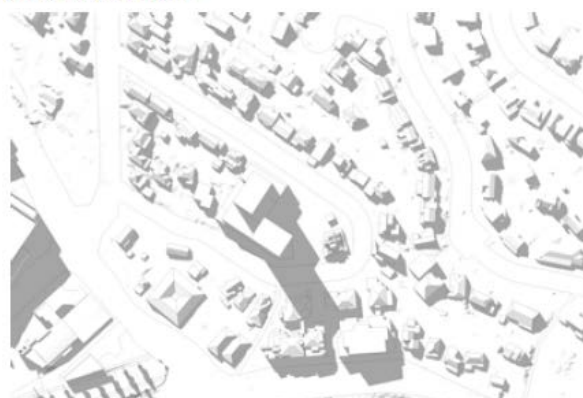
Winter Solstice 11am



Winter Solstice 12pm



Winter Solstice 1pm



Winter Solstice 2pm



Winter Solstice 3pm

Figure 11
Overshadowing analysis for the concept development

The updated shadow diagrams in Figure 11 demonstrates that the concept built form will allow at least 4 hours of unobstructed sunlight access for principal open spaces within the adjoining residential developments situated predominantly south of the site. The diagrams also indicate that the primary communal open space of the future development, as incorporated to east of the concept built will have unobstructed solar access from 9am to 1pm and be generally free from significant levels of overshadowing.

- *Traffic*

As part of the Castle Hill North Planning Proposal, additional traffic infrastructure improvements are proposed to ensure that the road network operates at an efficient level of service following development. The improvements which may benefit the subject site include:

- a new roundabout at the northern junction of Garthowen Crescent and Old Castle Hill Road;
- road widening works for Garthowen Crescent; and
- converting the southern junction of Garthowen Crescent and Old Castle Hill Road to a left in-left out junction.

Notwithstanding this, the above improvements were planned to serve the Castle Hill North Precinct as a whole and are independent to the proposal which seeks to further increase the yield over and above that envisaged for the site. In addition to the strategic merit, the proposal is generally supported on the basis that the concept design enhances the site's capability to accommodate the additional growth, in the context of all other anticipated development within the Precinct.

The proposal incorporates a vehicular through-site link for residents (at basement level) which is anticipated to improve connectivity within Garthowen Crescent and contribute towards the mitigation of additional traffic volume that would result from the future development on the site. The proposed through-site link will function as a connection between the entry/exit points at both the northern and southern frontages to Garthowen Crescent. Through this feature, the proposal will ensure the future development will facilitate the provision of a direct access to either of the intersections of Garthowen Crescent and Castle Hill Road, without the need to travel along the full length of the road, around the curved/thinner portion of the road.

In addition to the incorporation of a through-site link as a key component which will enhance the performance of the road network, the updated traffic assessment demonstrates that the impact from the future development on the site will be negligible in the context of anticipated additional growth within the Castle Hill North Precinct and direct vicinity of the site, when taking into account the proposed road improvements planned within the Castle Hill North Precinct as part of the broader precinct planning process.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal seeks to ensure that a future outcome for the site addresses the current and future needs of the Shire through meeting Council's housing diversity and mix requirements as stipulated in Clause 7.11 of *The Hills Local Environmental Plan 2019*.

SECTION D - STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

The proposal will generate the need for additional infrastructure not currently planned for in Council's contributions plans including the draft Plan for the Castle Hill North Precinct.

It is considered that the existing and planned local infrastructure within the locality in combination with additional monetary contributions from the developer towards the provision of additional local

infrastructure (refer to Voluntary Planning Agreement) will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination issued by the Department of Planning and Environment required consultation with the following agencies:

- Sydney Water;
- Department of Education;
- Office of Environment and Heritage;
- Transport for NSW; and
- Transport for NSW – Roads and Maritime Services;

Submissions were received from the following public authorities:

- Sydney Water;
- Roads and Maritime Services; and
- Transport for NSW.

Sydney Water raised no objection to the draft plans. The RMS and Transport for NSW raised similar comments within individual submissions which are discussed further below.

a) Roads and Maritime Services and Transport for NSW

RMS raised concerns with respect to traffic and transport infrastructure. RMS stated that the strategic traffic study provided in support of the proposal is inadequate as it fails to consider the cumulative impact of surrounding development on local and regional traffic.

RMS advised that a precinct-wide traffic and transport study has not yet been completed to assess the cumulative impacts on traffic and transport infrastructure, identify any necessary road transport upgrades and travel demand management measures required to support the development uplift identified for Castle Hill North Precinct. Accordingly, RMS is of the view that site specific planning proposals should be deferred and considered in the context of cumulative impacts of the proposed development uplift in the Precinct, given the substantial growth envisaged under Castle Hill North Precinct Plan. This would also enable the adoption of an associated Contribution Plan to ensure the subject development makes an appropriate contribution towards the required regional traffic upgrades.

Despite this position, RMS did suggest that if the Department of Planning and Environment and Council support the planning proposal prior to the completion of the broader Precinct-wide traffic study, Council should be satisfied that suitable mechanisms are in place to ensure that developer contributions are obtained for the provision of regional transport infrastructure required to support development uplift in the Castle Hill Precinct. To this end, the draft Contributions Plan for the Castle Hill North Precinct does include funding towards regional traffic infrastructure, being the upgrade of the intersection of McMullen Avenue and Old Northern Road. It is noted that IPART has completed its review of the Castle Hill North Contribution Plan and has provided recommendations to the Minister. IPART did not raise concern regarding the inclusion of this item. It is imperative that this item remain within the draft Contributions Plan to ensure that a contribution towards regional traffic upgrades is levied from development within the Castle Hill North Precinct.

Similar to the RMS submission, TfNSW commented that in isolation, the planning proposal is unlikely to have any material impact on the surrounding transport network. However, the submission raised concerns with respect to the cumulative impact of growth within the broader Castle Hill Precinct. TfNSW advised that this proposal should be considered as part of the transport investigations for the Castle Hill North Precinct and that a contributions mechanism would be required to address funding for transport related infrastructure.

Comment

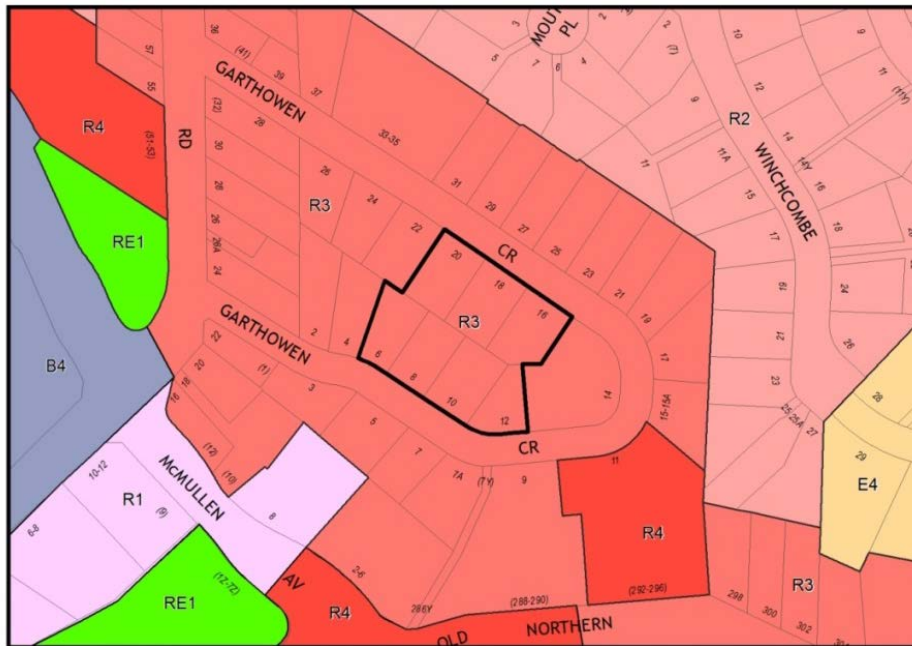
Council is currently working with TfNSW, the RMS and the Department to prepare comprehensive regional traffic modelling for the Castle Hill Precinct. This modelling will enable Council and State Government to better analyse the traffic implications associated with development in the Castle Hill Precinct and this, in turn, should enable for the finalisation of the Castle Hill North Planning Proposal and adoption of the associated Contributions Plan No. 17 – Castle Hill North Precinct.

RMS and TfNSW's primary concerns relate to the need for a mechanism to be in place prior to the finalisation of the proposal which secures adequate contributions from this development towards future regional transport infrastructure. It is considered that RMS and TfNSW's concerns will be satisfied by the payment of monetary contributions under the Voluntary Planning Agreement which will contribute towards the provision of regional transport infrastructure under the Castle Hill North Contribution Plan which includes an apportioned cost for regional road infrastructure (being the upgrade of the McMullen Avenue and Old Northern Road intersection).

PART 4 MAPPING

The planning proposal seeks to amend the Land Zoning Map of *The Hills Local Environmental Plan 2019*.

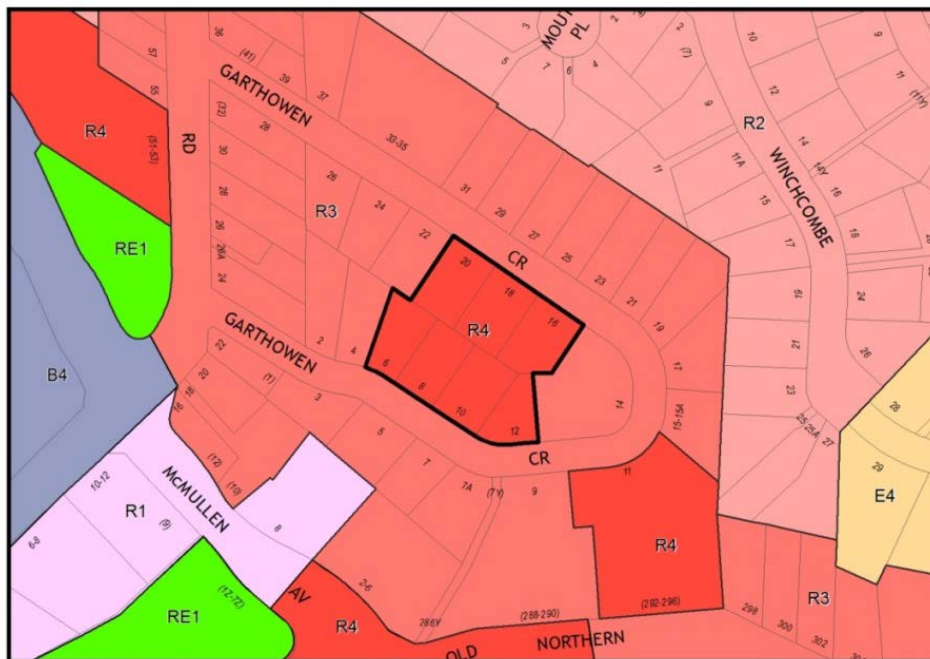
Existing Land Zoning Map



Land Zoning (LZN)

B4	Mixed Use	R2	Low Density Residential	RE1	Public Recreation
E4	Environmental Living	R3	Medium Density Residential		
R1	General Residential	R4	High Density Residential		

Proposed Land Zoning Map

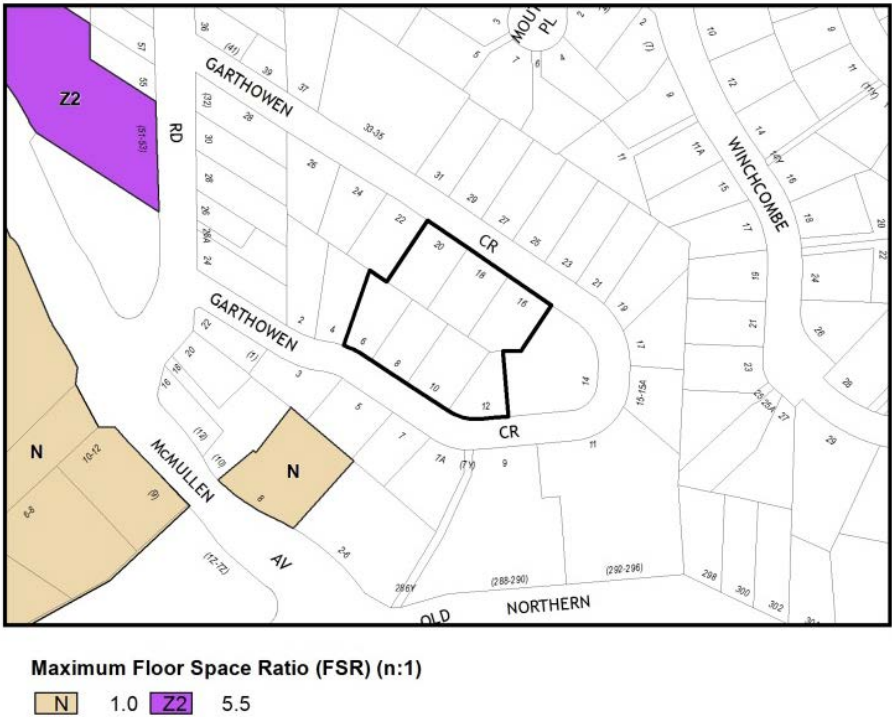


Land Zoning (LZN)

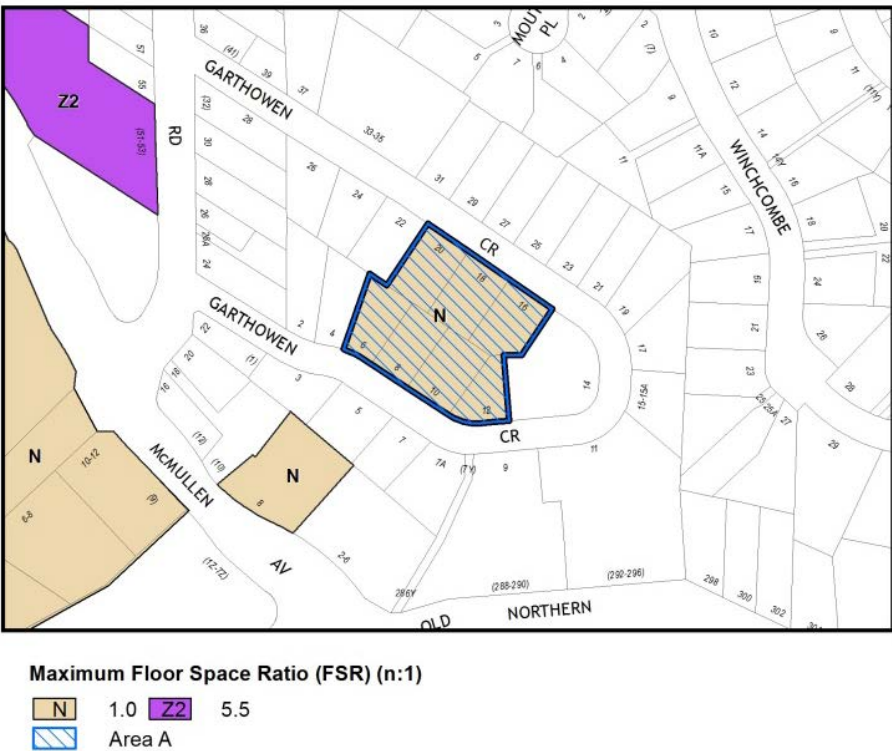
B4	Mixed Use	R2	Low Density Residential	RE1	Public Recreation
E4	Environmental Living	R3	Medium Density Residential		
R1	General Residential	R4	High Density Residential		

The planning proposal seeks to amend the Floor Space Ratio Map of *The Hills Local Environmental Plan 2019*.

Existing Floor Space Ratio Map



Proposed Floor Space Ratio Map

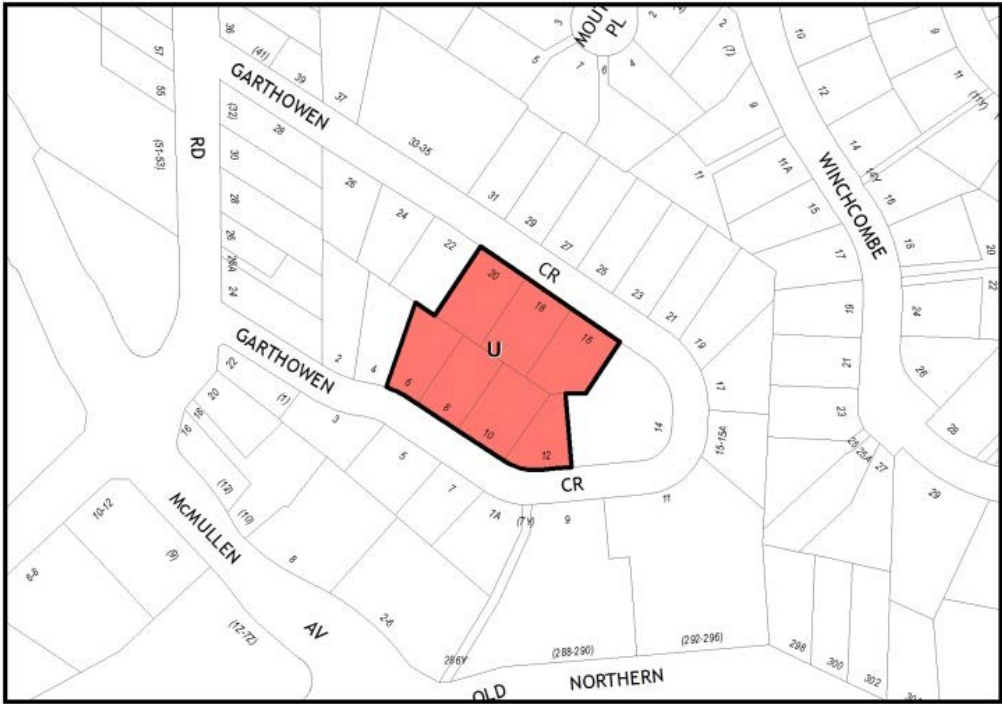


The planning proposal seeks to amend the Floor Space Ratio Incentive Map of *The Hills Local Environmental Plan 2019*.

Existing Floor Space Ratio Incentive Map

There is no Incentive Floor Space Ratio applicable to the site under The Hills LEP 2019

Proposed Floor Space Ratio Incentive Map

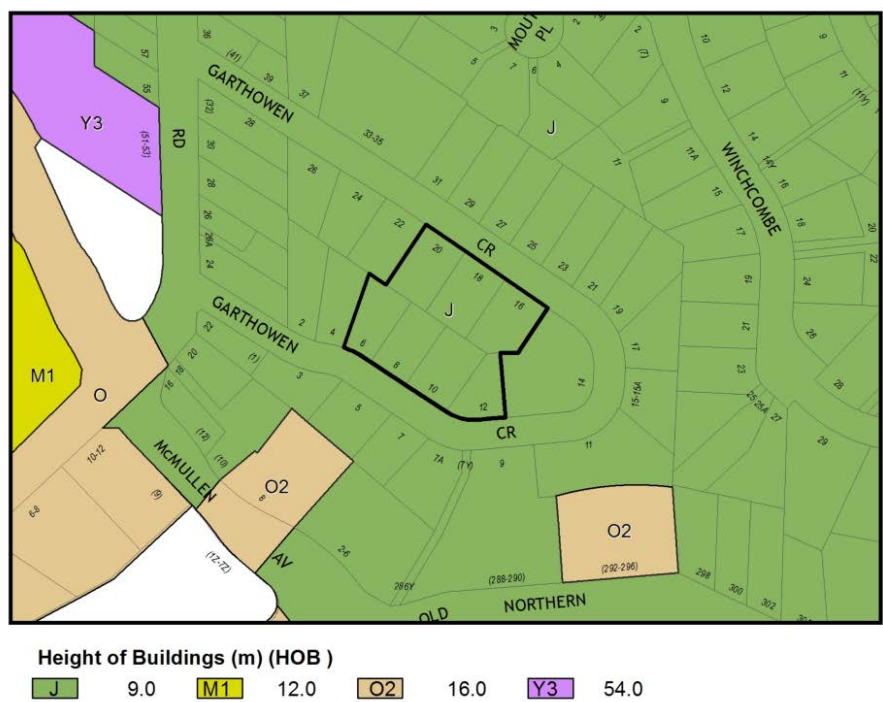


Maximum Floor Space Ratio Incentive (FSI) (n:1)

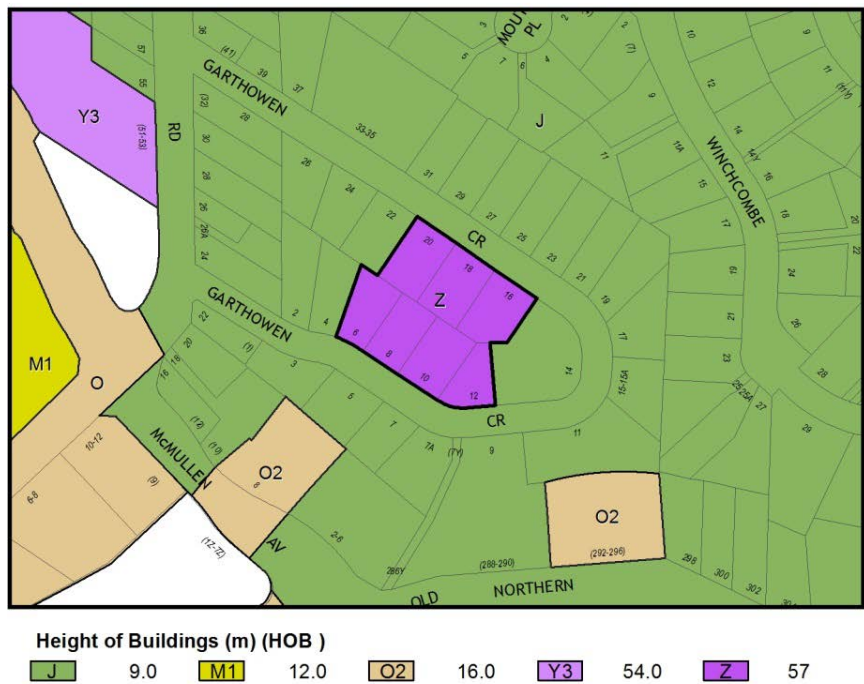
U 2.5

The planning proposal seeks to amend the Height of Buildings Map of *The Hills Local Environmental Plan 2019*.

Existing Height of Buildings Map

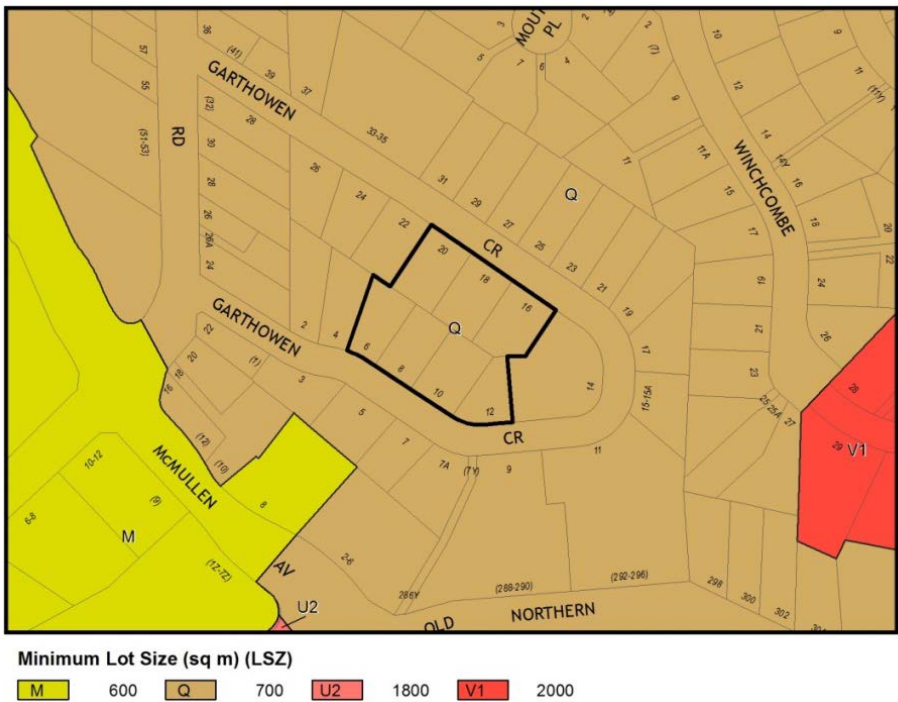


Proposed Height of Buildings Map

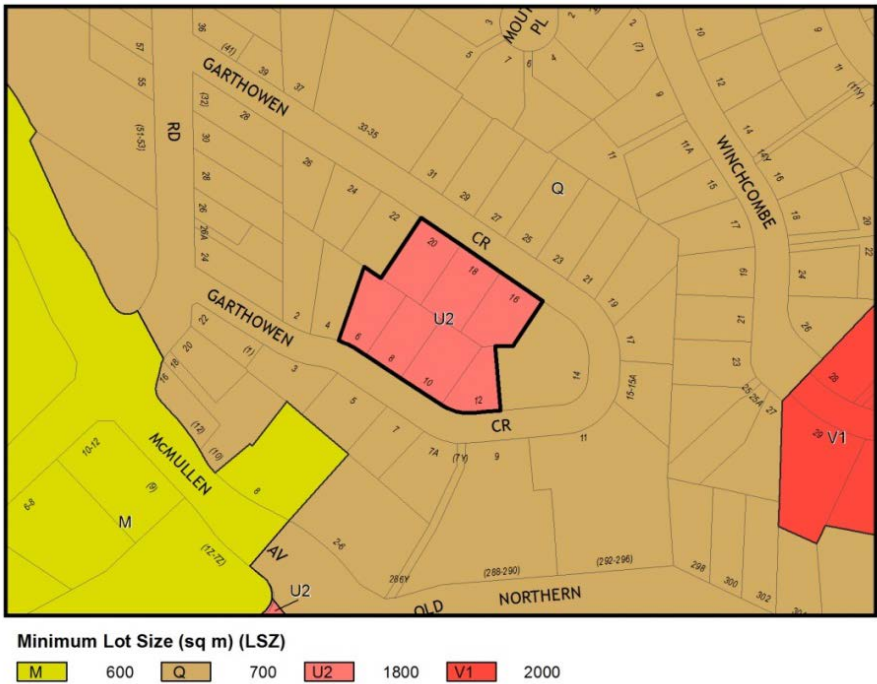


The planning proposal seeks to amend the Minimum Lot Size Map of *The Hills Local Environmental Plan 2019*.

Existing Minimum Lot Size Map



Proposed Minimum Lot Size Map

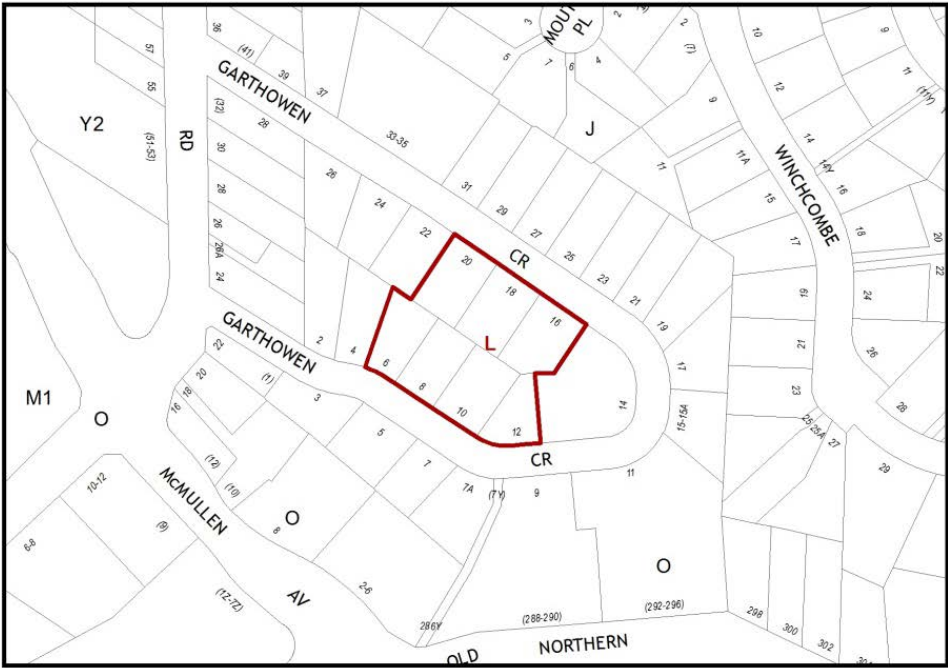


The planning proposal seeks to amend the Key Sites Map of *The Hills Local Environmental Plan 2019*.

Existing Key Sites Map

There is no Key Site Map applicable to the site under The Hills LEP 2019

Proposed Key Sites Map



Key Sites Map
 Area L

PART 5 COMMUNITY CONSULTATION

The Gateway Determination required that the Planning Proposal be publicly exhibited for a minimum of 28 days. The planning proposal was advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal was also made available on Council's website.

A total of 13 public submissions were received during the exhibition period. Key issues included the following:

- a) Height of Buildings;
- b) Interface with Adjoining Heritage Item (Garthowen House);
- c) Land Dedication Plan;
- d) Traffic Congestion and Parking;
- e) Privacy and Loss of Outlook;
- f) Impact on Amenity During Construction (Dust, Noise and Traffic); and
- g) Adequacy of Local Infrastructure.
- h) Density and Impact on Local Character;

Planning comments addressing the key issues are included below.

a) Height of Buildings

Concern was raised that the proposed maximum building heights of 13 and 18 storeys are excessive and will result in negative visual, amenity, privacy and overshadowing impacts on surrounding areas.

Comment

When considering the appropriate heights of development, it is necessary to consider the significance of the site in relation to overall context of the Precinct and also the relationship between the site and adjoining sensitive uses. By doing so, an appropriate maximum building height and transition of height across the site can be determined.

The following site plan shows the height (in storeys) proposed on the subject site in relation to the heights anticipated on adjoining sites (through both the Castle Hill North Planning Proposal and the approved development on the Pennant Street Target Site and Crane Road Target Site).

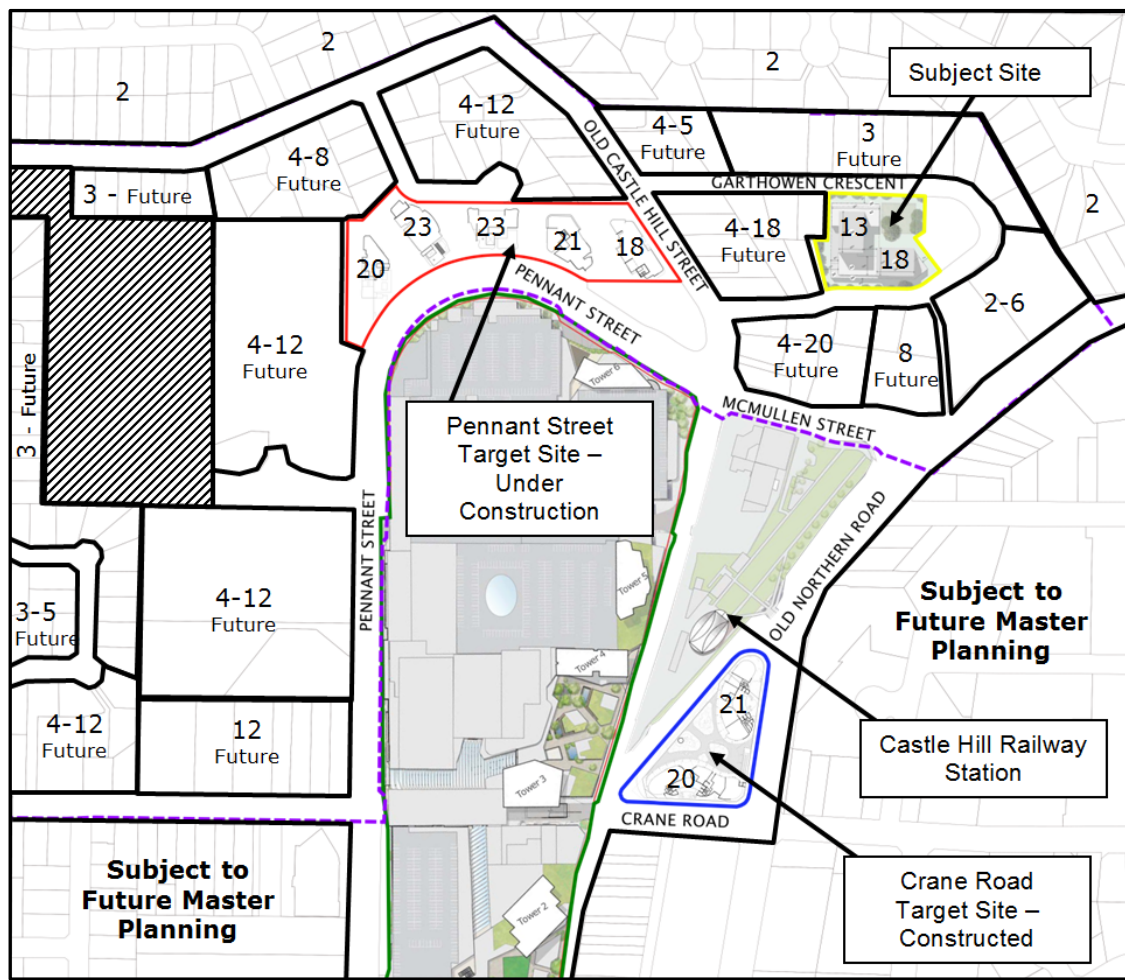


Figure 12
Distribution of Height – Surrounding Sites

It is acknowledged that the proposed height is a substantial variation from the heights which were anticipated within the Caste Hill North Planning Proposal. Nevertheless, the distribution of the 18 and 13 storey building elements on the site would result in a reasonable transition of heights on the site and throughout the precinct, whereby building heights taper downward from the highest elements close to the station to the lower and medium density development to the north.

The 18 storey tower in the south of the site would be located around 60 metres from medium density development on the northern side of Garthowen Crescent. This will provide separation between the tallest building element and the lower scale development to the north. Furthermore, the following measures have been incorporated into the concept to ensure that the development provides an appropriate address to the medium density development to the north:

- Communal open space and deep soil planting to the north eastern portion of the site. This open space extends along approximately 35 metres of the frontage, which will reduce apparent scale of the development when viewed from the north. This will also assist in softening the streetscape along this frontage;
- The key site provision requires that development be setback a minimum of 7.5 metre setback to Garthowen Crescent. This is measured from the adjusted boundary (following land dedication for road widening) and equates to around 9-9.5 metres from the existing boundary. A further 6 metre minimum setback would be required for all storeys above the 4th storey. The application of these setbacks will ensure that the 13 storey tower element is setback 13-13.5 metres from the future property boundary (approximately 15.5 metres from the existing property boundary prior to land dedication for road widening). Coupled with the existing road reservation of Garthowen Crescent, there would be 31 metre separation

between the 13 storey building element and the property boundaries on the northern side of Garthowen Crescent, which is considered to be adequate; and

- The proposed setback space will be sufficient to enable adequate tree planting along the streetscape.

b) Interface with Adjoining Heritage Item (Garthowen House)

Concern was raised that the scale of the proposed built form would have potential adverse impacts on the adjoining heritage item. This included the visual dominance of the proposed 18 storey element, overshadowing, loss of privacy, outlook and disturbance to the amenity on the site.

Comment:

The site adjoins the 'Garthowen House' which is listed under Schedule 5 of LEP 2019 as an item of local heritage significance. The Castle Hill North Precinct Plan requires that any future developments along Garthowen Crescent should have '*a character that respects the heritage item Garthowen House*'. Both the Castle Hill North Planning Proposal and the subject planning proposal identify the subject site as a 'key site' and stipulate that in order to achieve the maximum floor space ratio potential, future development on the land must incorporate '*a sensitive response to the heritage item Garthowen House*' and '*concentrate height to the western portion of the site*'.

The development concept, as submitted by the proponent, seeks to implement design strategies to minimise impacts on the heritage item including minimisation of site coverage, increased upper level setbacks, landscaping within setback areas and the location of a large area of common open space in the north eastern portion of the site at the interface with 'Garthowen House'. This would assist in softening the visual impact of the development through the provision of a physical separation distance of approximately 50 metres between the heritage item and the proposed 13 storey building in this portion of the site.

Notwithstanding this, it is acknowledged that the concept design incorporates an 18 storey building in the south eastern portion of the site, directly adjoining the item. The siting of the 18 storey building is not considered to unreasonably impact on the heritage significance of the item on the following grounds:

- The proposal is unlikely to impact on any key view lines to or from the heritage item, which are generally from the north, east and south;
- The heritage item will continue to receive adequate solar access, most importantly to the heritage garden along the northern frontage of the heritage site, which will receive uninterrupted solar access during the critical period of 9am to 3pm on the winter solstice. The proposed development will result in moderate overshadowing of the child care centre car park from 2-3pm on the winter solstice. However, the extent if the impact is considered to be minor and acceptable in this instance;
- The exhibited controls require a setback of at least 6 metres from the Garthowen House property boundary. Noting that the child care centre car park is located along this boundary, the proposed setbacks will facilitate an overall separation range of around 28 – 39 metres from Garthowen House.

While further consideration of heritage impacts would occur as part of the detailed development assessment process, it is considered that the development is unlikely to unreasonably impact on the heritage significance of Garthowen House.

c) Land Dedication Plan

While the overall intent of Council to widen the road reserve along Garthowen Crescent was supported within in a number of submissions, concern was raised with respect to the application of the land dedication plan to sites which have already been developed and sites which were not proposed to be rezoned as part of the Castle Hill North planning proposal. Further concern was

raised that the proposed widening is insufficient to ensure an appropriate level of traffic and pedestrian safety.

Comment

Currently the road reservation for Garthowen Crescent is around 15-16 metres, with a 7.5m carriageway width, which is quite narrow. As part of the planning for the Castle Hill North Precinct, it was identified that the carriageway and road reservation of Garthowen Crescent would need to be widened in certain locations to facilitate improved vehicular movement and safety. The street section within the draft Castle Hill North section of DCP 2012 proposed a 17 metre road reservation with a 10.2 metre carriageway width along Garthowen Crescent. It is recognised that as part of the detailed design of the future road upgrade, parking may not be able to be provided along certain sections of the roadway or in some instances may only be provided on one side, due to poor sight distances. Nevertheless, the extent of proposed widening is considered to be sufficient to ensure a safe development outcome along Garthowen Crescent.

In order to facilitate the 17 metre road reservation, a concept was prepared which identifies locations where the carriageway could be widened, reliant on the dedication of private land to facilitate the widened road reservation. It was intended that this land would be dedicated as redevelopment occurs. However, the exhibited land dedication plan included land that was already developed and which was not proposed to be rezoned as part of the Castle Hill North Planning Proposal. This land is circled in yellow in the following figure.

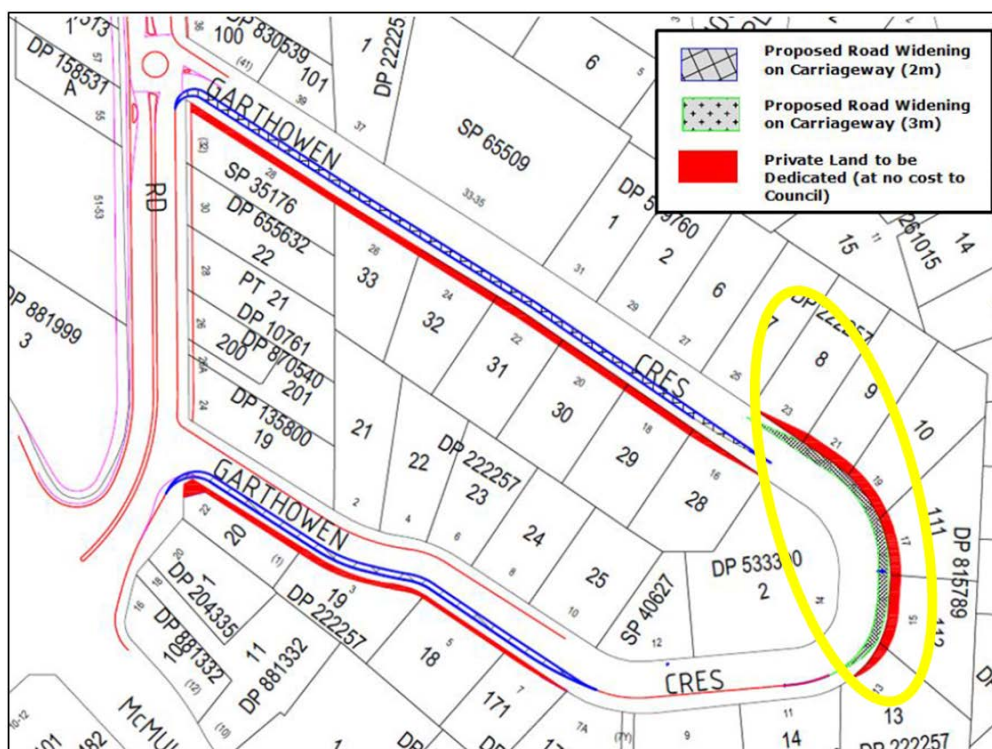


Figure 13
Exhibited Land Dedication Plan– Garthowen Crescent

This issue was identified and corrected as part of the consideration of submissions received during the exhibition of the Castle Hill North Planning Proposal. Accordingly, the land dedication plan within the draft Castle Hill North DCP no longer applies to the land outlined in yellow in the above figure.

d) Traffic Congestion and Parking

Concern was raised with respect to potential traffic impacts on the local road network as a result of the additional residential density beyond that already envisaged under the Castle Hill North planning proposal (16/2016/PLP).

Concern was also raised that the development will introduce a greater number of cars entering and exiting Garthowen Crescent and request that more stringent car parking restrictions be introduced along Garthowen Crescent. Other submissions suggest that parking spaces along Garthowen Crescent are at capacity and adequate parking restriction measures along Garthowen Crescent were not incorporated as a part of the Proposal.

Comment

Traffic Congestion and Road Upgrades

As part of the Castle Hill North planning proposal, additional intersection improvements are proposed to ensure that the road network operates at an efficient level of service following development. Broadly, these improvements are as follows:

- Road widening along Old Castle Hill Road and Castle Street;
- Two pedestrian bridges - One bridge is proposed over Pennant Street near the current Castle Hill Police Station and the other is proposed over Pennant Street near Eric Felton Reserve;
- Four (4) new roundabouts - The works are considered necessary to meet future demand, whilst ensuring an acceptable level of access, safety and convenience for all street and road users within the Castle Hill North Precinct. New roundabouts are proposed at the Carramarr Road/Castle Street junction, Gilham Street/Carramarr Road junction, Gilham Street/Old Castle Hill Road junction and the Garthowen Crescent/Old Castle Hill Road junction. While one roundabout is to be constructed at the northern junction of Garthowen Crescent and Old Castle Hill Road, the southern junction of Garthowen Crescent and Old Castle Hill Road is to be converted to a left in-left out junction as shown in the following figure; and
- Garthowen Crescent will be subject to future road widening (see land dedication figure above).

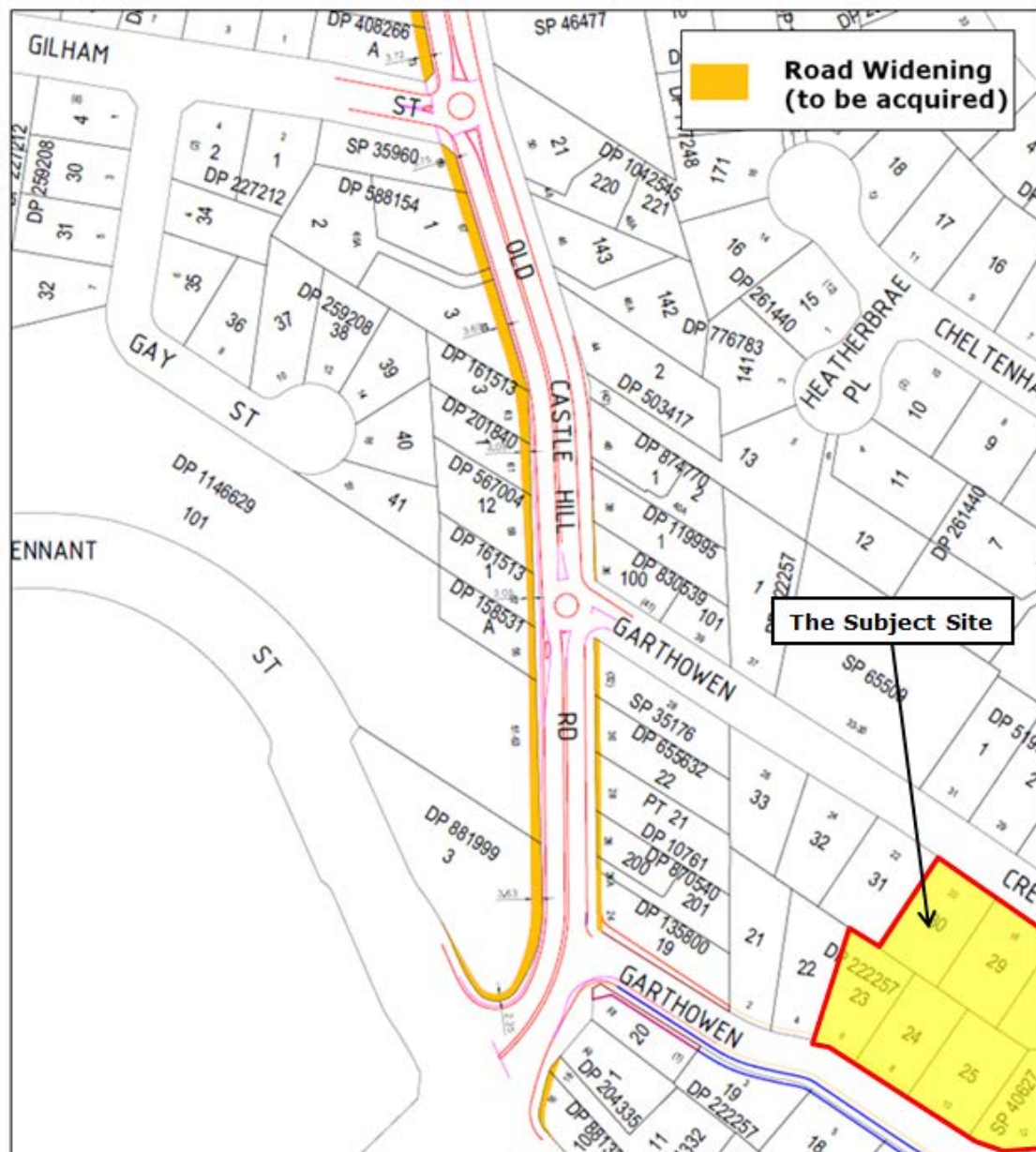


Figure 14
New Roundabout Construction

The assessment submitted in support of the proposal concludes that the proposed development will have a negligible impact on the surrounding road network. However, the assessment is principally focused on the subject site within its existing situation, absent of any full consideration or analysis of the overall growth that is anticipated within the broader Castle Hill Precinct. It is considered that the traffic improvements to the local road network which were identified as part of the planning for the Castle Hill North Precinct, along with the contributions offered under the draft VPA, will be sufficient to address the impact of the anticipated uplift on the local road network.

As mentioned previously within this report, Council is currently working with TfNSW, the RMS and the Department to prepare comprehensive regional traffic modelling for the Castle Hill Precinct. This modelling will enable Council and State Government to better analyse the traffic implications associated with development in the Castle Hill Precinct and this, in turn, should enable for the finalisation of the Castle Hill North Planning Proposal and adoption of the associated Contributions Plan No. 17 – Castle Hill North Precinct.

It is considered that adequate contributions towards the future upgrades required to the local road network will be secured through the VPA which will levy development at the rates within Contributions Plan for the Castle Hill North Precinct.

Parking

Parking restrictions on Garthowen Crescent are part of an overall Parking Management Strategy that was developed by Sydney Metro in accordance with a condition of the Sydney Metro project's planning approval. As a condition of the project's planning approval, Sydney Metro is also required to monitor parking around each station precinct every quarter for the first 12 months of the Metro's operation. Data collected from the monitoring will assist Sydney Metro and Council to determine whether any changes need to be made to the implementation of the Parking Management Strategy.

e) Privacy and Loss of Outlook

Concern was raised that the proposed towers will impact on the privacy of adjoining properties.

Comments

In order to ensure that the privacy of residents is maintained, development controls will apply to ensure that private open space and habitable rooms of proposed and existing residential dwellings are reasonably protected. These controls are included within the draft DCP for the site and relate to:

- Podium and tower form;
- Building orientation;
- Building layout;
- Location, size and placement of windows and balconies;
- Screening devices; and
- Landscaping.

The design of future development on site will also need to be consistent with Council's *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* and the associated Apartment Design Guide which contains design requirements with respect to visual and acoustic privacy.

It is also noted that Clause 7.7 Design Excellence of LEP 2019 currently applies to all development with a height of 25 metres or more (around 8+ storeys). This provision requires that development consent must not be granted to development unless the consent authority considers that the development exhibits design excellence. This provision also enacts Council's Design Excellence Panel which will review any future application and provide recommendations on whether the development exhibits design excellence.

f) Impact on Amenity During Construction (Dust, Noise and Traffic)

Concern was raised in relation to the impact of construction activity (dust, noise and traffic).

Comments

Managing and mitigating the impact of construction activity on the amenity of adjoining properties is a matter that is addressed as part of the development assessment process. As part of the assessment of any future development, the following requirements would generally be imposed through conditions of any development consent:

- Construction Noise Management Plan: to demonstrate how compliance with the Interim Construction Noise Guideline published by the Department of Environment and Climate Change, 2009 can be achieved;
- Construction Management Plan and Traffic Control Plan: demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development;

- Conditions of consent would also require that the emission of dust to be controlled to minimise nuisance to the occupants of the surrounding premises. Measures could include dust screens erected around the perimeter of the site, wetting down and water spraying to suppress dust and covering/wetting stockpiles; and
- Restrictions on hours of work.

g) Inadequacy of Local Infrastructure

Concern was raised in relation to the adequacy of local infrastructure to service the additional yield.

Comments

As noted previously, the value of monetary contributions secured through the VPA will secure a fair and reasonable contribution from the developer, which is proportionate to the demand for additional infrastructure likely to be generated by the planning proposal.

h) Density and Impact on Local Character

Concern that the proposal will result in overdevelopment of the site, which will be out of character with the locality and that the development outcome as envisioned under the Castle Hill North Precinct planning proposal is sufficient.

Comment

The site is already located within an area which has been earmarked for a substantial increase in density as part of the planning for the Castle Hill North Precinct. Accordingly, the character of the area is likely to substantially change as a result of broad redevelopment within the Castle Hill Precinct. Whilst the proposal seeks a further increase in density, over and above what has been planned for through the Castle Hill North planning proposal, the proposal is justified on the following grounds:

- Amalgamation of the key site would facilitate a master planned development outcome, which can better accommodate a higher and more dense built form;
- The potential amenity impacts on adjoining sites including the heritage item can be addressed; and
- The additional demand on local infrastructure resulting from the unplanned dwellings can be addressed through the financial contribution specific within the draft VPA.

Having regard to the significant transformation in character likely to occur across the Castle Hill North Precinct, it is considered that the proposed outcome would not be inconsistent with the scale of high density development envisaged within the locality.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	October 2017
Revised Gateway Determination	February 2018
Submission of revised planning proposal to Department for endorsement	April 2018
Government agency consultation	June 2018
Commencement of public exhibition period	January 2019
Completion of public exhibition period	February 2019
Timeframe for consideration of submissions	May 2019
Report to Council on submissions	May 2019
Further Report to Council on Voluntary Planning Agreement and Forwarding of Proposal to Department of Planning, Industry and Environment	December 2019
Date Council will forward to department for finalisation	December 2019

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	-	-
No. 19	Bushland in Urban Areas	NO	-	-
No. 21	Caravan Parks	YES	NO	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Coastal Management (2018)		YES	NO	-
Educational Establishments and Child Care Facilities (2017)		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Integration and Repeals (2016)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Rural Lands (2008)		NO	-	-
State and Regional Development (2011)		YES	NO	-
State Significant Precincts (2005)		NO	-	-
Sydney Drinking Water Catchment (2011)		NO	-	-
Sydney Region Growth Centres (2006)		NO	-	-
Three Ports (2013)		NO	-	-
Urban Renewal (2010)		NO	-	-
Vegetation in Non-Rural Areas (2017)		NO	-	-
Western Sydney Employment Area (2009)		NO	-	-
Western Sydney Parklands (2009)		NO	-	-
Deemed SEPPs				

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	NO	-	-
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	YES	CONSISTENT See Section B Question 6
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT See Section B Question 6
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT See Section B Question 6
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT See Section B Question 6
5.10	Implementation of Region Plans	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT See Section B Question 6
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT See Section B Question 6
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	NO	-	-
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-